COUNCIL DIRECTIVE

of 18 December 1986

amending, consequent on the accession of Spain and Portugal, Directive 77/93/EEC on protective measures against the introduction into the Member States of organisms harmful to plants or plant products

(86/651/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 396 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (1),

Whereas by means of Directive 77/93/EEC (2), as last amended by Regulation (EEC) No 3768/85 (3), the Council has established a system for the protection against the introduction into the Member States of organisms harmful to plants or plant products;

Whereas, in accordance with the conclusions of the Conference on the accession of Spain and Portugal to the European Communities, it is necessary to take account of the ecological conditions and of the plant health situation which characterize the territories of those States and the territories of the other Member States;

Whereas protection should therefore be extended to include Spain and Portugal or particular regions of those States against certain harmful organisms affecting the Community as a whole and certain parts thereof;

Whereas protection against certain other harmful organisms affecting Spain and Portugal or particular regions thereof or affecting other Member States or regions with similar ecological conditions should be extended to include the Member States or regions concerned;

Whereas protection should be extended against certain plants known to bear a particular risk of carrying harmful organisms by permitting the Kingdom of Spain and the Portuguese Republic to prohibit or restrict the importation of those plants;

Whereas provision should be made for a transitional period to enable those two States to take all the measures required to comply with Directive 77/93/EEC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 77/93/EEC is hereby amended as follows:

1. Article 1 (2) shall be replaced by the following:

   2. This Directive shall not apply to the French overseas departments, nor to the Canary Islands, Ceuta or Melilla.'

2. The following paragraph shall be added to Article 20:

   2. The Kingdom of Spain and the Portuguese Republic shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 March 1987 at the latest.

   The other Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with the provisions of this Directive in respect of Spain and Portugal on the same date at the latest.'

3. Annex I is hereby amended as follows:

   (a) The following items in part A (a) shall be deleted:

   9. Rhagoletis cingulata (Loew)

(1) OJ No C 68, 24. 3. 1986, p. 166.
(2) OJ No L 26, 31. 1. 1977, p. 20.
(3) OJ No L 362, 31. 12. 1985, p. 8.