



► <b><u>M25</u></b>	Commission Implementing Decision 2013/176/EU of 9 April 2013	L 102	19	11.4.2013
► <b><u>M26</u></b>	Commission Implementing Directive 2014/19/EU of 6 February 2014	L 38	30	7.2.2014
► <b><u>M27</u></b>	Commission Implementing Directive 2014/78/EU of 17 June 2014	L 183	23	24.6.2014
► <b><u>M28</u></b>	Commission Implementing Directive 2014/83/EU of 25 June 2014	L 186	64	26.6.2014
► <b><u>M29</u></b>	Regulation (EU) No 652/2014 of the European Parliament and of the Council of 15 May 2014	L 189	1	27.6.2014
► <b><u>M30</u></b>	amended by Regulation (EU) 2016/2031 of the European Parliament of the Council of 26 October 2016	L 317	4	23.11.2016
► <b><u>M31</u></b>	Regulation (EU) 2016/2031 of the European Parliament of the Council of 26 October 2016	L 317	4	23.11.2016
► <b><u>M32</u></b>	Commission Implementing Directive (EU) 2017/1279 of 14 July 2017	L 184	33	15.7.2017
► <b><u>M33</u></b>	Commission Implementing Directive (EU) 2017/1920 of 19 October 2017	L 271	34	20.10.2017
► <b><u>M34</u></b>	Commission Implementing Directive (EU) 2019/523 of 21 March 2019	L 86	41	28.3.2019

Amended by:

► <b><u>A1</u></b>	Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded	L 236	33	23.9.2003
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Corrected by:

► <b><u>C1</u></b>	Corrigendum, OJ L 2, 7.1.2003, p. 40 (2000/29/EC)
► <b><u>C2</u></b>	Corrigendum, OJ L 138, 5.6.2003, p. 49 (806/2003)
► <b><u>C3</u></b>	Corrigendum, OJ L 191, 28.5.2004, p. 1 (882/2004)
► <b><u>C4</u></b>	Corrigendum, OJ L 137, 31.5.2005, p. 48 (2000/29/EC)
► <b><u>C5</u></b>	Corrigendum, OJ L 20, 24.1.2008, p. 35 (2000/29/EC)

**▼ B****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***Article 1***▼ M31** \_\_\_\_\_**▼ M4**

4. The Member States shall ensure a close, rapid, immediate and effective cooperation between themselves and the Commission in relation to matters covered by this Directive. To this end, each Member State shall establish or designate a single authority, which shall be responsible, at least, for the coordination and contact in relation to such matters. The official plant protection organisation set up under the IPPC shall preferably be designated for this purpose.

This authority and any subsequent change shall be notified to the other Member States and to the Commission.

In accordance with the procedure referred to in Article 18(2) the single authority may be authorised to assign or delegate tasks of coordination or contact, insofar as they relate to distinct plant health matters covered by this Directive, to another service.

**▼ M31** \_\_\_\_\_**▼ B***Article 2*

1. For the purposes of this Directive:

**▼ M31** \_\_\_\_\_**▼ B**

(g) *the responsible official bodies in a Member State* shall be:

(i) the official plant protection ► M4 organisation(s) ◀ of a Member State referred to in Article 1(4); or

(ii) any State authority established

— at national level,

— or, under the supervision within the limits set by the constitution of the Member State concerned, of national authorities at regional level.

**▼ M23**

The responsible official bodies in a Member State may, in accordance with national legislation, delegate the tasks provided for in this Directive to be accomplished under their authority and supervision to a legal person, whether governed by public or private law, provided that such person, and its members, has no personal interest in the outcome of the measure it takes.

**▼ M23**

The responsible official bodies in the Member States shall ensure that the legal person referred to in the second subparagraph is, under its officially approved constitution, charged exclusively with specific public functions, with the exception of laboratory testing which such legal person may perform even where the laboratory testing does not form part of its specific public functions.

Notwithstanding the third subparagraph, the responsible official bodies in a Member State may delegate the laboratory testing provided for in this Directive to a legal person which does not comply with that provision.

The laboratory testing may only be delegated if the responsible official body ensures throughout the time of the delegation that the legal person to which it delegates laboratory testing can assure impartiality, quality and protection of confidential information, and that no conflict of interest exists between the exercise of the tasks delegated to it and its other activities.

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The Member States shall ensure that there is close cooperation between the bodies referred to in point (ii) of the first subparagraph and those referred to in point (i) thereof.

Moreover, ►**M4** in accordance with the procedure referred to in Article 18(2) ◀, other legal persons established on behalf of the body or bodies referred to in point (i) of the first subparagraph and acting under the authority and supervision of such body may be approved, provided that such person has no personal interest in the outcome of the measures it takes.

**▼ M4**

The single authority referred to in Article 1(4) shall inform the Commission of the responsible official bodies in the Member State concerned. The Commission shall forward that information to the other Member States;

**▼ M31****▼ B**

- (i) *a statement or measure* shall be considered official if made or taken, without prejudice to the provisions of Article 21:

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- by representatives of the official national plant protection organisation of a third country or, under their responsibility, by other public officers who are technically qualified and duly authorised by that official national plant protection organisation, in the case of statements or measures related to the issuing of the phytosanitary certificates and phytosanitary certificates for re-exports, or their electronic equivalent;

**▼ B**

- either by such representatives or public servants or by qualified agents employed by one of the responsible official bodies of a Member State, in all other cases, provided that such agents have no personal interest in the outcome of the measures they take and satisfy minimum standards of qualification.

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Member States shall ensure that their public servants and qualified agents have the qualifications necessary for the proper application of this Directive. ► **M4** In accordance with the procedure referred to in Article 18(2) ◄, guidelines may be established for such qualifications.

The Commission shall, acting within the Standing Committee on Plant Health, draw up Community programmes, the implementation of which it shall monitor, regarding the further training of the public servants and qualified agents concerned, in an effort to raise the knowledge and experience acquired in the national context to the level of the aforementioned qualifications. It shall contribute to the financing of this further training and shall propose the inclusion of the necessary appropriations for that purpose in the Community budget;

**▼ M4**

- (j) *point of entry* shall be considered to mean: the place where plants, plant products or other objects are brought for the first time into the customs territory of the Community: the airport in the case of air transport, the port in the case of maritime or fluvial transport, the station in the case of railway transport, and the place of the customs office responsible for the area where the Community inland frontier is crossed, in the case of any other transport;
- (k) *official body of point of entry* shall be considered to mean: the responsible official body in a Member State in charge of the point of entry;
- (l) *official body of destination* shall be considered to mean: the responsible official body in a Member State in charge of the area where the 'customs office of destination' is situated;
- (m) *customs office of point of entry* shall be considered to mean: the office of the point of entry as defined in (j) above;
- (n) *customs office of destination* shall be considered to mean: the office of destination within the meaning of Article 340b(3) of Commission Regulation (EEC) No 2454/93 <sup>(1)</sup>;

**▼ M31****▼ M4**

- (p) *consignment* shall be considered to mean: A quantity of goods being covered by a single document required for customs formalities or for other formalities, such as a single phytosanitary certificate or a single alternative document or mark; a consignment may be composed of one or more lots;
- (q) *customs-approved treatment or use* shall be considered to mean: the customs-approved treatments or uses referred to in point 15 of Article 4 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code <sup>(2)</sup> (hereafter referred to as the Community Customs Code);

<sup>(1)</sup> OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 2787/2000 (OJ L 330, 27.12.2000, p. 1).

<sup>(2)</sup> OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council (OJ L 311, 12.12.2000, p. 17).

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- (r) *transit* shall be considered to mean: the movement of goods which are subject to customs supervision from one point to another within the customs territory of the Community as referred to in Article 91 of Regulation (EEC) No 2913/92.

**▼ M31****▼ B***Article 11***▼ M31****▼ B**

3. To the extent that paragraph 1 applies, the plants, plant products or growing medium concerned shall be the subject of one or more of the following official measures:

- appropriate treatment, followed by the issue of the appropriate plant passport in accordance with Article 10 if it is considered that, as a result of the treatment, the conditions are fulfilled,
- a permit for movement, under official control, to zones where they do not present an additional risk,
- a permit for movement, under official control, to places for industrial processing,
- destruction.

► **M4** In accordance with the procedure referred to in Article 18(2) ◄, implementing provisions may be adopted concerning:

- the conditions under which one or more of the measures referred to in the first subparagraph must or must not be adopted,
- the particular features of and conditions for such measures.

**▼ M31****▼ M4***Article 12*

1. Member States shall organise official checks to ensure compliance with the provisions of this Directive, in particular with Article 10(2), which shall be carried out at random and without any discrimination in respect of the origin of the plants, plant products or other objects, and in accordance with the following provisions:

- occasional checks, at any time and at any place where plants, plant products or other objects are moved,
- occasional checks on premises where plants, plant products or other objects are grown, produced, stored or offered for sale, as well as on the premises of purchasers,
- occasional checks at the same time as any other documentary check, which is carried out for reasons other than plant health.

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The checks must be regular in premises listed in an official register in accordance with Article 10(3) and Article 13c(1b), and may be regular in premises listed in an official register in accordance with Article 6(6).

The checks must be targeted if facts have come to light to suggest that one or more provisions of this Directive have not been complied with.

2. Commercial purchasers of plants, plant products or other objects shall, as final users professionally engaged in plant production, retain the related plant passports for at least one year and enter the references in their records.

Inspectors shall have access to the plants, plant products or other objects at all stages in the production and marketing chain. They shall be entitled to make any investigation necessary for the official checks concerned, including those related to the plant passports and the records.

3. The Member States may be assisted in the official checks by the experts referred to in Article 21.

4. Where it is established, through the official checks carried out in accordance with paragraphs 1 and 2, that plants, plant products or other objects present a risk of spreading harmful organisms, they shall be the subject of official measures in accordance with Article 11(3).

Without prejudice to the notifications and information required under Article 16, Member States shall ensure, where the plants, plant products or other objects concerned come from another Member State, that the single authority of the receiving Member State informs immediately the single authority of that Member State and the Commission of the findings and of the official measures which it intends to take or has taken. In accordance with the procedure referred to in Article 18(2), a standardised information system may be set up.

### *Article 13*

1. Member States shall ensure, without prejudice to:

- the provisions of Article 3(3), 13b(1), (2), (3), (4) and (5),
- the specific requirements and conditions laid down in derogations adopted pursuant to Article 15(1), in equivalency measures adopted pursuant to Article 15(2), or in emergency measures adopted pursuant to Article 16, and
- specific agreements concluded on matters dealt with in this Article between the Community and one or more third countries,

that plants, plant products or other objects, listed in Annex V, Part B, which come from a third country and are brought into the customs territory of the Community, shall, from the time of their entry, be subject to customs supervision pursuant to Article 37(1) of the Community Customs Code and also to supervision by the responsible official bodies. They may only be placed under one of the customs procedures as specified in Article 4(16)(a), (d), (e), (f), (g) of the Community Customs Code, if the formalities as specified in Article 13a have been completed in accordance with the provisions of Article 13c(2), such as to conclude, as a result of these formalities and as far as can be determined:

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- (i) — that the plants, plant products or other objects are not contaminated by harmful organisms listed in Annex I, Part A, and
  - in the case of plants or plant products listed in Annex II, Part A, that they are not contaminated by the relevant harmful organisms listed in that Annex, and
  - in the case of plants, plant products or other objects listed in Annex IV, Part A, that they comply with the relevant special requirements indicated in that Annex, or, where applicable, with the option declared in the certificate pursuant to Article 13a(4)(b), and
- (ii) that the plants, plant products or other objects are accompanied by the respective original of the required official ‘phytosanitary certificate’ or ‘phytosanitary certificate for re-export’ issued in accordance with the provisions laid down in Article 13a(3) and (4), or, where relevant, that the original of alternative documents or marks as specified and permitted in implementing provisions accompany, or are attached to, or otherwise put on, the object concerned.

Electronic certification may be recognised, provided that the respective conditions specified in implementing provisions are met.

Officially certified copies may also be recognised in exceptional cases which shall be specified in implementing provisions.

The implementing provisions referred to in (ii) above may be adopted in accordance with the procedure referred to in Article 18(2).

2. Paragraph 1 shall apply, in cases of plants, plant products or other objects intended for a protected zone, in respect of harmful organisms and of special requirements listed in Annex I, Part B, Annex II, Part B and Annex IV, Part B respectively, for that protected zone.

3. Member States shall provide that plants, plant products or objects other than those referred to in paragraph 1 or 2, which come from a third country and are brought into the customs territory of the Community, may, from the time of their entry, be subject to supervision by the responsible official bodies, in respect of the first, second or third indent of paragraph 1(i). These plants, plant products or objects include wood in the form of dunnage, spacers, pallets or packing material, which are actually in use in the transport of objects of all kinds.

Where the responsible official body makes use of that faculty, the plants, plant products or objects concerned shall remain under the supervision referred to in paragraph 1, until the relevant formalities have been completed such as to conclude, as a result for these formalities and as far as can be determined, that they comply with the relevant requirements laid down in or under this Directive.



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Implementing provisions as regards type of information and the means of transmission thereof to be supplied by importers, or their customs representatives, to the responsible official bodies, as regards the plants, plant products or objects including the different types of wood, as referred to in the first subparagraph, shall be adopted in accordance with the procedure referred to in Article 18(2).

4. Without prejudice to Article 13c(2)(a) Member States shall, if there is a risk of spread of harmful organisms, also apply paragraphs 1, 2 and 3 to plants, plant products or other objects being placed under one of the customs-approved treatments or uses as specified in Article 4(15)(b), (c), (d), (e) of the Community Customs Code or under the Customs procedures as specified in Article 4(16)(b), (c) of that Code.

*Article 13a*

1. (a) The formalities referred to in Article 13(1) shall consist of meticulous inspections by the responsible official bodies on at least:

- (i) each consignment declared, under the customs formalities, to consist of or to contain plants, plant products or other objects, referred to in Article 13(1), (2) or (3) under the respective conditions, or
- (ii) in the case of a consignment which is composed of different lots, each lot declared, under the customs formalities, to consist of, or to contain, such plants, plant products or other objects.

(b) The inspections shall determine whether:

- (i) the consignment or lot is accompanied by the required certificates, alternative documents or marks, as specified in Article 13(1)(ii) (documentary checks),
- (ii) in its entirety or on one or more representative samples, the consignment or lot consists of, or contains the plants, plant products or other objects, as declared on the required documents (identity checks), and
- (iii) in its entirety or on one or more representative samples, including the packaging and, where appropriate, the transport vehicles, the consignment or lot or their wood packing material comply with the requirements laid down in this Directive, as specified in Article 13(1)(i) (plant health checks), and whether Article 16(2) applies.

2. The identity checks and plant health checks shall be carried out at reduced frequency, if:

- activities of inspection on plants, plant products or other objects in the consignment or lot were already carried out in the consignor third country under technical arrangements referred to in Article 13b(6), or

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- the plants, plant products or other objects in the consignment or lot are listed in the implementing provisions adopted for this purpose pursuant to paragraph 5(b), or
- the plants, plant products or other objects in the consignment or lot came from a third country for which in or under comprehensive international phytosanitary agreements based on the principle of reciprocal treatment between the Community and a third country, provision for a reduced frequency of identity and plant health checks is mentioned,

unless there is a serious reason to believe that the requirements laid down in this Directive are not complied with.

The plant health checks may also be carried out at reduced frequency, if there is evidence, collated by the Commission and based on experience gained from earlier introduction of such material of the same origin into the Community as confirmed by all Member States concerned, and after consultation within the Committee referred to in Article 18, to believe that the plants, plant products or other objects in the consignment or lot comply with the requirements laid down in this Directive, provided that the detailed conditions specified in implementing provisions pursuant to paragraph 5(c) are met.

3. The official ‘phytosanitary certificate’ or ‘phytosanitary certificate for re-export’ referred to in Article 13(1)(ii) shall have been issued in at least one of the official languages of the Community and in accordance with the laws or regulations of the third country of export or re-export which have been adopted, whether a contracting party or not, in compliance with the provisions of the IPPC. It shall be addressed to the ‘Plant Protection Organisations of the Member States of the European Community’ as referred to in Article 1(4), first subparagraph, last sentence.

The certificate shall not have been made out more than 14 days before the date on which the plants, plant products or other objects covered by it have left the third country in which it was issued.

It shall contain information in accordance with the models specified in the Annex to the IPPC, irrespective of its format.

It shall be in one of the models determined by the Commission pursuant to paragraph 4. The certificate shall have been issued by authorities empowered to this effect on the basis of laws or regulations of the third country concerned, as submitted, in accordance with the provisions of the IPPC, to the Director General of FAO, or, in the case of third countries non-party to the IPPC, to the Commission. The Commission shall inform the Member States of the submissions received.

4. (a) In accordance with the procedure referred to in Article 18(2), the acceptable models as specified in the different versions of the Annex to the IPPC shall be determined. In accordance with the same procedure, alternative specifications for the ‘phytosanitary certificates’ or ‘phytosanitary certificates for re-export’ may be laid down for third countries non-party to the IPPC.

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- (b) Without prejudice to Article 15(4), the certificates, in the case of plants, plant products or other objects listed in Annex IV Part A section I or Part B, shall specify, under the heading ‘Additional Declaration’ and where relevant, which special requirement out of those listed as alternatives in the relevant position in the different parts of Annex IV have been complied with. This specification shall be given through reference to the relevant position in Annex IV.
- (c) In the case of plants, plant products or other objects, to which special requirements laid down in Annex IV, Part A, or Part B apply, the official ‘phytosanitary certificate’ referred to in Article 13(1)(ii) shall have been issued in the third country in which the plants, plant products or other objects originate (country of origin).
- (d) However, in the case where the relevant special requirements can be fulfilled also at places other than that of origin, or where no special requirement applies, the ‘phytosanitary certificate’ may have been issued in the third country where the plants, plant products or other objects come from (consignor country).
5. In accordance with the procedure referred to in Article 18(2), implementing provisions may be adopted to:
- (a) lay down procedures for the carrying out of plant health checks referred to in paragraph 1(b), point (iii), including minimum numbers and minimum sizes of samples,
- (b) establish lists of plants, plant products or other objects on which plant health checks shall be carried out at reduced frequency pursuant to paragraph 2, first subparagraph, second indent,
- (c) specify the detailed conditions for the evidence referred to in paragraph 2, second subparagraph, and the criteria for the type and level of reduction of the plant health checks.

The Commission may include guidelines in respect of paragraph 2 in the recommendations referred to in Article 21(6).

*Article 13b*

1. Member States shall ensure that consignments or lots which come from a third country, but are not declared, under the customs formalities, to consist of, or to contain plants, plant products or other objects listed in Annex V, Part B are also inspected by the responsible official bodies, where there is serious reason to believe that such plants, plant products or other objects are present.

Member States shall ensure that whenever a customs inspection reveals that a consignment or lot coming from a third country consists of or contains non-declared plants, plant products or other objects listed in Annex V, Part B, the inspecting customs office shall immediately inform the official body of its Member State, under the cooperation referred to in Article 13c(4).

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If, at the outcome of the inspection by the responsible official bodies, doubts remain in respect of the identity of the commodity, in particular concerning the genus or species of plants or plant products or their origin, the consignment shall be considered to contain plants, plant products or other objects as listed in Annex V, Part B.

2. Provided that there is no risk of harmful organisms spreading in the Community:

- (a) Article 13(1) shall not apply to the entry, into the Community, of plants, plant products or other objects which are moved from one point to another within the Community passing through the territory of a third country without any change in their customs status (internal transit),
- (b) Article 13(1) and Article 4(1) shall not apply to the entry, into the Community, of plants, plant products or other objects which are moved from one point to another within one or two third countries passing through the territory of the Community under appropriate customs procedures without any change in their customs status.

3. Without prejudice to the provisions of Article 4 in respect of Annex III, and provided that there is no risk of harmful organisms spreading in the Community, Article 13(1) need not apply to the entry, into the Community, of small quantities of plants, plant products, foodstuffs or animal feedingstuffs as far as they relate to plants or plant products, where they are intended for use by the owner or recipient for non-industrial and non-commercial purposes, or for consumption during transport.

In accordance with the procedure referred to in Article 18(2) detailed rules may be adopted specifying the conditions for the implementation of this provision, including the determination of 'small quantities'.

4. Article 13(1) shall not apply, under specified conditions, to the entry, into the Community, of plants, plant products or other objects for use in trials, for scientific purposes or for work on varietal selections. The specified conditions shall be determined in accordance with the procedure referred to in Article 18(2).

5. Provided that there is no risk of harmful organisms spreading in the Community, a Member State may adopt a derogation that Article 13(1) shall not apply in specified individual cases to plants, plant products or other objects which are grown, produced or used in its immediate frontier zone with a third country and introduced into that Member State in order to be worked in nearby locations in the frontier zone of its territory.

When granting such a derogation, the Member State shall specify the location and the name of the person working it. Such details, which shall be updated regularly, shall be made available to the Commission

Plants, plant products and other objects which form the subject of a derogation under the first subparagraph shall be accompanied by documentary evidence of the location in the relevant third country from which the said plants, plant products and other objects originate.

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6. It may be agreed, in technical arrangements made between the Commission and the competent bodies in certain third countries and approved in accordance with the procedure referred to in Article 18(2), that activities referred to in Article 13(1)(i) may also be carried out under the authority of the Commission and in accordance with the relevant provisions of Article 21 in the consignor third country, in cooperation with the official plant protection organisation of that country.

*Article 13c*

1. (a) The formalities as specified in Article 13a(1), the inspections as provided for in Article 13b(1) and the checks for compliance with the provisions of Article 4 in respect of Annex III shall be carried out in connection with, as specified in paragraph 2, the formalities required for the placing under a customs procedure as referred to in Article 13(1) or Article 13(4).

They shall be carried out in compliance with the provisions of the International Convention on the Harmonisation of Frontier Controls of Goods, in particular Annex 4 thereof, as approved by Council Regulation (EEC) No 1262/84 <sup>(1)</sup>.

(b) Member States shall provide that importers, whether or not producers, of plants, plant products or other objects, listed in Annex V, Part B, must be included in an official register of a Member State under an official registration number. The provisions of Article 6(5), third and fourth subparagraphs, shall apply accordingly to such importers.

(c) Member States shall also provide that:

(i) importers, or their customs representatives, of consignments consisting of, or containing, plants, plant products or other objects, listed in Annex V, Part B, shall make reference, on at least one of the documents required for the placing under a customs procedure as referred to in Article 13(1) or Article 13(4) to such composition of the consignment by means of the following information:

— reference to the type of plants, plant products or other objects, in using the code of the ‘Integrated tariff of the European Communities (Taric)’,

— statement ‘This consignment contains produce of phytosanitary relevance’, or any equivalent alternative mark as agreed between the customs office of point of entry and the official body of point of entry,

— reference number(s) of the required phytosanitary documentation,

— official registration number of the importer, as referred to in (b) above;

<sup>(1)</sup> OJ L 126, 12.5.1984, p. 1.

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- (ii) airport authorities, harbour authorities or either importers or operators, as arranged between them, give, as soon as they are aware of the imminent arrival of such consignments, advance notice thereof to the customs office of point of entry and to the official body of point of entry.

Member States may apply this provision, *mutatis mutandis*, to cases of land transport, in particular where the arrival is expected outside normal working hours of the relevant official body or other office as specified in paragraph 2.

2. (a) ‘Documentary checks’ and also the inspections as provided for in Article 13b(1) and the checks for compliance with the provisions of Article 4 in respect of Annex III must be made by the official body of point of entry or, in agreement between the responsible official body and the customs authorities of that Member State, by the customs office of point of entry.
- (b) ‘Identity checks’ and ‘plant health checks’ must be made, without prejudice to (c) and (d) below, by the official body of point of entry in connection with the customs formalities required for placing under a customs procedure as referred to in Article 13(1) or Article 13(4), and either at the same place as these formalities, on the premises of the official body of point of entry or at any other place close by and designated or approved by the customs authorities and by the responsible official body, other than the place of destination as specified under (d).
- (c) However, in case of transit of non-Community goods, the official body of point of entry may decide, in agreement with the official body or bodies of destination, that all or part of the ‘identity checks’ or ‘plant health checks’ shall be made by the official body of destination, either on its premises or at any other place close by and designated or approved by the customs authorities and by the responsible official body, other than the place of destination as specified under (d). If no such agreement is made, the entire ‘identity check’ or ‘plant health check’ shall be made by the official body of the point of entry at either of the places specified in (b).
- (d) In accordance with the procedure referred to in Article 18(2), certain cases or circumstances may be specified in which ‘identity checks’ and ‘plant health checks’ may be carried out at the place of destination, such as a place of production, approved by the official body and customs authorities responsible for the area where that place of destination is located, instead of the aforesaid other places, provided that specific guarantees and documents as regards the transport of plants, plant products and other objects are complied with.
- (e) In accordance with the procedure referred to in Article 18(2), implementing provisions shall be laid down concerning:
  - the minimum conditions for the carrying out of the ‘plant health checks’ under (b), (c) and (d),

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- the specific guarantees and documents as regards the transport of the plants, plant products or other objects to the places specified in (c) and (d), to ensure that there is no risk of harmful organisms spreading during transport,
- together with the specification of cases under (d), specific guarantees and minimum conditions concerning the qualification of the place of destination for storage and concerning the storage conditions.

(f) In all cases, the plant ‘health checks’ shall be considered to be an integral part of the formalities referred to in Article 13(1).

3. Member States shall lay down that the respective original, or the electronic form of the certificates or of the alternative documents other than marks, as specified in Article 13(1)(ii), which is produced to the responsible official body for ‘documentary checks’ in accordance with the provisions of Article 13a(1)(b)(i), upon inspection shall be marked with a ‘visa’ of that body, together with its denomination and the date of presentation of the document.

In accordance with the procedure referred to in Article 18(2), a standardised system may be set up to ensure that information included in the certificate, in case of specified plants intended for planting, shall be forwarded to the official body in charge of each Member State or area where plants from the consignment are to be destined or planted.

4. The Member States shall forward to the Commission and the other Member States in writing the list of places designated as points of entry. Any changes to this list shall also be forwarded in writing without delay.

The Member States shall establish a list of the places as specified under 2(b) and 2(c) and places of destinations as identified under 2(d) under their respective responsibility. These lists shall be accessible to the Commission.

Each official body of point of entry, and each official body of destination carrying out identity or plant health checks, must satisfy certain minimum conditions in respect of infrastructure, staffing and equipment.

In accordance with the procedure referred to in Article 18(2), the aforesaid minimum conditions shall be laid down in implementing provisions.

In accordance with the same procedure, detailed rules shall be laid down concerning:

- (a) the type of documents required for the placing under a customs procedure, on which the information specified in paragraph 1(c)(i) shall be made,
- (b) the cooperation between:
  - (i) the official body of point of entry and the official body of destination,

**▼ M4**

- (ii) the official body of point of entry and the customs office of point of entry,
- (iii) the official body of destination and the customs office of destination, and
- (iv) the official body of point of entry and the customs office of destination.

Those rules shall include model forms of documents to be used in that cooperation, the means of transmission of these documents, the procedures for exchange of information between the official bodies and offices above, as well as the measures which must be taken to maintain the identity of the lots and consignments and to safeguard against the risk of spreading harmful organisms, in particular during transport, until the completion of the required customs formalities.

**▼ M29****▼ M4**

6. Article 10(1) and (3) shall apply *mutatis mutandis* to plants, plant products or other objects referred to in Article 13 insofar as they are listed in Annex V, Part A, and where it is considered, on the basis of the formalities referred to in Article 13(1), that the conditions laid down therein are fulfilled.

7. Where it is not considered on the basis of the formalities referred to in Article 13(1), that the conditions laid down therein are fulfilled, one or more of the following official measures shall be taken immediately:

- (a) refusal of entry into the Community of all or part of the consignment,
- (b) movement, under official supervision, in accordance with the appropriate customs procedure, during their movement within the Community, to a destination outside the Community,
- (c) removal of infected/infested produce from the consignment,
- (d) destruction,
- (e) imposition of a quarantine period until the results of the examinations or official tests are available,
- (f) exceptionally and only in specific circumstances, appropriate treatment where it is considered by the responsible official body of the Member State that, as a result of the treatment, the conditions will be fulfilled and the risk of spreading harmful organisms is obviated; the measure of appropriate treatment may also be taken in respect of harmful organisms not listed in Annex I or Annex II.

Article 11(3), second subparagraph, shall apply *mutatis mutandis*.



▼ **M4**

In the case of a refusal referred to in (a) or movement to a destination outside the Community referred to in (b) or of a removal referred to in (c), the Member States shall lay down that the phytosanitary certificates or the phytosanitary certificates for re-export, and any other document which have been produced when the plants, plant products or other objects were submitted for introduction into their territory, be cancelled by the responsible official body. Upon cancellation, the said certificates or documents shall bear on their face and in a prominent position a triangular stamp in red, marked 'certificate cancelled' or 'document cancelled' from the said official body, together with its denomination and the date of refusal, of the start of the movement to a destination outside the Community or of removal. It shall be in capital letters, and in at least one of the official languages, of the Community.

8. Without prejudice to the notifications and information required under Article 16, Member States shall ensure that the responsible official bodies inform the plant protection organisation of the third country of origin or consignor third country and the Commission of all cases where plants, plant products or other objects coming from the relevant third country have been intercepted as not complying with the plant health requirements, and the reasons of the interception, without prejudice to the action which the Member State may take or has taken in respect of the intercepted consignment. The information shall be given as soon as possible so that the plant protection organisations concerned and, where appropriate, also the Commission, may study the case with a view, in particular, to taking the steps necessary to prevent further occurrences similar to the intercepted one. In accordance with the procedure referred to in Article 18(2), a standardised information system may be set up.

*Article 13d*

1. Member States shall ensure the collection of fees (Phytosanitary fee) to cover the costs occasioned by the documentary checks, identity checks and plant health checks provided for in Article 13a(1), which are carried out pursuant to Article 13. The level of the fee shall reflect:

- (a) the salaries, including social security, of the inspectors involved in the above checks;
- (b) the office, other facilities, tools and equipment for these inspectors;
- (c) the sampling for visual inspection or for laboratory testing;
- (d) laboratory testing;
- (e) the administrative activities (including operational overheads) required for carrying out the checks concerned effectively, which may include the expenditure required for pre- and in-service training of inspectors.

2. Member States may either set the level of the Phytosanitary fee on the basis of a detailed cost calculation carried out in accordance with paragraph 1, or apply the standard fee as specified in Annex VIIIa.

**▼ M4**

When, pursuant to Article 13a(2), for a certain group of plants, plant products or other objects originating in certain third countries, identity checks and plant health checks are being carried out at reduced frequency, Member States shall collect a proportionally reduced Phytosanitary fee from all consignments and lots of that group, whether subjected to inspection or not.

In accordance with the procedure referred to in Article 18(2), implementing measures may be adopted to specify the level of this reduced Phytosanitary fee.

3. When the Phytosanitary fee is set by a Member State on the basis of the costs borne by the responsible official body of that Member State, the Member States concerned shall communicate to the Commission reports specifying the method for calculating the fees in relation to the elements listed in paragraph 1.

Any fee imposed in accordance with the first subparagraph shall be no higher than the actual cost borne by the responsible official body of the Member State.

4. No direct or indirect refund of the fees provided for in this Directive shall be permitted. However the possible application by a Member State of the standard fee as specified in Annex VIIIa shall not be considered an indirect refund.

5. The standard fee as specified in Annex VIIIa is without prejudice to extra charges to cover additional costs incurred in special activities relating to the checks, such as exceptional travelling by inspectors or waiting periods of inspectors due to delays in the arrival of consignments out of schedule, checks carried out outside normal working hours, supplementary checks or laboratory testing required in addition to those provided for in Article 13 for confirmation of conclusions drawn from the checks, special phytosanitary measures as required under Community acts based on Articles 15 or 16, measures taken pursuant to Article 13c(7), or the translation of required documents.

6. Member States shall designate the authorities empowered to charge the Phytosanitary fee. The fee shall be payable by the importer, or his customs representatives.

7. The Phytosanitary fee shall replace all other charges or fees levied in the Member States at national, regional or local level for the checks referred to in paragraph 1, and the attestation thereof.

**▼ M31****▼ B***Article 21*

1. For the purpose of ensuring the correct and uniform application of this Directive, and without prejudice to checks carried out under the authority of the Member States, the Commission may organise checks to be carried out by experts under its authority in respect of the tasks listed in paragraph 3, on- or off-site, in accordance with the provisions of this Article.

**▼B**

Where such checks are carried out in a Member State, this must be done in cooperation with the official plant protection organisation of that Member State as specified in paragraphs 4 and 5 and in accordance with the procedures set out in paragraph 7.

2. The experts referred to in paragraph 1 may be:

- employed by the Commission,
- employed by Member States, and put at the disposal of the Commission on a temporary or *ad hoc* basis.

They shall have acquired, at least in one Member State, the qualifications required for persons in charge of carrying out and monitoring official plant health inspections.

**▼M4**

3. The checks referred to in paragraph 1 may be carried out in respect of the following tasks:

- monitoring examinations pursuant to Article 6,
- carrying out the official checks pursuant to Article 12(3),
- monitoring or, within the framework of the provisions laid down in the fifth subparagraph of paragraph 5, carrying out in cooperation with the Member States inspections pursuant to Article 13(1),
- carrying out or monitoring the activities specified in the technical arrangements referred to in Article 13b(6),
- making the investigations referred to in Article 15(1), 15(2) and Article 16(3),
- monitoring activities required under the provisions establishing the conditions under which certain harmful organisms, plants, plant products or other objects may be introduced into, or moved within, the Community or certain protected zones thereof, for trial or scientific purposes or for work on varietal selection referred to in Articles 3(9), 4(5), 5(5) and 13b(4),
- monitoring activities required under authorisations granted pursuant to Article 15, under measures taken by Member States pursuant to Article 16(1) or (2), or under measures adopted pursuant to Article 16(3) or (5),
- assisting the Commission in the matters referred to in paragraph 6,
- carrying out any other duty assigned to the experts in the detailed rules referred to in paragraph 7.

**▼B**

4. For the purpose of the tasks listed in paragraph 3, the experts referred to in paragraph 1 may:

- visit nurseries, farms and other places where plants, plant products or other objects are or were grown, produced, processed or stored,

**▼B**

- visit places where examinations pursuant to Article 6 or inspections pursuant to Article 13 are carried out,
- consult officials of the official plant protection organisations of the Member States,
- accompany the Member States' national inspectors when they carry out activities for the purposes of applying this Directive.

5. Under the cooperation mentioned in paragraph 1, second subparagraph, the official plant protection organisation of that Member State shall be given sufficient advance notice of the task to permit the necessary arrangements to be made.

Member States shall take all reasonable steps to ensure that the objectives and effectiveness of inspections are not jeopardised. They shall ensure that the experts may carry out their tasks without hindrance, and shall take all reasonable steps to provide them, on their request, with the available necessary facilities, including laboratory equipment and laboratory staff. The Commission shall ensure refunding of expenses resulting from such requests, within the limits of appropriations available for that purpose in the general budget of the European Union. ►**M4** This provision shall not apply to expenses resulting from the following types of requests made on the occasion of the participation of the said experts in the Member States' import inspections: laboratory testing and sampling for visual inspection or for laboratory testing, and already covered by the fees referred to in Article 13d. ◀

The experts shall, wherever national legislation so requires, be duly mandated by the official plant protection organisation of the Member State concerned and observe the rules and practices imposed on that Member State's officials.

Where the task consists of monitoring the examinations referred to in Article 6, monitoring the inspections referred to in Article 13(1), or making the investigations referred to in Article 15(1) and Article 16(3), no decision may be taken on-site. The experts shall report to the Commission on their activities and their findings.

Where the task consists of carrying out the inspections pursuant to Article 13(1), those inspections shall be integrated in an established inspection programme and the rules of procedure established by the Member State concerned shall be complied with; however, in the case of a joint inspection, the Member State concerned will only allow the introduction of a consignment into the Community if its plant protection organisation and the Commission are in agreement. ►**M4** In accordance with the procedure referred to in Article 18(2) ◀, this condition may be extended to other irrevocable requirements applied to consignments before introduction into the Community if experience shows such extension to be necessary. Should the Community expert and the national inspector fail to agree, the Member State concerned shall take any necessary temporary measures, pending a definitive decision.

**▼ B**

In all cases, national provisions in respect of criminal proceedings and administrative penalties shall apply according to the normal procedures. Where the experts identify a suspected infringement of the provisions of this Directive, this shall be notified to the competent authorities of the Member State concerned.

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\_\_\_\_\_**▼ M11****▼ C3***Article 27a*

For the purpose of this Directive and without prejudice to Article 21 thereof, Articles 41 to 46 of Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules <sup>(1)</sup> shall apply, as appropriate.

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<sup>(1)</sup> OJ L 165, 30.4.2004, p. 1.

▼ M31▼ M4

## ANNEX VIIIa

The standard fee referred to in Article 13d(2) shall be set at the following levels:

<i>(in EUR)</i>			
Item	Quantity	Price	
(a) for documentary checks	Per consignment	7	
(b) for identity checks	Per consignment		
	— up to a size of a truck load, a railway wagon load or the load of a container of comparable size	7	
	— bigger than the above size	14	
(c) for plant health checks, in accordance with the following specifications:			
— cuttings, seedlings (except forestry reproductive material), young plants of strawberries or of vegetables	Per consignment		
	— up to 10 000 in number	17,5	
	— for each additional 1 000 units	0,7	
— maximum price		140	
	— shrubs, trees (other than cut Christmas trees), other woody nursery plants including forest reproductive material (other than seed)	Per consignment	
		— up to 1 000 in number	17,5
— for each additional 100 units		0,44	
— maximum price		140	
	— bulbs, corms, rhizomes, tubers, intended for planting (other than tubers of potatoes)	Per consignment	
		— up to 200 kg of weight	17,5
— for each additional 10 kg		0,16	
— maximum price		140	
	— seeds, tissue cultures	Per consignment	
		— up to 100 kg of weight	7,5
— for each additional 10 kg		0,175	
— maximum price		140	
	— other plants intended for planting, not specified elsewhere in this table	Per consignment	
		— up to 5 000 in number	17,5
— for each additional 100 units		0,18	
— maximum price		140	
	— cut flowers	Per consignment	
		— up to 20 000 in number	17,5
— for each additional 1 000 units		0,14	
— maximum price		140	

▼ **M4**

<i>(in EUR)</i>		
Item	Quantity	Price
— branches with foliage, parts of conifers (other than cut Christmas trees)	Per consignment	
	— up to 100 kg of weight	17,5
	— for each additional 100 kg	1,75
— cut Christmas trees	Per consignment	
	— up to 1 000 in number	17,5
	— for each additional 100 units	1,75
— leaves of plants, such as herbs, spices and leafy vegetables	Per consignment	
	— up to 100 kg of weight	17,5
	— for each additional 10 kg	1,75
— fruits, vegetables (other than leafy vegetables)	Per consignment	
	— up to 25 000 kg of weight	17,5
	— for each additional 1 000 kg	0,7
— tubers of potatoes	Per lot	
	— up to 25 000 kg of weight	52,5
	— for each additional 25 000 kg	52,5
— wood (other than bark)	Per consignment	
	— up to 100 m <sup>3</sup> of volume	17,5
	— for each additional m <sup>3</sup>	0,175
— soil and growing medium, bark	Per consignment	
	— up to 25 000 kg of weight	17,5
	— for each additional 1 000 kg	0,7
	— maximum price	140
— grain	Per consignment	
	— up to 25 000 kg of weight	17,5
	— for each additional 1 000 kg	0,7
	— maximum price	700
— other plants or plant products not specified elsewhere in this table	Per consignment	17,5

Where a consignment does not consist exclusively of products coming under the description of the relevant indent, those parts thereof consisting of products coming under the description of the relevant indent (lot or lots) shall be treated as separate consignment.

▼ **M31**