Council Directive 93/85/EEC of 4 October 1993 on the control of potato ring rot

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic 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 potato production occupies an important place in Community agriculture; whereas the potato yield is constantly threatened by harmful organisms;

Whereas, through the protection of potato 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 were such organisms not controlled simultaneously and methodically throughout the Community and not prevented from spreading;

Whereas one of the harmful organisms on potatoes is Clavibacter michiganensis (Smith) Davis et al. ssp. sepedonicus (Spieckermann et Kotthoff) Davis et al., the pathogenic agent of the potato ring rot disease; whereas this disease has occurred in some parts of the Community and some limited sources of infection still exist;

Whereas there is a considerable risk to potato cultivation throughout the Community if effective measures are not taken to locate this disease 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 within the Community, except in so far as laid down in Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Member States of organisms harmful to plants or plant products[(4)]; whereas such measures must be notified to the other Member States and to the Commission;

Whereas Council Directive 80/665/EEC of 24 June 1980 on the control of potato ring rot[(5)], laid down minimum measures to be taken by the Member States against potato ring rot;

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Whereas, since then, there have been significant developments in the understanding of potato ring rot disease and the detection of the potato ring rot pathogen;

Whereas the application of the Community plant health regime to the Community as an area without internal frontiers has called for the re-examination and revision of some provisions of Directive 80/665/EEC;

Whereas, as a result of such re-examination, the provisions of Directive 80/665/EEC have been found insufficient, and further specification of measures is necessary;

Whereas, in that situation, Directive 80/665/EEC should be repealed and the necessary measures adopted;

Whereas the measures have to take into account, first, that the disease can remain latend and unobserved both in the growing crop and in stored tubers, and so can be effectively prevented only by production and use of seed potatoes free from infection and, secondly, that systematic official surveys are necessary to locate it; whereas spread of the pathogen within the growing crop is not the most important factor, but whereas the pathogen can exist through the winter in self-sown (volunteer) potato plants and these are the major source of infection being carried from one season to the next; whereas the pathogen is spread mainly 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 such contaminated objects can remain infectious for some time after such contamination; whereas spread of the pathogen can be reduced or prevented by disinfection of such objects; whereas any such contamination of seed potatoes poses a major risk for the spread of the pathogen;

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

The Directive concerns the measures to be taken within the Member States against Clavibacter michiganensis (Smith) Davis et al. ssp. sepedonicus (Spieckermann et Kotthoff) Davis et al., the cause of potato ring rot (hereinafter referred to as ‘the organism’), in order to:

(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 systematic official surveys for the organism on tubers and, where appropriate, on plants of potato (Solanum tuberosum L.) originating in their territory, for the confirmation of absence of the organism.

For these surveys, in the case of tubers samples of both seed and other potatoes shall be taken, preferably from lots in store and subjected to official or officially supervised laboratory testing using the method set out in Annex I for the detection and diagnosis of the organism. In addition, where appropriate, official or officially supervised visual inspection by cutting of tubers on other samples may be done.

In the case of plants, these surveys shall be carried out according to appropriate methods and the samples shall be subjected to appropriate official or officially supervised testing.

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 the particular potato production systems of the Member States concerned. The details thereof shall be submitted annually to the other Member States and the Commission, with a view to ensuring comparable levels of assurance between Member States for confirmation of the absence of the organism.

2 The results of the official surveys provided for in paragraph 1 shall be notified at least once a year to the other Member States and to the Commission. The details of this notification shall be confidential. They may be submitted to the Committee in accordance with the procedure laid down in Article 16a of Directive 77/93/EEC.

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

— the details of surveys provided for in paragraph 1 above, to be carried out in accordance with sound scientific and statistical principles,

— the details of the notification provided for in paragraph 2 above.

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

— the appropriate method for the surveys and the testing provided for in the third subparagraph of paragraph 1 above.

Article 3

Member States shall ensure that the suspected occurrence or confirmed presence of the organism, in potato plants and tubers or harvested, stored or marketed tubers in their territory shall be reported to their own responsible official bodies.

Article 4

1 In cases of suspected occurrence, the responsible. official bodies of the Member State in which these cases have been reported shall ensure completion of official or officially supervised laboratory testing, using the method set out in Annex I, and in accordance with the conditions specified in point 1 of Annex II, in order to confirm or refute the suspected occurrence. In the former case, the requirements laid down in point 2 of Annex II shall apply.

2 Pending the confirmation or refutation of the suspected. occurrence under paragraph 1, in those cases of suspect occurrence where, either:

(i) suspect diagnostic visual symptoms of the disease have been seen; or,

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(ii) a positive immunofluorescence test as specified in Annex I or other appropriate positive test has been identified,

the responsible official bodies of the Member States shall:

(a) prohibit the movement of all 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, in order to prevent any spread of the organism. These measures may include the official control of the movement of all other tubers or plants within or off premises associated with the suspected occurrence.

3 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) above.

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

— the other appropriate test provided for in paragraph 2 (ii) above;

Article 5

1 If official or officially supervised laboratory testing using the method set out in Annex I confirms the presence of the organism in a sample of tubers, plants, or parts of plants, 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 in that Member State shall:

a designate as contaminated the tubers or plants, consignment and/or lot, and the machinery, vehicle, vessel, store, or units thereof, and any other objects including packaging material, from which the sample was taken, and, where appropriate, the place(s) of production and field(s) from which the tubers or plants were harvested;

b determine, taking into account the provisions of point 1 of Annex III, the extent of probable contamination through pre- or post-harvest contact or through production link with the designated contamination;

c demarcate a zone on the basis of the designation of contamination under (a), the determination of the extent of probable contamination under (b), and the possible spread of the organism, taking into account the provisions of point 2 of Annex III.

2 Member States shall immediately notify the other Member States and the Commission, in accordance with the provisions of point 3 of Annex III, of any contamination designated under paragraph 1 (a) and the details of the zone demarcation under paragraph 1 (c).

The details of this notification shall be confidential. They may be submitted to the Committee in accordance with the procedure laid down in Article 16a of Directive 77/93/EEC.

3 As a result of the notification under paragraph 2 and the elements mentioned therein, other Member States detailed in the notification shall, as appropriate, designate contamination, determine the extent of probable contamination and demarcate a zone, in accordance with paragraph 1 (a), (b) and (c) respectively.

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Article 6

Member States shall prescribe that where tubers or plants have been designated to be contaminated under Article 5 (1) (a), testing in accordance with Article 4 (1) shall be carried out on potato stocks which are clonally related to those involved in the contamination. The testing shall be carried out on as many such tubers or plants as are needed to determine the probable primary source of infection and the extent of the probable contamination, preferably in order of degree of risk.

As a result of the testing, further designation of contamination, determination of the extent of probable contamination and demarcation of a zone shall be conducted, as appropriate, under Articles 5 (1) (a), (b) and (c) respectively.

Article 7

1 Member States shall prescribe that tubers or plants, designated to be contaminated under Article 5 (1) (a) may not be planted and that, under the control of their responsible official bodies, they shall be:

— destroyed, or

— otherwise disposed of, subject to officially supervised measure(s), in accordance with the provisions of point 1 of Annex IV, provided that it is established that there is no identifiable risk of the organism spreading.

2 Member States shall prescribe that tubers or plants determined as probably contaminated under Article 5 (1) (b) may not be planted and, without prejudice to the outcome of the testing referred to in Article 6 for clonally related stocks shall, under the control of their responsible official bodies, be put to appropriate use or disposal as specified in point 2 of Annex IV, in such a way that it is established that there is no identifiable risk of the organism spreading.

3 Member States shall prescribe that any machinery, vehicle, vessel, store, or units thereof, and any other objects including packaging material, designated as contaminated under Article 5 (1) (a) or determined as probably contaminated under Article 5 (1) (b), shall either be destroyed or cleansed and disinfected using appropriate methods as specified in point 3 of Annex IV. After disinfection, any such objects shall no longer be considered contaminated.

4 Without prejudice to the measures implemented under paragraphs 1, 2 and 3, Member States shall prescribe that, in the zone demarcated under Article 5 (1) (c), a series of measures, as specified in point 4 of Annex IV, shall be implemented.

Article 8

1 Member States shall prescribe that seed potatoes shall meet the requirements of Directive 77/93/EEC and shall derive in direct line from material obtained under an officially approved programme which has been found free of the organism in official or officially supervised testing using the method set out in Annex I.

The aforesaid testing shall be carried out:

— in cases where the contamination affects seed potato production, on the plants of the initial clonal selection,

— in other cases, either on the plants of the initial clonal selection or on representative samples of the basic seed potatoes or earlier propagations.

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

— the detailed rules of application of the first indent of the second subparagraph of paragraph 1 of this Article,