

Commission Directive 2008/61/EC of 17 June 2008 establishing the conditions under which certain harmful organisms, plants, plant products and other objects listed in Annexes I to V to Council Directive 2000/29/EC may be introduced into or moved within the Community or certain protected zones thereof, for trial or scientific purposes and for work on varietal selections (Codified version)

COMMISSION DIRECTIVE 2008/61/EC

of 17 June 2008

establishing the conditions under which certain harmful organisms, plants, plant products and other objects listed in Annexes I to V to Council Directive 2000/29/EC may be introduced into or moved within the Community or certain protected zones thereof, for trial or scientific purposes and for work on varietal selections

(Codified version)

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 Articles 3(8), 4(5), 5(5) and 13b(4) thereof,

Whereas:

- (1) Commission Directive 95/44/EC of 26 July 1995 establishing the conditions under which certain harmful organisms, plants, plant products and other objects listed in Annexes I to V to Council Directive 77/93/EEC may be introduced into or moved within the Community or certain protected zones thereof, for trial or scientific purposes and for work on varietal selections⁽²⁾ has been substantially amended⁽³⁾. In the interests of clarity and rationality the said Directive should be codified.
- (2) Under the provisions of Directive 2000/29/EC, harmful organisms listed in its Annexes I and II, whether singly or associated with the relevant plants or plant products listed in Annex II to that Directive, may not be introduced into and spread by movement within the Community or certain protected zones thereof.
- (3) Under Directive 2000/29/EC, plants, plant products and other objects listed in its Annex III may not be introduced into the Community or into certain protected zones thereof.
- (4) Plants, plant products and other objects listed in Annex IV to Directive 2000/29/EC may not be introduced into or moved within the Community or certain protected zones thereof unless the relevant special requirements indicated in that Annex are met.
- (5) Plants, plant products and other objects listed in Annex V, Part B to Directive 2000/29/EC coming from third countries may not be introduced into the Community unless they comply with the standards and requirements laid down in that Directive and are

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accompanied by an official phytosanitary certificate ensuring such compliance and are, moreover, inspected on an official basis for compliance with these provisions.

- (6) However, Articles 3(8), 4(5), 5(5) and 13b(4) of Directive 2000/29/EC provide for those rules not to apply to the introduction and movement of such harmful organisms, plants, plant products and other objects, for trial or scientific purposes and for work on varietal selections, under conditions which shall be determined at Community level.
- (7) Therefore, it is necessary to determine the conditions which must be satisfied in the case of such introductions or movements, in order to ensure that there is no risk of harmful organisms spreading.
- (8) The conditions laid down for material under Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein⁽⁴⁾ and under Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC⁽⁵⁾, and other more specific Community provisions regarding endangered species of wild fauna and flora and genetically modified organisms, are not affected by this Directive.
- (9) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Plant Health.
- (10) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law of the Directives set out in Annex IV, Part B,

HAS ADOPTED THIS DIRECTIVE:

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- (1) [OJ L 169, 10.7.2000, p. 1](#). Directive as last amended by Commission Directive 2007/41/EC ([OJ L 169, 29.6.2007, p. 51](#)).
- (2) [OJ L 184, 3.8.1995, p. 34](#). Directive as amended by Directive 97/46/EC ([OJ L 204, 31.7.1997, p. 43](#)).
- (3) See Annex IV, Part A.
- (4) [OJ L 61, 3.3.1997, p. 1](#). Regulation as last amended by Commission Regulation (EC) No 318/2008 ([OJ L 95, 8.4.2008, p. 3](#)).
- (5) [OJ L 106, 17.4.2001, p. 1](#). Directive as last amended by Directive 2008/27/EC ([OJ L 81, 20.3.2008, p. 45](#)).