II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE 92/98/EEC

of 16 November 1992

amending Annex V to 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 COUNCIL 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], and in particular the first paragraph of Article 13 thereof,

Having regard to the proposal from the Commission,

Whereas the said Directive laid down that certain plants, plant products and other objects must be subjected to a plant health inspection at the place of production if originating in the Community, before movement within the Community, or in the country of origin or the consignor country, if originating outside the Community, before being permitted to enter the Community;

Whereas the application of the Community plant health arrangements to the Community as an area without internal frontiers, and the introduction of protected zones, calls for a revision of Annex V, in particular the structure including the respective titles thereof, as well as the respective lists of commodities subjected to the abovementioned plant health inspection;

Whereas this revision 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 of the said Directive; whereas, in particular, the commodities should be grouped as those being potential carriers of harmful organisms of relevance for the entire Community and those being potential carriers of harmful organisms of relevance for certain protected zones only, irrespective of their origin,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex V to Directive 77/93/EEC is hereby replaced by that which appears in the Annex hereto.

Article 2

1. Member States shall bring into force the laws, regulations or administrative provisions necessary to comply with this Directive by six months after adoption thereof. They shall forthwith inform the Commission thereof.

[1] OJ No L 26, 31. 1. 1977, p. 20, as last amended by Commission Directive 92/10/EEC (OJ No L 70, 17. 3. 1992, p. 27).

2. When these measures are adopted by Member States, 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.

3. Member States shall immediately communicate to the Commission all provisions of national law which they 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, 16 November 1992.

For the Council

The President

J. GUMMER

ANNEX

'ANNEX V

PLANTS, PLANT PRODUCTS AND OTHER OBJECTS WHICH MUST BE SUBJECT TO A PLANT HEALTH INSPECTION — AT THE PLAVE OF PRODUCTION IF ORIGINATING IN THE COMMUNITY, BEFORE BEING MOVED WITHIN THE COMMUNITY, — IN THE COUNTRY OF ORIGIN OR THE CONSIGNOR COUNTRY, IF ORIGINATING OUTSIDE THE COMMUNITY, — BEFORE BEING PERMITTED TO ENTER THE COMMUNITY

PART A

Plants, plant products and other originating in the Community

I. *Plants, plant products and other objects which are potential carriers of harmful organisms of relevance for the entire Community and which must be accompanied by a plant passport*

1. Plants and plant products

1.1. Plants, intended for planting other than seeds of the genera *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Prunus* L., Pyracantha Roem., *Pyrus* L., *Sorbus* L., other than *Sorbus intermedia* (Ehrh.) Pers., en *Stranvaesia* Lindl.

1.2. Plants of *Beta vulgaris* L. and *Humulus lupulus* L., intended for planting, other than seeds.

1.3. Plants of stolon- or tuber-forming species of *Solanum* L. or their hybrids, intended for planting.

1.4. Plants of *Fortunella* Swingle, *Poncirus* Raf., and their hybrids and *Vitis* L., other than fruit and seeds

1.5. Without prejudice to 1.6, plants of *Citrus* L. and its hybrids other than fruit and seeds.

1.6. Fruits of *Citrus Clementina* L. with penduncles and leaves.

1.7. Wood within the meaning of the first subparagraph, of Article 2 (2) where it:

(a) has been obtained in whole or part from one of the following genera:

— *Castanea* Mill., excluding wood which has been stripped of bark,

— *Platanus* L., including wood which has not kept its natural round surface; and

(b) meets one of the following descriptions laid down in Annex I Part II to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff [1]

CN-code	Description
4401 10	Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms
4401 22	Wood in chips or particles
ex 4401 30	Wood waste and scrap, not agglomerated in logs, briquettes, pellets or similar forms

[1] OJ No L 256, 7. 9. 1987, p. 1., as last amended by Commission Regulation (EEC) No 2505/92 (OJ No L 267, 14. 9. 1992, p. 1).

CN-code	Description
4403 99	Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared: — Other than treated with paint, stains, creosote or other preservatives, — other than coniferous, oak (*Quercus* spp.) or beech (*Fagus* spp.)
ex 4404 20	Split poles: piles, pickets and stakes of wood, painted but not sawn lengthwise: — non-coniferous
4406 10	Railway or tramway sleepers (crossties) of wood: — not impregnated
ex 4407 99	Wood sawn or chipped lengthwise, sliced or peeled, not planed, sanded or finger-jointed, of a thickness exceeding 6 mm, in particular beams, planks, flitches, boards, laths: — other than coniferous, tropical woods, oak (*Quercus* spp.) or beech (*Fagus* spp.).

1.8. isolated bark of *Castanea Mill.*

2. Plants, plant products and other objects produced by producers whose production and sale is authorized to persons professionally engaged in plant production, other than those plants, plant products and other objects which are prepared and ready for sale to the final consumer, and for which it is ensured by the responsible official bodies of the Member States, that the production thereof is clearly separate from that of other products.

2.1. Plants intended for planting other than seeds of the genera *Abies* Mill., *Apium graveolens* L., Argyranthemum spp., *Aster* spp., *Brassica* spp., *Castanea Mill.*, *Cucumis spp.*, *Dendranthema* (DC) Des Moul., *Dianthus* L. and hybrids *Exacum* spp., *Fragaria* L., *Gerbera* Cass., *Gypsophila* L., all varieties of New Guinea hybrids of *Impatiens* L., *Lactuca* spp., *Larix* Mill., *Leucanthemum* L., *Lupinus* L., *Palargonium* l'Herit. ex Ait., *Picea* A. Dietr., *Pinus* L., *Platanus* L., *Populus* L., *Pseudotsuga* Carr., *Quercus* L., *Rubus* L., *Spinacia* L., *Tanacetum* L., *Tsuga Carr.* and *Verbena* L.

2.2. Plants of Solanaceae, other than those referred-to in item 1.3 intended for planting, other than seeds.

2.3. Plants of Araceae, Merantaceae, Musaceae, *Persea* spp. and Strelitziaceae, rooted or with growing medium attached or associated

2.4. Seeds and bulbs of *Allium cepa* L., *Allium porrum* L. en *Allium schoenoprasum* L.

3. Bulbs and corms intended for planting, produced by producers whose production and sale is authorized to persons professionally engaged in plant production, other than those plants, plant products and other objects which are prepared and ready for sale to the final consumer, and for which it is ensured by the responsible official bodies of the Member States, that the production thereof is clearly separate from that of other products of *Camassia* Lindl., *Chionodoxa* Boiss., *Crocus flavus* Weston 'Golden Yellow', *Galanthus* L., *Galtonia candicans* (Baker) Decne, *Gladiolus* Tourn. ex L., *Hyacinthus* L., *Iris* L., *Ismene* Herbert, *Muscari* Miller., *Narcissus* L., *Ornithogalum* L., *Puschkinia* Adams, *Scilla* L., Tigridia Juss., and *Tulipa* L.

II. *Plants, plant products and other objects which are potential carriers of harmful organisms of relevance for certain protected zones, and which must be accompanied by a plant passport valid for the appropriate zone when introduced into or moved within that zone*

Without prejudice to the plants, plant products and other objects listed in Part I.

1. Plants, plant products and other objects.

1.1. Plants of conifers (Coniferales), as appropriate