COMMISSION DIRECTIVE 95/4/EC

of 21 February 1995

amending certain Annexes to Council Directive 77/93/EEC 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 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 [1], as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular the second indent, third and fourth subindents of Article 13,

Whereas the harmful organism *Thrips palmi* Karny has not hitherto been known to occur in the Community;

Whereas *Thrips Palmi* Karny has been found to be present on plants of *Ficus* L. during checks carried out in the Community following the introduction of these plants;

Whereas *Pseudomonas solanacearum* (Smith) Smith has been found to be present in a larger area of the Community than was originally recognized;

Whereas *Pseudomonas solanacearum* (Smith) Smith has been found on potato tubers imported from Egypt and Turkey;

Whereas, therefore, the provisions on the protective measures against *Pseudomonas solanacearum* (Smith) Smith should be improved and in particular the list of host plants should be extended;

Whereas by virtue of Council Directive 66/400/EEC of 14 June 1966 on the marketing of beet seed [2], as last amended by Directive 90/654/EEC [3], certain conditions govern basic and certified seed of sugar and fodder beet of the species *Beta vulgaris* L. in order to ensure that such seed is free from beet necrotic yellow vein virus (rhizomania);

Whereas it is desirable that seed of sugar and fodder beet of the species *Beta vulgaris* L. which has not yet been finally certified and which is intended for official certification in another Member State should also be subject to controls to ensure that there is no risk of beet necrotic yellow vein virus spreading during transport, processing or the disposal of waste arising out of such processing;

Whereas there are at present no conditions to prevent the spread of beet necrotic yellow vein virus in the course of the marketing of vegetable seed of the species *Beta vulgaris* L.;

Whereas therefore it is desirable to introduce protective measures against Beet necrotic yellow vein virus in relation to seed of sugar, fodder and vegetable beet of the species *Beta vulgaris* L.;

Whereas some provisions for protective measures against tubers of *Solanum tuberosum* L., other than those intended for planting, should be modified because it is no longer appropriate to maintain the current prohibitions set out in Directive 77/93/EEC in respect of potato tubers originating in Syria;

Whereas therefore the relevant Annexes to the said Directive 77/93/EEC should be amended accordingly;

Whereas 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 to IV to Directive 77/93/EEC are hereby amended in accordance with 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 1995. They shall forthwith inform the Commission thereof.

[1] OJ No L 26, 31. 1. 1977, p. 20.
[2] OJ No 125, 11. 7. 1966, p. 2290/66.
[3] OJ No L 353, 17. 12. 1990, p. 48.

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 essential provisions of domestic law which they adopt in the field governed by this Directive. The Commission shall inform the other Member States thereof.

Article 3

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

Done at Brussels, 21 February 1995.

For the Commission

Franz FISCHLER

Member of the Commission