

COMMISSION OF THE EUROPEAN COMMUNITIES

COM (79) 663 final

Brussels, 19 November 1979

Proposal for a
COUNCIL DIRECTIVE
amending the Annexes to Directive 77/93/EEC on protective measures
against the introduction into the Member States of harmful organisms of
plant or plant products

(Submitted by the Commission to the Council)

COM (79) 663 final

EXPLANATORY MEMORANDUM

Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Member States of harmful organisms of plants or plant products⁽¹⁾ laid down the measures which Member States shall or may apply, on grounds of the protection of plant health, in intra-Community trade in plants or plant products or in their importation from non-member countries.

Developments since the adoption of this Directive have revealed the need to make certain amendments to it to be implemented forthwith.

In respect of the body of the Directive, the Commission has forwarded an amending proposal to the Council on 2 August 1979⁽²⁾.

The present proposal refers to the amendment to the various annexes of the Directive concerned.

These amendments are dealing mainly with the following three groups of problems:

- protection scheme against fruit plant viruses or viruslike pathogens: the proposal provides for Community lists of those organisms and the adaptation of the relevant technical safeguards to these lists,
- risks arising from the introduction of certain foreign potato breeding material: the proposal provides for an extension of the protection,
- measures against the introduction of oak-wilt by importation of oak wood originating in North America: the proposal takes into account the technical safeguards recognized since the adoption of the Directive.

Finally, the proposal aims to give some clarification and to eliminate some ambiguities with respect to certain provisions of the annexes of the Directive.

(1) OJ No L 26, 31.1.1977, p.20

(2) COM (79) 452 final, OJ No C 205, 21.8.1979, p. 8

Proposal for a
COUNCIL DIRECTIVE

3.

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

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Member States of harmful organisms of plant or plant products⁽¹⁾, and in particular Article 13 thereof,

Having regard to the proposal from the Commission,

Whereas Directive 77/93/EEC laid down the measures which Member States must or may apply, on grounds of the protection of plant health, to intra-community trade in plants or plant products or to their importation from non-member countries;

Whereas, in the interests of a uniform implementation of the abovementioned Directive, the term "Harmful viruses and mycoplasmas" of fruit plants (in particular Annex I(A)(e)(1) should be clarified at Community level; whereas, therefore, an amendment to Annex I(A)(e) and to Annex II(A)(d) is necessary; whereas the "Special requirements" established in regard to the harmful organisms concerned (Annex IV(A)) should be adapted accordingly;

Whereas any risk should be prevented which may arise from the introduction on potato breeding material, of harmful organisms unknown in the Community; whereas, therefore, the protective measures laid down in this connection in Annex III(A) should be extended;

(1) OJ No L 26, 31.1.1977, p. 20.

Whereas the measures laid down in the abovementioned Directive, in regard to oak wood in the round, against the introduction of oak wilt (*Ceratocystis fagacearum*) into the Community have on the one hand proved insufficient, and on the other unnecessarily strict; whereas therefore, the "special requirements" established in respect of this disease (Annex IV(A)(2) should take into account the technical safeguards which have been recognized since then;

Whereas it is appropriate, furthermore, to clarify certain points and to eliminate some ambiguities in certain other provisions of the Annexes to the Directive,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 77/93/EEC is hereby amended as follows:

1. Annex I(A)(e)(1) shall be replaced by the following:

- "1. Harmful viruses and harmful viruslike pathogens of
Cydonia Mill., Fragaria (Tourn.)L., Malus Mill., Prunus L.,
Pyrus L., Ribes L., Rubus L. :
- (a) Apple proliferation mycoplasma
 - (b) Apricot chlorotic leafroll mycoplasma
 - (c) Cherry raspleaf virus (American)
 - (d) Peach mosaic virus (American)
 - (e) Peach phony rickettsia
 - (f) Peach rosette mycoplasma
 - (g) Peach yellows mycoplasma
 - (h) Pear decline mycoplasma
 - (i) Plum line pattern virus (American)
 - (k) Raspberry leaf curl viruses (American)
 - (l) Sharka virus
 - (m) Strawberry latent "C" virus
 - (n) Strawberry vein-banding virus
 - (o) Strawberry witches' broom pathogen
 - (p) X-disease mycoplasma
 - (q) Other harmful viruses and harmful viruslike pathogens
in so far as they do not exist in the Community."

2. In Annex I(B)(c)(6) and (7), the words
"United Kingdom (Northern Ireland)" shall
be added in the right-hand column.

Article 2

Annex II to Directive 77/93/EEC is hereby amended as follows :

1. In Annex II(A)(a)(9), the text of the right hand column shall be replaced by the following :
"Wood of conifers (coniferae), with bark, originating in non-European countries"
2. In the English version of Annex II(A)(c)(3), the words "iris rhizomes" shall be replaced by "iris bulbs".
3. In the English version of Annex II(A)(c)(10), the words "flower corms" shall be replaced by "Flower bulbs".

4. Annex II (A)(d) shall be replaced by the following:

"d) Viruses and viruslike pathogens

Species	Subject of contamination
1. Arabis mosaic virus	Strawberries [Fragaria (Tourn.)L.] blackberries/raspberries (Rubus L. partim), intended for planting, other than seeds
2. Beet leaf curl virus	Beet (Beta vulgaris L.), intended for planting, other than seeds
3. Black raspberry latent virus	Rubus L., intended for planting
4. Cherry leaf roll virus	Rubus L., intended for planting
5. Cherry necrotic rusty mottle virus	Sweet cherries (Prunus avium L.), intended for planting, other than seeds
6. Chrysanthemum stunt virus	Chrysanthemums (Chrysanthemum Tourn. ex L. partim), other than seeds and cut flowers
7. Little cherry pathogen	Morello cherries (Prunus cerasis L.), sweet cherries (Prunus avium L.), ornamental cherries [Prunus incisa Thunb.; Prunus sargentii Rehd.; Prunus serrula Franch.; Prunus serrulata Lindl.; Prunus speciosa (Koidz.) Ingram; Prunus subhirtella Miq.; Prunus yedoensis Matsum.], intended for planting, other than seeds, originating in non-European countries
8. Prunus necrotic ring spot virus	Rubus L., intended for planting
9. Raspberry ring spot virus	Strawberries [Fragaria (Tourn.)L.] blackberries/raspberries (Rubus L. partim), intended for planting, other than seeds
10. Stolbur	Solanaceae, intended for planting, other than fruit and seeds
11. Strawberry crinkle virus	Strawberries [Fragaria (Tourn.)L.] intended for planting, other than seeds

Species	Subject of contamination
12. Strawberry latent ring spot virus	Strawberries [Fragaria (Tourn.)L.], blackberries/raspberries (Rubus L. partim), intended for planting, other than seeds
13. Strawberry yellow edge virus	Strawberries [Fragaria (Tourn.)L.], intended for planting, other than seeds
14. Tomato black ring virus	Strawberries [Fragaria (Tourn.)L.], blackberries/raspberries (Rubus L. partim), intended for planting, other than seeds
15. Tomato spotted wilt virus	Potato tubers (Solanum tuberosum L.) "

5. In Annex II(B)(c)(7), the words
"United Kingdom (Northern Ireland)"
shall be added in the right-hand column.

Article 3

Annex III to Directive 77/93/EEC is hereby amended as follows:

1. In Annex III(A)(5), the text of the right hand column shall be replaced by the following:

"Non-European countries"

2. Annex III(A)(6) shall be replaced by the following:

"6. Isolated bark of Castanea Mill. | All countries"

3. In Annex III(A), the following shall be added after (6):

"6a. Isolated bark of Quercus L., | Romania, USSR, North
other than Quercus suber L. | American countries"

4. Annex III(A)(9) shall be replaced by the following:

"9. Plants of tuberforming species of | All countries"
Solanum L., intended for planting, other
than tubers of Solanum tuberosum L. of

a) varieties which have been officially
accepted in one or several Member
States under Council Directive 70/457/
EEC, or of

b) other varieties, provided that the
tubers have been produced in the
Community and subjected to special
official quarantine testing in accor-
dance with appropriate methods, and
have been found free, in these tests,
from harmful organisms

5. In Annex III(B)(7), the words
"United Kingdom (Northern Ireland)"
shall be added in the right-hand column.

Article 4

Annex IV of Directive 77/93/EEC is hereby amended as follows:

1. In Annex IV(A)(1), the text in the left-hand column shall be replaced by the following:

"Wood of conifers (coniferae), originating in non-European countries"

2. Annex IV(A)(2) shall be replaced by the following:

"2. Wood, including that which does not retain its natural round surface, of *Castanea* and *Quercus*, originating in North American countries.

The wood shall be stripped of its bark, and either

a) the wood shall be squared, or

b) official statement that the moisture content of the wood does not exceed 20% expressed as a percentage of the dry matter, or

c) official statement that the wood has undergone disinfection

- by hot air treatment at least at 43°C during 48 hours or at 54°C during 24 hours, or
- by hot water treatment at least at 43°C during 48 hours or at 49°C during 12 hours"

3. In Annex IV(A)(3), the text in the right-hand column shall be replaced by the following:
- "a) Official statement that the wood originates in regions known to be free from *Ophiostoma roboris* and *Endothia parasitica*,
- or
- b) the wood shall be stripped of its bark, and either
- aa) the wood shall be squared, or
- bb) official statement that the moisture content of the wood does not exceed 20% expressed as a percentage of the dry matter, or
- cc) official statement that the wood has undergone disinfection
- by hot air treatment at least at 43°C during 48 hours or 54°C during 24 hours, or
- by hot water treatment at least at 43°C during 48 hours or 49°C during 12 hours"
4. In Annex IV(A)(4), the words "and *Quercus*" shall be deleted in the left-hand column.
5. In the German version of Annex IV(A)(4), the word "oder" shall be added in the right-hand column between the text of (a) and that of (b).

6. In Annex IV(A), the following shall be added after (4):

- | | |
|--|---|
| <p>"4a. Wood of Quercus L., originating in countries other than Romania, USSR and North American countries</p> | <p>a) Official statement, that the wood originates in regions known to be free from Endothia parasitica on Quercus L., or</p> <p>b) The wood shall be stripped of its bark"</p> |
|--|---|

7. In Annex IV(A), the following shall be added after (6):

- | | |
|--|---|
| <p>"6a. Isolated bark of Quercus L., other than Quercus suber L., originating in countries other than Romania, USSR and North American countries</p> | <p>Official statement, that the bark originates in regions known to be free from Endothia parasitica on Quercus L."</p> |
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8. In Annex IV (A)(7)(a), (8), (9), (10), (11), (12)(a), the words "or in its immediate vicinity" shall be added each time after the words "at the place of production".

9. In Annex IV(A)(14), the words "the Ulmaceae family" are replaced by "Ulmus and Zelkova".

10 . Annex IV (A)(16) to (21) shall be replaced by the following:

"16. Plants of *Cydonia* Mill.,
Fragaria (Tourn.) L., *Malus* Mill.,
Prunus L., *Pyrus* L., *Ribes* L.,
Rosa L., *Rubus* L., where these
do not come under (16a) to (21),
intended for planting, other
than seeds, originating in
countries where the relevant
harmful organisms are known to
occur on the species concerned.

The relevant harmful organisms
are:

- on *Fragaria* (Tourn.)L.:
Phytophthora fragariae
Hickman (Annex II(A)(c)(7))
Arabid mosaic virus (Annex
II(A)(d)(1))
Raspberry ring spot virus
(Annex II(A)(d)(9))
Strawberry latent ring spot
virus (Annex II(A)(d)(12))
Tomato black ring virus
(Annex II(A)(d)(14))
- on *Prunus* L.:
Apricot chlorotic leafroll
mycoplasma (Annex I(A)(e)(1)
(b))
Cherry necrotic rusty mottle
virus (Annex II(A)(d)(5))
- on *Rosa* L. :
Rose wilt (Annex I(A)(e)(3))

Official statement that
no symptoms of diseases
caused by the relevant
harmful organisms have been
observed on plants at the
place of production since
the beginning of the last
complete cycle of vegetation.

- on Rubus L.:
 - Arabid mosaic virus (Annex II(A)(d)(1))
 - Raspberry ring spot virus (Annex II(A)(d)(9))
 - Strawberry latent ring spot virus (Annex II(A)(d)(12))
 - Tomato black ring virus (Annex II(A)(d)(14))

- on all species:
 - Harmful organisms mentioned under Annex I(A)(e)(1)(q)

16a. Plants of *Cydonia oblonga* Mill., *Pyrus communis* L., intended for planting, other than seeds, originating in countries where Pear decline mycoplasma (Annexe I(A)(e)(1)(h) is known to occur

Official statement

- a) that plants at the place of production and in its immediate vicinity, which have shown symptoms suspecting them to be contaminated by pear decline mycoplasma, have been rooted out,
- b) that no symptoms of diseases caused by the relevant harmful organisms specified under (16) have been observed at the place of production since the beginning of the last complete cycle of vegetation

16b. Plants of *Fragaria* (Tourn.) L., intended for planting, other than seeds, originating in countries where the relevant harmful organisms are known to occur.

The relevant harmful organisms are:

Strawberry latent "C" virus
(Annex I(A)(e)(1)(m))

Strawberry vein-banding virus
(Annex I(A)(e)(1)(n))

Strawberry witches' broom pathogen (Annex I(A)(e)(1)(o))

Strawberry crinkle virus
(Annex II(A)(d)(11))

Strawberry yellow edge virus
(Annex II(A)(d)(13))

Official Statement

- a) that the plants, other than those raised from seed, have been:
- either officially certified under a certification scheme requiring them to be derived in a direct line from material which has been maintained under appropriate conditions and subjected to official testing for at least the relevant harmful organisms using appropriate indicators or equivalent methods and has been found free, in these tests, from those harmful organisms,
 - or derived in a direct line from material which is maintained under appropriate conditions and has been subjected, within the last three complete cycles of vegetation, at least once, to official testing for at least the relevant harmful organisms using appropriate indicators or equivalent methods and has been found free, in these tests, from those harmful organisms,
- b) that no symptoms of diseases caused by the relevant harmful organisms specified under (16) and (16b) have been observed on plants at the place of production, or on susceptible plants in its immediate vicinity, since the beginning of the last complete cycle of vegetation

17. Plants of *Malus pumila* (Willd.), intended for planting, other than seeds, originating in countries where Apple proliferation mycoplasma (Annex I(A)(e)(1)(a)) is known to occur

Without prejudice to the requirements applicable to the plants, where appropriate, under (18),

Official statement:

1. that the plants originate in regions known to be free from Apple proliferation mycoplasma,
- or
2. that
 - a) the plants, other than those raised from seed, have been
 - either officially certified under a certification scheme requiring them to be derived in a direct line from material which has been maintained under appropriate conditions and subjected to official testing for at least Apple proliferation mycoplasma using appropriate indicators or equivalent methods and has been found free, in these tests, from that harmful organism,
 - or derived in a direct line from material which is maintained under appropriate conditions and has been subjected, within the last six complete cycles of vegetation, at least once, to official testing for at least Apple proliferation mycoplasma using appropriate indicators or equivalent methods and has been found free, in these tests, from that harmful organism,

b) no symptoms of diseases caused by Apple proliferation mycoplasma or by the relevant harmful organisms specified under (16) have been observed on plants at the place of production, or on susceptible plants in its immediate vicinity, since the beginning of the last three complete cycles of vegetation

18. Plants of *Malus* Mill., intended for planting, other than seeds, originating in countries where the relevant harmful organisms are known to occur on *Malus* Mill.

The relevant harmful organisms are:

Cherry raspleaf virus
(American) (Annex I(A)(e)
(1)(c))

Tomato ring spot virus
(Annex I(A)(e)(5))

Without prejudice to the requirements applicable to the plants, where appropriate, under (17),

Official statement,

a) that the plants have been:

- either officially certified under a certification scheme requiring them to be derived in a direct line from material which has been maintained under appropriate conditions and subjected to official testing for at least the relevant harmful organisms using appropriate indicators or equivalent methods and has been found free, in these tests, from those harmful organisms,
- or derived in a direct line from material which is maintained under appropriate conditions and has been subjected, within the last three complete cycles of vegetation, at least once, to official testing for at least the relevant harmful organisms using appropriate indicators or equivalent methods and has been found free, in these tests, from those harmful organisms,

b) that no symptoms of diseases caused by the relevant harmful organisms specified under (16) and (18) have been observed on plants at the place of production or on susceptible plants in its immediate vicinity, since the beginning of the last three complete cycles of vegetation

19. Plants of the following species of *Prunus*, intended for planting, other than seeds, originating in countries where Sharka virus (Annex I(A)(e)(1)(L)) is known to occur:

Prunus amygdalus Batsch
Prunus armeniaca L.
Prunus blireiana André
Prunus brigantina Vill.
Prunus cerasifera Ehrh.
Prunus cistena Hansen
Prunus curdica Fenzl and Fritsch.
Prunus domestica subsp. *domestica* L.
Prunus domestica subsp. *insititia* (L) C. K. Schneid.
Prunus domestica subsp. *italica* (Borkh.) Hegi
Prunus glandulosa Thunb.
Prunus holoserjccá Batal.
Prunus hortulana Bailey
Prunus japonica Thunb.
Prunus mandshurica (Maxim.) Koehne
Prunus maritima Marsh.
Prunus mume Sieb. and Zucc.
Prunus nigra Ait.
Prunus persica (L.) Batsch
Prunus salicina L.
Prunus sibirica L.
Prunus simonii Carr.
Prunus spinosa L.
Prunus tomentosa Thunb.
Prunus triloba Lindl.

Other species of *Prunus* L. susceptible to Sharka virus

Without prejudice to the requirements applicable to the plants, where appropriate, under (20),

Official statement:

a) that the plants, other than those raised from seed, have been:

- either officially certified under a certification scheme requiring them to be derived in a direct line from material which has been maintained under appropriate conditions and subjected to official testing for at least Sharka virus using appropriate indicators or equivalent methods and has been found free, in these tests, from that harmful organism,
- or derived in a direct line from material which is maintained under appropriate conditions and has been subjected, within the last three complete cycles of vegetation, at least once, to official testing for at least Sharka virus using appropriate indicators or equivalent methods and has been found free, in these tests, from that harmful organism,

b) no symptoms of diseases caused by Sharka virus or by the relevant harmful organisms specified under (16) have been observed on plants at the place of production or on susceptible plants in its immediate vicinity, since the beginning of the last three complete cycles of vegetation,

c) that plants at the place of production which have shown symptoms of disease caused by other viruses or viruslike pathogens, have been rooted out

20. Plants of *Prunus* L., intended for planting,

- a) originating in countries where the relevant harmful organisms are known to occur on *Prunus* L.,
- b) other than seeds, originating in countries where the relevant harmful organisms are known to occur,
- c) other than seeds, originating in non-European countries where the relevant harmful organisms are known to occur.

The relevant harmful organisms are:

- for the case under a):
Tomato ring spot virus
(Annex I(A)(e)(5))
- for the case under b):
Cherry raspleaf virus
(American) (Annex I(A)(e)(1)(c))
Peach mosaic virus (American)
(Annex I(A)(e)(1)(d))
Peach phony rickettsia (Annex I(A)(e)(1)(e))
Peach rosette mycoplasma
(Annex I(A)(e)(1)(f))
Peach yellows mycoplasma
(Annex I(A)(e)(1)(g))
Plum line pattern virus
(American) (Annex I(A)(e)(1)(i))
X-disease mycoplasma (Annex I(A)(e)(1)(p))

Without prejudice to the requirements applicable to the plants, where appropriate, under (19),

Official statement:

a) that the plants have been:

- either officially certified under a certification scheme requiring them to be derived in a direct line from material which has been maintained under appropriate conditions and subjected to official testing for at least the relevant harmful organisms using appropriate indicators or equivalent methods and has been found free, in these tests, from those harmful organisms,
- or derived in a direct line from material which is maintained under appropriate conditions and has been subjected, within the last three complete cycles of vegetation, at least once, to official testing for at least the relevant harmful organisms using appropriate indicators or equivalent methods and has been found free, in these tests, from those harmful organisms,

b) that no symptoms of diseases caused by the relevant harmful organisms specified under (16) and (20) have been observed on plants at the place of production or on susceptible plants in its immediate vicinity, since the beginning of the last three complete cycles of vegetation

- for the case under c):

Little cherry pathogen (Annex II
(A)(d)(7))

21. Plants of *Rubus* L.,
intended for planting,

- a) originating in countries
where the relevant harmful
organisms are known to
occur on *Rubus* L.
- b) other than seeds,
originating in countries
where the relevant harmful
organisms are known to occur.

The relevant harmful organisms
are:

- in the case of a):
 - Tomato ring spot virus (Annex I(A)(e)(5))
 - Black raspberry latent virus (Annex II(A)(d)(3))
 - Cherry leaf roll virus (Annex II(A)(d)(4))
 - Prunus necrotic ring spot virus (Annex II(A)(d)(8))
- in the case of b):
 - Raspberry leaf curl virus (American) (Annex I(A)(e)(1)(k))

a) The plants shall be free from
aphids, including eggs,

b) Official statement:

aa) that the plants have been

- either officially certified under a certification scheme requiring them to be derived in a direct line from material which has been maintained under appropriate conditions and subjected to official testing for at least the relevant harmful organisms using appropriate indicators or equivalent methods and has been found free, in these tests, from those harmful organisms,

- or derived in a direct line from material which is maintained under appropriate conditions and has been subjected, within the last three complete cycles of vegetation, at least once, to official testing for at least the relevant harmful organisms using appropriate indicators or equivalent methods and has been found free, in these tests, from those harmful organisms,

bb) that no symptoms of diseases caused by the relevant harmful organisms specified under (16) and (21) have been observed on plants at the place of production,

or on susceptible plants in
its immediate vicinity, since
the beginning of the last
three complete cycles of
vegetation

11. Annex IV(A)(22) shall be replaced by the previous Annex IV(A)(20).
12. In the English version of Annex IV(A)(30), the words "and have been found free" shall be replaced by "which have been found free".
13. In Annex IV(A)(35), the text in the left-hand column shall be replaced by the following :
" Plant with soil attached, originating in non-European countries"
14. In Annex IV(A)(38), the words "and that no symptoms have been" shall be replaced by "and that no *Ditylenchius dipsaci* has been".
15. In Annex IV(B)(13), the words "United Kingdom (Northern Ireland)" shall be added in the right-hand column.

Article 5

Annex V to Directive 77/93/EEC is hereby amended as follows:

1. In Annex V(4) the first indent shall be replaced by the following:

"- Castanea, Quercus, including - where it originates in North American countries - wood which does not retain its natural round surface,

- Ulmus"

2. In Annex V, the following shall be added after (4):

"4a. Isolated bark of Quercus L., other than Quercus suber L."

Article 6

Annex VIII(B) to Directive 77/93/EEC is hereby amended as follows:

In the English version, the title of the certificate shall be replaced by the following:

"Re-forwarding Phytosanitary Certificate"

Article 7

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive with effect from the date laid down in Article 20(1)(b) of Directive 77/93/EEC.

Article 8

This Directive is addressed to the Member States.

Done at Brussels,

For the Council

The President