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**NOTE**

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From: Presidency  
To: Council

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Subject: Proposal for a Regulation of the European Parliament and of the Council  
on protective measures against pests of plants  
- *Progress report*

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Delegations will find below the state of play with regard to the proposal on plant health.

The proposal aims to address increased risks in the sector, which stem from new pests and diseases (caused by the globalisation of trade and climate change). It will also modernise instruments related to trade – be it intra-EU (improved traceability in the internal market) or from third countries – focusing on a risk-based approach. Better surveillance and early eradication of outbreaks of new pests are the tools which should be used to ensure plant health (legal basis: Article 43 – ordinary legislative procedure).

The **European Parliament** adopted its opinion at first reading on 15 April 2014. Political contact with the Parliament will be initiated once a mandate for negotiation has been adopted by Coreper.

The **Economic and Social Committee** issued its opinion on 10 December 2013, and on 13 January 2014 the **Committee of the Regions** informed the Council that it would not issue an opinion.

Two national parliaments have delivered opinions on the application of the principles of subsidiarity and proportionality.

A first working party meeting (Protection and Inspection – Plant Health) took place under the Irish Presidency<sup>1</sup>. Technical examination was then continued under the Lithuanian<sup>2</sup> and Hellenic<sup>3</sup> Presidencies. A first compromise text<sup>4</sup> was presented under the Hellenic Presidency and discussions on it continued during the Italian Presidency<sup>5</sup>.

The Italian Presidency prepared a revised compromise text covering Articles 1 to 61<sup>6</sup>. It also promoted discussions on a number of issues at the working party of Chief Plant Health Officers (COPHS)<sup>7</sup>, presenting Presidency proposals<sup>8</sup> on transit, plant passports, and phytosanitary certificates for export and re-export. The principles of those proposals were supported by a majority of delegations.

As regards the rest of the proposal, technical examination is advancing at a reasonable pace and solutions for most of the issues should be straightforward.

Concerning the plant health protection system at import, this remains a most sensitive issue, and differing views have been presented by groups of delegations<sup>9</sup> and discussed both at expert and COPHS level.

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1. On 18.6.2013.

2. During four working party meetings, on 9.7.2013, 16.10.2013, 6-7.11.2013, and 21-22.11.2013.

3. During six working party meetings, on 14-15.1.2014, 3-4.2.2014, 19.3.2014, 16.4.2014, 22-23.5.2014, and 13.6.2014.

4. Doc. 9613/14 + ADD1

5. During four working party meetings, on 9-10.7.2014, 9.10.2014, 30.10.2014, 27-28.11.2014.

6. Doc. 15549/14

7. On 11-12.11.2014

8. Doc. 15152/14

9. Doc. 16962/13 ADD 21 and doc. 10537/14 ADD13

The Italian Presidency presented a report which highlighted possible compromise solutions in that field<sup>10</sup>. The focus could be placed on a categorisation of commodities/origins, linked to a risk-based approach. First, there is a view that the category with the highest risk is that of woody plants for planting and their trade should be allowed only after a risk assessment has been carried out and they have been placed on a positive list. Second, the same approach could also be followed for other types of non-woody plants for planting which present a particular high risk. Third, concerning other commodities (other plants for planting, parts of plants, plant products and other objects) which are currently regulated, the risk of new trade flows could be assessed by an expert working group and specific temporary measures adopted, if needed. Fourth, as regards non-regulated parts of plants and plant products, it would be helpful to acquire data on new trade and give alerts on the basis of genera/origin/quantity, so that specific temporary measures can be adopted, if needed – the question of whether this category should also be subject to a positive list is still under discussion.

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<sup>10</sup> Doc. 16298/14