



COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

COUNCIL DIRECTIVE

amending Annex IV to 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

(presented by the Commission)

EXPLANATORY MEMORANDUM

Council Directive 2000/29/EC, as amended in particular by Commission Directive 2004/102/EC, contains new requirements for the import of wood products into the EU from 1 March 2005 onwards.

The measures related to packing material and dunnage align Community measures with the FAO International Standard for Phytosanitary Measures (ISPM) No 15 on “Guidelines for regulating wood packaging material in international trade” which was adopted in March 2002. This Standard provides for the wood packing material to be heat treated or fumigated and to be marked. The Standard also mentions that countries can require that the material be made from debarked round wood, if there is technical justification for this.

As Member States experts have estimated that this justification is available, this optional requirement is now included in Directive 2000/29/EC (via amendment Dir. 2004/102/EC).

In the meantime, a number of third countries, in particular the US, have approached the Commission services, questioning the technical justification. The Commission considers it appropriate to postpone the measures related to debarking for 12 months to allow for further discussion and specific research.

A draft Commission Directive which would amend Directive 2000/29/EC and, in particular, would postpone the implementation of the measures for packing material and dunnage from 1 March 2005 to 1 March 2006, received no opinion from the Standing Committee on Plant Health on 21 January 2005: 94 votes for (BE, EE, EL, CY, LT, LU, NL, PL, SI, FI), 215 against (DK, DE, ES, FR, IE, IT, LV, HU, MT, AT, PT, SK, SE, UK) and 12 abstentions (CZ). All MS voting against explained that sufficient technical justification is available to maintain the existing provisions. CZ abstained for legal reasons as it would be impossible for CZ to implement a postponement in time.

Following the procedure set out in Article 18 of Dir. 2000/29/EC, the Commission submits the attached Proposal for a Council Directive immediately to the Council and informs the European Parliament.

The proposal for a Council Directive has no financial implications for the Community budget.

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amending Annex IV to 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

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to 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 Community¹, and in particular point (d) of the second paragraph of Article 14 thereof,

Having regard to the proposal of the Commission,²

Whereas:

- (1) Directive 2004/102/EC amends Annexes II, III, IV and V to 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, and is to be implemented by the Member States by 1 March 2005.
- (2) Directive 2004/102/EC contains provisions related to wood and wood products. The measures related to pallets, boxes and dunnage align Community measures with the FAO International Standard for Phytosanitary Measures (ISPM) No 15 on “Guidelines for regulating wood packaging material in international trade” which was adopted in March 2002 by the Fourth Interim Commission on Phytosanitary Measures (ICPM).
- (3) Standard No 15 describes that wood packaging (including dunnage) made of coniferous and non-coniferous raw wood, should be subjected to approved measures such as heat treatment (56° C for a minimum of 30 minutes) or fumigation with Methyl Bromide. Moreover the wood should display a specified mark to certify that the wood has been subjected to an approved measure.
- (4) The Standard also provides that countries may require that imported wood packaging material subjected to an approved measure be made from debarked wood and display a mark subject to “technical justification”.

¹ OJ L 169, 10.7.2000, p. 1. Directive as last amended by Commission Directive 2004/102/EC (OJ L 309, 6.10.2004, p. 9).

² OJ C [...] [...], p. [...]9

- (5) Third countries have requested that the Community consider alternative methods of achieving the same goal. To this end, research is under way on technical aspects of debarking wood, in particular the efficiency of “pest risk reduction” of debarking in addition to treatment measures.
- (6) While awaiting the results of that research, it is appropriate to postpone for debarked wood, the application of the requirement to be used.
- (7) Directive 2000/29/EC should therefore be amended accordingly.
- (8) The Standing Committee on Plant Health has not delivered an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 2000/29/EC is amended as follows:

1. In Annex IV, Part A, section I, point 2, the following paragraph is added at the end of the right hand column:

“The first indent, requiring wood packaging material to be made from debarked round wood, shall only apply from 1 March 2006.”
2. In Annex IV, Part A, section I, point 8, the following paragraph is added at the end of the right hand column:

“The first line of point (a), requiring wood packaging material to be made from debarked round wood, shall only apply from 1 March 2006.”

Article 2

- 1 Member States shall adopt and publish, by 28 February 2005 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 1 March 2005.

When Member States adopt those provisions, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such a reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

This Directive shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels,

*For the Council
The President*