COUNCIL DIRECTIVE

of 19 December 1985

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

(85/574/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 100 thereof,

Having regard to the proposal from the Commission (1),

Having regard to the opinion of the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas by its Directive 77/93/EEC (4), as last amended by Directive 84/378/EEC (5), the Council laid down protective measures against the introduction into the Member States of organisms harmful to plants or plant products;

Whereas, having regard to developments since then, certain of its provisions should be amended for the reasons given below;

Whereas it is useful to give a detailed definition of certain terms used in connection with the term 'plants';

Whereas machinery should be established to determine, at Community level, acceptable tolerances for certain harmful organisms on products other than plants intended for planting;

Whereas it is appropriate to lay down, with a view to the intended adoption in a standardized layout of the specimen certificates approved by the International Plant Protection Convention of 6 December 1951, as amended on 21 November 1979, certain rules concerning the conditions in accordance with which such certificates may be issued, certain rules for the use of previous models during a transitional period, and certification requirements in the case of the introduction of plants and plant products from third countries;

Whereas the procedure applicable to certain types of amendments to be made to the Annexes to Directive 77/93/EEC should be simplified;

Whereas, as a result of the adoption of certain new headings in the Annexes, the Member State concerned could impose the relevant prohibitions or restrictions also where the products concerned, originating in a third country, come from other Member States;

Whereas certain provisions laid down in the enacting terms of that Directive should be deleted following the adoption, by Directive 84/378/EEC, of more appropriate provisions in the Annexes;

Whereas derogations from the general provisions of Directive 77/93/EEC which have been granted in accordance with conditions determined on a Community basis pursuant to Article 14 (2) and (3) of that Directive have presented considerable advantages in that they have enabled specific situations to be taken into account; whereas the scope of such derogations should therefore be extended;

Whereas, moreover, experience has shown that the same degree of urgency may attach to such derogations as attaches to the safeguard provisions laid down in Article 15 of that Directive; whereas therefore the urgency procedure specified in Article 17 of the said Directive should also be made applicable to these derogations,

HAS ADOPTED THIS DIRECTIVE:

Article 1

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

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

'(a) Plants shall be considered to mean living plants and living parts thereof, including seeds.

Living parts of plants shall be considered to include:

— fruit — in the botanical sense — other than that preserved by deep freezing,

— vegetables, other than those preserved by deep freezing,

— tubers, corms, bulbs, rhizomes,

— cut flowers,

— branches with foliage,

— cut trees retaining foliage,

— plant tissue cultures.'

(1) OJ No C 186, 13. 7. 1984, p. 6.
(2) OJ No C 300, 12. 11. 1984, p. 53.
(3) OJ No C 25, 28. 1. 1985, p. 31.
(4) OJ No L 26, 31. 1. 1977, p. 20.
(5) OJ No L 207, 2. 8. 1984, p. 1.