II

(Acts whose publication is not abligatory)

COMMISSION

COMMISSION DIRECTIVE 92/103/EEC

of 1 December 1992

amending Annexes I to IV 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 Economic 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 Commission Directive 92/10/EEC [2], and in particular Article 3 (6), Article 4 (3) and Article 5 (3) thereof,

Whereas the relevant harmful organisms, whose presence is or may be prohibited in trade are listed in Annexes I and II to Directives 77/93/EEC;

Whereas a list of commodities which are subject to an import ban under some conditions or which may be subjected by individual Member States to an import ban is given in Annex III to the said Directive;

Whereas Annex IV to the said Directive lists special requirements which are to be met in order to have better guarantees of freedom from the abovementioned harmful organisms;

Whereas the application of the Community plant health regime to the Community as an area without internal frontiers, and the introduction of protected zones will necessitate a complete restructuring of the Annexes;

Whereas this restructuring should take into account the results of an assessment of plant health risks arising from Community and third country products respectively, which has been based on available more recent scientific evidence, as well as the harmful organisms of Community concern and the related special requirements as laid down in Annexes I, II, III and IV to the said Directive;

Whereas this restructuring should lead to a listing of the harmful organisms subdivided in organisms not known to occur in any part of the Community and relevant for the entire Community, organisms know to occur in the Community and relevant for the entire Community, and organisms of relevance for certain protected zones; whereas moreover, the harmful organisms established in certain parts of the Community and the related requirements should be deleted;

Whereas developments in classification, nomenclature or identification of harmful organisms should be taken into

(1) OJ No L 26, 31. 1. 1977, p. 20.
(2) OJ No L 70, 17. 3. 1992, p. 27.

account in order to have a correct taxonomic designation of harmful organisms;

Whereas developments in scientific and technical knowledge have shown that protection of Community crops should be improved, wherever they are at risk;

Whereas, following the intentions declared by the Commission and all Member States at the time of adoption of Council Directive 85/574/EEC (1), Annexes II (B), III (B) and IV (B) to Directive 77/93/EEC should be amended accordingly, but only as an interim protective measure for a limited period to enable the Commission to study their phytosanitary basis case by case; whereas these studies are finalized so that more permanent provisions should be laid down where needed;

Whereas the relevant Annexes to Directive 77/93/EEC should therefore be replaced;

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

The Annexes I to IV to Directive 77/93/EEC are hereby replaced by the Annex hereto.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with the provisions of this Directive six months after the revision of Annex V to Directive 77/93/EEC. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

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

Article 3

This Directive is addressed to the Member States.

Done at Brussels,

For the Commission

Ray Mac SHARRY

Member of the Commission

(1) OJ No L 372, 31. 12. 1985, p. 25.

ANNEX

'ANNEX I

Part A

HARMFUL ORGANISMS WHOSE INTRODUCTIN INTO, AND SPREAD WITHIN, ALL MEMBER STATES SHALL BE BANNED

Section I

HARMFUL ORGANISMS NOT KNOWN TO OCCUR IN ANY PART OF THE COMMUNITY AND RELEVANT FOR THE ENTIRE COMMUNITY

(a) **Insects, mites and nematodes, at all tages of their development**

1. *Acleris* spp. (non-European)
2. *Amauromyza maculosa* (Malloch)
3. *Anomala orientalis* Waterhouse
4. *Anoplophora chinensis* (Thomson)
5. *Anoplophora malasiaca* (Forster)
6. *Arrhenodes minutus* Drury
7. *Bemisia tabaci* Genn. (non-European populations) vector of viruses such as:
   (a) Bean golden mosaic virus
   (b) Cowpea mild mottle virus
   (c) Lettuce infectious yellows virus
   (d) Pepper mild tigré virus
   (e) Squash leaf curl virus
   (f) Euphorbia mosaic virus
   (g) Florida tomato virus
8. Cicadellidae (non-European) known to be vector of Pierce's disease (caused by *Xylella fastidiosa*), such as:
   (a) *Carneocephala fulgida* Nottingham
   (b) *Draeculacephala minerva* Ball
   (c) *Graphocephala atropunctata* (Signoret)
9. *Choristoneura* spp. (non-European)
10. *Conotrachelus nenuphar* (Herbst)
11. *Heliothis zea* (Boddie)
12. *Liriomyza sativae* Blanchard
13. *Longidorus diadecturus* Eveleigh et Allen
14. *Monochamus* spp. (non-European)
15. *Myndus crudus* Van Duzee
16. *Nacobbus aberrans* (Thorne) Thorne et Allen
17. *Premnotrypes* spp. (non-European)
18. *Pseudopithyophthorus minutissimus* (Zimmermann)
19. *Pseudopithyophthorus pruinosus* (Eichhoff)
20. *Scaphoideus luteolus* (Van Duzee)
21. *Spodoptera eridania* (Cramer)
22. *Spodoptera frugiperda* (Smith)
23. *Spodoptera litura* (Fabricius)

24. *Thrips palmi* Karny

25. Thephritidae (non-European) such as:
    (a) *Anastrepha fraterculus* (Wiedemann)
    (b) *Anastrepha ludens* (Loew)
    (c) *Anastrepha obliqua* Macquart
    (d) *Anastrepha suspensa* (Loew)
    (e) *Dacus ciliatus* Loew
    (f) *Dacus cucurbitae* Coquillett
    (g) *Dacus dorsalis* Hendel
    (h) *Dacus tryoni* (Froggatt)
    (i) *Dacus tsuneonis* Miyake
    (j) *Dacus zonatus* Saund.
    (k) *Epochra canadensis* (Loew)
    (l) *Pardalaspis cyanescens* Bezzi
    (m) *Pardalaspis quinaria* Bezzi
    (n) *Pterandrus rosa* (Karsch)
    (o) *Rhacochlaena Japonica* Ito
    (p) *Rhagoletis cingulata* (Loew)
    (q) *Rhagoletis completa* Cresson
    (r) *Rhagoletis fausta* (Osten-Sacken)
    (s) *Rhagoletis indifferens* Curran
    (t) *Rhagoletis mendax* Curran
    (u) *Rhagoletis pomonella* Walsh
    (v) *Rhagoletis ribicola* Doane
    (w) *Rhagoletis suavis* (Loew)

26. *Xiphinema americanum* Cobb sensu lato (non-European populations)

27. *Xiphinema californicum* Lamberti et Bleve-Zacheo

(b) **Bacteria**

1. *Xylella fastidiosa* (Well et Raju)

(c) **Fungi**

1. *Ceratocystis fagacearum* (Bretz) Hunt
2. *Chrysomyxa arctostaphyli* Dietel
3. *Cronartium* spp. (non-European)
4. *Endocronartium* spp. (non-European)
5. *Guignardia laricina* (Saw.) Yamamoto et Ito
6. *Gymnosporangium* spp. (non-European)
7. *Inonotus weirii* (Murrill) Kotlaba et Pouzar
8. *Melampsora farlowii* (Arthur) Davis
9. *Monilinia fructicola* (Winter) Honey
10. *Mycosphaerella larici-leptolepis* Ito et al.
11. *Mycosphaerella populorum* G.E. Thompson
12. *Phoma andina* Turkensteen
13. *Phyloosticta solitaria* Ell. et Ev.
14. *Septoria lycopersici* Speg. var. malagutii Ciccarone et Boerema
15. *Thecaphora solani* Barrus
16. *Trechispora brinkmannii* (Bresad.) Rogers

(d) **Viruses and virus-like organisms**

1. Elm phlöem necrosis mycoplasm
2. Potato viruses and virus-like organisms such as:
   (a) Andean potato latent virus
   (b) Andean potato mottle virus
   (c) Arracacha virus B, oca strain
   (d) Potato black ringspot virus
   (e) Potato spindle tuber viroid
   (f) Potato virus T
   (g) non European isolates of potato viruses A, M, S, V, X and Y (including Y^o, Y^n and Y^c) and Potato leaf roll virus
3. Tobacco ringspot virus
4. Tomato ringspot virus
5. Viruses and virus-like organisms of *Cydonia* Mill., *Fragaria* L., *Malus* Mill., *Prunus* L., *Pyrus* L., *Ribes* L., *Rubus* L. and *Vitis* L., such as:
   (a) Blueberry leaf mottle virus
   (b) Cherry rasp leaf virus (American)
   (c) Peach mosaic virus (American)
   (d) Peach phony rickettsia
   (e) Peach rosette mosaic virus
   (f) Peach rosette mycoplasm
   (g) Peach X-disease mycoplasm
   (h) Peach yellows mycoplasm
   (i) Plum line pattern virus (American)
   (j) Raspberry leaf curl virus (American)
   (k) Strawberry latent 'C' virus
   (l) Strawberry vein banding virus
   (m) Strawberry witches' broom mycoplasm
   (n) Non-European viruses and virus-like organisms of *Cydonia* Mill., *Fragaria* L., *Malus* Mill., *Prunus* L., *Pyrus* L., *Ribes* L., *Rubus* L. and *Vitis* L.
6. Viruses transmitted by *Bemisia tabaci* Genn., such as:
   (a) Bean golden mosaic virus
   (b) Cowpea mild mottle virus
   (c) Lettuce infectious yellows virus
   (d) Pepper mild tigré virus
   (e) Squash leaf curl virus
   (f) Euphorbia mosaic virus
   (g) Florida tomato virus

(e) **Parasitic plants**

1. *Arceuthobium* spp. (non-European)

Section II

HARMFUL ORANISMS KNOWN TO OCCUR IN THE COMMUNITY AND RELEVANT FOR THE ENTIRE COMMUNITY

(a) **Insects, mites and nematodes, at all stages of their development**

1. *Globodera pallida* (Stone) Behrens
2. *Globodera rostochiensis* (Wollenweber) Behrens
3. *Heliothis armigera* (Hübner)
4. *Liriomyza bryoniae* (Kaltenbach)
5. *Liriomyza trifolii* (Burgess)