Council Directive 98/57/EC of 20 July 1998 on the control of Ralstonia solanacearum (Smith) Yabuuchi et al.

COUNCIL DIRECTIVE 98/57/EC

of 20 July 1998

on the control of Ralstonia solanacearum (Smith) Yabuuchi et al.

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission[(1)],

Having regard to the Opinion of the European Parliament[(2)],

Having regard to the Opinion of the Economic and Social Committee[(3)],

Whereas the harmful organism *Ralstonia solanacearum (Smith) Yabuuchi et al.* was previously known as *Pseudomonas solanacearum (Smith) Smith;* whereas *Ralstonia solanacearum (Smith) Yabuuchi et al.* is likely to become the generally accepted name for the organism; whereas the present Directive should take account of this scientific development;

Whereas potato and tomato production occupies an important place in Community agriculture; whereas the potato and tomato yield is constantly threatened by harmful organisms;

Whereas, through the protection of potato and tomato cultivation against such harmful organisms, not only should productive capacity be maintained but agricultural productivity should also be increased;

Whereas protective measures to prevent the introduction of harmful organisms into the territory of a Member State would have only a limited effect if such organisms were not controlled simultaneously and methodically throughout the Community and were not prevented from spreading;

Whereas one of the harmful organisms on potatoes and tomatoes is *Ralstonia solanacearum (Smith) Yabuuchi et al.,* the pathogenic agent of the potato brown rot disease and of bacterial wilt in potatoes and tomatoes; whereas disease outbreaks caused by this pathogen have occurred in some parts of the Community and some limited sources of infection still exist;

Whereas there is a considerable risk to potato and tomato cultivation throughout the Community if effective measures are not taken, with respect to these crops, to locate this organism and determine its distribution, to prevent it from occurring and spreading, and, if found, to prevent its spread and to control it with the aim of eradication;

Whereas, in order to ensure this, certain measures must be taken within the Community; whereas Member States must, in addition, be able to take additional or stricter measures where necessary, provided that there is no hindrance to the movement of potatoes or tomatoes within

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the Community, except insofar as laid down in Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community[(4)]; whereas such measures must be notified to the other Member States and to the Commission;

Whereas the measures have to take into account that systematic official surveys are necessary to locate the pathogen; whereas such surveys should include inspection procedures and, where appropriate, given that under certain environmental circumstances the disease can remain latent and unobserved both in the growing crop of potatoes and in stored potato tubers, should include sampling and testing procedures; whereas spread of the pathogen within the growing crop is not the most important factor, but whereas the pathogen can spread by surface water and certain associated wild solanaceous plants, and therefore the irrigation of potato and tomato crops using contaminated water appears to pose a risk for infection of such crops; whereas also the pathogen can exist through the winter in self-sown (volunteer) potato and tomato plants and these may be a source of infection being carried from one season to the next; whereas the pathogen is spread also by the contamination of potatoes through contact with infected potatoes and through contact with planting, harvesting and handling equipment or transport and storage containers which have become contaminated with the organism by previous contact with infected potatoes;

Whereas spread of the pathogen can be reduced or prevented by decontamination of such objects; wheras any such contamination of seed potatoes poses a major risk for the spread of the pathogen; similarly the latent infection of seed potatoes poses a major risk for the spread of the pathogen and this can be prevented by the use of seed potatoes produced in an officially approved programme whereby seed potatoes have been tested and found free from infection;

Whereas the current knowledge of the biology and epidemiology of *Ralstonia solanacearum (Smith) Yabuuchi et al.* under European conditions is incomplete and it is anticipated that a review of the measures proposed will be necessary within several seasons; similarly improvements to the test procedure are anticipated in the light of further research especially on the sensitivity and specificity of test methods in order to select and standardise the optimum test methods available;

Whereas, for the determination of the details of such general measures, as well as for those stricter or additional measures taken by Member States to prevent the introduction of the pathogen into their territory, it is desirable for Member States to cooperate closely with the Commission within the Standing Committee of Plant Health (hereinafter referred to as ‘the Committee’),

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive concerns the measures to be taken within the Member States against *Ralstonia solanacearum (Smith) Yabuuchi et al.,* previously known as *Pseudomonas solanacearum (Smith) Smith,* (hereinafter referred to as ‘the organism’), in order to, with respect to the host plants of the organism listed in Annex I Section 1, (hereinafter referred to as ‘the listed plant material’):

(a) locate it and determine its distribution;

(b) prevent its occurrence and spread; and

(c) if found, to prevent its spread and to control it with the aim of eradication.

Article 2

1 Member States shall conduct annual systematic official surveys for the organism on the listed plant material originating in their territory. In order to identify other possible sources of contamination threatening the production of the listed plant material, Member States shall carry out a risk assessment and, unless no risk of spread of the organism has been identified during that assessment, they shall, in production areas of the listed plant material, conduct targeted official surveys for the organism on plants other than the listed plant material, including wild solanaceous host plants, as well as on surface water which is used for irrigation or spraying of listed plant material and on liquid waste discharged from industrial processing or packaging premises handling listed plant material and used for irrigation or spraying of listed plant material. The extent of these targeted surveys shall be determined according to the risk identified. Member States may also conduct official surveys for the organism on the material, such as growing medium, soil and solid waste from industrial processing or packaging premises.

2 The official surveys provided for in paragraph 1 shall be carried out:

a for the listed plant material, according to the details set down in point 1 of Section II, Annex I; and,

b for host plants other than the listed plant material, and for water including liquid waste, in accordance with appropriate methods and, where appropriate, samples shall be taken and subjected to official or officially supervised laboratory testing;

c where appropriate for other material, in accordance with appropriate methods.

For these surveys, further details of the inspection procedures and the number, origin, stratification and timing of collection of samples shall be decided by the responsible official bodies within the meaning of Directive 77/93/EEC based on sound scientific and statistical principles and the biology of the organism and taking into account in the Member State concerned, the particular production systems of the listed plant material and, as appropriate, of other host plants of the organism.

3 The details and results of the official surveys provided for in paragraph 1 shall be notiefied each year to the other Member States and to the Commission in accordance with the provisions of point 2 of Section II, Annex I. These notifications shall be submitted by 1 June except for potatoes use as farm-saved seed for which the notification shall be submitted by 1 September. The details and results for crops shall be related to the previous year's production. The details of these notifications may be submitted to the Committee.

4 The following provision shall be adopted in accordance with the procedure laid down in Article 16a of Directive 77/93/EEC:

— the appropriate methods for the surveys and the laboratory testing provided for in paragraph 2, first subparagraph, (b).

5 The following provisions may be adopted in accordance with the procedure laid down in Article 16a of Directive 77/93/EEC:

— the appropriate methods for the surveys provided for in paragraph 2, first subparagraph, (c),

— further details of the surveys provided for in paragraph 2, second subparagraph, with a view to ensuring comparable levels of assurance between Member States.

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Article 3

Member States shall ensure that the suspected occurrence or confirmed presence of the organism in their territory shall be reported to their own responsible official bodies.

Article 4

1 In each case of suspected occurrence, the responsible official bodies of the Member State(s) concerned shall ensure completion of official or officially supervised laboratory testing using, for the listed plant material, the relevant method set out in Annex II and in accordance with the conditions specified in point 1 of Annex III, or, in all other cases, any other officially approved method, in order to confirm or refute the suspected occurrence. In the case of confirmation, the requirements laid down in point 2 of Annex III shall apply.

2 Pending the confirmation or refutation of a suspected occurrence under paragraph 1, in each case of suspected occurrence where, either:

(i) diagnostic symptoms of the disease caused by the organism have been seen and a positive result in the rapid screening test(s), as specified in Annex II section I, point 1 and section II has been obtained; or,

(ii) a positive result in the screening test(s) as specified in Annex II section I, point 2 and section III has been obtained,

the responsible official bodies of the Member States shall, in relation to their own production:

(a) prohibit the movement of plants and tubers from all crops, lots or consignments from which the samples have been taken, except under their control and provided that it has been established that there is no identifiable risk of the organism spreading;

(b) take steps to trace the origin of the suspected occurrence;

(c) introduce appropriate additional precautionary measures based on the level of estimated risk, particularly in relation to production of the listed plant material and the movement of seed potato lots other than those referred to in point (a), produced on the place of production from which the samples referred to in point (a) were taken, in order to prevent any spread of the organism.

3 In those cases of suspected occurrence where there is a risk of contamination of the listed plant material or surface water from or into another Member State(s), the Member State in which the suspected occurrence has been reported shall immediately notify, according to the risk identified, the details of the said suspected occurrence to the other Member State(s) concerned, and there whall be appropriate cooperation between the said Member States. The Member State(s) so notified shall introduce precautionary measures in accordance with paragraph 2(c) and take any further action, as appropriate, in accordance with paragraphs 1 and 2.

4 The following provision may be adopted in accordance with the procedure laid down in Article 16a of Directive 77/93/EEC:

— the measures referred to in paragraph 2(c).

Article 5

1 If official or officially supervised laboratory testing, using, for the listed plant material, the relevant method set out in Annex II or, in all other cases, any other officially approved method, confirms the presence of the organism in a sample taken pursuant to this Directive, the responsible official bodies of a Member State, having regard to sound scientific principles, the

biology of the organism and the particular production, marketing and processing systems of the host plants of the organism in that Member State, shall:

a for the listed plant material;

(i) establish an investigation to determine the extent and primary source(s) of the contamination in accordance with the provisions of Annex IV, with further testing in accordance with Article 4(1), on, at least, all clonally related seed potato stocks, and,

(ii) designate as contaminated the listed plant material, consignment and/or lot from which the sample was taken, and the machinery, vehicle, vessel, store, or units thereof, and any other objects including packaging material which have been in contact with the listed plant material from which the sample was taken; also designate as contaminated, where appropriate, the field(s), unit(s) of protected crop production and place(s) of production from which the listed plant material was harvested and from which the sample was taken; and for those samples taken in the growing season, designate as contaminated the field(s), place(s) of production, and, where appropriate, unit(s) of protected crop production from which the sample was taken, and,

(iii) determine, in accordance with the provisions of point 1 of Annex V, the extent of probable contamination through pre- or post-harvest contact, through production, irrigation or spraying links or through clonal relationship with the designated contamination, and,

(iv) demarcate a zone on the basis of the designation of contamination under point (ii), the determination of the extent of probable contamination under point (iii), and the possible spread of the organism, in accordance with the provisions of point 2(i) of Annex V;

b) for crops of host plants other than those mentioned under point (a) where production of the listed plant material is identified at risk,

(i) establish an investigation in accordance with point (a)(i); and

(ii) designate as contaminated the host plants of the organism from which the sample was taken; and

(iii) determine the probable contamination and demarcate a zone in accordance with points (a)(iii) and (iv), respectively, in relation to production of the listed plant material;

c) for surface water (including liquid waste discharges from industrial processing or packaging premises handling listed plant material) and associated wild solanaceous host plants, where production of the listed plant material is identiefied at risk through irrigation, spraying, or flooding of the surface water,

(i) establish an investigation including an official survey at appropriate times on samples of surface water and if present wild solanaceous host plants to establish the extent of the contamination; and

(ii) designate as contaminated the surface water from which the sample(s) was taken, to the extent appropriate and on the basis of the investigation under point (i); and

(iii) determine the probable contamination and demarcate a zone on the basis of the designation of contamination under point (ii), and the possible spread of the organism taking into account the provisions of points 1 and 2(ii) of Annex V.