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'I/A' ITEM NOTE

From: General Secretariat of the Council

To: Permanent Representatives Committee/Council

No. Cion doc.: C(2019) 1922 - ST 7641/19 + ADD 1

Subject: COMMISSION DELEGATED REGULATION supplementing Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants, authorising Member States to provide for temporary derogations in view of testing, scientific or educational purposes, trials, varietal selections, or breeding
- Delegated act - Intention not to raise objections

Joint statement of The Netherlands, Danish and Belgian delegations

The Netherlands, Denmark and Belgium are in favor of acts and articles that contribute to the security of plant health in Europe. We duly recognize the importance of designing rules that minimize the risk of introducing potential harmful plants and or products to the European Market. Therefore the circulation and introduction of potential harmful goods should be guided and regulated in a way that keeps a balance between risks and burden.

Sadly we feel this is not the case for this delegated act (*Commission delegated regulation supplementing Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants, authorizing Member States to provide for temporary derogations in view of testing, scientific or educational purposes, trials, varietal selections, or breeding*). We feel the previously mentioned act, aimed to take protective measures against pest of plants, does not contribute to enhanced safety, but on the contrary creates extra risks and is therefore counterproductive.

By requiring the Competent Authority (CA) of the sending country to put a signature on an official document to verify that goods that normally may not be sent to an EU member state, can be sent this time to an European entity, the sender is forced to persuade the authority in a third country to verify something that is beyond its control. Furthermore, requesting such a signature does not result in additional plant health safeguards.

What it does however do is add an extra administrative burden that does not improve the safety. Instead it will motivate organizations to bypass the official route as the goods often have small volumes and the chances of being caught are very slim. As the control on what happens with these potentially risky materials is only possible when the European CA's are aware of how and where these materials are handled, the control will not improve but will even deteriorate.

Therefore we have objected to the obliged endorsement of the Letter of Authority by the Competent Authority of the third country (to this delegated act) during working group meetings in order to not needlessly burden the institutions that are willing to respect the phytosanitary safeguards in place.

If the delegated act will be accepted, we ask the Commission to monitor the use of the certificate in the first three years of the act after it has entered into force, to report on the outcome and to take appropriate actions if there is a drop in use of the certificates that might originate from poor compliance to these new rules.