# EIGHTH COMMISSION DIRECTIVE

## of 25 September 1990

## amending certain Annexes to Council Directive 77/93/EEC on protective measures against the introduction into the Member States of organisms harmful to plants or plant products

(90/490/EEC)

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 Member States of organisms harmful to plants or plant products (1), as last amended by Commission Directive 90/168/EEC (2), and in particular Article 13, second paragraph, fourth indent thereof,

Whereas developments in scientific and technical knowledge have shown that protection of Community forests should be improved in cases where they are at risk;

Whereas it has been determined that *Bursaphelenchus xylophilus* is a harmful organism not yet present in the Community; whereas it is considered that this pest represents a serious danger to trees grown in, and may be carried upon wood imported into, the Community; whereas appropriate measures to combat this pest should be included within Directive 77/93/EEC;

Whereas appropriate measures should be taken to protect the Community against the vectors of *Bursaphelenchus xylophilus*, especially non-European *Monochamus* spp., where these organisms do not occur;

Whereas 'kiln-drying' to below 20 % moisture content expressed as a percentage of dry matter at time of manufacture, achieved through an appropriate time/temperature schedule, and is so identified, is an effective measure to protect the Community against the introduction of certain organisms affecting wood of conifers;

Whereas therefore the relevant Annexes of Directive 77/93/EEC should be amended accordingly;

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*

Directive 77/93/EEC is hereby amended as indicated in the Annex to this Directive.

*Article 2*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with the provisions of this Directive by 1 January 1991 at the latest. These shall make express reference to this Directive.

Member States shall immediately inform the Commission of all laws, regulations and administrative provisions adopted in implementation of this Directive.

The Commission shall inform the other Member States thereof.

*Article 3*

This Directive is addressed to the Member States.

Done at Brussels, 25 September 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

(1) OJ No L 26, 31. 1. 1977, p. 20.
(2) OJ No L 92, 7. 4. 1990, p. 49.