

# Plant health legislation: delegation of the tasks of laboratory testing

2009/0117(CNS) - 11/08/2009 - Legislative proposal

**PURPOSE:** to amend amending Directive 2000/29/EC as regards the delegation of the tasks of laboratory testing

**PROPOSED ACT:** Council Directive.

**BACKGROUND:** under Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community the responsible official bodies in the Member States may only delegate the tasks provided for in that Directive, including laboratory testing, to a legal person which under its officially approved constitution is charged exclusively with specific public functions. Since then, the structure and tasks of the plant health authorities of the Member States have evolved. The laboratory tests which have to be carried out in the framework of Directive 2000/29/EC are of a highly technical nature and concern different scientific fields. Such tests require a wide range of different and expensive technical facilities and highly specialised laboratory staff capable of adapting to the rapid development of diagnostic methodology. The number of tests to be carried out has also been growing over recent years. As a result, it has grown increasingly difficult to find legal persons fulfilling all the necessary requirements.

**CONTENT:** this proposal provides for certain amendments to Article 2(1)(g)(ii) of Directive 2000/29/EC in order to adapt the requirements on the delegation of laboratory testing to existing needs. The amendments include the following:

- a provision to allow legal persons carrying out delegated tasks to diversify their activities with other laboratory testing activities than those referred to under that Directive;
- a provision allowing delegation of laboratory testing to legal persons which are not charged exclusively with public functions in the framework of that Directive;
- in both cases, provisions ensuring that the delegated tasks provided for under the Directive remain under the authority and supervision of the responsible official bodies in a Member State and that those responsible official bodies verify that the legal persons in question are impartial and free of conflict of interest as regards the execution of the delegated tasks.

**IMPACT ASSESSMENT:** a light scoping paper illustrating the issue has been produced in April 2008. Because of the limited impact of the proposed changes, no full impact assessment of the proposed changes was deemed necessary.

**BUDGETARY IMPLICATIONS:** this proposal for a Council Directive has no financial implications for the Community budget.