Commission Implementing Directive (EU) 2017/1920 of 19 October 2017 amending Annex IV to Council Directive 2000/29/EC as regards the movement of seeds of Solanum tuberosum L. originating in the Union

COMMISSION IMPLEMENTING DIRECTIVE (EU) 2017/1920

of 19 October 2017

amending Annex IV to Council Directive 2000/29/EC as regards the movement of seeds of *Solanum tuberosum* L. originating in the Union

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

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 point (d) of the second paragraph of Article 14 thereof,

Whereas:

(1) Article 5(1) of Directive 2000/29/EC in conjunction with point 18.3 of Section II of Part A of Annex IV to that Directive, provides for special requirements concerning the movement of plants of stolon or tuber-forming species of *Solanum* L., or their hybrids, intended for planting, other than those tubers of *Solanum tuberosum* L. specified in points 18.1., 18.1.1. or 18.2. of Section II of Part A of Annex IV to that Directive, and other than culture maintenance material being stored in gene banks or genetic stock collections.

(2) Certain Member States have requested for more specific requirements for the movement of seeds of *Solanum tuberosum* L., commonly also referred to as 'true potato seeds', originating in the Union (hereafter 'the specified seeds'). Those requirements should ensure phytosanitary protection of the Union territory from harmful organisms potentially hosted by the specified seeds.

(3) Seeds which are plants of stolon, or tuber-forming species of *Solanum* L., or their hybrids, intended for planting, being stored in gene banks or genetic stock collections, should not be considered as specified seeds, because they are intended for research and conservation purposes.

(4) As *Synchytrium endobioticum* (Schilbersky) Percival, *Clavibacter michiganensis* ssp. *sepedonicus* (Spieckermann and Kotthoff) Davis *et al.*, *Ralstonia solanacearum* (Smith) Yabuuchi e*t al.* and Potato spindle tuber viroid present the major phytosanitary risk for the specified seeds, and taking into account the pest risk analysis of the Netherlands Food and Consumer Product Safety Authority of 2015[(2)], it is appropriate to provide that either the specified seeds should originate in areas known to be free from those organisms, or the specified seeds and their production sites should be subject to specific requirements.

Status: *EU Directives are being published on this site to aid cross referencing from UK legislation. After exit day no further amendments will be applied to this version.*

(5) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex IV to Directive 2000/29/EC is amended in accordance with the Annex to this Directive.

Article 2

1 Member States shall adopt and publish, by 31 March 2018 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 1 April 2018.

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 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 19 October 2017.

For the Commission

The President

Jean-Claude JUNCKER

Status: *EU Directives are being published on this site to aid cross referencing from UK legislation. After exit day no further amendments will be applied to this version.*

ANNEX

Section II of Part A of Annex IV to Directive 2000/29/EC is amended as follows:

(1) Point 18.3 is replaced by the following:

18.3. Plants of stolon or tuber-forming species of *Solanum* L., or their hybrids, intended for planting, other than those tubers of *Solanum tuberosum* L. specified in points 18.1, 18.1.1 or 18.2, other than culture maintenance material being stored in gene banks or genetic stock collections, and other than seeds of *Solanum tuberosum* L. specified in point 18.3.1.	(a) The plants shall have been held under quarantine conditions and shall have been found free of any harmful organisms in quarantine testing; (b) the quarantine testing referred to in (a) shall: (aa) be supervised by the official plant protection organisation of the Member State concerned and executed by scientifically trained staff of that organisation or of any officially approved body; (bb) be executed at a site provided with appropriate facilities sufficient to contain harmful organisms and maintain the material including indicator plants in such a way as to eliminate any risk of spreading harmful organisms; (cc) be executed on each unit of the material, — by visual examination at regular intervals during the full length of at least one vegetative cycle, having regard to the type of material

Status: *EU Directives are being published on this site to aid cross referencing from UK legislation. After exit day no further amendments will be applied to this version.*

and its stage of development during the testing programme, for symptoms caused by any harmful organisms,

— by testing, in accordance with appropriate methods to be submitted to the Committee referred to in Article 18:

— in the case of all potato material at least for

— Andean potato latent virus,

— Arracacha virus B. oca strain,

— Potato black ringspot virus,

— Potato spindle tuber viroid,

— Potato virus T,

— Andean potato mottle virus,