

Council Directive 93/85/EEC of 4 October 1993 on the control of potato ring rot

Article 1

The Directive concerns the measures to be taken within the Member States against *Clavibacter michiganensis* (Smith) Davis et al. ssp. *sepedonicus* (Spieckermann et Kotthoff) Davis et al., the cause of potato ring rot (hereinafter referred to as ‘the organism’), in order to:

- (a) locate it and determine its distribution;
- (b) prevent its occurrence and spread; and
- (c) if found, to prevent its spread and to control it with the aim of eradication.

Article 2

1 Member States shall conduct systematic official surveys for the organism on tubers and, where appropriate, on plants of potato (*Solanum tuberosum* L.) originating in their territory, for the confirmation of absence of the organism.

For these surveys, in the case of tubers samples of both seed and other potatoes shall be taken, preferably from lots in store and subjected to official or officially supervised laboratory testing using the method set out in Annex I for the detection and diagnosis of the organism. In addition, where appropriate, official or officially supervised visual inspection by cutting of tubers on other samples may be done.

In the case of plants, these surveys shall be carried out according to appropriate methods and the samples shall be subjected to appropriate official or officially supervised testing.

The number, origin, stratification and timing of collection of samples shall be decided by the responsible official bodies within the meaning of Directive 77/93/EEC based on sound scientific and statistical principles and the biology of the organism, and taking into account the particular potato production systems of the Member States concerned. The details thereof shall be submitted annually to the other Member States and the Commission, with a view to ensuring comparable levels of assurance between Member States for confirmation of the absence of the organism.

2 The results of the official surveys provided for in paragraph 1 shall be notified at least once a year to the other Member States and to the Commission. The details of this notification shall be confidential. They may be submitted to the Committee in accordance with the procedure laid down in Article 16a of Directive 77/93/EEC.

3 The following provisions may be adopted in accordance with the procedure laid down in Article 16a of Directive 77/93/EEC;

- the details of surveys provided for in paragraph 1 above, to be carried out in accordance with sound scientific and statistical principles,
- the details of the notification provided for in paragraph 2 above.

4 The following provisions shall be adopted in accordance with the procedure laid down in Article 16a of Directive 77/93/EEC:

- the appropriate method for the surveys and the testing provided for in the third subparagraph of paragraph 1 above.

Article 3

Member States shall ensure that the suspected occurrence or confirmed presence of the organism, in potato plants and tubers or harvested, stored or marketed tubers in their territory shall be reported to their own responsible official bodies.

Article 4

1 In cases of suspected occurrence, the responsible official bodies of the Member State in which these cases have been reported shall ensure completion of official or officially supervised laboratory testing, using the method set out in Annex I, and in accordance with the conditions specified in point 1 of Annex II, in order to confirm or refute the suspected occurrence. In the former case, the requirements laid down in point 2 of Annex II shall apply.

2 Pending the confirmation or refutation of the suspected occurrence under paragraph 1, in those cases of suspect occurrence where, either:

- (i) suspect diagnostic visual symptoms of the disease have been seen; or,
- (ii) a positive immunofluorescence test as specified in Annex I or other appropriate positive test has been identified,

the responsible official bodies of the Member States shall:

- a prohibit the movement of all lots or consignments from which the samples have been taken, except under their control and provided that it has been established that there is no identifiable risk of the organism spreading;
- b take steps to trace the origin of the suspected occurrence;
- c introduce appropriate additional precautionary measures based on the level of estimated risk, in order to prevent any spread of the organism. These measures may include the official control of the movement of all other tubers or plants within or off premises associated with the suspected occurrence.

3 The following provision may be adopted in accordance with the procedure laid down in Article 16a of Directive 77/93/EEC:

- the measures referred to in paragraph 2 (c) above.

4 The following provision shall be adopted in accordance with the procedure laid down in Article 16a of Directive 77/93/EEC:

- the other appropriate test provided for in paragraph 2 (ii) above;

Article 5

1 If official or officially supervised laboratory testing using the method set out in Annex I confirms the presence of the organism in a sample of tubers, plants, or parts of plants, the responsible official bodies of a Member State, having regard to sound scientific principles, the biology of the organism and the particular production, marketing and processing systems in that Member State shall:

- a designate as contaminated the tubers or plants, consignment and/or lot, and the machinery, vehicle, vessel, store, or units thereof, and any other objects including packaging material, from which the sample was taken, and, where appropriate, the place(s) of production and field(s) from which the tubers or plants were harvested;
- b determine, taking into account the provisions of point 1 of Annex III, the extent of probable contamination through pre- or post-harvest contact or through production link with the designated contamination;

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- c demarcate a zone on the basis of the designation of contamination under (a), the determination of the extent of probable contamination under (b), and the possible spread of the organism, taking into account the provisions of point 2 of Annex III.

2 Member States shall immediately notify the other Member States and the Commission, in accordance with the provisions of point 3 of Annex III, of any contamination designated under paragraph 1 (a) and the details of the zone demarcation under paragraph 1 (c).

The details of this notification shall be confidential. They may be submitted to the Committee in accordance with the procedure laid down in Article 16a of Directive 77/93/EEC.

3 As a result of the notification under paragraph 2 and the elements mentioned therein, other Member States detailed in the notification shall, as appropriate, designate contamination, determine the extent of probable contamination and demarcate a zone, in accordance with paragraph 1 (a), (b) and (c) respectively.

Article 6

Member States shall prescribe that where tubers or plants have been designated to be contaminated under Article 5 (1) (a), testing in accordance with Article 4 (1) shall be carried out on potato stocks which are clonally related to those involved in the contamination. The testing shall be carried out on as many such tubers or plants as are needed to determine the probable primary source of infection and the extent of the probable contamination, preferably in order of degree of risk.

As a result of the testing, further designation of contamination, determination of the extent of probable contamination and demarcation of a zone shall be conducted, as appropriate, under Articles 5 (1) (a), (b) and (c) respectively.

Article 7

1 Member States shall prescribe that tubers or plants, designated to be contaminated under Article 5 (1) (a) may not be planted and that, under the control of their responsible official bodies, they shall be:

- destroyed, or
- otherwise disposed of, subject to officially supervised measure(s), in accordance with the provisions of point 1 of Annex IV, provided that it is established that there is no identifiable risk of the organism spreading.

2 Member States shall prescribe that tubers or plants determined as probably contaminated under Article 5(1) (b) may not be planted and, without prejudice to the outcome of the testing referred to in Article 6 for clonally related stocks shall, under the control of their responsible official bodies, be put to appropriate use or disposal as specified in point 2 of Annex IV, in such a way that it is established that there is no identifiable risk of the organism spreading.

3 Member States shall prescribe that any machinery, vehicle, vessel, store, or units thereof, and any other objects including packaging material, designated as contaminated under Article 5 (1) (a) or determined as probably contaminated under Article 5(1) (b), shall either be destroyed or cleansed and disinfected using appropriate methods as specified in point 3 of Annex IV. After disinfection, any such objects shall no longer be considered contaminated.

4 Without prejudice to the measures implemented under paragraphs 1, 2 and 3, Member States shall prescribe that, in the zone demarcated under Article 5 (1) (c), a series of measures, as specified in point 4 of Annex IV, shall be implemented.

Article 8

1 Member States shall prescribe that seed potatoes shall meet the requirements of Directive 77/93/EEC and shall derive in direct line from material obtained under an officially approved programme which has been found free of the organism in official or officially supervised testing using the method set out in Annex I.

The aforesaid testing shall be carried out:

- in cases where the contamination affects seed potato production, on the plants of the initial clonal selection,
- in other cases, either on the plants of the initial clonal selection or on representative samples of the basic seed potatoes or earlier propagations.

2 The following provisions may be adopted in accordance with the procedure laid down in Article 16a of Directive 77/93/EEC:

- the detailed rules of application of the first indent of the second subparagraph of paragraph 1 of this Article,
- the rules concerning the representative samples provided for in the second indent of the second subparagraph of paragraph 1 of this Article.

Article 9

Member States shall ban the holding and handling of the organism.

Article 10

Without prejudice to the provisions of Directive 77/93/EEC, Member States may authorize derogations from the measures referred to in Articles 6, 7 and 9 of this Directive for experimental or scientific purposes, and for work on varietal selection, provided that such derogations do not prejudice the control of the organism and create no risk of spread of the organism.

Article 11

Member States may adopt such additional or stricter measures as may be required to combat the organism or to prevent it from spreading, in so far as they are in compliance with the provisions of Directive 77/93/EEC.

The additional measures mentioned in the first subparagraph may include the prescription that only seed potatoes may be planted that are either officially certified or officially inspected to meet the required plant health standards. The latter may apply in particular in case farmers are authorized to use, on their own holding, seed potatoes which they have obtained from their own harvest and in other cases that own-produced seed potatoes are planted.

The details of these measures shall be notified to the other Member States and to the Commission.

Article 12

Amendments to the Annexes to this Directive, to be made in the light of developments in scientific or technical knowledge, shall be adopted in accordance with the procedure laid down in Article 16a of Directive 77/93/EEC.

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Article 13

1 By 15 November 1993 Member States shall adopt and publish the provisions necessary to comply with this Directive. They shall immediately inform the Commission thereof.

When Member States adopt these provisions, they shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for making such reference shall be adopted by Member States.

Member States shall apply these provisions from 16 November 1993.

2 Member States shall immediately communicate to the Commission all provisions of national law which they adopt in the field covered by this Directive. The Commission shall inform the other Member States thereof.

Article 14

Directive 80/665/EEC is hereby repealed with effect from 16 November 1993.

Article 15

This Directive is addressed to the Member States.

Done at Luxembourg, 4 October 1993.

For the Council

The President

W. CLAES