

Commission Decision of 19 December 2003 authorising, in respect of the marketing of seed potatoes in all or part of the territory of certain Member States, more stringent measures against certain diseases than are provided for in Annexes I and II to Council Directive 2002/56/EC (notified under document number C(2003) 4833) (Text with EEA relevance) (2004/3/EC)

COMMISSION DECISION

of 19 December 2003

authorising, in respect of the marketing of seed potatoes in all or part of the territory of certain Member States, more stringent measures against certain diseases than are provided for in Annexes I and II to Council Directive 2002/56/EC

(notified under document number C(2003) 4833)

(Text with EEA relevance)

(2004/3/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes<sup>(1)</sup>, as last amended by Directive 2003/61/EC<sup>(2)</sup>, and in particular Article 17(2) thereof,

Having regard to the requests made by Germany, Ireland, Portugal, Finland and the United Kingdom,

Whereas:

- (1) Commission Decision 93/231/EEC of 30 March 1993 authorising, in respect of the marketing of seed potatoes in all or part of the territory of certain Member States, more stringent measures against certain diseases than are provided for in Annexes I and II to Council Directive 66/403/EEC<sup>(3)</sup> has been substantially amended several times<sup>(4)</sup>. In the interests of clarity and rationality the said Decision should be codified.
- (2) Directive 2002/56/EC laid down tolerances in respect of certain harmful organisms.
- (3) Directive 2002/56/EC still permits Member States to subject seed potatoes of their home production to conditions which are more rigorous.
- (4) Ireland for all its territory, Germany, Finland, and the United Kingdom in respect of certain parts of their territories and Portugal in relation to areas in the Azores above 300 metres in altitude, wish to avail themselves of the provisions of Directive 2002/56/EC in respect of certain organisms which appear particularly harmful to potato crops in those regions.
- (5) The Commission, by its Directive 93/17/EEC<sup>(5)</sup>, has determined Community grades of basic seed potatoes, together with the conditions and the designations applicable to such

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*Changes to legislation: This version of this Decision was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)*

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grades. The seed potatoes belonging to such grades should be considered suitable for marketing in the territories of Member States to be authorised pursuant to Article 17(2) of Directive 2002/56/EC.

- (6) From a comparison of the measures taken in Ireland, for all of its territory, in Germany, Finland, and the United Kingdom, for certain parts of their territories, and in Portugal in relation to areas in the Azores above 300 metres in altitude in respect of their home production of seed potatoes and the Community EC grades of basic seed potatoes, it can be assumed that:
- ‘EC grade 1’ satisfies more stringent conditions,
  - ‘EC grade 2’ is equivalent to home production intended for seed potatoes, and
  - ‘EC grade 3’ is equivalent to home production intended for potato production.
- (7) Ireland, for all its territory, Germany, Finland and, the United Kingdom, for certain parts of their territories, and Portugal in relation to areas in the Azores above 300 metres in altitude, should therefore be authorised to restrict the marketing of seed potatoes only to the Community's basic potato grades established by Directive 93/17/EEC.
- (8) Such authorisation is in accordance with Member States' obligations under the common rules on plant health laid down by Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community<sup>(6)</sup>, as last amended by Commission Directive 2003/47/EC<sup>(7)</sup>.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

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- (1) OJ L 193, 20.7.2002, p. 60.
- (2) OJ L 165, 3.7.2003, p. 23.
- (3) OJ L 106, 30.4.1993, p. 11.
- (4) See Annex II.
- (5) OJ L 106, 30.4.1993, p. 7.
- (6) OJ L 169, 10.7.2000, p. 1.
- (7) OJ L 138, 5.6.2003, p. 47.

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