

Commission Implementing Directive (EU) 2020/177 of 11 February 2020 amending Council Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 2002/55/EC, 2002/56/EC and 2002/57/EC, Commission Directives 93/49/EEC and 93/61/EEC and Implementing Directives 2014/21/EU and 2014/98/EU as regards pests of plants on seeds and other plant reproductive material (Text with EEA relevance)

*Article 1*

**Amendment of Directive 66/401/EEC**

Annexes I and II to Directive 66/401/EEC are amended as set out in Annex I to this Directive.

*Article 2*

**Amendment of Directive 66/402/EEC**

Annexes I and II to Directive 66/402/EEC are amended as set out in Annex II to this Directive.

*Article 3*

**Amendment of Directive 68/193/EEC**

Annexes I and II to Directive 68/193/EEC are amended as set out in Annex III to this Directive.

*Article 4*

**Amendment of Directive 93/49/EEC**

Directive 93/49/EEC is amended as follows:

- (1) Article 3 is replaced by the following:

*Article 3*

The propagating material of ornamental plants shall, at least on visual inspection, be found at the place of production to be practically free from all pests listed in the Annex with regard to the respective propagating material of ornamental plants.

The presence of regulated non-quarantine pests (“RNQPs”) on propagating material of ornamental plants subject to marketing shall, at least upon visual inspection, not exceed the respective thresholds set out in the Annex.

The propagating material of ornamental plants shall, at least on visual inspection, be practically free from any pests, other than the pests listed in the Annex with regard to the particular propagating material of ornamental plants, which reduce the usefulness and quality of that material, or from any signs or symptoms thereof.

The material shall also comply with the requirements concerning Union quarantine pests, protected zone quarantine pests and RNQPs provided for in implementing

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acts adopted pursuant to Regulation (EU) 2016/2031<sup>(1)</sup>, as well as with the measures adopted pursuant to Article 30(1) of that Regulation.;

- (2) Article 3a is deleted;
- (3) the Annex is replaced by the text set out in Annex IV to this Directive.

#### *Article 5*

#### **Amendment of Directive 93/61/EEC**

Directive 93/61/EEC is amended as follows:

- (1) Article 3 is replaced by the following:

#### *Article 3*

The vegetable propagating and planting material shall, at least on visual inspection, be found at the place of production to be practically free from all pests listed in the Annex, with regard to the respective propagating and planting material.

The presence of regulated non-quarantine pests (RNQPs) on vegetable propagating and planting material that is marketed shall, at least upon visual inspection, not exceed the respective thresholds set out in the Annex.

The vegetable propagating and planting material shall upon visual inspection be found to be practically free from any pests, other than the pests listed in the Annex with regard to the respective propagating and planting material, which reduce the usefulness and quality of the vegetable propagating and planting material.

The vegetable propagating and planting material shall also comply with the requirements concerning Union quarantine pests, protected zone quarantine pests and regulated non-quarantine pests provided for in Regulation (EU) 2016/2031<sup>(2)</sup> and in the implementing acts adopted pursuant to that Regulation, including with the measures adopted pursuant to Article 30(1) of that Regulation.;

- (2) the Annex is replaced by the text set out in Annex V to this Directive.

#### *Article 6*

#### **Amendment of Directive 2002/55/EC**

Annexes I and II to Directive 2002/55/EC are amended as set out in Annex VI to this Directive.

#### *Article 7*

#### **Amendment of Directive 2002/56/EC**

Annexes I and II to Directive 2002/56/EC are replaced by the text set out in Annex VII to this Directive.

## Article 8

### Amendment of Directive 2002/57/EC

Annexes I and II to Directive 2002/57/EC are amended as set out in Annex VIII to this Directive.

## Article 9

### Amendment of Implementing Directive 2014/21/EU

Implementing Directive 2014/21/EU is amended as follows:

- (1) Article 2 is replaced by the following:

## Article 2

### Minimum conditions for pre-basic seed potatoes

1 Member States shall ensure that pre-basic seed potatoes satisfy the following minimum conditions:

- a they derive from mother plants which are free from the following pests: *Pectobacterium* spp., *Dickeya* spp., *Candidatus Liberibacter solanacearum*, *Candidatus Phytoplasma solani*, Potato spindle tuber viroid, Potato leaf roll virus, Potato virus A, Potato virus M, Potato virus S, Potato virus X, and Potato virus Y;
- b the number of growing plants not breeding true to the variety and the number of plants of a different variety together, shall not exceed 0,01 %;
- c the maximum number of field generations shall be four;
- d RNQPs, or symptoms caused by the respective RNQPs, shall not be present above the thresholds on the pre-basic seed potatoes as set out in the following table:

<b>RNQPs or symptoms caused by RNQPs</b>	<b>Threshold for the presence of RNQPs on the growing plants for pre-basic seed potatoes</b>
Blackleg ( <i>Dickeya</i> Samson <i>et al.</i> spp. [1DICKG]; <i>Pectobacterium</i> Waldee emend. Hauben <i>et al.</i> spp. [1PECBG])	0 %
<i>Candidatus Liberibacter solanacearum</i> Liefting <i>et al.</i> [LIBEPS]	0 %
<i>Candidatus Phytoplasma solani</i> Quaglino <i>et al.</i> [PHYPSO]	0 %
Mosaic symptoms caused by viruses and symptoms caused by Potato leaf roll virus [PLRV00]	0,1 %

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Potato spindle tuber viroid [PSTVD0]	0 %
<b>RNQPs or symptoms caused by RNQPs</b>	<b>Threshold for the presence of RNQPs on the direct progeny of pre-basic seed potatoes</b>
Symptoms of virus infection	0,5 %

2 Member States shall provide that pre-basic seed potatoes may be marketed as “Union grades PBTC” and “Union grade PB”, in accordance with the conditions set out in the Annex.

3 Compliance with the requirements of points (b) and (d) of paragraph 1 shall be established through official field inspections. In case of doubt, those inspections shall be supplemented by official tests on leaves.

Where methods of micro-propagation are used, compliance with point (a) of paragraph 1 shall be established by official testing, or testing under official supervision, of the mother plant.

Where methods of clonal selection are used, compliance with point (a) of paragraph 1 shall be established by official testing, or testing under official supervision, of the clonal stock.;

(2) Article 3 is replaced by the following:

### *Article 3*

#### **Minimum conditions for lots of pre-basic seed potatoes**

Member States shall provide that lots of pre-basic seed potatoes shall satisfy the following minimum conditions:

- (a) presence of earth and extraneous matter shall not exceed 1,0 % by mass;
- (b) the number of potatoes affected by rots, other than ring rot or brown rot, shall not be present in a quantity exceeding 0,2 % by mass;
- (c) the number of potatoes with external blemishes, including misshapen or damaged tubers, shall not exceed 3,0 % by mass;
- (d) the number of potatoes affected by common scab over more than one third of their surface shall not exceed 5,0 % by mass;
- (e) shrivelled tubers due to excessive dehydration or dehydration caused by silver scurf shall not exceed 0,5 % by mass;
- (f) lots of pre-basic seed potatoes shall comply with the following requirements concerning the presence of RNQPs, or diseases caused by the respective RNQPs as set out in the table:

<b>RNQPs or symptoms caused by RNQPs</b>	<b>Threshold for the presence of RNQPs on the lots of pre-basic seed potato</b>
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<i>Candidatus Liberibacter solanacearum</i> Liefting <i>et al.</i> [LIBEPS]	0 %
<i>Ditylenchus destructor</i> Thorne [DITYDE]	0 %
Black scurf affecting tubers over more than 10 % of their surface as caused by <i>Thanatephorus cucumeris</i> (A.B. Frank) Donk [RHIZSO]	1,0 %
Powdery scab affecting tubers over more than 10 % of their surface as caused by <i>Spongospora subterranea</i> (Wallr.) Lagerh. [SPONSU]	1,0 %

- (g) the total number of potatoes, as referred to in points (b) to (f), shall not exceed 6,0 % by mass.;
- (3) the Annex is replaced as set out in Annex IX to this Directive.

#### Article 10

#### Amendment of Implementing Directive 2014/98/EU

Implementing Directive 2014/98/EU is amended as follows:

- (1) Article 10 is replaced by the following:

#### Article 10

#### Health requirements for pre-basic mother plants and for pre-basic material

- 1 A pre-basic mother plant or pre-basic material shall, by visual inspection in the facilities, fields and lots, be found free from the regulated non-quarantine pests (RNQPs), listed in Annexes I and II, and subject to the requirements of Annex IV, as regards the genus or species concerned. That visual inspection shall be carried out by the responsible official body and, where appropriate, the supplier.

The responsible official body and, where appropriate the supplier, shall carry out sampling and testing of the pre-basic mother plant or pre-basic material for the RNQPs listed in Annex II, and subject to the requirements of Annex IV, with regard to the genus or species concerned and category.

In case of doubts concerning the presence of the RNQPs listed in Annex I, the responsible official body and, where appropriate the supplier, shall carry out sampling and testing of the pre-basic mother plant or pre-basic material concerned.

- 2 As regards sampling and testing, as provided for in paragraph 1, Member States shall apply protocols of EPPO, or other internationally recognised protocols. Where such protocols do not exist, the responsible official body shall apply the

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relevant protocols established at national level. In that case, Member States shall, on request, make available those protocols to the other Member States and to the Commission.

The responsible official body and, where appropriate, the supplier shall submit the samples to laboratories officially accepted by the responsible official body.

3 In the case of a positive test result for any of the RNQPs, listed in Annexes I and II, as regards the genus or species concerned, the supplier shall remove the infested pre-basic mother plant or pre-basic material from the vicinity of other pre-basic mother plants and pre-basic material pursuant to Article 3(3) or Article 4(3), or take appropriate measures pursuant to Annex IV.

4 The measures to ensure compliance with the requirements of paragraph 1 are set out in Annex IV, with regard to the genus or species concerned and category.

5 Paragraph 1 shall not apply to pre-basic mother plants and pre-basic material during cryopreservation.;

(2) the title of Article 11 is replaced by the following:

**Soil requirements for pre-basic mother plants and pre-basic material;**

(3) Article 16 is replaced by the following:

*Article 16*

**Health requirements for basic mother plants and basic material**

1 A basic mother plant or basic material shall, by visual inspection in the facilities, fields and lots, be found free from the RNQPs, listed in Annexes I and II, and subject to the requirements of Annex IV, as regards the genus or species concerned. That visual inspection shall be carried out by the responsible official body and, where appropriate, the supplier.

The responsible official body and, where appropriate the supplier, shall carry out sampling and testing of the basic mother plant or basic material for the RNQPs listed in Annex II, and subject to the requirements of Annex IV, with regard to the genus or species concerned and category.

In case of doubts concerning the presence of the RNQPs listed in Annex I, the responsible official body and, where appropriate, the supplier shall carry out sampling and testing of the basic mother plant or basic material concerned.

2 As regards sampling and testing, as provided for in paragraph 1, Member States shall apply protocols of EPPO, or other internationally recognised protocols. Where such protocols do not exist, the responsible official body shall apply the relevant protocols established at national level. In that case, Member States shall, on request, make available those protocols to the other Member States and to the Commission.

The responsible official body and, where appropriate, the supplier shall submit samples to laboratories officially accepted by the responsible official body.

3 In the case of a positive test result for any of the RNQPs, listed in Annexes I and II, as regards the genus or species concerned, the supplier shall remove the infested

basic mother plant or basic material from the vicinity of other basic mother plants and basic material pursuant to Article 15(7) or Article 15(8), or take appropriate measures pursuant to Annex IV.

4 The measures to ensure compliance with the requirements of paragraph 1 are set out in Annex IV, with regard to the genus or species concerned and category.

5 Paragraph 1 shall not apply to basic mother plants and basic material during cryopreservation.;

(4) the title of Article 17 is replaced by the following:

**Soil requirements for basic mother plants and basic material;**

(5) Article 21 is replaced by the following:

*Article 21*

**Health requirements for certified mother plants and certified material**

1 A certified mother plant or certified material shall, by visual inspection in the facilities, fields and lots, be found free from the RNQPs, listed in Annexes I and II, and subject to the requirements of Annex IV, as regards the genus or species concerned. That visual inspection shall be carried out by the responsible official body and, where appropriate, the supplier.

The responsible official body and, where appropriate the supplier, shall carry out sampling and testing of the certified mother plant or certified material, for the RNQPs listed in Annex II, and subject to the requirements of Annex IV, with regard to the genus or species concerned and category.

In case of doubts concerning the presence of the RNQPs listed in Annex I, the responsible official body and, where appropriate, the supplier shall carry out sampling and testing of the certified mother plant or certified material concerned.

2 As regards sampling and testing, as provided for in paragraph 1, Member States shall apply protocols of EPPO, or other internationally recognised protocols. Where such protocols do not exist, the responsible official body shall apply the relevant protocols established at national level. In that case, Member States shall, on request, make available those protocols to the other Member States and to the Commission.

The responsible official body and, where appropriate, the supplier shall submit samples to laboratories officially accepted by the responsible official body.

3 In the case of a positive test result for any of the RNQPs, listed in Annexes I and II, as regards the genus or species concerned, the supplier shall remove the infested certified mother plant or certified material from the vicinity of other certified mother plants and certified material pursuant to Article 20(7) or Article 20(8), or take appropriate measures pursuant to Annex IV.

4 The measures to ensure compliance with the requirements of paragraph 1 are set out in Annex IV, with regard to the genus or species concerned and category.

5 Paragraph 1 shall not apply to certified mother plants and certified material during cryopreservation.;

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- (6) the title of Article 22 is replaced by the following:

**Soil requirements for certified mother plants and certified material;**

- (7) the third subparagraph of Article 22(2) is replaced by the following:

Unless otherwise stated, sampling and testing shall not be carried out in the case of certified fruit plants.;

- (8) Article 26 is replaced by the following:

*Article 26*

**Health requirements for CAC material**

- 1 CAC material shall, by visual inspection carried out by the supplier in the facilities, fields and lots at the stage of production, be found practically free from the pests listed in Annexes I and II, as regards the genus or species concerned, unless stated otherwise in Annex IV.

The supplier shall carry out sampling and testing of the identified source of material or CAC material for the RNQPs listed in Annex II, and subject to the requirements of Annex IV, with regard to the genus or species concerned and category.

In case of doubts concerning the presence of the RNQPs listed in Annex I, the supplier shall carry out sampling and testing of the identified source of material or CAC material concerned.

CAC propagating material and CAC fruit plants in lots, after the stage of production, shall only be marketed if found free from signs or symptoms of the pests listed in Annexes I and II, upon visual inspection carried out by the supplier.

The supplier shall carry out the measures to ensure compliance with the requirements of paragraph 1 pursuant to Annex IV, with regard to the genus or species concerned and category.

- 2 Paragraph 1 shall not apply to CAC material during cryopreservation.;

- (9) Article 27a is inserted:

*Article 27a*

**Requirements with regard to the  
production site, place of production or area**

In addition to the health and soil requirements of Articles 9, 10, 11, 16, 17, 21, 22 and 26, propagating material and fruit plants shall be produced in accordance with the requirements for the production site, place of production, or area as laid down in Annex IV, in order to limit the presence of the RNQPs listed in that Annex for the genus or species concerned.;

- (10) Annexes I to IV are replaced by the text in Annex X to this Directive.



## *Article 11*

### **Transposition**

1 Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 May 2020 at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2 Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

## *Article 12*

### **Entry into force**

This Directive shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

## *Article 13*

### **Addressees**

This Directive is addressed to the Member States.

Done at Brussels, 11 February 2020.

*For the Commission*

*The President*

Ursula VON DER LEYEN

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- (1) Regulation (EU) 2016/2031 of the European Parliament of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC ([OJ L 317, 23.11.2016, p. 4](#)).<sup>2</sup>;
- (2) Regulation (EU) 2016/2031 of the European Parliament of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC ([OJ L 317, 23.11.2016, p. 4](#)).<sup>2</sup>;