COUNCIL DIRECTIVE

of 18 March 1980

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

(80/392/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,

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

Whereas by its Directive 77/93/EEC (2) 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 the adoption of the said Directive, it should be amended for the reasons given below;

Whereas the International Plant Protection Convention of 6 December 1951, despite the recommendations put forward at the United Nations Food and Agricultural Organization (FAO) consultations of 1976 and 1979, has not been amended in such a way as to follow the introduction of the specimen certificates provided for in the Directive; whereas, therefore, the specimen certificates set out in the current version of the Convention should be allowed for a transitional period;

Whereas, in the case of seeds, the measures to ensure compliance with the requirements laid down in the Directive are to be determined at Community level; whereas the period specified for this purpose has not been sufficient and should therefore be extended;

Whereas in the case of importations of plants or plant products from non-member countries the authorities responsible in such countries for issuing certificates should be, in principle, those empowered under the International Plant Protection Convention; whereas it could be desirable to establish lists of these authorities;

Whereas the measures laid down in the Directive in the case of oak wood in the round to protect the Community against the introduction of oak wilt (Ceratocystis fagacearum) into the Community have on the one hand proved insufficient and on the other unnecessarily strict; whereas, in the interests of effective protection, a basis should be established for the extension of such measures to sawn oak timber; whereas the Member States should also be given the power to permit, under certain conditions to be determined beforehand at Community level, derogations from the general requirements on oak wilt and similar cases;

Whereas it is useful, furthermore, to clarify certain provisions of the Directive;

Whereas also the date of the implementation of the Directive by the Member States should be adjusted to take into account existing difficulties,

HAS ADOPTED THIS DIRECTIVE:

Article 1

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

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

   '2. This Directive, save where it expressly provides otherwise, concerns wood only in so far as it retains all or part of its natural round surface, with or without bark.';

2. the following sentence shall be added to Article 5 (1):

   'The plant products listed in Annex IV, Part A (1) to (5) may not be introduced into their territory unless accompanied by an official certificate stating the country in which these products originate.';

3. in Article 5 (2), (c) shall be deleted;

(1) OJ No C 289, 19. 11. 1979, p. 42.
(2) OJ No L 26, 31. 1. 1977, p. 20.