II

(Acts whose publication is not obligatory)

COMMISSION

FIFTH COMMISSION DIRECTIVE

of 5 April 1988

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

(88/271/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 harmful organisms of plants or plant products (1), as last amended by Directive 87/298/EEC (2), and in particular Article 13, second paragraph, fourth indent thereof,

Whereas Directive 77/93/EEC laid down protective measures against the introduction into the Member States of organisms harmful to plants or plant products ; whereas the harmful organisms concerned are listed in Annexes I and II to that Directive ;

Whereas it has appeared that these lists no longer reflect the current phytosanitary concerns of the Community ; whereas also the results of activities of the European and Mediterranean Plant Protection Organization (EPPO) in this field need to be taken into account ;

Whereas therefore the relevant Annexes of Directive 77/93/EEC should be amended accordingly in the light of developments in scientific or technical knowledge ;

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. Annex I to Directive 77/93/EEC is hereby amended as follows :

(a) in part A (a) the following items are added :

'001	*Acleris variana* (Fern.)
01 (a)	*Anomala orientalis* Waterh.
3 (a)	*Erarmonia prunivora* (Walsh. 1868)
7 (b) (i)	*Nacobbus aberrans* (Thorne) Thorne & Allen
7 (b) (ii)	*Opogona sacchari* (Bojer)
8a	*Premnotrypes* spp. (non-European)
18.	*Xiphinema americanum sensu lato* (non-European populations)' ;

(1) OJ No L 26, 31. 1. 1977, p. 20.
(2) OJ No L 151, 11. 6. 1987, p. 1.

(b) in (A) (c) the following item is deleted :

'1. *Aplanobacter populi* Ridé' ;

(c) in (A) (c) the following items are added :

'4. *Xanthomonas populi* (Ridé) Ridé and Ridé
5. *Xylella fastidiosa* (Well *et al* ; 1987) [syn. grapevine Pierce's disease bacterium]' ;

(d) in (A) (d) the following items are deleted :

'5. *Cronartium comptoniae* Arthur

6. *Cronartium fusiforme* Hedge. and Hunt ex Cumm.,

8. *Endocronartium harknesii* (J.P. Moore), Y. Hiratsuka [= *Peridermium harknessii* (J.P. Moore)]

11. *Hypoxylon pruinatum* (Klotzsche) Cke' ;

(e) in (A) (d) the following items are added :

' 5. *Cronartium* spp. (non-European)

6. *Endocronartium* spp. (non-European)

10 (a) *Gymnosporangium* spp. (non-European)

13 (a) *Monilinia fructicola* (Wint.) Honey

13 (b) *Mycosphaerella larici-leptolepis* K. Ito *et al.*

15 (a) *Peridermium* spp. (non-European)

15 (b) *Phoma andina* Turkensteen

15 (c) *Phyllosticta solitaria* Ell. & Ev.

16 (a) *Septoria lycopersici* var. *malaguttii* Ciccarone & Boerema' ;

(f) in (B) (a) the following item is deleted :

'9.	*Iridomyrmex humilis* (Mayr)	France, Italy, Greece'

(g) in (B) (a), item 4, the words 'Spain, Portugal' are added to the right-hand column ;

(h) in (B) (a), item 6, the word 'France' is added to the right-hand column ;

(i) in (B) (a), item 12, the word 'Greece' is added to the right-hand column ;

(j) in (B) (c) the following item is deleted :

'1.	*Cronartium ribicola* J.C. Fischer	Italy, Greece, Spain, Portugal'

(k) in (B) (c), items 4 and 5 the word 'France' is added to the right-hand column ;

(l) in (B) (c) the following item is added :

'5 (aa)	*Fusarium oxysporum* Schlecht f.sp. *albedinis* (Killian & Maire) Gord.	France, Italy, Spain'

2. Annex II to Directive 77/93/EEC is hereby amended as follows :

(a) in (A) (a) the following items are deleted :

'5.	*Gracilaria azaleella* Brants	Azaleas *(Rhododendron* L. *partim)*
6.	*Lampetia equestris* F.	Flower bulbs and corms
8.	*Rhagoletis cerasi* L.	Fruits of cherry trees *(Prunus avium* L. and *Prunus cerasus* L.)' ;

(b) in (A) (a), item 3 in the right-hand column after the words 'Flower bulbs' there are added the words 'of the genera *Croccus* L., *Gladiolus* Tourn. ex L., *Hyacinthus* L., *Iris* L., *Tigridia* Juss., and *Tulipa* L.';

(c) in (A) (a) the following item is added:

'1 (01)	*Aphelenchoides besseyi* Christie	Strawberry plants *(Fragaria* Tourn. ex L.) other than the fruits and seeds'

(d) in (A) (b) the following item is deleted:

'5.	*Pseudomonas gladioli* Severini [= *Pseudomonas marginata* (McCull.) Stapp]	Gladioli corms (*Gladiolus* Tourn. ex L.) and freesia corms (*Fressia* Klatt.)'

(e) in (A) (b), item 9 after the word '*Xanthomonas*' the words *'vesicatoria* (Doidge) Dye' are deleted and the words '*campestris* pv. *vesicatoria* (Doidge 1920) Dye 1978' are added;

(f) in (A) (b) the following items are added:

'7 (a)	*Pseudomonas syringae* pv. *persicae* (Prunier *et al.* 1970) Young *et al.* 1978	Prunus other than fruit and seeds
8 (aa)	*Xanthomonas ampelina* Panagopoulos 1969	Vines *(Vitis* L. *partim)* other than fruit and seeds'

(g) in (A) (c) the following items are deleted:

' 5.	*Ovulina azaleae* Weiss	Azaleas (*Rhododendron* L. *partim)*
10.	*Sclerotinia bulborum* (Wakk.) Rehm	Flower bulbs
11.	*Sclerotinia convoluta* Drayt.	Iris rhizomes *(Iris* L.)
12.	*Septoria gladioli* Pass.	Flower bulbs and corms
13.	*Stomatinia gladioli* (Drat) Whet.	Flower bulbs and corms'

(h) in (A) (c) the following items are added:

' 5.	*Hypoxylon pruinatum* (Klotsche) Cke	Plants of *Populus* other than seeds intended for planting
8 (a)	*Puccinia pitteriana*	*Solanum* spp.
15 (a)	*Verticillium dahliae*	Hops (*Humulus lupulus* L.)'

(i) in (B) (a), item 01, the word 'Portugal' is added to the right-hand column;

(j) in (B) (a) the following items are added:

'03.	*Aphelenchoides bessevi* Christie	Rice *(Oryza* spp.) seed for sowing	France, Greece, Italy, Spain, Portugal
11 (aa)	*Rhagoletis cerasi* L.	Fruits of cherry trees *(Prunus avium* L. and *Prunus cerasus* L.)	United Kingdom'

(k) in (B) (b) the following items are added:

'1 (a)	*Erwinia stewartii* (Smith 1898) Dye 1963	*Zea mais* seed for sowing	Greece, Italy, Spain, Portugal
7.	*Xanthomonas campestris* pv. *oryzae* (Ishiyama 1922) Dye 1978 and pv. *orizicola* (Fang *et al.* 1957) Dye 1978	Rice (*Oryza* spp.) seed for sowing	France, Greece, Italy, Spain, Porugal'