COMMISSION DIRECTIVE 2002/36/EC

of 29 April 2002

amending certain Annexes to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community

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], as last amended by Commission Directive 2002/28/EC [2], and in particular the second paragraph, subparagraphs (c) and (d) of Article 14, thereof,

Whereas:

(1) Measures should be taken to protect the Community against *Anisogramma anomala* (Peck) E. Müller, *Anoplophora glabripennis* (Motschulsky) and *Naupactus leucoloma* Boheman, harmful organisms which have not hitherto been known to occur in the Community.

(2) The current provisions against *Liriomyza bryoniae* (Kaltenbach) should be modified by restricting them to protected zones in Ireland and the United Kingdom (North Ireland) where it has been determined that this organism is not present.

(3) The list of host plants of *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burgess) should be modified to take into account of the updated information on the relationship between these harmful organisms and their host plants.

(4) Due to continued interceptions of *Bemisia tabaci* Genn., *Liriomyza sativae* (Blanchard), *Amauromyza maculosa* (Malloch), *Liriomyza huidobrensis* (Blanchard), *Liriomyza trifolii* (Burgess) and *Thrips palmi* Karny on commodities, the current provisions on protective measures against the introduction into and spread within the Community, with a view to ensuring more effective protection, should be improved.

(5) These improved protective measures should include the use of a plant passport for plants or plant products originating in the Community and a phytosanitary certificate for plants or plant products originating in third countries.

(6) The current provisions against beet necrotic yellow vein virus should be modified in order to reflect the conclusions of a Commission Working Group having assessed the phytosanitary risk associated with this harmful organism in the relevant protected zones recognised in the Community.

(7) The current provisions against *Tilletia indica* Mitra should be modified to take into account of the updated information on the presence of this harmful organism in South Africa.

(8) The incorrect listing of Malta and Cyprus as non-European countries should be rectified in Annex IV, Part A, Section I, point 34, and Annex V, Part B, Section I, point 7(b), to Directive 2000/29/EC.

(9) The amendments are in accordance with the requests of the Member States concerned.

(10) Therefore the relevant annexes to Directive 2000/29/EC should be amending accordingly.

(11) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annexes I, II, IV and V to Directive 2000/29/EC are hereby amended as indicated in the Annex to this Directive.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive on 1 April 2003. They shall forthwith inform the Commission thereof.

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

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

[1] OJ L 169, 10.7.2000, p. 1.
[2] OJ L 77, 20.3.2002, p. 23.

Article 3

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

Done at Brussels, 29 April 2002.

For the Commission

David BYRNE

Member of the Commission

ANNEX

1. In Annex I, Part A, Section I(a), a new point is added after point 4:

'4.1. *Anoplophora glabripennis* (Motschulsky)'

2. In Annex I, Part A, Section I(a), a new point is added after point 16:

'16.1. *Naupactus leucoloma* Boheman'

3. In Annex I, Part A, Section II(a), points 4, 5 and 6 are deleted.

4. In Annex I, Part B(a), a new point is added after point 3:

'4. *Liriomyza bryoniae* (Kaltenbach)	IRL and UK (Northern Ireland)'

5. In Annex II, Part A, Section I(c), the following point is added after point 1:

'1.1. *Anisogramma anomala* (Peck) E. Müller	Plants of *Corylus* L., intended for planting, other than seeds, originating in Canada and the United States of America'

6. In Annex II, Part A, Section II(a), the following points are added after point 7:

'8. *Liriomyza huidobrensis* (Blanchard)	Cut flowers, leafy vegetables of *Apium graveolens* L. and plants of herbaceous species, intended for planting, other than: — bulbs, — corms, — plants of the family Gramineae, — rhizomes, — seeds
9. *Liriomyza trifolii* (Burgess)	Cut flowers, leafy vegetables of *Apium graveolens* L. and plants of herbaceous species, intended for planting, other than: — bulbs, — corms, — plants of the family Gramineae, — rhizomes, — seeds'

7. In Annex IV, Part A, Section I, a new point is added after point 11.2:

'11.3. Plants of *Corylus* L., intended for planting, other than seeds, originating in Canada and the United States of America	Official statement that the plants have been grown in nurseries and: (a) originate in an area, established in the country of export by the national plant protection service in that country, as being free from *Anisogramma anomala* (Peck) E. Müller, in accordance with relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of this Directive under the rubric "Additional declaration", or (b) originate in a place of production, established in the country of export by the national plant protection service in that country, as being free from *Anisogramma anomala* (Peck) E. Müller on official inspections carried out at the place of production or its immediate vicinity since the beginning of the last three complete cycles of vegetation, in accordance with relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of this Directive under the rubric "Additional declaration" and declared free from *Anisogramma anomala* (Peck) E. Müller'

8. In Annex IV, Part A, Section I, points 32.1, 32.2 and 32.3 are replaced by the following:

'32.1. Plants of herbaceous species, intended for planting, other than: — bulbs, — corms, — plants of the family Gramineae, — rhizomes, — seeds, — tubers, originating in third countries where *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch) are known to occur	Without prejudice to the requirements applicable to the plants in Annex IV, Part A, Section I(27.1), (27.2), (28) and (29), where appropriate, official statement that the plants have been grown in nurseries and: (a) originate in an area, established in the country of export by the national plant protection service in that country, as being free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch) in accordance with relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of this Directive under the rubric "Additional declaration", or (b) originate in a place of production, established in the country of export by the national plant protection service in that country, as being free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch) in accordance with relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of this Directive under the rubric "Additional declaration", and declared free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch) on official inspections carried out at least monthly during the three months prior to export, or (c) immediately prior to export, have been subjected to an appropriate treatment against *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch) and have been officially inspected and found free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch). Details of the treatment shall be mentioned on the certificates referred to in Articles 7 or 8 of this Directive
32.2. Cut flowers of *Dendranthema* (DC) Des. Moul., *Dianthus* L., *Gypsophila* L. and *Solidago* L., and leafy vegetables of *Apium graveolens* L. and *Ocimum* L.	Official statement that the cut flowers and the leafy vegetables: — originate in a country free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch), or — immediately prior to their export, have been officially inspected and found free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch)
32.3. Plants of herbaceous species, intended for planting, other than: — bulbs, — corms, — plants of the family Gramineae, — rhizomes, — seeds, — tubers, originating in third countries	Without prejudice to the requirements applicable to the plants in Annex IV, Part A, Section I(27.1), (27.2), (28), (29) and (32.1), official statement that: (a) the plants originate in an area known to be free from *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burgess), or (b) either no signs of *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burgess) have been observed at the place of production, on official inspections carried out ar least monthly during the three months prior to harvesting, or (c) immediately prior to export, the plants have been officially inspected and found free from *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burgess) and have been subjected to an appropriate treatment against *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burgess)'

9. In Annex IV, Part A, Section I, point 34, the text in the left-hand column is replaced by the following:

'Soil and growing medium, attached to or associated with plants, consisting in whole or in part of soil or solid organic substances such as parts of plants, humus including peat or bark or consisting in part of any solid inorganic substance, intended to sustain the vitality of the plants, originating in:

— Cyprus, Malta, Turkey,

— Belarus, Estonia, Georgia, Latvia, Lithuania, Moldova, Russia, Ukraine,

— non-European countries, other than Algeria, Egypt, Israel, Libya, Morocco, Tunisia'

10. In Annex IV, Part A, Section I, points 36.1 and 36.2 are replaced by the following:

'36.1. Plants, intended for planting, other than: — bulbs, — corms, — rhizomes, — seeds, — tubers, originating in third countries	Without prejudice to the requirements applicable to the plants in Annex IV, Part A, Section I(27.1), (27.2), (28), (29), (31), (32.1) and (32.3), official statement that the plants have been grown in nurseries and: (a) originate in an area, established in the country of export by the national plant protection service in that country, as being free from *Thrips palmi* Karny in accordance with relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of this Directive under the rubric "Additional declaration", or (b) originate in a place of production, established in the country of export by the national plant protection service in that country, as being free from *Thrips palmi* Karny in accordance with relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of this Directive under the rubric "Additional declration", and declared free from *Thrips palmi* Karny on official inspections carried out at least monthly during the three months prior to export, or (c) immediately prior to export, have been subjected to an appropriate treatment against *Thrips palmi* Karny and have been officially inspected and found free from *Thrips palmi* Karny. Details of the treatment shall be mentiond on the certificates referred to in Article 7 or 8 of this Directive
36.2. Cut flowers of Orchidaceae and fruits of *Momordica* L. and *Solanum melongena* L., originating in third countries	Official statement that the cut flowers and the fruits: — originate in a country free from *Thrips palmi* Karny, or — immediately prior to their export, have been officially inspected and found free from *Thrips palmi* Karny.'

11. In Annex IV, Part A, Section I, point 40, the text in the right hand column is replaced by the following:

'Without prejudice to the provisions applicable to the plants listed in Annex III(A)(2), (3), (9), (15), (16), (17) and (18), Annex III(B)(1) and Annex IV(A)(I), (11.1), (11.2), (11.3), (12), (13.1), (13.2), (14), (15), (17), (18), (19.1), (19.2), (20), (22.1), (22.2), (23.1), (23.2), (24), (33), (36.1), (38.1), (38.2), (39) and (45.1) where appropriate, official statement that the plants are dormant and free from leaves'

12. In Annex IV, Part A, Section I, point 45 is replaced by the following:

'45.1. Plants of herbaceous species and plants of *Ficus* L. and *Hibiscus* L., intended for planting, other than bulbs, corms, rhizomes, seeds and tubers, originating in non-European countries	Without prejudice to the requirements applicable to the plants in Annex IV, Part A, Section I(27.1), (27.2), (28), (29), (32.1), (32.3) and (36.1), official statement that the plants: (a) originate in an area, established in the country of export by the national plant protection service in that country, as being free from *Bemisia tabaci* Genn. (non-European populations) in accordance with relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of this Directive under the rubric "Additional declaration", or (b) originate in a place of production, established in the country of export by the national plant protection service in that country, as being free from *Bemisia tabaci* Genn. (non-European populations) in accordance with relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of this Directive under the rubric "Additional declaration", and declared free from *Bemisia tabaci* Genn. (non-European populations) on official inspections carried out at least once each three weeks during the nine weeks prior to export, or