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COM(1998) 57 final

97/0025 (CNS)

Amended proposal for a

COUNCIL DIRECTIVE

on the control of Pseudomonas solanacearum (Smith) Smith

(presented by the Commission pursuant to Article 189 a (2)  
of the EC-Treaty)



**EXPLANATORY MEMORANDUM**

At its session of 16 December 1997, the European Parliament delivered its opinion on the Commission proposal contained in Document COM(97)15 final, concerning a proposal for a Council Directive on the control of Pseudomonas solanacearum (Smith) Smith.

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

Amended proposal for a  
COUNCIL DIRECTIVE  
on the control of Pseudomonas solanacearum (Smith) Smith

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(Submitted by the Commission pursuant to Article 189a(2) of the EC  
Treaty)

In response to the opinion delivered by the European Parliament at its plenary session of 15 to 19 December 1997 on the proposal for a Council Directive presented on 29 January 1997, on the control of Pseudomonas solanacearum (Smith) Smith, and in accordance with Article 189a(2) of the EC Treaty, the Commission has decided to amend the aforementioned proposal as follows:

- (1) The seventh recital is replaced by the following:

Whereas the measures have to take into account that systematic official surveys are necessary to locate the pathogen; whereas such surveys should include inspection procedures and, where appropriate, given that under certain environmental circumstances the disease can remain latent and unobserved both in the growing crop of tomatoes and potatoes and in stored potato tubers, should include sampling and testing procedures ; whereas spread of the pathogen within the growing crop is not the most important factor, but whereas the pathogen can spread by surface water and certain associated wild solanaceous plants, and therefore the irrigation of potato and tomato crops using contaminated water appears to pose a risk for infection of such crops; whereas also the pathogen can exist through the winter in self-sown (volunteer) potato and tomato plants and these may be a source of infection being carried from one season to the next;

whereas the pathogen is spread also by the contamination of potatoes through contact with infected potatoes and through contact with planting, harvesting and handling equipment or transport and storage containers which have become contaminated with the organism by previous contact with infected potatoes; whereas spread of the pathogen can be reduced or prevented by decontamination of such objects; whereas any such contamination of seed potatoes poses a major risk for the spread of the pathogen; similarly the latent infection of seed potatoes poses a major risk for the spread of the pathogen and this can be prevented only by the use of seed potatoes produced in an officially approved programme whereby seed potatoes have been tested and found free from infection;'

(2) Article 4(2)(c) is replaced by the following:

'(c) introduce appropriate additional precautionary measures based on the level of estimated risk, particularly in relation to production of the listed plant material and the movement of seed potato lots other than those referred to in (a), produced on the place of production from which the samples referred to in (a) were taken, in order to prevent any spread of the organism.'

(3) Article 4(3) is amended as follows:

'3. In those cases of suspected occurrence where there is a risk of contamination of the listed plant material or surface water from or into another Member State(s), the Member State in which the suspected occurrence has been reported shall immediately notify, according to the risk identified, the details of the said suspected occurrence to the other Member State(s) concerned, and there shall be appropriate co-operation between the said Member States. The Member State(s) so notified shall introduce precautionary measures in accordance with paragraph 2(c) and take any further action, as appropriate, in accordance with paragraphs 1 and 2.'

- (4) Article 10, second paragraph is deleted.
- (5) In Article 12(1) '1 July 1997' is amended to '1 March 1998'.
- (6) Annex I, Section I the phrase 'Plants, other than seeds, of Lycopersicon lycopersicum (L.) Karsten ex Farw.' is replaced by 'Plants other than fruits and seeds of Lycopersicon lycopersicum (L.) Karsten ex Farw.'
- (7) Annex I, Section II, point 1(ii) is replaced by the following:  
'(ii) in the case of tomato,  
- visual inspection, at appropriate times, of at least the growing crop of plants intended for replanting for professional use'.
- (8) Annex I, Section II, point 2(ii) is replaced by the following:  
'(ii) in the case of surveys on, at least, the growing crop of plants of tomato intended for replanting for professional use,  
- estimated total number of plants  
- number of visual inspections.'
- (9) In Annex II the reference to the Commission Decision is completed as 'Commission Decision 97/647/EC' with footnote <sup>(4)</sup> OJ L 273, 06.10.1997, p. 1.'
- (10) Annex VI point 2(ii) is deleted.

(11) Annex VI point 4.1(a)(ii), first indent, second subindent is replaced by the following:

"= the field shall be established and maintained during the first three years either, in bare fallow or, in cereals according to the risk identified, or, in permanent pastures with frequent close cutting or intensive grazing or, as grass for seed production, followed by planting in the succeeding two years with non-host plants of the organism for which there is no identified risk of the organism surviving or spreading,'.

(12) Annex VI, point 4.1(a)(ii), second indent, second subindent is deleted.

Done at Brussels,

For the Council,

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