

Council Directive 2007/33/EC of 11 June 2007 on the control  
of potato cyst nematodes and repealing Directive 69/465/EEC

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on the control of potato cyst nematodes and repealing Directive 69/465/EEC

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament,

Whereas:

- (1) Since the adoption of Council Directive 69/465/EEC of 8 December 1969 on control of Potato Cyst Eelworm<sup>(1)</sup>, there have been significant developments in the nomenclature, biology and epidemiology of potato cyst nematode species and populations and their distribution pattern.
- (2) Potato cyst nematodes (*Globodera pallida* (Stone) Behrens (European populations) and *Globodera rostochiensis* (Wollenweber) Behrens (European populations)) are recognised as harmful organisms of potatoes.
- (3) The provisions of Directive 69/465/EEC have been re-examined and, as a result of this re-examination, have been found insufficient. Therefore, the adoption of more comprehensive provisions is necessary.
- (4) The provisions should take into account that official investigations are necessary to ensure that no potato cyst nematodes are found in fields in which seed potatoes intended for the production of seed potatoes, and certain plants intended for the production of plants for planting, are planted or stored.
- (5) Official surveys should be carried out on fields used for the production of potatoes other than those used for the production of seed potatoes in order to determine the distribution of the potato cyst nematodes.
- (6) Sampling and testing procedures should be set out for conducting such official investigations and surveys.
- (7) Account should be taken of the means of spread of the pathogen.
- (8) The provisions should take into account that the control of potato cyst nematodes is traditionally by crop rotation as it is recognised that several years in the absence of potato cultivation will reduce the population of nematodes by a significant degree. More recently crop rotation has been supplemented by the use of resistant potato varieties.

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- (9) Furthermore, Member States should be able to take additional or stricter measures where necessary, provided that there is no hindrance to the movement of potatoes within the Community, except insofar as laid down in 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>(2)</sup>. Such measures should be notified to the Commission and to the other Member States.
- (10) Directive 69/465/EEC should therefore be repealed.
- (11) Since the objectives of this Directive, namely to determine the distribution of potato cyst nematodes to prevent their spread and to control them, cannot be sufficiently achieved by the Member States and can therefore by reason of the scale and effects of this Directive be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.
- (12) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>(3)</sup>,

HAS ADOPTED THIS DIRECTIVE:

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- (1) [OJ L 323, 24.12.1969, p. 3](#). Directive as last amended by the Act of Accession of 1994.
- (2) [OJ L 169, 10.7.2000, p. 1](#). Directive as last amended by Commission Directive 2006/35/EC ([OJ L 88, 25.3.2006, p. 9](#)).
- (3) [OJ L 184, 17.7.1999, p. 23](#). Decision as amended by Decision 2006/512/EC ([OJ L 200, 22.7.2006, p. 11](#)).