

# DIRECTIVES

## COMMISSION IMPLEMENTING DIRECTIVE (EU) 2022/2438

of 12 December 2022

### **amending Directive 93/49/EEC and Implementing Directive 2014/98/EU as regards Union regulated non-quarantine pests on propagating material of ornamental plants, fruit plant propagating material and fruit plants intended for fruit production**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 98/56/EC of 20 July 1998 on the marketing of propagating material of ornamental plants <sup>(1)</sup>, and in particular Article 5(5) thereof,

Having regard to Council Directive 2008/90/EC of 29 September 2008 on the marketing of fruit plant propagating material and fruit plants intended for fruit production <sup>(2)</sup>, and in particular Article 4 thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2019/2072 <sup>(3)</sup> establishes a list of Union quarantine pests, protected zone quarantine pests and Union regulated non-quarantine pests ('RNQPs'). It further sets out requirements for the introduction into, and movement within, the Union of certain plants, plant products and other objects in order to prevent the entry, establishment and spread of those pests in the Union territory.
- (2) Implementing Regulation (EU) 2019/2072 has been amended recently by Commission Implementing Regulation (EU) 2021/2285 <sup>(4)</sup> to update the phytosanitary status of certain pests and, where appropriate, amend the specific measures against those pests. For reasons of consistency regarding the amendments concerning those pests, the new elements should also be reflected in Commission Directive 93/49/EEC <sup>(5)</sup> and in Commission Implementing Directive 2014/98/EU <sup>(6)</sup>.
- (3) *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto has been listed in Part D of Annex IV to Implementing Regulation (EU) 2019/2072 in relation to propagating material of ornamental plants, because it fulfils the requirements to be listed as an RNQP. It is therefore justified to list that pest in the Annex to Directive 93/49/EEC.

<sup>(1)</sup> OJ L 226, 13.8.1998, p. 16.

<sup>(2)</sup> OJ L 267, 8.10.2008, p. 8.

<sup>(3)</sup> Commission Implementing Regulation (EU) 2019/2072 of 28 November 2019 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants, and repealing Commission Regulation (EC) No 690/2008 and amending Commission Implementing Regulation (EU) 2018/2019 (OJ L 319, 10.12.2019, p. 1).

<sup>(4)</sup> Commission Implementing Regulation (EU) 2021/2285 of 14 December 2021 amending Implementing Regulation (EU) 2019/2072 as regards the listing of pests, prohibitions and requirements for the introduction into, and movement within, the Union of plants, plant products and other objects, and repealing Decisions 98/109/EC and 2002/757/EC and Implementing Regulations (EU) 2020/885 and (EU) 2020/1292 (OJ L 485, 22.12.2021, p. 173).

<sup>(5)</sup> Commission Directive 93/49/EEC of 23 June 1993 setting out the schedule indicating the conditions to be met by ornamental plant propagating material and ornamental plants pursuant to Council Directive 91/682/EEC (OJ L 250, 7.10.1993, p. 9).

<sup>(6)</sup> Commission Implementing Directive 2014/98/EU of 15 October 2014 implementing Council Directive 2008/90/EC as regards specific requirements for the genus and species of fruit plants referred to in Annex I thereto, specific requirements to be met by suppliers and detailed rules concerning official inspections (OJ L 298, 16.10.2014, p. 22).

- (4) *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld has been listed in Parts D and J of Annex IV to Implementing Regulation (EU) 2019/2072 in relation to propagating material of ornamental plants and fruit plant propagating material and fruit plants intended for fruit production respectively, because it fulfils the requirements to be listed as an RNQP. It is therefore justified to list that pest in the Annex to Directive 93/49/EEC and in Annex II to Implementing Directive 2014/98/EU.
- (5) It is also necessary to include measures in Implementing Directive 2014/98/EU against the presence of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld on certain plants for planting used as fruit plant propagating material and fruit plants intended for fruit production.
- (6) *Candidatus Phytoplasma australiense* Davis *et al.* has been listed as a Union quarantine pest in Annex II to Implementing Regulation (EU) 2019/2072 and removed from the list of RNQPs of Annex IV to that Regulation. Therefore, that pest should also be removed from the list of RNQPs of Annex I to Implementing Directive 2014/98/EU and from Annex IV to that Directive in relation to fruit plant propagating material and fruit plants intended for fruit production of *Fragaria* L.
- (7) Implementing Directive 2014/98/EU sets out the requirement that pre-basic, basic, certified and *Conformitas Agraria Communitatis* (CAC) material, by visual inspection in the facilities, fields and lots, is to be found free from the RNQPs listed in Annexes I and II to that Directive, and subject to the requirements of Annex IV, as regards the genus or species concerned.
- (8) To ensure consistency with Implementing Regulation (EU) 2019/2072 as regards the areas established as pest free, an exception from the requirement for visual inspection, sampling and testing of pre-basic, basic, certified and CAC material should also be introduced in Implementing Directive 2014/98/EU.
- (9) Commission Implementing Decision (EU) 2017/925 <sup>(7)</sup> has temporarily authorised certain Member States to certify pre-basic material which belongs to certain species of fruit plants and produced in the open field under non-insect proof conditions. The authorisation that was granted to France in this regards expired on 31 December 2018. The part 'Requirements with regard to the production site, place of production or area' in Section 4 of Annex IV to Implementing Directive 2014/98/EU, in regards to pre-basic material of *Cydonia oblonga* Mill. should therefore be deleted to reflect the expiry of the validity of that authorisation.
- (10) Since the adoption of Implementing Directive 2014/98/EU, Member States' experience has shown that the measures against *Candidatus Phytoplasma pyri* Seemüller & Schneider for disqualifying entire lots of fruit plant propagating material and fruit plants from marketing upon detection of symptomatic propagating material and fruit plants in the production site are disproportionate to the respective phytosanitary risk. Implementing Directive 2014/98/EU should be amended to ensure consistency with the revised risk management measures in Implementing Regulation (EU) 2019/2072 against *Candidatus Phytoplasma pyri* Seemüller & Schneider. Any symptomatic propagating material and fruit plants should be rogued out and destroyed immediately.
- (11) In accordance with Article 32 of Implementing Directive 2014/98/EU, Member States are allowed to authorise, until 31 December 2022, the marketing in their own territory of propagating material and fruit plants produced from pre-basic, basic and certified mother plants or from CAC material which existed before 1 January 2017 even if that material or those fruit plants do not fulfil the requirements of that Implementing Directive. Member States' experience with the implementation of the legislation has shown that the scope of the Union certification scheme for propagating material and fruit plants does not cover the certification of seeds and seedlings. Therefore, the current transitional measures should continue to apply only to the production of seeds and seedlings, because of the time required for those materials to adapt to the requirements of that Directive. In order to avoid any disruption of trade of those materials, that date should be extended until 31 December 2029.

<sup>(7)</sup> Commission Implementing Decision (EU) 2017/925 of 29 May 2017 temporarily authorising certain Member States to certify pre-basic material of certain species of fruit plants, produced in the field under non-insect proof conditions, and repealing Implementing Decision (EU) 2017/167 (OJ L 140, 31.5.2017, p. 7).

- (12) The botanical name of *Prunus amygdalus* Batsch should be changed into *Prunus dulcis* (Mill.) D. A. Webb to take account of developments in taxonomic nomenclature.
- (13) Therefore, Directive 93/49/EEC and Implementing Directive 2014/98/EU should be amended respectively.
- (14) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DIRECTIVE:

#### Article 1

### Amendment of Directive 93/49/EEC

The Annex to Directive 93/49/EEC is amended in accordance with Annex I to this Directive.

#### Article 2

### Amendments of Implementing Directive 2014/98/EU

Implementing Directive 2014/98/EU is amended as follows:

(1) in Article 10, paragraph 5 is replaced by the following:

‘5. Paragraph 1 shall not apply to:

- (a) pre-basic mother plants and pre-basic material during cryopreservation;
- (b) pre-basic material where that material has been produced in areas known to, or established to, be free from the relevant pests in accordance with the relevant international standards for phytosanitary measures (Requirements for the establishment of pest free areas. ISPM No 4 (1995), Rome, IPPC, FAO 2017).’;

(2) in Article 16, paragraph 5 is replaced by the following:

‘5. Paragraph 1 shall not apply to:

- (a) basic mother plants and basic material during cryopreservation;
- (b) basic material where that material has been produced in areas known to, or established to, be free from the relevant pests in accordance with the relevant international standards for phytosanitary measures (Requirements for the establishment of pest free areas. ISPM No 4 (1995), Rome, IPPC, FAO 2017).’;

(3) in Article 21, paragraph 5 is replaced by the following:

‘5. Paragraph 1 shall not apply to:

- (a) certified mother plants and certified material during cryopreservation;
- (b) certified material where that material has been produced in areas known to, or established to, be free from the relevant pests in accordance with the relevant international standards for phytosanitary measures (Requirements for the establishment of pest free areas. ISPM No 4 (1995), Rome, IPPC, FAO 2017).’;

(4) in Article 26, paragraph 2 is replaced by the following:

‘2. Paragraph 1 shall not apply to:

- (a) CAC material during cryopreservation;
- (b) CAC material where that material has been produced in areas known to, or established to, be free from the relevant pests in accordance with the relevant international standards for phytosanitary measures (Requirements for the establishment of pest free areas. ISPM No 4 (1995), Rome, IPPC, FAO 2017).’;

(5) Article 32 is replaced by the following:

*Article 32*

#### **Transitional measures**

Member States may until 31 December 2029 allow the marketing of seeds and seedlings produced from pre-basic, basic and certified mother plants or CAC material which existed before 1 January 2017, and have been officially certified or meet the conditions to be qualified as CAC material before 31 December 2029. When marketed, such materials shall be identified by a reference to this Article on the label and a document.;

(6) Annexes I, II, IV and V are amended in accordance with Annex II to this Directive.

*Article 3*

#### **Transposition**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 June 2023 at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such 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 4*

#### **Entry into force**

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

*Article 5*

#### **Addressees**

This Directive is addressed to the Member States.

Done at Brussels, 12 December 2022.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

## ANNEX I

**Amendments to Directive 93/49/EEC**

The Annex to Directive 93/49/EEC is amended as follows:

- (1) between the entry for '*Erwinia amylovora* (Burrill) Winslow *et al.* [ERWIAM]' and the entry for '*Pseudomonas syringae* pv. *persicae* (Prunier, Luisetti & Gardan) Young, Dye & Wilkie [PSDMPE]', the following entry is inserted:

' <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto [PSDMAK]	Plants for planting other than seeds <i>Actinidia</i> Lindl.	0 %
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- (2) between the entry for '*Lecanosticta acicola* (von Thümen) Sydow [SCIRAC]' and the entry for '*Plasmopara halstedii* (Farlow) Berlese & de Toni [PLASHA]', the following entry is inserted:

' <i>Phytophthora ramorum</i> (EU isolates) Werres, De Cock & Man in 't Veld [PHYTRA]	Plants for planting other than pollen and seeds <i>Camellia</i> L., <i>Castanea sativa</i> Mill., <i>Fraxinus excelsior</i> L., <i>Larix decidua</i> Mill., <i>Larix kaempferi</i> (Lamb.) Carrière, <i>Larix × eurolepis</i> A. Henry, <i>Pseudotsuga menziesii</i> (Mirb.) Franco, <i>Quercus cerris</i> L., <i>Quercus ilex</i> L., <i>Quercus rubra</i> L., <i>Rhododendron</i> L. other than <i>R. simsii</i> L., <i>Viburnum</i> L.	0 %
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## ANNEX II

**Amendments to Implementing Directive 2014/98/EU**

Implementing Directive 2014/98/EU is amended as follows:

(1) in Annex I, in the entry for '*Fragaria L.*', in the second column, the entry '*Candidatus Phytoplasma australiense* Davis et al. [PHYPAU]' is deleted;

(2) Annex II is amended as follows:

(a) between headings of the columns of the table and the entry for '*Citrus L., Fortunella Swingle and Poncirus Raf.*', the following entry is inserted:

<i>'Castanea sativa Mill.</i>	<b>Fungi and oomycetes</b> <i>Phytophthora ramorum</i> (EU isolates) Werres, De Cock & Man in 't Veld [PHYTRA]
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(b) in the entry for '*Vaccinium L.*', in the second column, before the text 'Viruses, viroids, virus-like diseases and phytoplasmas', the following text is inserted:

**'Fungi and oomycetes**

*Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld [PHYTRA]

(3) Annex IV is amended as follows:

(a) Section 1 '*Castanea sativa Mill.*', is amended as follows:

(i) point (b) 'Pre-basic category', point (c) 'Basic category' and point (d) 'Certified and CAC categories' are replaced by the following:

**'(b) Pre-basic category**

*Requirements with regard to the production site, place of production or area*

In the case where a derogation is allowed to produce pre-basic material in the field under non-insect proof conditions pursuant to Commission Implementing Decision (EU) 2017/925 (\*), the following requirements shall apply:

(i) *Cryphonectria parasitica* (Murrill) Barr:

— propagating material and fruit plants of the pre-basic category shall be produced in areas established by the competent authority as being free from *Cryphonectria parasitica* (Murrill) Barr in accordance with relevant International Standards for Phytosanitary Measures; or

— no symptoms of *Cryphonectria parasitica* (Murrill) Barr shall be observed at the production site on propagating material and fruit plants of the pre-basic category over the last complete cycle of vegetation.

(ii) *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld:

— propagating material and fruit plants of the pre-basic category shall be produced in areas established by the competent authority as being free from *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld in accordance with relevant International Standards for Phytosanitary Measures; or

— no symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld shall be observed on propagating material and fruit plants of the pre-basic category at the production site over the last complete cycle of vegetation.

(c) **Basic category**

*Requirements with regard to the production site, place of production or area*

(i) *Cryphonectria parasitica* (Murrill) Barr:

- propagating material and fruit plants of the basic category shall be produced in areas established by the competent authority as being free from *Cryphonectria parasitica* (Murrill) Barr in accordance with relevant International Standards for Phytosanitary Measures; or
- no symptoms of *Cryphonectria parasitica* (Murrill) Barr shall be observed at the production site on propagating material and fruit plants of the basic category over the last complete cycle of vegetation.

(ii) *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld:

- propagating material and fruit plants of the basic category shall be produced in areas established by the competent authority as being free from *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld in accordance with relevant International Standards for Phytosanitary Measures; or
- no symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld shall be observed on propagating material and fruit plants of the basic category at the production site over the last complete cycle of vegetation.

(d) **Certified and CAC categories**

*Requirements with regard to the production site, place of production or area*

(i) *Cryphonectria parasitica* (Murrill) Barr:

- propagating material and fruit plants of the certified and CAC categories shall be produced in areas established by the competent authority as being free from *Cryphonectria parasitica* (Murrill) Barr in accordance with relevant International Standards for Phytosanitary Measures; or
- no symptoms of *Cryphonectria parasitica* (Murrill) Barr shall be observed at the production site on propagating material and fruit plants of the certified and CAC categories over the last complete cycle of vegetation; or
- propagating material and fruit plants of the certified and CAC categories showing symptoms of *Cryphonectria parasitica* (Murrill) Barr shall be rogued out, the remaining propagating material and fruit plants shall be inspected at weekly intervals and no symptoms shall be observed at the production site for at least three weeks before dispatch.

(ii) *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld:

- propagating material and fruit plants of the certified and CAC categories shall be produced in areas established by the competent authority as being free from *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld in accordance with relevant International Standards for Phytosanitary Measures; or
- no symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld shall be observed on propagating material and fruit plants of the certified and CAC categories at the production site over the last complete cycle of vegetation;

or

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- propagating material and fruit plants of the certified and CAC categories showing symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld at the production site and all plants within a 2 m radius of the symptomatic propagating material and fruit plants, shall be rogued out and destroyed, including adhering soil;

and

- for all plants located within a 10 m radius of symptomatic propagating material and fruit plants and any remaining propagating material and fruit plants from the affected lot:
  - within three months following the detection of symptomatic propagating material and fruit plants, no symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld shall be observed on that propagating material and those fruit plants in at least two inspections at appropriate times to detect the pest and during that three-month period no treatments suppressing symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld shall be carried out; and
  - after that three-month period:
    - no symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld are observed on that propagating material and those fruit plants at the production site; or
    - a representative sample of that propagating material and those fruit plants to be moved shall be tested and found free from *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld; and
- and
- for all other propagating material and fruit plants at the production site:
  - no symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld shall be observed on that propagating material and those fruit plants at the production site; or
  - a representative sample of that propagating material and those fruit plants to be moved has been tested and found free from *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld.

(\*) Commission Implementing Decision (EU) 2017/925 of 29 May 2017 temporarily authorising certain Member States to certify pre-basic material of certain species of fruit plants, produced in the field under non-insect proof conditions, and repealing Implementing Decision (EU) 2017/167 (OJ L 140, 31.5.2017, p. 7);

- (b) in Section 4 '*Cydonia oblonga* Mill.', point (b) 'Pre-basic category', the part '*Requirements with regard to the production site, place of production or area*' is deleted;
- (c) in Section 6 '*Fragaria* L.' point (d) 'Certified category', '*Requirements with regard to the production site, place of production or area*', point (iii), the indent '1 % in the case of:', the entry '*Candidatus Phytoplasma australiense* Davis et al.' is deleted;
- (d) Section 8 '*Malus* Mill.' is amended as follows:
  - (i) in point (c) 'Basic category', the following section is added:
 

*'Requirements with regard to the production site, place of production or area*

    - (i) *Candidatus Phytoplasma mali* Seemüller & Schneider
      - propagating material and fruit plants of the basic category shall be produced in areas known to be free from *Candidatus Phytoplasma mali* Seemüller & Schneider; or
      - no symptoms of *Candidatus Phytoplasma mali* Seemüller & Schneider shall be observed on propagating material and fruit plants of the basic category at the production site over the last complete growing season, and any symptomatic plants in the immediate vicinity shall be rogued out and immediately destroyed;



(ii) *Erwinia amylovora* (Burrill) Winslow et al.

- propagating material and fruit plants of the basic category shall be produced in areas known to be free from *Erwinia amylovora* (Burrill) Winslow et al.; or
- propagating material and fruit plants of the basic category in the production site shall be inspected over the last complete growing season, and any propagating material and fruit plants showing symptoms of *Erwinia amylovora* (Burrill) Winslow et al. and any surrounding host plants shall be immediately rogued out and destroyed.;

(ii) in point (d) 'Certified category', the following section is added:

*'Requirements with regard to the production site, place of production or area*

(i) *Candidatus Phytoplasma mali* Seemüller & Schneider

- propagating material and fruit plants of the certified category shall be produced in areas known to be free from *Candidatus Phytoplasma mali* Seemüller & Schneider; or
- no symptoms of *Candidatus Phytoplasma mali* Seemüller & Schneider shall be observed on propagating material and fruit plants of the certified category at the production site over the last complete growing season, and any symptomatic plants in the immediate vicinity shall be rogued out and immediately destroyed; or
- symptoms of *Candidatus Phytoplasma mali* Seemüller & Schneider shall be observed on no more than 2 % of propagating material and fruit plants of the certified category at the production site over the last complete growing season, and that propagating material and those fruit plants, and any symptomatic plants in the immediate vicinity shall be rogued out and immediately destroyed, and a representative sample of the remaining asymptomatic propagating material and fruit plants in the lots in which symptomatic propagating material and fruit plants were found has been tested and found free from *Candidatus Phytoplasma mali* Seemüller & Schneider;

(ii) *Erwinia amylovora* (Burrill) Winslow et al.

- propagating material and fruit plants of the certified category shall be produced in areas known to be free from *Erwinia amylovora* (Burrill) Winslow et al.; or
- propagating material and fruit plants of the certified category in the production site shall be inspected over the last complete growing season, and any propagating material and fruit plants showing symptoms of *Erwinia amylovora* (Burrill) Winslow et al. and any surrounding host plants shall be immediately rogued out and destroyed.;

(iii) point (e) 'Basic and certified categories' is deleted;

(e) Section '12 'Pyrus L.' is amended as follows:

(i) in point (b) 'Pre-basic category', point (i) '*Candidatus Phytoplasma pyri* Seemüller & Schneider' of the section 'Requirements with regard to the production site, place of production or area' is replaced by the following:

- propagating material and fruit plants of the pre-basic category shall be produced in areas established by the competent authority as being free from *Candidatus Phytoplasma pyri* Seemüller & Schneider in accordance with relevant International Standards for Phytosanitary Measures; or
- no symptoms of *Candidatus Phytoplasma pyri* Seemüller & Schneider shall be observed on propagating material and fruit plants of the pre-basic category at the production site during the last three growing seasons, and any symptomatic plants in the immediate vicinity shall be rogued out and immediately destroyed.;

- (ii) in point (e) 'Basic and certified categories', point (i) '*Candidatus* Phytoplasma *pyri* Seemüller & Schneider' of the section 'Requirements with regard to the production site, place of production or area' is replaced by the following:

- propagating material and fruit plants of the basic and certified categories shall be produced in areas established by the competent authority as being free from *Candidatus* Phytoplasma *pyri* Seemüller & Schneider in accordance with relevant International Standards for Phytosanitary Measures; or
- no symptoms of *Candidatus* Phytoplasma *pyri* Seemüller & Schneider shall be observed on propagating material and fruit plants of the basic and certified categories at the production site over the last complete growing season, and any symptomatic plants in the immediate vicinity shall be rogued out and immediately destroyed; or
- propagating material and fruit plants of the basic and certified categories at the production site and any plants in the immediate vicinity, which have shown symptoms of *Candidatus* Phytoplasma *pyri* Seemüller & Schneider during visual inspections during the last three growing seasons, shall be rogued out and destroyed immediately;;

- (iii) in point (f) 'CAC category', point (i) '*Candidatus* Phytoplasma *pyri* Seemüller & Schneider' of the section 'Requirements with regard to the production site, place of production or area' is replaced by the following:

- propagating material and fruit plants of the CAC category shall be produced in areas established by the competent authority as being free from *Candidatus* Phytoplasma *pyri* Seemüller & Schneider in accordance with relevant International Standards for Phytosanitary Measures; or
- no symptoms of *Candidatus* Phytoplasma *pyri* Seemüller & Schneider shall be observed on propagating material and fruit plants of the CAC category at the production site over the last complete growing season, and any symptomatic plants in the immediate vicinity shall be rogued out and immediately destroyed; or
- propagating material and fruit plants of the CAC category at the production site and any plants in the immediate vicinity, which have shown symptoms of *Candidatus* Phytoplasma *pyri* Seemüller & Schneider during visual inspections during the last three growing seasons, shall be rogued out and destroyed immediately;;

- (f) Section '15 '*Vaccinium* L.' is amended as follows:

- (i) in point (b) 'Basic category' in the section 'Requirements with regard to the production site, place of production or area' the following point is added:

'(iv) *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld:

- propagating material and fruit plants of the basic category shall be produced in areas established by the competent authority as being free from *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld in accordance with relevant International Standards for Phytosanitary Measures; or
- no symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld shall be observed on propagating material and fruit plants of the basic category at the production site over the last complete cycle of vegetation.';

- (ii) in point (d) 'Certified category', in the section 'Requirements with regard to the production site, place of production or area', the following point is added:

'(iii) *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld:

- propagating material and fruit plants of the certified category shall be produced in areas established by the competent authority as being free from *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld in accordance with relevant International Standards for Phytosanitary Measures; or
- no symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld shall be observed on propagating material and fruit plants of the certified category at the production site over the last complete cycle of vegetation;

or

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- propagating material and fruit plants of the certified category showing symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld at the production site and all plants within a 2 m radius of the symptomatic propagating material and fruit plants, shall be rogued out and destroyed, including adhering soil;

and

- for all plants located within a 10 m radius of symptomatic propagating material and fruit plants and any remaining propagating material and fruit plants from the affected lot:

- within three months following the detection of symptomatic propagating material and fruit plants, no symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld shall be observed on that propagating material and those fruit plants in at least two inspections at appropriate times to detect the pest and during that three-month period no treatments suppressing symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld shall be carried out; and

- after that three-month period:

- no symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld shall be observed on that propagating material and those fruit plants at the production site; or
- a representative sample of that propagating material and those fruit plants to be moved has been tested and found free from *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld;

and

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- for all other propagating material and fruit plants at the production site:

- no symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld shall be observed on that propagating material and those fruit plants at the production site; or
- a representative sample of that propagating material and those fruit plants to be moved has been tested and found free from *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld.;

- (iii) the following point is added:

'(e) CAC category

*Requirements with regard to the production site, place of production or area*

- *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld:

- propagating material and fruit plants of the CAC category shall be produced in areas established by the competent authority as being free from *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld in accordance with relevant International Standards for Phytosanitary Measures; or
  - no symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld shall be observed on propagating material and fruit plants of the CAC category at the production site over the last complete cycle of vegetation;
- or
- propagating material and fruit plants of the CAC category showing symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld at the production site and all plants within a 2 m radius of the symptomatic propagating material and fruit plants, shall be rogued out and destroyed, including adhering soil; and
  - for all plants located within a 10 m radius of symptomatic propagating material and fruit plants and any remaining propagating material and fruit plants from the affected lot:
    - within three months following the detection of symptomatic propagating material and fruit plants, no symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld shall be observed on that propagating material and those fruit plants in at least two inspections at appropriate times to detect the pest and during that three-month period no treatments suppressing symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld shall be carried out; and after that three-month period:
      - no symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld shall be observed on that propagating material and those fruit plants at the production site; or
      - a representative sample of that propagating material and those fruit plants to be moved has been tested and found free from *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld;
- and
- for all other propagating material and fruit plants at the production site:
    - no symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld shall be observed on that propagating material and those fruit plants at the production site; or
    - a representative sample of that propagating material and those fruit plants to be moved has been tested and found free from *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld.;

(4) in Annex V the row '*Prunus amygdalus*, *P. armeniaca*, *P. domestica*, *P. persica* and *P. salicina*' is replaced by the following:

'*Prunus armeniaca* L., *Prunus domestica* L., *Prunus dulcis* (Mill.) D. A. Webb, *Prunus persica* (L.) Batsch and *Prunus salicina* Lindl.'

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