

Protective measures against pests of plants

2013/0141(COD) - 24/08/2016 - Commission communication on Council's position

The Commission **supported the common position** adopted by the Council with qualified majority. It reflects the original goals of the Commission's proposal and takes into account many concerns of the European Parliament. Although on certain elements, the common position differs from the Commission's original proposal, the Commission considers that it represents a carefully balanced compromise and is satisfied that it covers all issues considered essential by the Commission when adopting its proposal

The Commission indicated that it could accept in full, in part, in principle or subject to rewriting **50 of the 136 amendments**, contained in the position at first reading adopted by the Parliament on 15 April 2014.

The amendments of the European Parliament accepted by the Commission and incorporated in the position of the Council provide that:

- each Member States shall communicate their contingency plans to the Commission and to the other Member States on request, 'and shall inform all relevant operators';
- involvement of stakeholders in simulation exercises, those exercises shall take place with regards to all priority pests concerned within a reasonable period of time 'and with the involvement of the stakeholders concerned'.

The amendments of the European Parliament rejected by the Commission and incorporated in the position of the Council concern:

- the abolition of 10% threshold for priority pests: the Council accepted the amendment and the 10% threshold has been removed from the Regulation. The Commission can accept that position because it will still be possible to respect the spirit of prioritisation without establishing a specific limit through legislation;
- the obligation for the Commission to report to the European Parliament and the Council the experience gained from the extension of the plant passport system to all movement of plants, plant products and other objects within the Union territory;
- an obligation for the Commission to report to the European Parliament and the Council, including a cost-benefit analysis, on the enforcement and effectiveness of measures relating to imports into the Union territory.

The amendments of the European Parliament rejected by the Commission and not incorporated in the position of the Council concern:

- inclusion of invasive alien species in the definition of pest: although the Council rejected a widening of the scope, it did agreed to include in the scope of 'pests', and under certain conditions, the non-parasitic plants;
- listing of pests in the Annex of the Regulation instead of under an Implementing Act;
- the possibility for competent authorities to have the right to apply on their own decision, containment, instead of eradication, of Union quarantine pests, where they consider that eradication is not possible;
- co-ordination of compensation of professional operators for the value of plants, plant products or other objects destroyed as part of the eradication measures and implemented in a cross-border area;
- more stringent requirements, including the use of an officially-approved phytosanitary seal and close supervision of that movement;

- obligation for the Commission to consult the Advisory Group on the food chain and animal and plant health established under the Commission Decision 2004/613/EC and that the Group should provide inputs during the preparation of implementing and delegated acts.

New provisions introduced by the Council: the Council introduced many amendments in almost all Articles of the proposal. Most of those amendments constitute a further development of the provisions of the proposal and do not introduce a new or fundamentally amended approach.

The Commission accepted the following provisions which enlarge the scope or strengthen requirements of the proposal:

- inclusion of non-parasitic plants in the definition of pests;
- inclusion of a provision in which the Commission may recognise a temporary protected zone to which the conditions of ordinary protected zones shall apply. However for the establishment of a temporary zone only a one-year survey shall be required, instead of a three years survey which is required for the ordinary protected zones. The recognition of a temporary protected zone shall last no longer than three years after recognition, and shall expire automatically after three years;
- inclusion of a provision providing that if a preliminary assessment reveals that a plant, plant product or other object originating in a third country and which is not subject to other requirements presents a pest risk of an unacceptable level for the Union territory, it shall be referred to as 'high risk plant', 'high risk plant product' or 'high risk other object' and its introduction into the Union shall be prohibited;
- inclusion of rules on wood packaging material and more specifically rules on the introduction into, movement within and movement out of the Union of wood packaging material;
- addition of a set of provisions for confinement facilities, as several Member States may not be in position to establish and manage quarantine stations;
- expanded the scope of the phytosanitary certificate to offer a better overview of the imported plants.