Commission Directive 92/105/EEC of 3 December 1992 establishing a degree of standardization for plant passports to be used for the movement of certain plants, plant products or other objects within the Community, and establishing the detailed procedures related to the issuing of such plant passports and the conditions and detailed procedures for their replacement

COMMISSION DIRECTIVE 92/105/EEC

of 3 December 1992

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Article 1

1 Member States shall ensure that the conditions laid down in paragraph 2 are met when a plant passport referred to in Article 2 (1) (f), first subparagraph, of Council Directive 77/93/EEC is prepared by their responsible official bodies for use in accordance with the provisions of Articles 2 and 3 of this Directive.

2 The following conditions shall be met:

a the plant passport shall consist of an official label and an accompanying document containing the required information as laid down in the Annex hereto. The label shall not have previously been used and shall be of suitable material. The use of official adhesive labels shall be authorized. The 'accompanying document' shall mean any document which is normally used for trade purposes. This document shall not be necessary if the required information as laid down in the Annex is set out on the said label;

b the required information shall preferably be printed and shall be in at least one of the official languages of the Community;

[[F1]c in the case of tubers of *Solanum tuberosum* L., intended for planting, as listed in point 18.1 of Section II of Part A of Annex IV to Council Directive 2000/29/EC[(1)], the official label defined in Annex III to Council Directive 2002/56/EC[(2)] may be used in place of a plant passport provided that the label provides evidence that the requirements referred to in Article 6(4) of Directive 2000/29/EC are complied with (after 31 December 2005, this label must indicate the words 'EC plant passport'); compliance with the provisions governing the introduction of tubers of *Solanum tuberosum* L., intended for planting into, and their movement within, a protected zone recognised in respect of harmful organisms relating to those tubers, shall be noted either on the label or on any other trade document;**]**

[[F2]d in the case of seeds of *Helianthus annuus* L., listed in point 26 of Section II of Part A of Annex IV to Directive 2000/29/EC, the official label defined in Annex IV to Council Directive 2002/57/EC[(3)] may be used in place of a plant passport provided that the label provides evidence that the requirements referred to in Article 6(4) of Directive 2000/29/EC are complied with (after 31 August 2005, this label must indicate the words 'EC plant passport');

e in the case of seeds of *Lycopersicon lycopersicum* (L.) Karsten ex Farw. and *Phaseolus* L., listed in points 27 and 29 of Section II of Part A of Annex IV to Directive 2000/29/EC, the official label defined in Annex IV A to Council Directive 2002/55/EC[(4)] may

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be used in place of a plant passport provided that the label provides evidence that the requirements referred to in Article 6(4) of Directive 2000/29/EC are complied with (after 31 August 2005, this label must indicate the words 'EC plant passport');

f in the case of seeds of *Medicago sativa* L., listed in points 28.1 and 28.2 of Section II of Part A of Annex IV to Directive 2000/29/EC, the official label defined in Annex IV Part A to Council Directive 66/401/EEC[5] may be used in place of a plant passport provided that the label provides evidence that the requirements referred to in Article 6(4) of Directive 2000/29/EC are complied with (after 31 August 2005, this label must indicate the words 'EC plant passport').**]**

3 Member States shall require that when the plant passport consists of the label and the accompanying document:

a the part of the plant passport consisting of the label shall provide at least the particulars required under items 1 to 5 of the Annex; and

b the part of the plant passport consisting of the accompanying document shall provide at least the particulars required under items 1 to 10 of the Annex.

4 Any particulars other than those listed in the Annex, of relevance for labelling purposes under Council Directives 91/682/EEC[6], 92/33/EEC[7] or 92/34/EEC[8] may also be provided on the said accompanying document, but shall be clearly separated from the information specified in the Annex.

Textual Amendments

F1 Substituted by Commission Directive 2005/17/EC of 2 March 2005 amending certain provisions of Directive 92/105/EEC concerning plant passports.

F2 Inserted by Commission Directive 2005/17/EC of 2 March 2005 amending certain provisions of Directive 92/105/EEC concerning plant passports.

Article 2

1 Member States shall ensure that the conditions laid down in paragraph 2 are met when a plant passport is produced, printed and stored.

2 The plant passport shall be produced, printed and/or subsequently stored either by the responsible official bodies referred to in Article 1 (1) directly, or — under their control — by the producer referred to in Article 6 (4), third subparagraph, or person referred to in Article 10(3), second indent, or importer referred to in Article 12(6), second subparagraph of Directive 77/93/EEC.

Article 3

1 Member States shall ensure that the conditions laid down in paragraph 2 are met when a plant passport is issued and attached to plants, plant products or other objects, to their packaging or to the vehicles transporting them.

The issuing includes the preparation of the passport, in particular the filling-in of the information, and the action necessary to make the plant passport available for use by the applicant.

2 For the purpose of paragraph 1, the responsible official bodies referred to in Article 1 (1) shall, without prejudice to the requirements laid down in Directive 77/93/EEC:

a ensure that the producer, person or importer referred to in Article 2 (2) applies to them for the issuance of a plant passport, or for the replacement of a plant passport;

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b determine, where appropriate, on the basis of examinations provided for in Article 6 (1) (2) and (3) of Directive 77/93/EEC and carried out in accordance with Article 6 (4) or on the basis of the requirements laid down in Article 10 (3) or 12 (6) of the said Directive, the restrictions applicable to the plants, plant products or other objects, and accordingly the territorial validity of the plant passport, or determine the replacement of the said plant passport, as well as the information to be filled in.

If the producer, person or importer referred to in Article 2 (2) intends to dispatch a plant, plant product or other object into a protected zone referred to in Article 2 (1) (h) of the said Directive for which he does not have a valid plant passport, the said responsible official bodies shall take the necessary steps and determine accordingly whether the product is qualified for the relevant protected zone. The said responsible official bodies shall ensure that the producer, person or importer referred to in Article 2(2) shall notify the abovementioned intention to them within a reasonable period of time prior to dispatch and shall apply simultaneously for the corresponding plant passport;

c ensure that the information is filled in, either entirely in capital letters if the plant passport is pre-printed, or in capital letters or entirely in typescript in all other cases. The botanical name of the plants or plant products shall be indicated in Latin characters; uncertified alterations or erasures shall invalidate the said plant passport;

d ensure that if a plant, plant product or other object has received the qualification by them for a specific protected zone(s), the code for the protected zone(s) shall be indicated on the plant passport, against the distinctive marking 'ZP' (*zona protecta*) indicating that the said plant passport covers a plant, plant product or other object qualified for a protected zone(s);

e ensure that if a plant passport is to be delivered for a plant, plant product or other object originating outside the Community, the plant passport shall be used, with the indication of the name of the country of origin or, where appropriate, the consignor country on the said plant passport;

f ensure that if a plant passport is to be replaced by another plant passport, the plant passport referred to in Article 1 (1) shall be used; the code for the originally registered producer or importer shall be indicated on the said plant passport, against the distinctive marking 'RP' ('replacement passport') indicating that the said plant passport replaces another plant passport;

g depending on where the said plant passport is physically stored, either deliver the said plant passport, or authorize the producer, person or importer referred to in Article 2 (2) to use it accordingly;

h ensure that the part of the said plant passport consisting of the label be attached under the responsibility of the producer, person or importer referred to in Article 2(2), to the plants, plant products or other objects, to their packaging or to the vehicles transporting them in such a manner that it cannot be reused.

[F3] *Article 4*

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Textual Amendments

F3 Deleted by Commission Directive 2005/17/EC of 2 March 2005 amending certain provisions of Directive 92/105/EEC concerning plant passports.