



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 21 December 2001**

**15530/01**

**LIMITE**

**AGRILEG 287**

### **OUTCOME OF PROCEEDINGS**

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from : Working Party on Plant Health

dated : 5/6 December 2001

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No. prev. doc. : 14253/01

No. Cion prop. : 7984/01 COM(2001) 183 final

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Subject : Proposal for a Council Directive amending Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community

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#### **I. INTRODUCTION**

At its meeting of 5/6 December 2001, the Working Party on Plant Health finished the first reading of the above proposal by examining all the Articles which had not been discussed previously.

#### **II. MAIN RESULTS**

##### **1. Article 1 (1) amending Article 1 of Directive 200/29/EC**

Several delegations (D, F, FIN) doubted the expediency of inserting provisions about document formats for export purposes, as proposed in **new paragraph 1 (d)**, into a text which is aimed at measures regarding imports. For the same reasons, they maintained a reserve regarding the **first paragraph of new Article 13c** as well as the proposed amendment for **Annex VII, Part B**. The Cion

representative explained that these provisions provided for the necessary legal basis for setting the lay-out of phytosanitary certificates which would be annexed to the directive for practical reasons.

At this stage, there was no agreement on **new paragraph 4** which provides for the possibility for Member States' single authorities to delegate specific tasks to other services. This point will be left open for a more detailed discussion during the second reading.

2. Article 1 (2) amending Article 2 of Directive 200/29/EC

There was agreement to examine the question whether the list of living parts of plants contained in **Article 2 (1) (a)** should be exhaustive, in which case this list would have to be re-checked for completeness.

3. Article 1 (3) amending Article 3 of Directive 200/29/EC

Though **paragraph 3** on derogations was not part of the Cion proposal, it was agreed to reflect upon the expediency of modifying it by introducing a reference to risk assessment or, alternatively, of deleting it altogether.

Several delegations queried the utility of deleting existing **subparagraphs (a) and (b) of paragraph 7**, as proposed by the Cion. It was agreed to reflect upon the possibility of keeping these provisions in the directive, i.a. with a view to facilitating the take-over of future IPPC legislation.

4. Article 1 (5) amending Article 10 of Directive 200/29/EC

The proposed **new subparagraph to paragraph 1** which provides, in the case of specified seeds, for a derogation from the plant passport requirement, was subject to scrutiny reserves by a number of delegations (particularly D, F and P). It was agreed that this question required further examination, especially regarding the necessary compliance of seed-related measures with the requirements of the present directive.

5. Article 1 (6) amending Article 11 of Directive 200/29/EC

The need was stated to align more closely the **new sub-paragraph** proposed to paragraph 3 with existing paragraph 2, e.g. by inserting into paragraph 2 a reference to the possibility of issuing plant passports for the plants concerned.

6. Article 1 (7) amending Article 12 of Directive 200/29/EC

At this stage, several delegations (A, D, ES, I) maintained a reserve regarding the term “responsible official body” referred to in **paragraph 4**. It was agreed to examine whether the text could not be clarified by referring instead to the single authority, and whether the provision should not rather have an obligatory character.

7. Article 1 (9) amending Article 14 of Directive 200/29/EC

The proposed deletion, in paragraph (c), of the term “in agreement with the Member State concerned” was put into question by several delegations. It was agreed to examine its replacement by wording along the lines of “after consultation of the Member State concerned”.

8. Article 1 (10) amending Article 15 of Directive 200/29/EC

The proposals regarding derogation were subject to several reserves expressed by delegations (particularly D, ES, F, I, UK). It was agreed to examine the expediency of strengthening the requirement for risk assessment beyond the current wording of the **second subparagraph of paragraph 1**.

The formulation, proposed in **paragraph 2**, according to which phytosanitary measures adopted by another SPS party “shall be recognized” was also put into question, and the Group decided to examine the possibility of alternative wording. In the same vein, delegations questioned the utility of a direct reference to the SPS agreement. It was agreed to focus the discussion more closely upon the correlation of paragraphs 1 and 2 during the second reading.

9. Article 1 (11) amending Article 16 of Directive 200/29/EC

The changes proposed to **paragraph 4** of Article 16 of Directive 200/29/EC remained subject to a general study reserve.

It was agreed that the procedure applicable for measures provided for in this Article should rather be the one referred to in Article 18 (comitology) than the one referred to in Article 19 (safeguard measures), as proposed by the Cion.

Further, delegations queried the compatibility of paragraph 1 (“presence *in its territory*”) with the more restrictive Cion proposal for new paragraph 5 (“with regard to plants or plant products from *the third country*”), which in its present wording seems not to cover intra-Community introduction of harmful organisms.

In addition, the need for covering, through this provision, not only the outbreak, but also the interception of harmful organisms was stated.

Finally, the text providing for the interim measures to be submitted to the Standing Committee “as soon as possible” was considered to be not stringent enough.

10. Article 1 (13) amending Article 18 of Directive 200/29/EC

The Council Legal Service informed the Group of the standard text to be used when referring to Council Decision 76/894/EEC.

11. Article 2

It was agreed that the proposed dates for entry into force and implementation should be left open until the end of the second reading.

### III. OTHER POINTS OF DISCUSSION

The need for examining the eventual separation of risk evaluation and risk management – tasks which, at the present stage, are accomplished by the same Committee – was stated.

The eventual necessity to review **Annex V** in relation with **Article 20** was equally called to the attention of delegations.

### IV. PROCEDURAL CONCLUSIONS

The start of the second reading was scheduled for the 17 and 18 January 2002 on the basis of text suggestions to be presented at the earliest convenience.

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