

## SIXTH COMMISSION DIRECTIVE

of 8 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

(88/272/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 organisms harmful to plants or plant products <sup>(1)</sup>, as last amended by Directive 87/298/EEC <sup>(2)</sup>, and in particular Article 13, second paragraph, first subparagraph thereof,

Having regard to the requests made by Spain, Greece, France, Ireland, Italy, Portugal and the United Kingdom,

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 this Directive also specified those measures which Member States shall lay down at least as regards the introduction into their territories of the plants, plant products and other objects listed in Annex V coming from third countries;

Whereas certain Member States have stricter measures in respect of those plants and plant products;

Whereas those stricter measures include, in the requesting Member States, certain restrictions applicable to certain products originating in a third country;

Whereas, if the Annexes to the aforementioned Directive are amended appropriately, the Member States concerned could also impose the relevant restrictions where the products concerned, originating in a third country, come from other Member States;

Whereas, following the intentions declared by the Commission and all Member States at the time of adoption of amending Council Directive 85/574/EEC <sup>(3)</sup>, the Annexes to Directive 77/93/EEC should be amended accordingly, but only as an interim protective measure for a limited period to enable the Commission to study their phytosanitary basis case by case;

Whereas during that period the Commission will study these protective measures in relation to the plant health situation existing in the various third countries concerned, in order to arrive, at the end of the period, at more permanent provisions;

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

Annex II, part B, to Directive 77/93/EEC is hereby amended as follows:

in part (a) the following are added:

13. <i>Anthonomus bisignifer</i> (Schenkling)	Plants of <i>Fragaria</i> L. other than fruit and seeds, originating in third countries	United Kingdom
14. <i>Anthonomus signatus</i> (Say)	Plants of <i>Fragaria</i> L. other than fruit and seeds, originating in third countries	United Kingdom
15. <i>Carposina niponensis</i> Walsingham.	Fruit of <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L., and <i>Pyrus</i> L., originating in third countries	United Kingdom

<sup>(1)</sup> OJ No L 26, 31. 1. 1977, p. 20.

<sup>(2)</sup> OJ No L 151, 11. 6. 1987, p. 1.

<sup>(3)</sup> OJ No L 372, 31. 12. 1985, p. 25.

16. <i>Chrysomphalus aonidum</i> L.	Plants of <i>Malus</i> Mill., <i>Musa</i> , <i>Phoenix</i> , <i>Prunus</i> L. and <i>Pyrus</i> L., other than seeds, originating in third countries	Greece
17. <i>Cryptorhynchus (Sternochetus) mangiferae</i>	Seeds of <i>Mangifera</i> originating in third countries	Spain
18. <i>Dacus tryoni</i> (Froggatt)	Fruit of <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L., and <i>Pyrus</i> L., originating in third countries	United Kingdom
19. <i>Enarmonia packardi</i> (Zeller.)	Plants of <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L., and <i>Pyrus</i> L. other than seeds, originating in third countries	United Kingdom
20. <i>Enarmonia prunivora</i> (Walsh.)	Plants of <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L., and <i>Pyrus</i> L. other than seeds, originating in third countries	United Kingdom
21. <i>Epochra canadensis</i> (Loew)	Plants of <i>Ribes</i> L. other than seeds, originating in third countries	United Kingdom
22. <i>Grapholita inopinata</i> Heinrich	Fruit of <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L., and <i>Pyrus</i> L., originating in third countries	United Kingdom
23. <i>Hyperodes bonariensis</i> Kuschel	Seeds of <i>Cruciferae</i> , <i>Graminae</i> and <i>Trifolium</i> for planting, originating in Argentina, Australia or New Zealand	United Kingdom
24. <i>Nephoteryx pyrivorella</i> (Matsumura)	Fruit of <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L., and <i>Pyrus</i> L., originating in third countries	United Kingdom
25. <i>Rhacochlaena japonica</i> Ito.	Fruit of <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L., and <i>Pyrus</i> L., originating in third countries	United Kingdom
26. <i>Rhagoletis indifferens</i> (Curran)	Plants of <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L., and <i>Pyrus</i> L., other than seeds, originating in third countries	United Kingdom
27. <i>Rhagoletis mendax</i> Curran	Plants of <i>Vaccinium</i> L. other than seeds, originating in third countries	United Kingdom
28. <i>Rhagoletis ribicola</i> (Doane)	Plants of <i>Ribes</i> L. other than seeds, originating in third countries	United Kingdom
29. <i>Saissetia coffae</i> Walk	Ornamental plants other than seeds, originating in third countries	Greece
30. <i>Saissetia nigra</i> Nieth.	Ornamental plants other than seeds, originating in third countries	Greece
31. <i>Spodoptera eridania</i> (Cramer)	Plants of <i>Dendranthema</i> (DC) Desmoul., <i>Dianthus caryophyllus</i> L. and <i>Pelargonium</i> l'Herit, other than cut flowers, originating in third countries	Portugal, United Kingdom

32. <i>Spodoptera frugiperda</i> (Smith)	Plants of <i>Dendranthema</i> (DC) Desmoul., <i>Dianthus caryophyllus</i> L. and <i>Pelargonium</i> l'Herit, other than cut flowers, originating in third countries	Portugal, United Kingdom
33. <i>Tachypterellus quadrigibbus</i> Say.	Plants of <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L., and <i>Pyrus</i> L., other than seeds, originating in third countries	United Kingdom'

in part (b) the following are added:

3. <i>Pseudococcus gahani</i>	Plants of <i>Malus</i> Mill., <i>Musa</i> , <i>Phoenix</i> , <i>Prunus</i> L. and <i>Pyrus</i> L., other than seeds originating in third countries	Greece
4. <i>Pseudococcus gahani</i>	Plants of <i>Malus</i> Mill., <i>Prunus</i> L. and <i>Pyrus</i> L. originating in third countries	Portugal
5. <i>Pseudomonas syringae</i> pv. <i>phaseolicola</i>	Seeds of <i>Phaseolus</i> L., originating in third countries	Greece
6. <i>Xanthomonas campestris</i> p.v. <i>phaseoli</i>	Seeds of <i>Phaseolus</i> L., originating in third countries	Greece, Portugal'

in part (c) the following are added:

8. <i>Alternaria kikuchiana</i> Tanaka	Fruit of <i>Pyrus communis</i> L., originating in third countries	United Kingdom
9. <i>Alternaria mali</i> Roberts	Fruit of <i>Malus pumila</i> Mill., originating in third countries	United Kingdom
10. <i>Guignardia bidwelli</i> (Ellis) Viala and Ravaz	Plants of <i>Vitis</i> L. other than seeds, originating in third countries	Portugal, United Kingdom
11. <i>Guignardia piricola</i> (Nosa) Yamamoto	Fruit of <i>Malus pumila</i> Mill., originating in third countries	United Kingdom
12. <i>Mycosphaerella schoenoprasii</i> (Auersw.) Schroet	Plants of <i>Allium</i> for planting other than seeds, originating in third countries	United Kingdom
13. <i>Plasmopara halstedii</i> (race 3)	Seeds of <i>Helianthus annuus</i> L. originating in the United States of America	Spain, Portugal
14. <i>Plasmopara helianthii</i>	Seeds of <i>Helianthus</i> L. for planting, originating in third countries	Greece
15. <i>Plasmopara helianthii</i>	Seeds of <i>Helianthus annuus</i> L. for planting, originating in the United States of America	France
16. <i>Sclerotinia camelliae</i> Hara	Plants of <i>Camellia</i> L. for planting other than seeds, originating in third countries	United Kingdom
17. <i>Ustilago allii</i> McAlpine	Plants of <i>Allium</i> for planting other than seeds, originating in third countries	United Kingdom
18. <i>Venturia nashicola</i> (Tanaka and Yamamoto)	Fruit of <i>Pyrus communis</i> L., originating in third countries	United Kingdom
19. <i>Verticillium albo-atrum</i> (Reinke and Berth)	Seeds of <i>Medicago sativa</i> L., originating in third countries	United Kingdom'

The following section is added after part (c):

(d) Viruses and virus-like pathogens

Species	Subject of contamination	Member State
1. Barley Stripe Mosaic virus	Seeds of <i>Hordeum</i> L. and <i>Triticum</i> L. for planting, originating in third countries	Greece
2. Bean Mosaic virus	Seeds of <i>Phaseolus</i> L. for planting, originating in third countries	Greece
3. Cadang-Cadang viroid	Plants of Palmaceae other than fruit and non-germinated seeds originating in third countries	Spain
4. Lettuce Mosaic virus	Seeds of <i>Lactuca sativa</i> L. for planting, originating in third countries	Greece, Portugal, United Kingdom
5. Palm lethal yellowing mycoplasma	Plants of Palmaceae other than fruit and non-germinated seeds originating in third countries	Spain
6. Poplar Mosaic virus	Plants of <i>Populus</i> L. for planting, originating in third countries	Greece
7. Rose Mosaic virus	Plants of <i>Rosa</i> L. for planting, originating in third countries	Greece
8. Squash Mosaic virus	Seeds of Cucurbitae originating in third countries	Greece
9. Tobacco Mosaic virus	Seeds of <i>Solanum lycopersicum</i> and <i>Capsicum annuum</i> L. for planting, originating in third countries	Greece

Article 2

In Annex IV, part B, to Directive 77/93/EEC, the following is added:

19. Plants of <i>Phoenix</i> , other than fruit and non-germinated seeds originating in third countries	Official statement that the country of origin is known to be free from <i>Fusarium oxysporum</i> f. sp. <i>albedenis</i>	Spain
20. Plants of Palmaceae, other than fruit and non-germinated seeds, originating in third countries	Official statement that the country of origin is known to be free from Palm lethal yellowing mycoplasma and Cadang-Cadang viroid	Spain
21. Seeds of <i>Helianthus annuus</i> for planting originating in the United States of America	Official statement that the region of production is known to be free from race 3 of <i>Plasmopara halstedii</i>	Spain, Portugal
22. Seeds of the genus <i>Mangifera</i> originating in third countries other than those from the American continent	Official statement that the country of origin is known to be free from <i>Cryptorhynchus (Sternochetus) mangiferae</i>	Spain
23. Plants of <i>Prunus</i> L., <i>Ribes</i> L. and <i>Rubus</i> L. originating in third countries	Prior acquisition of a technical authorization for import delivered by the "Ministère français de l'agriculture (Service de la protection des végétaux)"	France

<p>24. Plants of all species, varieties (or cultivars) of the following genera :</p> <ul style="list-style-type: none"> <li>— <i>Chaenomeles</i></li> <li>— <i>Cydonia</i></li> <li>— <i>Malus</i></li> <li>— <i>Sorbus</i></li> <li>— <i>Stranvaesia</i></li> <li>— <i>Cotoneaster</i></li> <li>— <i>Pyracantha</i></li> <li>— <i>Pyrus</i></li> </ul> <p>originating in authorized third countries, other than those species and cultivars prohibited for importation into France</p>	<p>Prior acquisition of a technical authorization for import delivered by the "Ministère français de l'agriculture (Service de la protection des végétaux)" :</p> <ul style="list-style-type: none"> <li>— importation possible from 1 November to 15 April of the following year for countries of origin situated in the northern hemisphere (including Colombia, Uganda and Somalia)</li> <li>— importation possible from 16 April to 31 October for countries of origin situated in the Southern hemisphere (including Brazil, Congo, Equador, Gabon, Indonesia, Kenya, Zaire)</li> </ul>	France
<p>25. Seeds of <i>Helianthus annuus</i> for planting, originating in the United States of America</p>	<p>Official statement that the lots have received a specific treatment against <i>Plasmopara helianthii</i></p>	France
<p>26. Vegetables other than those already covered in Annex IV B, item 14, originating in third countries</p>	<p>Inspection prior to sending and phytosanitary certificate</p>	Ireland
<p>27. Aquarium plants originating in third countries</p>	<p>Inspection prior to sending and phytosanitary certificate</p>	Ireland, United Kingdom
<p>28. Trees and shrubs other than seeds, originating in third countries</p>	<p>Official statement that the plants :</p> <ul style="list-style-type: none"> <li>— are clean (i.e. free from plant debris and other signs and symptoms of harmful organisms), and</li> <li>— have undergone appropriate treatment for the control of harmful organisms</li> </ul>	Ireland
<p>29. Deciduous trees and shrubs other than seeds, originating in third countries</p>	<p>Official statement that the plants are dormant and free from foliage and fruit</p>	Ireland
<p>30. Plants of <i>Chrysanthemum</i>, <i>Dianthus</i> and <i>Pelargonium</i>, originating in third countries</p>	<p>Official statement that :</p> <ul style="list-style-type: none"> <li>— the country of origin is free from <i>Helicoverpa armigera</i>, <i>Spodoptera littoralis</i> and <i>Spodoptera litura</i>, or</li> <li>— the plants have undergone appropriate treatment to protect them from these organisms</li> </ul>	Ireland
<p>31. Cut flowers of <i>Dendranthema</i>, originating in third countries</p>	<p>Official statement that the area of production is free from <i>Puccinia horiana</i></p>	Ireland

32. Plants of <i>Solanum lycopersicum</i> , originating in third countries	Official statement that the country of origin is free from potato spindle tuber viroid	Ireland
33. Tubers of <i>Solanum</i> , originating in third countries	Official statement that the tubers originate in a country free from <i>Corynebacterium sepedonicum</i> and potato spindle tuber viroid	Ireland, United Kingdom
34. Seeds for planting originating in third countries	Inspection prior to sending and phytosanitary certificate	Italy
35. Fruit other than those covered in Annex V, originating in third countries	Inspection prior to sending and phytosanitary certificate	Italy, Portugal
36. Fruit of <i>Solanum lycopersicum</i> , <i>Solanum melongena</i> and <i>Capsicum annuum</i> other than those already covered in Annex III B, originating in third countries	Inspection prior to sending and phytosanitary certificate	Italy
37. Seeds of <i>Phaseolus</i> for planting, originating in third countries	Official statement that a sample of the seeds has been tested and found free from <i>Xanthomonas campestris</i> p.v. <i>phaseoli</i>	Portugal
38. Seeds of <i>Zea mays</i> for planting, originating in third countries	Official statement that a sample of the seeds has been tested and found free from <i>Erwinia stewartii</i>	Portugal
38. Plants other than cut flowers of <i>Dendranthema Dianthus caryophyllus</i> and <i>Pelargonium</i> , originating in third countries	Official statement that the country of origin is free from <i>Spodoptera frugiperda</i> or that the plants have been treated to eliminate that pest and that the plants are free from <i>Spodoptera eridania</i>	Portugal
40. All plants for planting originating in third countries other than those in the European or Mediterranean regions	Official statement that the plants and any associated growing media are free from soil	United Kingdom, Spain
41. Trees and shrubs, other than plants in tissue culture and seeds, originating in third countries	Official statement that the plants : — are free from plant debris, and — where grown outside the European-Mediterranean area, have been treated for control of all stages of insect and mite pests	United Kingdom

42. Deciduous trees and shrubs, other than plants in tissue culture and seeds, originating in third countries, other than those in the European or Mediterranean regions	Official statement that the plants are dormant and free from leaves and fruit	United Kingdom
43. Plants of <i>Camellia</i> for planting other than seeds, originating in third countries	Official statement that : — the plants are free from <i>Sclerotinia camelliae</i> , and — the place of production is free from this disease	United Kingdom
44. Plants of <i>Humulus lupulus</i> for planting other than seeds, originating in third countries	Official statement that the plants are free from dead leaves and plant debris	United Kingdom
45. Plants of <i>Solanum lycopersicum</i> for planting other than seeds, originating in third countries	Official statement that the region or place of production is free from Potato Spindle Tuber viroid	United Kingdom
46. Seeds of <i>Medicago sativa</i> for planting, originating in third countries	Official statement that the place of production is free from <i>Verticillium albo-atrum</i>	United Kingdom
47. Seeds of <i>Lactuca sativa</i> for planting, originating in third countries	Official statement that a sample of the seed has been examined and found free from Lettuce Mosaic virus on the basis of inspection or testing	United Kingdom, Portugal
48. Plants for planting of <i>Prunus</i> other than seeds, originating in third countries	Official statement that the plants were grown at a place of production free from <i>Xanthomonas campestris</i> pv <i>pruni</i>	United Kingdom
49. Plants of <i>Fragaria</i> other than fruit and seeds, originating in third countries	Official statement that the plants have been grown at a place of production free from <i>Xanthomonas fragariae</i> and are free from dead leaves and plant debris; where grown outside Europe, official statement that the plants originate in a region known to be free from <i>Anthonomus signatus</i> and <i>Anthonomus bisignifer</i>	United Kingdom
50. Fruit of <i>Fragaria</i> , <i>Ribes</i> , <i>Rubus</i> L., <i>Vaccinium</i> and <i>Vitis</i> , originating in third countries	Official statement that the fruit is free from plant debris, leaves and leaf pieces	United Kingdom

51. Plants of <i>Vitis</i> for planting other than seeds, originating in third countries	Official statement that the plants are free from <i>Xanthomonas ampelina</i> and that the place of production is free from <i>Giugnardia bidwelli</i> , <i>Giugnardia baccae</i> and <i>Xanthomonas ampelina</i>	United Kingdom
52. Vegetables of <i>Allium</i> , <i>Apium</i> , <i>Beta</i> , <i>Brassica</i> , <i>Daucus</i> , <i>Lactuca</i> , <i>Phaseolus</i> , <i>Pisum</i> , <i>Spinacea</i> and <i>Vicia</i> originating in third countries	Official statement that the vegetables are free from soil and <i>Coleoptera</i> pests	United Kingdom
53. Cut flowers of <i>Dendranthema</i> (DC) Desmoul., originating in third countries	Official statement that the county of origin or the crop is free from <i>Puccinia horiana</i>	United Kingdom
54. Plants other than cut flowers of <i>Dendranthema</i> , <i>Dianthus caryophyllus</i> and <i>Pelargonium</i> , originating in third countries	Official statement that the country of origin is free from <i>Epichoristodes acerbella</i> , <i>Spodoptera litura</i> , <i>Helicoverpa armigera</i> , <i>Spodoptera littoralis</i> and <i>Spodoptera frugiperda</i> or that the plants have been treated to eliminate those pests and that the plants are free from <i>Spodoptera eridania</i>	United Kingdom'

#### Article 3

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

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 4

This Directive shall apply until 31 December 1989.

#### Article 5

This Directive is addressed to the Member States.

Done at Brussels, 8 April 1988.

For the Commission  
Frans ANDRIESSEN  
Vice-President