

Commission Decision of 29 April 2005 providing for a derogation from certain provisions of Council Directive 2000/29/EC as regards oak (*Quercus L.*) logs with bark attached, originating in the United States of America (notified under document number C(2005) 1298) (2005/359/EC)

COMMISSION DECISION

of 29 April 2005

providing for a derogation from certain provisions of Council Directive 2000/29/EC as regards oak (*Quercus L.*) logs with bark attached, originating in the United States of America

(notified under document number C(2005) 1298)

(2005/359/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to 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⁽¹⁾, and in particular Article 15(1) thereof,

Whereas:

- (1) Under Directive 2000/29/EC, oak (*Quercus L.*) logs with bark attached, originating in the United States of America, may, in principle, not be introduced into the Community because of the risk of introducing *Ceratocystis fagacearum* (Bretz) Hunt, the cause of oak wilt.
- (2) Experience has shown that in respect of the United States of America, the risk of spreading *Ceratocystis fagacearum* (Bretz) Hunt can be eliminated by applying certain measures.
- (3) One of these measures is fumigation. Certain Member States have requested that import of fumigated oak logs takes place only through specified ports where the appropriate handling and inspection facilities are available.
- (4) It is also possible to dispense with fumigation, as regards oak wood belonging to the white oak group, under certain technical conditions. Certain Member States have requested a further derogation to allow importations of white oak during certain months of the year. This second derogation should be limited to those parts of the Community where potential vectors of *Ceratocystis fagacearum* (Bretz) Hunt have little or no activity during the winter, i.e. to areas north of 45° latitude.
- (5) The Commission will ensure that the United States of America makes available all technical information necessary to monitor the functioning of the protective measures required.

Status: Point in time view as at 29/04/2005.

Changes to legislation: There are outstanding changes not yet made to Commission Decision of 29 April 2005 providing for a derogation from certain provisions of Council Directive 2000/29/EC as regards oak (*Quercus L.*) logs with bark attached, originating in the United States of America (notified under document number C(2005) 1298) (2005/359/EC). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

- (6) The Member States should therefore be granted a derogation, for a limited period of time, for the introduction of oak (*Quercus L.*) logs with bark from the United States of America.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

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- (1) [OJ L 169, 10.7.2000, p. 1](#). Directive as last amended by Commission Directive 2005/16/EC ([OJ L 57, 3.3.2005, p. 19](#)).

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