

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(91) 246 final

Brussels, 17 July 1991

Amendment to the proposal for a

COUNCIL DIRECTIVE

**amending Directive 77/93/EEC on protective measures against the
introduction into the Member States of
organisms harmful to plants or plant products**

(presented by the Commission pursuant to Article 149(3)
of the EEC-Treaty)

- bis -

EXPLANATORY MEMORANDUM

At its session of 12 March 1991, the European Parliament delivered its opinion on the Commission proposal contained in Document COM(89) 647 final, concerning a proposal for a Council Directive amending Directive 77/93/EEC on protective measures against the introduction into the Member States of organisms harmful to plants or plant products.

The present amended proposal takes into account the amendments suggested by the European Parliament on which the Commission has taken a favourable position.

Amendment to the proposal for a
COUNCIL DIRECTIVE
amending Directive 77/93/EEC on protective measures against the
introduction into the Member States of organisms harmful to plants
and plant products

In response to the opinion delivered by the European Parliament⁽¹⁾ on the proposal for a Directive sent by the Commission to the Council on 21 December 1989 amending Directive 77/93/EEC on protective measures against the introduction into the Member States of organisms harmful to plants or plant products, and in accordance with the third paragraph of Article 149 of the Treaty establishing the European Economic Community, the Commission has decided to amend the aforementioned proposal as follows:

1. The fourth recital is amended as follows:

Whereas such a system should provide for adequate contributions to certain expenses for specific measures which Member States have adopted to control and, where applicable, eradicate infections by harmful organisms introduced from another Member State, and, where possible, to repair the damage caused;

2. Addition of a new recital after the fourth recital:

Whereas in the case of infections produced by harmful organisms introduced from third countries, there should also be a Community financial contribution aimed at reinforcing the plant health inspection infrastructure at the Community's external frontiers;

3. The seventh recital is amended as follows:

Whereas, in particular, the Commission shall monitor correct application of the provisions of the Community plant health regime by the producers, suppliers, qualified personnel and the responsible public servants in the Member States;

(1)

4. ARTICLE 1 :

a) Article 19b (Directive 77/93/EEC) is amended as follows :

In the case of the spread of harmful organisms through plants, plant products and other objects moving in Intra-Community trade, Member States may receive financial assistance from the Community pursuant to the provisions of Article 19c, for the purpose of controlling these harmful organisms and, where applicable, eradicating infections caused by them and, where possible, repairing the damage caused. The Commission shall propose the inclusion of the necessary appropriations for this purpose in the Community budget.

b) Article 19c(1) (Directive 77/93/EEC) is amended as follows :

1. Where it is established that one or more of the harmful organisms listed in Annex I or Annex II were introduced into a Member State where the organisms concerned have not been known to occur (or are not endemic or have been or are being eradicated), through consignments of plants, plant products or other objects coming from another Member State, the first mentioned Member State may receive financial assistance from the Community for expenses resulting from official measures which that Member State has adopted to control the harmful organisms concerned.

c) first indent of Article 19c(2) (Directive 77/93/EEC) is amended as follows :

- destruction, disinfection, disinfestation, sterilization or any other treatment carried out officially or upon official request, in respect of the consignment through which the harmful organisms were introduced, as well as in respect of plants, plant products, soil, cultivation material, packaging and wrapping material or other objects which have been in contact with the consignment concerned

or with parts thereof, or which are otherwise suspected to be potentially contaminated by, or potential carriers of, the harmful organisms introduced;

- d) second and third subparagraphs of Article 19c(5) (Directive 77/93/EEC) are amended as follows :

This assistance shall cover at least 50% of the expenses; it may be divided into several instalments.

The level shall be calculated on the basis of documentary evidence submitted by the Member State concerned, and, where relevant, of any investigations carried out by the experts referred to in Article 19a under the authority of the Commission.

- e) A new paragraph (8) is added after Article 19c(7) (Directive 77/93/EEC) :

8. There shall also be a financial contribution from the Community to the Member States aiming at reinforcing the plant health inspection infrastructure at the Community's external frontiers. The Commission shall propose the inclusion of the necessary appropriations for this purpose in the Community budget.

- f) Article 19d(2) (Directive 77/93/EEC) is amended as follows:

2. Where it is established, on the basis of the information obtained pursuant to paragraph 1, that the non-compliance of the consignment with the provisions of this directive was not detected in the Member State referred to in that paragraph, because of wilfully or negligently inadequate examinations pursuant to Article 6, or inspections pursuant to Article 12(1), by responsible public servants of that Member State or by other agents acting under its authority,

that Member State shall refund the Community for the Community financial assistance granted pursuant to Article 19c. For the purpose of this provision, inadequate examinations or inspections or failure to inspect where inspection is mandatory may be deemed to constitute grounds for invoking negligence, in the absence of proof to the contrary. In the case of refunding, the Community shall cede all possible rights acquired under Article 19c(7) to the refunding Member State. Moreover, the refunding is without prejudice to rights of the refunding Member State under national law against the legal or natural persons who are declared responsible for reimbursement of that refunding.

5) ARTICLE 2(1), first subparagraph is amended as follows:

1. Member States shall bring into force the laws, regulations or administrative provisions necessary to comply with this Directive by 1 January 1993. They shall forthwith inform the Commission thereof.

- 6 -
F I C H E F I N A N C I E R E (Révisée)

(G 3 / F F / F R / 9 1 / 0 0 4)

Concernant : une proposition de directive du Conseil modifiant la directive 77/93/CEE concernant les mesures de protection contre l'introduction dans les Etats membres d'organismes nuisibles aux végétaux ou produits végétaux ("responsabilité")

1. Ligne budgétaire :

B2-5101 - Réalisation du marché Intérieur dans le domaine agricole - Autres actions

2. Base juridique

Article 43 CEE.

3. Classification :

/ Dépenses non obligatoires

4. Objectifs de la mesure et description de l'action Contribution financière de la Communauté en faveur des dépenses publiques résultant de l'application de mesures:

- 1) de lutte ou d'éradication lors de l'introduction d'organismes nuisibles aux végétaux ou produits végétaux dans une zone non contaminée de la Communauté à la suite d'échanges intracommunautaires effectués dans le cadre du régime phytosanitaire communautaire;
- 2) de l'amélioration des infrastructures phytosanitaires aux frontières extérieures de la Communauté.

5. Mode de calcul

5.1. Nature de la dépense Dépenses relatives à la destruction, désinfection, la stérilisation et à d'autres traitements des végétaux/produits végétaux, de bâtiments ou de matériel, aux inspections ou tests spéciaux et à la compensation des pertes dues aux interdictions et restrictions; dépenses relatives à l'amélioration des infrastructures phytosanitaires aux frontières extérieures (Installations, équipements).

5.2. Part du financement communautaire Au moins 50% et en moyenne 75% pour les mesures adoptées immédiatement par les Etats membres infectés; Jusqu'à 100% pour toutes les mesures supplémentaires décidées au niveau de la Communauté.

5.3. Calcul Destruction, désinfection, stérilisation, autres traitements,

par Intervention	:	90.000 ECU
Inspections/tests spéciaux par Intervention	:	60.000 ECU
Compensation pour (en moyenne) 5 cultivateurs par Intervention: 5 x 60.000 ECU =	:	<u>300.000 ECU</u>
Coût estimé par Intervention de la CEE	:	450.000 ECU
Coût global avec l'hypothèse de 4 Interventions par an: 4 x 450.000 ECU =	:	1.800.000 ECU
Amélioration Infrastructures phytosanitaires frontières extérieures	:	<u>300.000 ECU</u>
		2.100.000 ECU

6. Incidence financière sur les crédits opérationnels

6.1. Echéancier des crédits d'engagement et de paiement (ECU)

<u>Exercice</u>	<u>C.E./C.P.</u>
1991	50.000 ECU
1992	650.000 ECU (montant retenu dans l'APB 1992)
1993	2.100.000 ECU
Total 1991-93	<u>2.800.000 ECU</u>

6.2. Financement pendant l'exercice en cours: Possible à partir des crédits inscrits au budget

Observations : La nouvelle proposition (2,1 mégas/an) par rapport à la proposition initiale (0,9 mégas/an) entraîne un coût supplémentaire annuel à partir de 1993 de 1,2 mégas à financer à l'intérieur de nouvelles perspectives financières.

DOCUMENTS

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