

II

(Acts whose publication is not obligatory)

COMMISSION

FIFTH COMMISSION DIRECTIVE

of 5 April 1988

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

(88/271/EEC)

THE COMMISSION 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 harmful organisms of plants or plant products ⁽¹⁾, as last amended by Directive 87/298/EEC ⁽²⁾, and in particular Article 13, second paragraph, fourth indent thereof,

Whereas Directive 77/93/EEC laid down protective measures against the introduction into the Member States

of organisms harmful to plants or plant products ; whereas the harmful organisms concerned are listed in Annexes I and II to that Directive ;

Whereas it has appeared that these lists no longer reflect the current phytosanitary concerns of the Community ; whereas also the results of activities of the European and Mediterranean Plant Protection Organization (EPPO) in this field need to be taken into account ;

Whereas therefore the relevant Annexes of Directive 77/93/EEC should be amended accordingly in the light of developments in scientific or technical knowledge ;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DIRECTIVE :

Article 1

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

(a) in part A (a) the following items are added :

- '001 *Acleris variana* (Fern.)
- 01 (a) *Anomala orientalis* Waterh.
- 3 (a) *Erarmonia prunivora* (Walsh. 1868)
- 7 (b) (i) *Nacobbus aberrans* (Thorne) Thorne & Allen
- 7 (b) (ii) *Opogona sacchari* (Bojer)
- 8a *Premnotrypes* spp. (non-European)
- 18. *Xiphinema americanum sensu lato* (non-European populations) ;

⁽¹⁾ OJ No L 26, 31. 1. 1977, p. 20.

⁽²⁾ OJ No L 151, 11. 6. 1987, p. 1.

(b) in (A)(c) the following item is deleted:

- '1. *Aplanobacter populi* Ridé';

(c) in (A)(c) the following items are added:

- '4. *Xanthomonas populi* (Ridé) Ridé and Ridé
5. *Xylella fastidiosa* (Well et al; 1987) [syn. grapevine Pierce's disease bacterium]';

(d) in (A)(d) the following items are deleted:

- '5. *Cronartium comptoniae* Arthur
6. *Cronartium fusiforme* Hedge. and Hunt ex Cumm.,
8. *Endocronartium barknesii* (J.P. Moore), Y. Hiratsuka [= *Peridermium barknessii* (J.P. Moore)]
11. *Hypoxyton pruinautum* (Klotzsche) Cke';

(e) in (A)(d) the following items are added:

- ' 5. *Cronartium* spp. (non-European)
6. *Endocronartium* spp. (non-European)
10 (a) *Gymnosporangium* spp. (non-European)
13 (a) *Monilinia fructicola* (Wint.) Honey
13 (b) *Mycosphaerella larici-leptolepis* K. Ito et al.
15 (a) *Peridermium* spp. (non-European)
15 (b) *Phoma andina* Turkensteen
15 (c) *Phyllosticta solitaria* Ell. & Ev.
16 (a) *Septoria lycopersici* var. *malaguttii* Ciccarone & Boerema';

(f) in (B)(a) the following item is deleted:

- '9. *Iridomyrmex humilis* (Mayr) | France, Italy, Greece'

(g) in (B)(a), item 4, the words 'Spain, Portugal' are added to the right-hand column;

(h) in (B)(a), item 6, the word 'France' is added to the right-hand column;

(i) in (B)(a), item 12, the word 'Greece' is added to the right-hand column;

(j) in (B)(c) the following item is deleted:

- '1. *Cronartium ribicola* J.C. Fischer | Italy, Greece, Spain, Portugal'

(k) in (B)(c), items 4 and 5 the word 'France' is added to the right-hand column;

(l) in (B)(c) the following item is added:

- '5 (aa) *Fusarium oxysporum* Schlecht f.sp. | France, Italy, Spain'
albedinis (Killian & Maire) Gord.

2. Annex II to Directive 77/93/EEC is hereby amended as follows:

(a) in (A)(a) the following items are deleted:

- '5. *Gracilaria azaleella* Brants | Azaleas (*Rhododendron* L. partim)
6. *Lampetia equestris* F. | Flower bulbs and corms
8. *Rhagoletis cerasi* L. | Fruits of cherry trees (*Prunus avium* L. and *Prunus cerasus* L.);

(b) in (A) (a), item 3 in the right-hand column after the words 'Flower bulbs' there are added the words 'of the genera *Crocus* L., *Gladiolus* Tourn. ex L., *Hyacinthus* L., *Iris* L., *Tigridia* Juss., and *Tulipa* L.';

(c) in (A) (a) the following item is added:

'1 (01)	<i>Aphelenchoides besseyi</i> Christie	Strawberry plants (<i>Fragaria</i> Tourn. ex L.) other than the fruits and seeds'
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(d) in (A) (b) the following item is deleted:

'5.	<i>Pseudomonas gladioli</i> Severini [= <i>Pseudomonas marginata</i> (McCull.) Stapp]	Gladioli corms (<i>Gladiolus</i> Tourn. ex L.) and freesia corms (<i>Fressia</i> Klatt.)'
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(e) in (A) (b), item 9 after the word '*Xanthomonas*' the words '*vesicatoria* (Doidge) Dye' are deleted and the words '*campestris* pv. *vesicatoria* (Doidge 1920) Dye 1978' are added;

(f) in (A) (b) the following items are added:

'7 (a)	<i>Pseudomonas syringae</i> pv. <i>persicae</i> (Prunier et al. 1970) Young et al. 1978	Prunus other than fruit and seeds
8 (aa)	<i>Xanthomonas ampelina</i> Panagopoulos 1969	Vines (<i>Vitis</i> L. partim) other than fruit and seeds'

(g) in (A) (c) the following items are deleted:

' 5.	<i>Ovulina azaleae</i> Weiss	Azaleas (<i>Rhododendron</i> L. partim)
10.	<i>Sclerotinia bulborum</i> (Wakk.) Rehm	Flower bulbs
11.	<i>Sclerotinia convoluta</i> Drayt.	Iris rhizomes (<i>Iris</i> L.)
12.	<i>Septoria gladioli</i> Pass.	Flower bulbs and corms
13.	<i>Stomatina gladioli</i> (Drat) Whet.	Flower bulbs and corms'

(h) in (A) (c) the following items are added:

' 5.	<i>Hypoxyton pruinaum</i> (Klotsche) Cke	Plants of <i>Populus</i> other than seeds intended for planting
8 (a)	<i>Puccinia pitteriana</i>	<i>Solanum</i> spp.
15 (a)	<i>Verticillium dahliae</i>	Hops (<i>Humulus lupulus</i> L.)'

(i) in (B) (a), item 01, the word 'Portugal' is added to the right-hand column;

(j) in (B) (a) the following items are added:

'03.	<i>Aphelenchoides bessevi</i> Christie	Rice (<i>Oryza</i> spp.) seed for sowing	France, Greece, Italy, Spain, Portugal
11 (aa)	<i>Rhagoletis cerasi</i> L.	Fruits of cherry trees (<i>Prunus avium</i> L. and <i>Prunus cerasus</i> L.)	United Kingdom'

(k) in (B) (b) the following items are added:

'1 (a)	<i>Erwinia stewartii</i> (Smith 1898) Dye 1963	<i>Zea mais</i> seed for sowing	Greece, Italy, Spain, Portugal
7.	<i>Xanthomonas campestris</i> pv. <i>oryzae</i> (Ishiyama 1922) Dye 1978 and pv. <i>orizicola</i> (Fang et al. 1957) Dye 1978	Rice (<i>Oryza</i> spp.) seed for sowing	France, Greece, Italy, Spain, Portugal'

(l) in (B)(c) the following items are deleted:

1.	<i>Ascochyta chlorospora</i> Speg.	Almond (<i>Prunus amygdalus</i> Batsch) intended for planting and fruit including any or all of the outer pericarp	Italy, Greece, Spain, Portugal
3.	<i>Cryptosporis curvispora</i> (Pk) Gremmen	Apple (<i>Malus pumila</i> Mill.)	Italy, Greece'

(m) in (B)(c), item 7, in the middle column after the words 'plants' there are added the words 'other than seeds';

(n) in (B)(c) the following items are added:

3.	<i>Diaporthe phaseolorum</i> var. <i>caulivora</i> and var. <i>sojae</i>	Seeds of soyabean (<i>Glycine max</i> (L.) Merr.) for planting	France, Greece, Italy, Spain, Portugal
4 (b)	<i>Phialophora gregata</i>	Seeds of soyabean (<i>Glycine max</i> (L.) Merr.) for planting	France, Greece, Italy, Spain, Portugal
6 (b)	<i>Phytophthora megasperma</i> f. sp. <i>glycinea</i>	Seeds of soyabean (<i>Glycinea max</i> (L.) Merr.) for planting	France, Greece, Italy, Spain, Portugal
6 (c)	<i>Sclerotinia convoluta</i> Drayt.	Iris rhizomes (<i>Iris</i> L.)	United Kingdom'

3. Annex III to Directive 77/93/EEC is hereby amended as follows:

(a) in (A) the following items are added:

'4 (a)	Plants of <i>Juniperus</i> other than fruits and seeds	Non-European countries
8.	Plants of <i>Chaenomeles</i> Ldl., <i>Cydonia</i> Mill., <i>Crataegus</i> L., <i>Malus</i> Mill., <i>Photinia</i> , <i>Prunus</i> L., <i>Pyrus</i> L. and <i>Rosa</i> L. for planting other than dormant plants free from leaves, flowers and fruit	Non-European countries
9 (b)	Plants of the family Solanaceae other than fruits and seeds	South and Central American countries'

(b) in (B) the following items are added:

'10 (a)	Seeds of rice (<i>Oryza sativa</i> L.) for planting originating in any non-Euro- pean country other than Algeria, Cyprus, Egypt, Israel, Libya, Malta, Morocco, Syria, Tunisia	France, Greece, Italy, Spain, Portugal
10 (b)	Plants of <i>Phoenix</i> spp. intended for planting, other than seeds, from Algeria and Morocco	France, Italy, Spain'

4. Annex IV to Directive 77/93/EEC is hereby amended as follows :

(a) in (A), item 16, in the left-hand column, after the words 'Plants of' in the first line there are added the words '*Crataegus* L.' and after the words 'The relevant harmful organisms are:' in the second paragraph the following indent is added :

'— on *Crataegus* L. and *Malus* Mill.: *Phyllosticta solitaria* Ell. & Ev. (Annex I A (d) (15) (c))'

(b) in (A), item 28; in the right-hand column, after the words '*Verticillium albo-atrum*' there are added the words 'and *Verticillium dahliae*';

(c) in (A) the following items are added :

'14 (c) Plants of *Chaenomeles*, *Crataegus*, *Cydonia*, *Eriobotrya*, *Malus*, *Prunus*, *Pyrus* intended for planting, other than seeds, from non-European countries

Official statement :

- that the plants originate in a region recognized as being free from *Monilinia fructicola*, in accordance with the procedure laid down in Article 16, and
- that no symptoms of *Monilinia fructicola* have been observed at the place of production since the beginning of the last complete cycle of vegetation.

14 (d) From 1 March to 30 September, for fresh fruits of *Prunus* originating in the Southern Hemisphere

Official statement that :

- either the fruits originate in a region recognized as being free from *Monilinia fructicola*, in accordance with the procedure laid down in Article 16, or
- the fruits have been subjected to appropriate inspection and treatment procedures prior to harvest and/or export to ensure freedom from *Monilinia* spp.

16 (c) Plants of *Fragaria* (Tourn.) L. intended for planting, other than seeds, originating in countries in which *Aphelenchoides besseyi* is known to occur

Without prejudice to the requirements applicable to plants, where appropriate, under 16 and 16 (b), official statement that :

- (a) either no symptoms of *Aphelenchoides besseyi* have been observed on plants at the place of production since the beginning of the last complete cycle of vegetation, or
- (b) in the case of plants in tissue culture, the plants have been derived from plants which complied with section (a) of this item or have been officially tested by appropriate nematological methods and have been found free from *Aphelenchoides besseyi*.

(d) In (B) the following item is added :

'19.	Seeds of rice (<i>Oryza sativa</i> L.) for planting originating in countries in which <i>Aphelenchoides besseyi</i> is known to occur	Official statement that the seeds have been officially tested by appropriate nematological tests and have been found free from <i>Aphelenchoides besseyi</i>	France, Greece, Italy, Spain, Portugal'
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Article 2

Member States shall bring into force the laws, regulations or administrative provisions necessary to comply with the provisions of this Directive by 1 January 1989.

Member States shall immediately inform the Commission of all laws, regulations and administrative provisions adopted in implementation of this Directive. The Commission shall inform the other Member States thereof.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 5 April 1988.

For the Commission

Frans ANDRIESEN

Vice-President