

COUNCIL DIRECTIVE

of 18 March 1980

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

(80/393/EEC)

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 organisms harmful to plants or plant products ⁽¹⁾, and in particular Article 13 thereof,

Having regard to the proposal from the Commission,

Whereas, in the interests of a uniform implementation of Directive 77/93/EEC 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' (Annex IV (A)) established in regard to the harmful organisms concerned 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;

Whereas the measures laid down in the said Directive in the case of 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 provisions of the Annexes to the Directive and to eliminate some ambiguities,

HAS ADOPTED THIS DIRECTIVE:

Article 1

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

1. The following items shall be added to A (a):

- '17. *Arrhenodes minutus* Drury,
- 18. *Pseudopityophthorus minutissimus* Zimm.,
- 19. *Pseudopityophthorus pruinus* Eichh.';

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

- '1. Harmful viruses and harmful virus-like 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 rasp leaf virus (American),
 - (d) peach mosaic virus (American),
 - (e) peach phony rickettsia,

⁽¹⁾ OJ No L 26, 31. 1. 1977, p. 20.

- (f) peach rosette mycoplasm,
- (g) peach yellows mycoplasm,
- (h) pear decline mycoplasm,
- (i) plum line pattern virus (American),
- (k) raspberry leaf curl virus (American),
- (l) sharka virus,
- (m) strawberry latent "C" virus,
- (n) strawberry vein-banding virus,
- (o) strawberry witches' broom pathogen,
- (p) X-disease mycoplasm,
- (q) other harmful viruses and harmful virus-like pathogens, in so far as they do not exist in the Community.';

3. In (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 (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 (A) (c) (3), the words 'Irish rhizomes' shall be replaced by 'Iris bulbs';
3. In the English version of (A) (c) (10), the words 'Flower corms' shall be replaced by 'Flower bulbs';
4. In the Italian version of (A) the third table shall be entitled '(c) Crittogame' instead of '(d) Virus e micoplasm';

5. (A) (d) shall be replaced by the following:

'(d) **Viruses and virus-like pathogens:**

Species	Subject of contamination
1. Arabis mosaic virus	Strawberries (<i>Fragaria</i> (Tourn.) L.) blackberries/raspberries (<i>Rubus</i> L. partim), intended for planting, other than seeds
2. Beet leaf curl virus	Beet (<i>Beta vulgaris</i> L.), intended for planting, other than seeds
3. Black raspberry latent virus	<i>Rubus</i> L., intended for planting
4. Cherry leaf roll virus	<i>Rubus</i> L., intended for planting
5. Cherry necrotic rusty mottle virus	Sweet cherries (<i>Prunus avium</i> L.), intended for planting, other than seeds
6. Chrysanthemum stunt viroid	Chrysanthemums (<i>Chrysanthemum</i> Tourn. ex. L. partim), other than seeds and cut flowers

Species	Subject of contamination
7. Little cherry pathogen	Morello cherries (<i>Prunus cerasus</i> L.), sweet cherries (<i>Prunus avium</i> L.), ornamental cherries (<i>Prunus incisa</i> Thunb.; <i>Prunus sargentii</i> Rehd.; <i>Prunus serrula</i> Franch.; <i>Prunus serrulata</i> Lindl.; <i>Prunus speciosa</i> (Koidz.) Ingram; <i>Prunus subhirtella</i> Miq.; <i>Prunus yedoensis</i> Matsum.), intended for planting, other than seeds, originating in non-European countries
8. Prunus necrotic ring spot virus	<i>Rubus</i> L., intended for planting
9. Raspberry ring spot virus	Strawberries (<i>Fragaria</i> (Tourn.) L.), blackberries/raspberries (<i>Rubus</i> L. partim), intended for planting, other than seeds
10. Stolbur pathogen	Solanaceae, intended for planting, other than fruit and seeds
11. Strawberry crinkle virus	Strawberries (<i>Fragaria</i> (Tourn.) L.) intended for planting, other than seeds
12. Strawberry latent ring spot virus	Strawberries (<i>Fragaria</i> (Tourn.) L.), blackberries/raspberries (<i>Rubus</i> L. partim), intended for planting, other than seeds
13. Strawberry yellow edge virus	Strawberries (<i>Fragaria</i> (Tourn.) L.) intended for planting, other than seeds
14. Tomato black ring virus	Strawberries (<i>Fragaria</i> (Tourn.) L.), blackberries/raspberries (<i>Rubus</i> L. partim), intended for planting, other than seeds
15. Tomato spotted wilt virus	Potato tubers (<i>Solanum tuberosum</i> L.)

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

'Non-European countries';

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

'6. Isolated bark of *Castanea Mill.*

All countries';

3. In (A), the following shall be inserted:

'6a. Isolated bark of *Quercus L.*, other than *Quercus suber L.*

North American countries, Romania, USSR';

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

<p>9. Plants of tuberforming species of Solanum L., intended for planting, other than potato tubers (Solanum tuberosum L.)</p>	<p>All countries';</p>
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5. In (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 (A) (1), the text in the left-hand column shall be replaced by the following:

<p>1. Wood of conifers (Coniferae), originating in non-European countries'</p>	
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2. (A) (2) shall be replaced by the following:

<p>2. Wood of Castanea and Quercus, including wood which has not kept its natural round surface, originating in North American countries</p>	<p>The wood shall be stripped of its bark, and</p> <p>(a) either the wood shall be squared so as to remove entirely the rounded surface, or</p> <p>(b) official statement that the water content of the wood does not exceed 20 % expressed as a percentage of the dry matter, or</p> <p>(c) official statement that the wood has been disinfected by an appropriate hot-air or hot-water treatment';</p>
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3. In (A) (3), the text of the right-hand column shall be replaced by the following:

<p>(a) Official statement that the wood originates in regions known to be free from Ophiostoma roboris and Endothia parasitica, or</p> <p>(b) the wood shall be stripped of its bark, and also either</p> <p>(aa) the wood shall be squared so as to entirely remove the rounded surface,</p> <p>(bb) official statement that the water content of the wood does not exceed 20 % expressed as a percentage of the dry matter, or</p> <p>(cc) official statement that the wood has been disinfected by an appropriate hot-air or hot-water treatment';</p>

4. In the German version of (A) (4), the word 'oder' shall be added in the right-hand column between the text of (a) and that of (b);

5. In (A), the following shall be inserted:

'6a. Isolated bark of Quercus L., other than Quercus suber L., originating in countries other than Romania, USSR and North American countries

Official statement, that the bark originates in regions known to be free from Endothia parasitica';

6. In (A) (7) (a), (8) to (11) and (12) (a), the words 'or in its immediate vicinity' shall be added each time after the words 'at the place of production';

7. In (A) (9) (a), the second indent shall be deleted in the right-hand column;

8. In (A) (14), the words 'the Ulmaceae family' shall be replaced by 'Ulmus and Zelkova';

9. (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., 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 Hickmann (Annex II (A) (c) (7))

Arabis mosaic virus (Annex II (A) (d) (1))

Raspberry ring spot virus (Annex II (A) (d))

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))

— on Prunus avium L.:

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

<p>— on <i>Rubus</i> L.:</p> <p>Arabis mosaic virus (Annex II (A) (d) (1))</p> <p>Raspberry ring spot virus (Annex II (A) (d) (9))</p> <p>Strawberry latent ring spot virus (Annex II (A) (d) (12))</p> <p>Tomato black ring virus (Annex II (A) (d) (14))</p> <p>— on all species:</p> <p>Harmful organisms mentioned under Annex I (A) (e) (1) (q)</p>	
<p>16a. Plants of <i>Cydonia oblonga</i> Mill., <i>Pyrus communis</i> L., intended for planting, other than seeds, origination in countries where Pear decline mycoplasma (Annex I (A) (e) (1) (h)) is known to occur</p>	<p>Without prejudice to the requirements applicable to plants, where appropriate, under (16), official statement that plants at the place of production and in its immediate vicinity, which have shown symptoms giving rise to the suspicion of contamination by pear decline mycoplasma, have been rogued out at that place within the last three complete cycles of vegetation</p>
<p>16b. Plants of <i>Fragaria</i> (Tourn.) L., intended for planting, other than seeds, originating in countries where the relevant harmful organisms are known to occur</p> <p>The relevant harmful organisms are:</p> <p>Strawberry latent 'C' virus (Annex I (A) (e) (1) (m))</p> <p>Strawberry vein-banding virus (Annex I (A) (e) (1) (n))</p> <p>Strawberry witches' broom pathogen (Annex I (A) (e) (1) (o))</p> <p>Strawberry crinkle virus (Annex II (A) (d) (11))</p> <p>Strawberry yellow edge virus (Annex II (A) (d) (13))</p>	<p>Without prejudice to the requirements applicable to plants, where appropriate, under (16), official statement:</p> <p>(a) that the plants, other than those raised from seed, have been:</p> <ul style="list-style-type: none"> — 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 <p>(b) that no symptoms of diseases caused by the relevant harmful organisms specified under (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</p>

<p>17. Plants of <i>Malus pumila</i> (Willd.), intended for planting, other than seeds, originating in countries where Apple proliferation mycoplasma (Annex I (A) (e) (1) (a)) is known to occur</p>	<p>Without prejudice to the requirements applicable to the plants, where appropriate, under (16) or (18) Official statement:</p> <ol style="list-style-type: none"> 1. that the plants originate in regions known to be free from Apple proliferation mycoplasma, or 2. that: <ol style="list-style-type: none"> (a) the plants, other than those raised from seed, have been: <ul style="list-style-type: none"> — 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 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
<p>18. Plants of <i>Malus Mill.</i>, intended for planting, other than seeds, originating in countries where the relevant harmful organisms are known to occur on <i>Malus Mill.</i></p> <p>The relevant harmful organisms are: Cherry raspleaf virus (American) (Annex I (A) (e) (1) (c))</p> <p>Tomato ring spot virus (Annex I (A) (e) (5))</p>	<p>Without prejudice to the requirements applicable to the plants, where appropriate, under (16) or (17), Official statement:</p> <ol style="list-style-type: none"> (a) that the plants have been: <ul style="list-style-type: none"> — 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

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* ssp. *domestica* L.
 - Prunus domestica* ssp. *insititia* (L.) C.K. Schneid.
 - Prunus domestica* ssp. *italica* (Borkh.) Hegi.
 - Prunus glandulosa* Thunb.
 - Prunus holosericea* 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

— 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 (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

Without prejudice to the requirements applicable to the plants, where appropriate, under (16) or (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 disease caused by Sharka virus 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 virus-like pathogens, have been rogued out

<p>20. Plants of <i>Prunus</i> L., intended for planting</p> <p>(a) originating in countries where the relevant harmful organisms are known to occur on <i>Prunus</i> L.</p> <p>(b) other than seeds, originating in countries where the relevant harmful organisms are known to occur</p> <p>(c) other than seeds, originating in non-European countries where the relevant harmful organisms are known to occur</p> <p>The relevant harmful organisms are:</p> <p>— for the case under (a): Tomato ring spot virus (Annex I (A) (e) (5))</p> <p>— 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))</p> <p>— for the case under (c): Little cherry pathogen (Annex II (A) (d) (7))</p>	<p>Without prejudice to the requirements applicable to the plants, where appropriate, under (16) or (19), Official statement:</p> <p>(a) that the plants have been:</p> <ul style="list-style-type: none"> — 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. <p>(b) that no symptoms of diseases caused by the relevant harmful organisms specified under (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</p>
<p>21. Plants of <i>Rubus</i> L., intended for planting</p> <p>(a) originating in countries where the relevant harmful organisms are known to occur on <i>Rubus</i> L.</p> <p>(b) other than seeds, originating in countries where the relevant harmful organisms are known to occur</p> <p>The relevant harmful organisms are:</p>	<p>Without prejudice to the requirements applicable to the plants, where appropriate, under (16)</p> <p>(a) The plants shall be free from aphids, including their eggs</p> <p>(b) Official statement:</p> <p>(aa) that the plants have been:</p> <ul style="list-style-type: none"> — either officially certified under a certification scheme requiring them to be derived in a direct line from material which has been

- in the case of (a):
 - Tomato ring spot virus (Annex I (A) (e) (5))
 - Black raspberry latent virus (Annex II (A) (d) (3))
 - Cherry leafroll 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))

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 (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';

10. (A) (22) shall be replaced by the previous Annex IV (A) (20);

11. (A) (24) shall be replaced by the following:

'24. Tubers of *Solanum tuberosum* originating outside the Community

Official statement:

- that the tubers originate in regions known to be free from *Synchytrium endobioticum* (all races other than the common European race)
- that no symptoms of *Synchytrium endobioticum* have been observed either at the place of production or in its immediate vicinity since the beginning of an adequate period, and
- that provisions recognized as equivalent to the Community provisions on combating *Corynebacterium sepedonicum* in accordance with the Article 16 procedure have been complied with in the country of origin if *Corynebacterium sepedonicum* is known to occur in that country';

12. The following item shall be inserted:

'24a. Potato tubers (*solanum tuberosum* L.) intended for planting, other than those varieties officially accepted in one or more Member States pursuant to Council Directive 70/457/EEC

Official statement that the tubers:

- belong to advanced selections
- have been produced within the Community, and
- have been derived in a direct line from material which has been maintained under appropriate conditions and has been subjected within the Community to official quarantine testing in accordance with appropriate methods and has been found free, in these tests, from harmful organisms';

13. In the English version of IV (A) (30), the words 'and have been found free' shall be replaced by 'which have been found free';

14. In (A) (35), the text in the left-hand column shall be replaced by the following:

'Plants with soil attached, originating in non-European countries'

15. In (A) (38), the words 'and that no symptoms have been' shall be replaced by 'and that no *Ditylenchius dipsaci* has been';

16. In (B) (12) and (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 (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. The following shall be inserted:

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

Article 6

In the English version of Annex VIII (B) 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 or administrative provisions necessary to comply with:

- Article 4 (11) by 1 January 1983 at the latest,
- the other provision of this Directive by 1 May 1980 at the latest.

Article 8

This Directive is addressed to the Member States.

Done at Brussels, 18 March 1980.

For the Council
The President
A. RUFFINI
