

REASONED OPINION

of the *Bundesrat* Committee on EU Affairs of 2 July 2013

pursuant to Article 23g (1) *B-VG* (Federal Constitutional Act) in conjunction with Article 6 of Protocol No 2 on the application of the principles of subsidiarity and proportionality

COM(2013) 267 final

Proposal for a Regulation of the European Parliament and of the Council on protective measures against pests of plants

A. Reasoned opinion

The proposal in question is incompatible with the principle of subsidiarity.

B. Grounds

Plant health is a key factor for sustainable and competitive agriculture, horticulture and forestry. Pests from other continents are especially dangerous. When introduced into Europe, foreign pests cause severe economic damage. The often severe economic losses undermine the profitability and competitiveness of agriculture and forestry. The establishment of new pests may elicit trade bans from third countries, damaging EU exports.

The current EU regulatory framework for plant health aims to protect European agriculture and forestry by preventing the entry and spread of foreign pests. The objective of the regime is to protect the health, economy and competitiveness of the EU plant production sector as well as maintain the Union's open trade policy. Major outbreaks in the past decade of dangerous import-related pests affecting forestry have raised societal and political awareness of the costs and impacts of inadequate protection. The present revision aims to put in place a robust, transparent and sustainable regulatory framework that is fit for purpose.

Although we support the objective, we reject a regime involving the standardised tackling of dangerous plant pests and diseases at EU level, for reasons of principle, law and appropriateness.

The Commission is increasingly using delegated legal acts. In order to protect the Member States' right to have a say, the number of delegated acts in the present draft should be reduced. The expansion of the scope, especially as regards monitoring the occurrence of pests, should also be reduced to the absolute minimum, and plant protection measures should remain the responsibility

of the Member States. The registration of premises should also be limited to what is objectively justified; according to the draft, the registration obligation is extended compared with the present regime to include exporters, traders, etc.

An EU-level regime is inappropriate, as most plant species are adapted to local conditions. Outbreaks of pests and diseases in crops, with few exceptions, do not affect the whole of Europe in a uniform way, but are very often related to local circumstances. A plant disease can be devastating in one region but at the same time almost harmless in another. Agricultural production in Europe also varies significantly (in terms of seasons, products and methods) between north and south and between east and west. A more efficient solution, according to many years of research in agriculture and forestry, would be action against pests and diseases that is controlled at national level. Pests and diseases are also characterised by biodiversity, meaning that effective measures to tackle them should be developed and implemented taking the fullest possible account of the specific site and region.