II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DIRECTIVE 92/70/EEC

of 30 July 1992

laying down detailed rules for surveys to be carried out for purposes of the recognition of protected zones in 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 the fourth subparagraph of Article 2 (1) (h),

Whereas under the provisions of Directive 77/93/EEC, 'protected zones' exposed to particular plant health risks may be defined and therefore may be accorded special protection under conditions compatible with the internal market;

Whereas, moreover, Member States may, in particular, request the recognition as a protected zone of a zone in which one or more of the harmful organisms referred to in the Directive, which are established in one or more parts of the Community, are not endemic or established, despite conditions being favourable for them to establish themselves there;

Whereas, however, in the second case, the recognition of a protected zone should be based on the grounds that the results of appropriate surveys show no evidence to the contrary;

Whereas, in the absence of generally accepted rules on the details of such surveys, these details should be laid down, account being taken of sound scientific and statistical principles;

Whereas it is appropriate to establish general Community conditions, including in a first phase guidelines for surveys in respect of harmful organisms of the animal kingdom, in particular insects and mites, which attack crops normally grown in the open air, and to provide for adding further guidelines later in respect of other harmful organisms, when technical information is available;

Whereas these conditions should be met by Member States, when requesting the recognition of a protected zone;

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

1. Member States shall ensure that the conditions laid down in paragraph 2 are met, when requesting the recognition of a protected zone as referred to in the first indent of the first subparagraph of Article 2 (1) (h) of Directive 77/93/EEC.

2. For the purpose of paragraph 1, the following conditions shall be met:

(a) an official action programme shall be established which aims to seek confirmation that one or more of the harmful organisms referred to in the said Directive, in respect of which the zone is to be recognized as a protected zone, are not endemic or established there;

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