

L.N. 42 of 2005

**PLANT QUARANTINE ACT, 2001
(ACT NO. XVII of 2001)**

**Plant Quarantine (Harmful Organisms) (Amendment)
Regulations, 2005**

IN exercise of the powers conferred by article 32 of the Plant Quarantine Act, 2001, the Minister for Rural Affairs and the Environment has made the following regulations:

1. (1) The title of these regulations is the Plant Quarantine (Harmful Organisms) (Amendment) Regulations, 2005 and they shall be read and construed as one with the Plant Quarantine (Harmful Organisms) Regulations, 2004, hereinafter referred to as “the principal regulations”. Title and scope.
L.N. 97 of 2004.

(2) The scope of these regulations is to amend Commission Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community as follows:–

(a) Commission Decision 2002/887 of 8 th November 2002 granting derogation for bonsai plants from Japan;

(b) Commission Decision 2002/499 OF 26th June 2002 granting derogation for bonsai plants from Korea;

(c) Commission Decision 2004/95 of 20th January 2004 authorising derogation for Conifer wood from Canada;

(d) Commission Decision 2004/4 of 22nd December 2003 on temporary measures for Egyptian potatoes;

(e) Commission Decision 2001/219 of 12th March 2001 on temporary emergency measures for wood packing from the United States of America, Canada, Japan and China;

(f) Commission Decision 2001/218 of 12th March 2001, amended by Decision 2003/127 on temporary emergency measures for wood from Portugal due to *B.xylophilus*;

(g) Commission Decision 2002/757 of 29th April 2004 on temporary emergency measures against *Phytophthora ramorum*;

(h) Commission Decision 2004/200 of 27th February 2004 on temporary emergency measures against Pepino Mosaic Virus;

(i) Commission Decision 2003/766 of 24th October 2003 on emergency measures against *Diabrotica virgifera*;

(j) Commission Decision 2004/416 of 29th April 2004 on temporary emergency measures for Citrus fruit from Argentina and Brazil;

(k) Commission Decision 98/83 of 8th January 1998, amended by 2001/440 and 2003/129, and

(l) Commission Directive 2004/70/ EC of 28th April 2004 amending Annexes I, II, III, IV of Directive 2000/29/EC as regards some protected zones;

Provided that Directive 2000/29 has been transposed under the Plant Quarantine (Harmful Organisms) Regulations, Legal Notice 97 of 2004.

Adds new regulation 4A of the principal regulations.

2. Immediately after regulation 4 of the principal regulations, there shall be added the following new regulation:

“Authorisation for derogation, Commission Decision 2002/887.

4A (1) The Director is hereby authorized to provide for derogations from Article 4(1) of Directive 2000/29/EC with regard to the prohibitions referred to in Part A, point 1 of Annex III to that Directive for plants of *Chamaecyparis* Spach, *Juniperus* L. and *Pinus* L., other than fruits and seeds, originating in Japan. In order to qualify for those derogations the plants shall satisfy, in addition to or by derogation of the requirements laid down in Annex I, Annex II and in Part A, Section I, point 43 of Annex IV to Directive 2000/29/EC, the conditions set out in Schedule XIV relating to Commission Decision 2002/887 of 8 November 2002.

(2) The Director shall provide the Commission and the other Member States with information on quantities imported prior to that date pursuant to the said Decision and with a

detailed technical report of the examination and, or, tests carried out on these plants during the quarantine period referred to in point 10 of the said Schedule. Any Member State, other than that of importation, in which the plants are introduced, shall also provide the Commission and the other Member States with a detailed technical report of the examination and/or tests carried out on these plants introduced prior to that date during the quarantine period referred to in point 10 of the said Schedule.

(3) The Director shall notify the Commission and the other Member States of all cases of consignments introduced into Malta pursuant to the Commission Decision which were subsequently found not to comply with the conditions laid down herein.

(4) The territory of Malta may apply the derogations mentioned in sub-regulation (1) to plants imported into the Community in the following periods as follows:-

(a) *Pinus*, from 1 January 2003 to 31 December 2004,

(b) *Chamaecyparis*, from 1 January 2003 to 31 December 2004,

(c) *Juniperus*, from 15 November 2002 to 31 March 2003 and 1 November 2003 to 31 March 2004.”

3. Immediately after regulation 4A of the principal regulations, there shall be added the following regulation:

Adds new regulation 4B to principal regulations.

“Authorisation for derogation, Commission Decision 2002/499 EC.

4B (1) The Director is hereby authorised to provide for derogations from Article 4(1) of Directive 2000/29/EC, with regard to the prohibitions referred to in Part A, point 1 of Annex III to that Directive for plants of *Chamaecyparis* Spach, *Juniperus* L. and *Pinus* L., other than fruits and seeds, originating in the Republic of Korea. In order to qualify for these derogations, plants of *Chamaecyparis* Spach, *Juniperus* L. and *Pinus* L., other than fruits and seeds, shall satisfy, in addition to the requirements laid down in Annex I, Annex II and in part A, Section I, point 43 of Annex IV to Directive 2000/29/EC, the conditions set out in Schedule XV hereto.

(2) The Director shall provide the Commission and the other Member States, before 1 August 2005, with the

information on quantities imported prior to that date pursuant to the said Decision and with a detailed technical report of the examination and/or tests carried out on these plants during the quarantine period referred to in point 10 of the said Schedule. Any Member State, other than that of importation, in which the plants are introduced, shall also provide the Commission and the other Member States, before 1 August 2005, with a detailed technical report of the examination and, or, tests carried out on these plants introduced prior to that date during the quarantine period referred to in point 10 of the said Schedule.

(3) The Director shall notify the Commission and the other Member States of all cases of consignments introduced into Malta pursuant to the said Decision which were subsequently found not to comply with the conditions laid down herein.

(4) Member States may apply the derogations mentioned in sub-regulation (1) to *Pinus* and *Chamaecyparis* plants imported into the Community in the period from 1 June 2004 to 31 December 2005, and to *Juniperus* plants imported into the Community in the period from 1 November 2004 to 31 March 2005”.

Adds new regulation 4C to the principal regulations.

4. Immediately after regulation 4B of the principal regulations, there shall be added the following regulation:

“Authorisation to derogate, Commission Decision 2004/95/EC.

4C (1) By way of derogation from Article 13(1)(ii) of Directive 2000/ 29/EC, Malta States is hereby providing for derogations allowing the introduction into Malta of wood of conifers (*Coniferales*) listed under CN codes 4407 10 91, 4407 10 93 and 4407 10 98, as set out in Section IX of Part Two of Annex I to Council Regulation (EEC) No 2658/87 (1), originating in Canada, subject to compliance with the conditions set out in Schedule XVI to these regulations.

(2) The Director shall provide the Commission and the other Member States with information when they have made use of the authorisation granted in sub-regulation (1). The Director shall provide the Commission and the other Member States by 15 March 2005 with information on the number of consignments imported pursuant to this Decision and with a detailed report of the official inspections required pursuant to Article 13a(1)(b) of Directive 2000/29/EC.

(3) The Director shall notify the Commission and the other Member States of all consignments introduced into Malta pursuant to this Decision which do not comply with the conditions set out in the said Schedule to these regulations.

(4) The authorisation granted in regulation 2 hereof shall be revoked prior to the 1 of July 2005 if:

(a) the conditions set out in the Schedule hereto are shown to be insufficient to prevent the introduction into the Community of organisms harmful to plants or plant products;

(b) there are elements which could militate against the proper functioning of the Canadian Heat-Treated Wood Products (CHTWPCP) in Canada.

(5) The authorisation granted in sub-regulation (2) hereof shall apply from 1st February, 2004 and shall expire on 1 July, 2005."

5. Immediately after regulation 4C of the principal regulations, there shall be added the following new regulation:

Adds new regulation 4D to the principal regulations.

"Authorisation for derogation, Commission Decision 2004/4/EC.

"4D (1) By way of derogation from Article 1 of Commission Decision 2004/4/EC, for the import season 2003/2004 the entry into the territory of the Community of tubers of *Solanum tuberosum* L. which originate in Egypt shall be permitted from the 'pest-free areas' referred to in paragraph 2, provided that the measures applicable to tubers grown in these areas and laid down in Schedule XVII to this regulation, are complied with.

(2) The Commission shall establish whether 'pest-free areas' have been approved in Egypt for the import season 2003/04 in accordance with the 'FAO International Standard for Phytosanitary Measures Part 4: Pest Surveillance ó Requirements for the Establishment of Pest-Free Areas', in particular point 2.3 thereof, and shall compile a 'list of approved pest-free areas', including identification details of the fields located in the above 'approved pest-free areas'. The Commission shall convey this list to the Committee and to the Director.

(3) The provisions of sub-regulation (2) shall no longer apply as soon as the Commission has notified to the Member

States that the sixth interception of *Pseudomonas solanacearum* (Smith) Smith has been confirmed in accordance with points 2 or 3 of the said Schedule, in lots of potatoes introduced into the Community pursuant to this Decision during the 2003/04 import season, and that it has been found that interceptions indicate that the method for the identification of ‘pest-free areas’ in Egypt or the procedures for official monitoring in Egypt have not been sufficient to prevent the risk of introduction of *Pseudomonas solanacearum* (Smith) Smith into the Community.

(4) The Director shall provide the Commission and the other Member States, with information on the amounts imported pursuant to this Decision and with a detailed technical report on the official examination referred to in point 2 of the said Schedule; copies of each plant health certificate shall be transmitted to the Commission. In cases of notification of a suspect or confirmed finding as referred to in point 4 of the said Schedule, copies of the plant health certificates and their attached documents shall be transmitted with the said notification.

(5) The Director shall adjust the measures which they have adopted with a view to protecting themselves against the introduction and spread of *Pseudomonas solanacearum* (Smith) Smith in such a manner that the measures comply with sub-regulations (1), (2) and (3).

Adds new regulation 4E to the principal regulations.

6. Immediately after regulation 4D, there shall be added the following new regulation:

“Authorisation to derogate, Commission Decision 2001/219/EC.

4E (1) (a) For the purposes of this regulation ‘susceptible wood’ means wood packing comprised in whole or in part of nonmanufactured wood of conifers (*Coniferales*), except that of *Thuja* L., originating in Canada, China, Japan and the United States of America in the form of packing cases, boxes, crates, drums and similar packings, pallets, box pallets and other load boards, pallet collars, whether or not actually in use in the transport of objects of all kinds.

(b) Susceptible wood may only be introduced into the territory of the Community if it complies with the emergency measures laid down in Schedule XVIII to this regulation.

(c) The provisions specified in points 1, 2 and in point 3 second indent of the Schedule XVII to this regulation shall

apply only to susceptible wood destined for the Community and originating in the above countries on or after 1 October 2001. The provisions specified in point 3 first indent of Schedule XVIII to this Decision shall apply from the date of notification of the provisions of sub-regulation (4).

(2) The measures laid down in Part A, Section I, point 1.3 of Annex IV to Directive 2000/29/EC shall not apply to susceptible wood which has been treated in accordance with the requirements of Schedule XVIII hereto.

(3) When, on the basis of the monitoring provided for in point 3 of Schedule XVIII, it appears that the provisions referred to in Schedule XV to this Decision have not been complied with in relation to susceptible wood, Malta shall ensure that the susceptible wood is either:

(a) treated in an officially approved manner that eliminates *Bursaphelenchus xylophilus* (Steiner et Buhrer) Nickle et al.,

(b) refused entry into the Community,

(c) destroyed by either:

(i) incineration,

(ii) deep burial in sites approved by responsible official bodies referred to in Directive 2000/29/EC, or

(iii) processing in an officially approved manner that eliminates *Bursaphelenchus xylophilus* (Steiner et Buhrer) Nickle et al.

All such measures shall be carried out under the official supervision of the Director.

(4) Without prejudice to the provisions of Commission Directive 94/3/EC, if Malta imports susceptible wood, the Director shall provide the Commission and the other Member States, with a detailed technical report on the results of the monitoring it has undertaken pursuant to point 3 of the said Schedule .

(5) Member States shall adjust the measures which they have adopted with a view to protecting themselves against the introduction and the spread of *Bursaphelenchus xylophilus* (Steiner et Buhrer) Nickle et al. in such a manner that the measures comply with sub-regulations (1), (2) and (3), and shall forthwith inform the Commission of the adjusted measures.

Adds regulation 4F to principal regulations.

7. Immediately after regulation 4E, there shall be added the following regulation:-

“Authorisation to derogate, Commission Decision 2001/218/ EC as amended by 2003/127/EC.

4F (1) In this regulation:

(a) ‘the pine wood nematode (PWN)’ means *Bursaphelenchus xylophilus* (Steiner et Buhrer) Nickle et al.,

(b) ‘susceptible wood and bark’ means wood and isolated bark of conifers (*Coniferales*), except that of *Thuja* L.;

(c) ‘susceptible plants’ means plants (other than fruit and seeds) of *Abies* Mill., *Cedrus* Trew, *Larix* Mill., *Picea* A. Dietr., *Pinus* L., *Pseudotsuga* Carr. and *Tsuga* Carr.

(2) The Director may –

(a) subject consignments of susceptible wood, and bark and of susceptible plants coming from demarcated areas in Portugal and moved into Malta to testing for the presence of PWN;

(b) take further appropriate steps to carry out official monitoring in respect of such consignments, to ascertain whether they comply with the relevant conditions specified in Schedule XIX to these regulations.

(3) Malta shall conduct official annual surveys for PWN, on susceptible wood and bark and susceptible plants originating in their country, to determine whether there is any evidence of infestation by PWN. Without prejudice to the provisions of Article 16(1) of Directive 2000/ 29/EC where the results of the surveys provided for in the first paragraph indicate the occurrence of the PWN in areas where it was

previously unknown, the results of such surveys shall be notified to the other Member States and the Commission by 15 November 2003 and 15 November 2004 respectively.

(4) The Commission shall compile a list of areas in which PWN is known not to occur and convey such a list to the Standing Committee on Plant Health and to the Member States. Any areas in Portugal not comprised in the above compiled list, shall be deemed to be demarcated areas. The list of the areas referred to in the first sentence of the second paragraph shall be adjusted by the Commission according to the results of the survey referred to in the second paragraph of Article 4 and to the findings notified under Article 16(1) of Directive 2000/29/EC”.

8. Immediately after regulation 9, there shall be added the following regulation:

Adds regulation 4G to the principal regulations.

“Authorisation to derogate, Commission Decision 2002/757/EC.

4G. (1) For the purpose of this regulation:

(a) ‘the harmful organism’ means *Phytophthora ramorum* Werres, De Cock & Man in ‘t Veld sp. nov.

(b) ‘susceptible plants’ means plants, other than fruit and seeds, of *Acer macrophyllum* Pursh., *Aesculus californica* Nutt., *Arbutus menziesii* Pursch., *Arctostaphylos* spp. Adans, *Heteromeles arbutifolia* (Lindley) M. Roemer, *Lithocarpus densiflorus* (H & A), *Lonicera hispidula* (Dougl.), *Quercus* spp. L., *Rhamnus californica* (Esch), *Rhododendron* spp. L., other than *Rhododendron simsii* Planch., *Umbellularia californica* (Pursch.), *Vaccinium ovatum* (Hook & Arn) Nutt. and *Viburnum* spp. L.

(c) ‘susceptible wood’ means wood of *Acer macrophyllum* Pursh., *Aesculus californica* Nutt., *Lithocarpus densiflorus* (H & A) and *Quercus* L.

(d) ‘susceptible bark’ means isolated bark of *Acer macrophyllum* Pursh., *Aesculus californica* Nutt., *Lithocarpus densiflorus* (H & A) and *Quercus* L.

(2) No person shall introduce into the Community and spread within Malta any non-European or European isolates of the harmful organism.

(3) Susceptible plants and susceptible wood may only be introduced into Malta if they comply with the emergency phytosanitary measures laid down in points 1a and 2 of Schedule XX to these regulations and if they are inspected on entry into the Community for the presence of non-European isolates of the harmful organism, in accordance with Article 13(1)(a) of Directive 2000/29/EC, and are found free from the harmful organism in this inspection.

(4) The provisions specified in points 1a and 2 of the said Schedule XX to these regulations shall apply only to susceptible plants and susceptible wood originating in the United States of America destined for the Community and leaving on or after 1 November 2002.

(5) The measures laid down in Part A, Section I(3) of Annex IV as regards wood of *Quercus* L., including wood which has not kept its natural round surface, originating in the United States of America, shall not apply to susceptible wood of *Quercus* L. which satisfies the requirements of point 2(b) of the Annex to these regulations.

(6) As of 1 November 2002 plants of *Rhododendron* spp., other than *Rhododendron simsii* Planch., and *Viburnum* spp., other than fruit and seeds, originating in third countries, other than the United States of America, introduced into the Community may only be moved in the Community if they are accompanied by a plant passport prepared and issued in accordance with Commission Directive 92/105/EEC .

(7) Susceptible bark originating in the United States of America shall not be permitted entry in Malta.

(8) As of 1 November 2002, plants of *Rhododendron* spp., other than *Rhododendron simsii* Planch., and *Viburnum* spp., other than fruits and seeds, originating in the Community may not be moved from their place of production unless they meet the conditions laid down in point 3 of the said Schedule XX. The producers of these plants shall be registered in accordance with the provisions of Council Directive 92/90/EEC .

(9) The Director shall conduct official surveys for the harmful organism in Malta, to determine whether there is an evidence of infestation by the harmful organism”.

9. Immediately after regulation 4G, there shall be added the following new regulation:

Adds new regulation 4H to principal regulations.

“Authorisation to derogate, Commission Decision 2004/200/EC.

4H (1) The introduction into and movement within Malta of seeds of tomato, *Lycopersicon lycopersicum* (L.) Karsten ex Farw., contaminated by Pepino mosaic virus shall be prohibited.

(2) Seeds of tomato originating in third countries may only be imported into Malta if they meet the conditions laid down in point 1 of Schedule XX. They shall be inspected, and tested when appropriate, on entry into the Community for the presence of Pepino mosaic virus, in accordance with Article 13(1)(i) of Directive 2000/29/EC, *mutatis mutandis*.

(3) (a) Seeds of tomato, originating in the Community, may only be moved within the Community if they meet the conditions laid down in point 2 of the Schedule.

(b) Sub-regulation (b) shall not apply to movement of seeds intended for sale to final consumers not involved in professional plant production, provided that the packaging of the seeds or other indications clearly show that they are intended for sale to such consumer.

(4) The Director shall conduct official surveys on premises involved in the production of tomato plants and tomato fruits, for the presence of Pepino mosaic virus. Without prejudice to respectively Article 16(2) and 13c(8) of Directive 2000/29/EC, the results of the surveys provided for in the first paragraph and the results of the inspections and tests provided for in sub-regulation (2) shall be notified to the Commission.”

10. Immediately after regulation 4H to the principal regulations, there shall be added the following:

Addition of new regulation 4I to the principal regulations.

“Authorisation to derogate, Commission Decision 2003/766/EC.

4I (1) Member States shall ensure that the suspected occurrence or confirmed presence of *Diabrotica virgifera* le Conte, hereinafter referred to as “the organism” is reported to their own responsible official bodies within the meaning of Directive 2000/29/EC.

(2) (a) Member States shall each year conduct official surveys for the presence of the organism in areas in their territory, where maize is grown.

(b) Without prejudice to Article 16(1) of Directive 2000/29/EC, the results of the surveys provided for in paragraph 2(a) shall be notified to the Commission and to the other Member States.

(3) (a) When the results of the surveys referred to in sub-regulation (2), confirm the presence of the organism in an area which was previously known to be free from the organism, Member States shall define demarcated zones which consist of the following parts:

(i) a focus zone around a field where the organism has been captured, of at least 1 kilometre radius, and

(ii) a safety zone around the focus zone of at least 5 kilometre radius.

In addition Member States may also define a buffer zone around the focus and safety zone.

(4) The exact delimitation of the area of the zones referred to in sub-regulation (1) shall be based on sound scientific principles, the biology of the organism, the level of infestation, and the particular production system of the host plant of the organism in Malta.

(5) If the presence of the organism is confirmed in another point than the original point of capture of the organism situated in the focus zone, the delimitation of the demarcated zones shall be changed accordingly.

(6) If no captures of the organism are detected two years after the last year of capture, the demarcated zones shall cease to exist and no further eradication measures referred to in sub-regulation (4) shall be necessary.

(7) The Director shall inform the other Member States and the Commission of the areas of the zones referred to in sub-regulation (1) by providing suitable scale maps.

(8) (a) In each of the parts of the demarcated zones, the Director shall monitor the presence of the organism using appropriate sex pheromone traps which have to be arranged like a grid and checked regularly. The type and number of traps to be used as well as the method of trapping shall take

into account the local circumstances, and the characteristics of the demarcated zones.

(b) In addition to the provisions of sub-regulation (1), Member States shall ensure that in the focus zone:

(i) there is no movement of fresh plants of *Zea mays* L., or fresh parts thereof out of this zone between dates in the year of occurrence of the harmful organism, set on the basis of the biology of the organism, the level of captures of the organism, and the climatic conditions prevailing in Malta, to ensure that there is no spread of the organism;

(ii) there is no movement of soil of maize fields from inside the focus zone to outside the focus zone;

(iii) maize is not harvested between dates in the year of occurrence of the organism, set on the basis of the biology of the organism, the level of captures of the organism, and the climatic conditions prevailing in Malta, to ensure that there is no spread of the organism;

(iv) in the maize fields a crop rotation takes place whereby during any period of three consecutive years maize is only grown once, or maize is not cultivated for two years after the last year of capture in the entire focus zone;

(v) an appropriate treatment on maize fields until the end of the oviposition period is carried out against the organism in the year of its occurrence and the year thereafter;

(vi) agricultural machinery used on maize fields is cleaned of all soil and debris before leaving the zone;

(vii) volunteer maize plants are removed in non-maize fields.

(c) In addition to the provisions of sub-regulation (1), Member States shall ensure that in the safety zone at least:

(i) a crop rotation takes place whereby during any period of two consecutive years maize is only grown once; or

(ii) an appropriate treatment on maize fields is carried out against the organism in the year of its occurrence and the year thereafter.

(d) In addition, the competent authority may lay down that in the buffer zone a crop rotation takes place whereby, during any period of two consecutive years, maize is only grown once.

(9) The Director shall provide the Commission and the other Member States by 31 December of each year with the information on:

(a) the areas of the zones referred to in sub-regulation 7,

(b) the dates set and the justification thereof referred to in sub-regulation 8(b)(i) and (iii),

(c) the treatment carried out referred to in sub-regulation 8(b)(v) and sub-regulation 8(c)(ii).

Addition of regulation 4J to the principal regulations.

11. Immediately after regulation 4I, there shall be added the following new regulation:

“Authorisation to derogate, Commission Decision 2004/416/EC.

4J (1) By way of derogation from points 16.2 and 16.4 of Section I of Part A of Annex IV to Directive 2000/29/EC, from 1 May 2004 fruits of Citrus L., *Fortunella* Swingle, *Poncirus* Raf., and their hybrids (hereinafter referred to as citrus fruits), originating in Argentina or Brazil may only be introduced into the territory of Malta if they comply with the requirements laid down in Schedule XXII to these regulations.

(2) Without prejudice to the provisions of Commission Directive 94/3/EC, on importing citrus fruits originating in Argentina or Brazil, the Director shall provide the Commission and the other Member States, by 31 December 2004 at the latest, with a detailed technical report on the results of plant health checks carried out on those fruits in accordance with Article 13(1) of Directive 2000/29/EC between 1 May and 30 November 2004.

(3) If it becomes apparent that those emergency measures are not sufficient to prevent the entry of *Guignardia citricarpa* Kiely (all strains pathogenic to Citrus) or

Xanthomonas campestris (all strains pathogenic to Citrus), or have not been complied with, the Commission shall take more stringent or alternative measures, under the procedure laid down in Article 16(3) of Directive 2000/29/EC.”

12. Immediately after regulation 4J, there shall be added the following new regulation:

Addition of new regulation 4K to the principal regulations.

“4K (1) It is hereby declared that the following third countries are recognized as being free of all strains of *Xanthomonas campestris* pathogenic to Citrus:

(a) all citrus-growing countries in the Euro-Mediterranean region, including Europe, Algeria, Egypt, Israel, Libya, Morocco, Tunisia and Turkey, – in Africa: South Africa, Gambia, Ghana, Guinea, Kenya, Sudan, Swaziland and Zimbabwe,

(b) in Central and South America and the Caribbean: the Bahamas, Belize, Chile, Colombia, Costa Rica, Cuba, Ecuador, Honduras, Jamaica, Mexico, Nicaragua, Peru, the Dominican Republic, Saint Lucia, El Salvador, Surinam and Venezuela.

(2) The following areas are recognized as being free of all strains of *Xanthomonas campestris* pathogenic to Citrus:

(a) in Australia: New South Wales, Queensland, South Australia and Victoria,

(b) all areas of Brazil, with the exception of the States of Rio Grande do Sul, Santa Catarina, Paraná, São Paulo, Minas Gerais and Mato Grosso do Sul,

(c) in the United States of America: Arizona, California, Guam, Hawaii, Louisiana, Northern Mariana Islands, Puerto Rico, American Samoa, Texas and the United States Virgin Islands,

(d) all areas of Uruguay, with the exception of the Departments Salto, Rivera and Paysandu – north of River Chapicuy.

(3) The following third countries are recognized as being free of *Cercospora angolensis* Carv. et Mendes:

(a) all citrus-growing third countries in North, Central and South America, the Caribbean, Asia (with the exception of Yemen), Europe and Oceania,

(b) all citrus-growing third countries in Africa, with the exception of Angola, Cameroon, Central African Republic, Democratic Republic of Congo, Gabon, Guinea, Kenya, Mozambique, Nigeria, Uganda, Zambia and Zimbabwe.

(4) The following third countries are recognized as being free of all strains of *Guignardia citricarpa* Kiely pathogenic to Citrus:

(a) all citrus-growing third countries in North, Central and South America (with the exception of Argentina and Brazil), the Caribbean and Europe,

(b) all citrus-growing third countries in Asia, with the exception of Bhutan, China, Indonesia, Philippines and Taiwan,

(c) all citrus-growing third countries in Africa, with the exception of South Africa, Kenya, Mozambique, Swaziland, Zambia and Zimbabwe,

(d) all citrus-growing third countries in Oceania, with the exception of Australia, New Zealand and Vanuatu.

(5) The following areas are recognized as being free of all strains of *Guignardia citricarpa* Kiely pathogenic to Citrus:

(a) in South Africa: Western Cape,

(b) in Australia: South Australia, Western Australia and Northern Territory,

(c) in China: all areas with the exception of Sichuan, Yunnan, Guangdong, Fujian and Zhejiang,

(d) in Brazil : all areas with the exception of the States of Rio de Janeiro, São Paulo and Rio Grande do Sul.”

13. (a) In Schedule I to the principal regulations, in Part B of Annex I, under heading (b), for point 1 there shall be substituted the following:

Amends Schedule
I, II, III, IV to the
principal
regulations –
Commission
Directive
2004/70/EEC.

“1 Beet necrotic yellow vein virus	DK, F (Brittany), FI, IRL, P (Azores), UK (Northern Ireland)”.
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(b) In Schedule II to the principal regulations, under heading (b), point 2 there shall be substituted the following:

<p>"2. <i>Erwinia amylovora</i> (Burr.) Winsl. et al.</p>	<p>Parts of plants, other than fruit, seeds and plants intended for planting, but including live pollen for pollination of <i>Amelanchier</i> Med., <i>Chaenomeles</i> Lindl., <i>Cotoneaster</i> Ehrh., <i>Crataegus</i> L., <i>Cydonia</i> Mill., <i>Eriobotrya</i> Lindl., <i>Malus</i> Mill., <i>Mespilus</i> L., <i>Photinia davidiana</i> (Dcne.) Cardot, <i>Pyracantha</i> Roem., <i>Pyrus</i> L.L. and <i>Sorbus</i> L.</p>	<p>E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Trentino-Alto Adige: autonomous province of Trento; Tuscany; Umbria; Valle d'Aosta; Veneto: except in the province of Rovigo the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertiano, Castelguglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusina, Pincara, Stienta, Gaiba, Salara, and in the province of Padova the communes Castelbaldo, Barbona, Piacenza d'Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona the communes Palù, Roverchiara, Legnago, Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz) Styria, Vienna), P, FI, UK (Northern Ireland, Isle of Man and Channel Islands)."</p>
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(c) For Part B of Schedule III to the principal regulations, there shall be substituted the following : -

"PART B	
PLANTS, PLANT PRODUCTS AND OTHER OBJECTS THE INTRODUCTION OF WHICH SHALL BE PROHIBITED IN CERTAIN PROTECTED ZONES	
Description	Protected zone(s)
<p>'1. Without prejudice to the prohibitions applicable to the plants listed in Annex III A (9), (9.1), (18), where appropriate, plants and live pollen for pollination of: <i>Amelanchier</i> Med., <i>Chaenomeles</i> Lindl., <i>Crataegus</i> L., <i>Cydonia</i> Mill., <i>Eriobotrya</i> Lindl., <i>Malus</i> Mill., <i>Mespilus</i> L., <i>Pyracantha</i> Roem., <i>Pyrus</i> L. and <i>Sorbus</i> L., other than fruit and seeds, originating in third countries other than Switzerland and other than those recognised as being free from <i>Erwinia amylovora</i> (Burr.) Winkl. et al. in accordance with the procedure laid down in Article 18(2), or in which pest-free areas have been established in relation to <i>Erwinia amylovora</i> (Burr.) Winkl. et al. in accordance with the relevant International Standard for Phytosanitary Measures and recognised as such in accordance with the procedure laid down in Article 18(2)</p>	<p>E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Trentino-Alto Adige: autonomous province of Trento; Tuscany; Umbria; Valle d' Aosta; Veneto: except in the province of Rovigo the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertino, Castalguglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusina, Pincara, Stienta, Gaiba, Salara, and in the province of Padova the communes Castelbaldo, Barbona, Piacenza d'Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona the communes Palù, Roverchiara, Legnago, Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, FI, UK (Northern Ireland, Isle of Man and Channel Islands)</p>

<p>2. Without prejudice to the prohibitions applicable to the plants listed in Annex IIIA (9), (9.1), (18), where appropriate, plants and live pollen for pollination of: <i>Cotoneaster</i> Ehrh. and <i>Photinia davidiana</i> (Dcne.) Cardot, other than fruit and seeds, originating in third countries other than those recognised as being free from <i>Erwinia amylovora</i> (Burr.) Winsl. et al. in accordance with the procedure laid down in Article 18(2), or in which pest-free areas have been established in relation to <i>Erwinia amylovora</i> (Burr.) Winsl. et al. in accordance with the relevant International Standard for Phytosanitary Measures and recognised as such in accordance with the procedure laid down in Article 18(2)</p>	<p>E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Trentino-Alto Adige: autonomous province of Trento; Tuscany; Umbria; Valle d'Aosta; Veneto: except in the province of Rovigo the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertiano, Castalguglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusina, Pincara, Stienta, Gaiba, Salara, and in the province of Padova the communes Castelbaldo, Barbona, Piacenza d'Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona the communes Palù, Roverchiara, Legnago, Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, FI, UK (Northern Ireland, Isle of Man and Channel Islands)."</p>
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(d) Part B of Schedule IV shall be amended as follows:

(a) in the third column of point 20.1, the text is substituted by the following:
“DK, F (Britanny), FI, IRL, P (Azores), LT, UK (Northern Ireland)”;

(b) in the third column of point 20.2, the text is substituted by the following:
“DK, F (Britanny), FI, IRL, P (Azores), LT, UK (Northern Ireland)”;

(c) point 21 shall be substituted by the following:

<p>‘21. Plants and live pollen for pollination of: <i>Amelanchier</i> Med., <i>Chaenomeles</i> Lindl., <i>Cotoneaster</i> Ehrh., <i>Crataegus</i> L., <i>Cydonia</i> Mill., <i>Eriobotrya</i> Lindl., <i>Malus</i> Mill., <i>Mespilus</i> L., <i>Photinia davidiana</i> (Dcne.) Cardot, <i>Pyracantha</i> Roem., <i>Pyrus</i> L. and <i>Sorbus</i> L., other than fruit and seeds</p>	<p>Without prejudice to the prohibitions applicable to the plants listed in Annex IIIA(9), (9.1), (18) and IIIB(1), (2) where appropriate, official statement that:</p> <p>(a) the plants originate in third countries recognised as being free from <i>Erwinia amylovora</i> (Burr.) Winsl. et al. in accordance with the procedure laid down in Article 18(2),</p> <p>or</p> <p>(b) the plants originate in pest-free areas in third countries which have been established in relation to <i>Erwinia amylovora</i> (Burr.) Winsl. et al. in accordance with the relevant International Standard for Phytosanitary Measures and recognised as such in accordance with the procedure laid down in Article 18(2),</p> <p>or</p> <p>(c) the plants originate in one of the following Cantons of Switzerland: Berne (with the exceptions of the districts of Signau and Trachselwald), Fribourg, Grisons, Tici Vaud, Valais,</p> <p>(d) the plants originate in the protected zones listed in the right-hand column,</p> <p>or</p> <p>(e) the plants have been produced, or, if moved into a “buffer zone”, kept and maintained for a period of at least 7 months including the period 1 April to 31 October of the last complete cycle of vegetation, on</p>	<p>E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Trentino-Alto Adige; autonomous province of Trento; Tuscany; Umbria; Valle d'Aosta; Veneto: except in the province of Rovigo the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesse Umbertoiano, Castalguglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusina, Pincara, Stienta, Gaiba, Salara, and in the province of Padova the communes Castelbaldo, Barbona, Piacenza d'Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona the communes Palù, Roverchiara, Legnago, Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), LV, LT, A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, SI, SK, FI, UK (Northern Ireland, Isle of Man and Channel Islands)”</p>
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	<p>a field:</p> <p>(aa) located at least 1 km inside the border of an officially designated 'buffer zone' of at least 50 km² where host plants are subject to an officially approved and supervised control regime established at the latest before the beginning of the complete cycle of vegetation preceding the last complete cycle of vegetation, with the object of minimising the risk of <i>Erwinia amylovora</i> (Burr.) Winkl. <i>et al.</i> being spread from the plants grown there. Details of the description of this 'buffer zone' shall be kept available to the Commission. Once the 'buffer zone' is established, official inspections shall be carried out in the zone not comprising the field and its surrounding zone of 500 m width, at least once since the beginning of the last complete cycle of vegetation at the most appropriate time, and all host plants showing symptoms of <i>Erwinia amylovora</i> (Burr.) Winkl. <i>et al.</i> should be removed immediately. The results of these inspections shall be supplied by 1 May each year to the Commission and to other Member States, and</p> <p>(bb) which has been officially approved, as well as the 'buffer zone', before the beginning of the complete cycle of vegetation preceding the last complete cycle of vegetation, for the cultivation of plants under the requirements laid down in this point, and</p> <p>(cc) which, as well as the surrounding zone of a width of at least 500 m, has been found free from <i>Erwinia amylovora</i> (Burr.) Winkl. <i>et al.</i> since the beginning of the last complete cycle of vegetation, at official inspection carried out at least:</p> <p>— twice in the field at the most appropriate time, i.e. once during</p>	
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	<p>June to August and once during August to November; and</p> <p>— once in the said surrounding zone at the most appropriate time, i.e. during August to November, and</p> <p>(dd) from which plants were officially tested for latent infections in accordance with an appropriate laboratory method on samples officially drawn at the most appropriate period.</p> <p>Between 1 April 2004 and 1 April 2005, these provisions shall not apply to plants moved into and within the protected zones listed in the right-hand column which have been produced and maintained on fields located in officially designated “buffer zones”, according to the relevant requirements applicable before 1 April 2004.”</p>	
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(d) a new point 21.3 shall be substituted by the following:

“21.3. From 15 March to 30 June, beehives	<p>There shall be documented evidence that the beehives:</p> <p>(a) originate in third countries recognised as being free from <i>Erwinia amylovora</i> (Burr.) Winsl. <i>et al.</i> in accordance with the procedure laid down in Article 18(2),</p> <p>or</p> <p>(b) originate in one of the following Cantons of Switzerland: Berne (with the exceptions of the districts of Signau and Trachselwald), Fribourg, Grisons, Ticino, Vaud, Valais,</p> <p>or</p>	<p>E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Trentino-Alto Adige: autonomous province of Trento; Tuscany; Umbria; Valle d'Aosta; Veneto: except in the province of Rovigo the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova</p>
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	<p>(c) originate in the protected zones listed in the right-hand column,</p> <p>or</p> <p>(d) have undergone an appropriate quarantine measure before being moved</p>	<p>del Ghebbo, Fiesso Umbertino, Castalguglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusina, Pincara, Stienta, Gaiba, Salara, and in the province of Padova the communes Castelbaldo, Barbona, Piacenza d'Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona the communes Palù, Roverchiara, Legnago, Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, FI, UK (Northern Ireland, Isle of Man and Channel Islands)";</p>
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(e) in the third column of point 22, the text shall be replaced by the following:
 “DK, F (Britanny), FI, IRL, P (Azores), LT, UK (Northern Ireland)”;

(f) in the third column of point 23, the text shall be replaced by the following:
 “DK, F (Britanny), FI, IRL, P (Azores), LT, UK (Northern Ireland)”;

(g) in the third column of point 25, the text shall be replaced by the following:
 “DK, F (Britanny), FI, IRL, P (Azores), LT, UK (Northern Ireland)”;

(h) in the third column of point 26, the text shall be replaced by the following:
 “DK, F (Britanny), FI, IRL, P (Azores), LT, UK (Northern Ireland)”;

(i) in the third column of point 27.1, the text shall be replaced by the following:
 “DK, F (Britanny), FI, IRL, P (Azores), LT, UK (Northern Ireland)”;

(j) in the third column of point 27.2, the text shall be replaced by the following:
 “DK, F (Britanny), FI, IRL, P (Azores), LT, UK (Northern Ireland)”;

(k) in the right hand column of point 30, the text shall be replaced by the following:
 “DK, F (Britanny), FI, IRL, P (Azores), LT, UK (Northern Ireland)”;

(l) in the third column of point 20.3, the text shall be replaced by the following:
 “LV, SI, SK, FI”; and

(m) point 31 is substituted by the following:

<p>“31. Fruits of Citrus L., Fortunella Swingle, Poncirus Raf., and their hybrids originating in E, F (except Corsica) and CY</p>	<p>Without prejudice to the requirements applicable to the fruit in Annex IV(A)(II)(30.1):</p> <p>(a) the fruits shall be free from leaves and peduncles; or</p> <p>(b) in the case of fruits with leaves or peduncles, official statement that the fruits are packed in closed containers which have been officially sealed and shall remain sealed during their transport through a protected zone, recognised for these fruits, and shall bear a distinguishing mark to be reported on the passport</p>	<p>EL, F (Corsica), I, M, P”.</p>
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Adds new
Schedule XIV to
the principal
regulations.

14. Immediately after Schedule XIII to the principal regulations, there shall be added the following new Schedule:—

“SCHEDULE XIV

(Regulation 4 A)

Specific conditions applying to plants, originating in Japan, benefiting from the derogation provided for in Article 1 of this Decision

1. The plants shall be naturally or artificially dwarfed plants of the genus *Chamaecyparis* Spach, genus *Juniperus* L., or in the case of the genus *Pinus* L. either entirely of the species *Pinus parviflora* Sieb. & Zucc. (*Pinus pentaphylla* Mayr), or that species grafted on a rootstock of a *Pinus* species other than *Pinus parviflora* Sieb. & Zucc. In the latter case, the rootstock shall not bear any shoots.
2. The total number of plants shall not exceed quantities which have been determined by the importing Member State, having regard to available quarantine facilities.
3. Prior to export to the European Community, the plants shall have been grown, held and trained for at least two consecutive years in officially registered nurseries, which are subject to an officially supervised control regime. The annual lists of the registered nurseries shall be made available to the Commission, at the latest by 31 October of each year. These lists shall be immediately transmitted to the Member States. They shall include the number of plants grown in each of these nurseries, as far as they are deemed suitable for dispatch to the Community, under the conditions laid down in this Decision.
4. For *Juniperus* plants, the plants of the genera *Chaenomeles* Lindl., *Crataegus* L., *Cydonia* Mill., *Juniperus* L., *Malus* Mill., *Photinia* Ldl. and *Pyrus* L., which have been grown in the two last years prior to dispatch in the abovementioned naturally or artificially dwarfed plants nurseries and their immediate vicinity shall have been officially inspected at least six times a year at appropriate intervals for the presence of harmful organisms of concern. For *Chamaecyparis* and *Pinus* plants, the plants of the genus *Chamaecyparis* Spach and of the genus *Pinus* L. which have been grown in the abovementioned naturally or artificially dwarfed plants nurseries and their immediate vicinity shall have been officially inspected at least six times a year at appropriate intervals, for the presence of harmful organisms of concern.

The harmful organisms of concern are:

(a) for *Juniperus* plants,

- (i) *Aschistonyx eppoi* Inouye,
- (ii) *Gymnosporangium asiaticum* Miyabe ex Yamada and *G. yamadae* Miyabe ex Yamada,
- (iii) *Oligonychus perditus* Pritchard et Baker,
- (iv) *Popillia japonica* Newman,
- (v) any other harmful organism which is not known to occur in the Community;

(b) for *Chamaecyparis* plants,

- (i) *Popillia japonica* Newman,
- (ii) any other harmful organism which is not known to occur in the Community;

(c) for *Pinus* plants,

- (i) *Bursaphelenchus xylophilus* (Steiner & Buehrer) Nickle *et al.*,
- (ii) *Cercoseptoria pini-densiflorae* (Hori & Nambu) Deighton
- (iii) *Coleosporium paederiae*,
- (iv) *Coleosporium phellodendri* Komr,
- (v) *Cronartium quercuum* (Berk.) Miyabe ex Shirai,
- (vi) *Dendrolimus spectabilis* Butler,
- (vii) *Monochamus* spp. (non European),
- (viii) *Peridermium kurilense* Dietel,

- (ix) *Popillia japonica* Newman,
- (x) *Thecodiplosis japonensis* Uchida & Inouye,
- (xi) any other harmful organism which is not known to occur in the Community.

The plants shall have been found free, in these inspections, from the harmful organisms abovementioned. Infested plants shall be removed. The remaining plants shall be effectively treated.

5. Any detection of harmful organisms of concern specified in point 4 in the inspections carried out pursuant to point 4 shall be officially recorded, and the records shall be kept available to the Commission, upon its request. Any detection of any of the harmful organisms, which are specified in point 4 shall disqualify the nursery from its status under point 3. The Commission shall be informed immediately thereof. In such case, the registration can be renewed only in the following year.

6. The plants intended for the Community shall at least during the period referred to in point 3:

(a) be potted, at least during the same period, in pots which are placed either on shelves at least 50 cm above ground or onto concrete flooring, impenetrable for nematodes, which is well maintained and free from debris,

(b) be found free, in the inspections referred to in point 4, from the harmful organisms of concern specified in point 4 and not be affected by the measures referred to in point 5,

(c) if they belong to the genus *Pinus* L. and in the case of grafting on a rootstock of a *Pinus* species other than *Pinus parviflora* Sieb. & Zucc., have a rootstock derived from sources officially approved as healthy material,

(d) be made recognisable with a marking, exclusive for each individual plant and notified to the official plant protection organisation of Japan, enabling the identification of the registered nursery and the year of potting.

7. The official plant protection organisation of Japan shall ensure the identifiability of the plants from the time of their removal from the nursery until the time of loading for export, through sealing of transport vehicles or appropriate alternatives.

8. The plants and the adhering or associated growing medium (hereinafter referred to as the material) shall be accompanied by a phytosanitary certificate issued in Japan in accordance with Article 7 of Directive 2000/29/EC, on the basis of the examination laid down in Article 6 of that Directive relating to the conditions laid down therein, in particular freedom from harmful organisms of concern, as well as to the requirements specified in points 1 to 7.

The certificate shall indicate:

- (a) the name or the names of the registered nursery or nurseries,
- (b) the markings referred to in point 6, as far as they enable identification of the registered nursery and the year of potting,
- (c) the specification of the last treatment applied, prior to dispatch,
- (d) under 'Additional Declaration', the statement 'This consignment meets the conditions laid down in Decision 2002/887/EC'.

9. Prior to introduction into a Member State, the importer shall notify each introduction sufficiently in advance to the responsible official bodies referred to in Directive 2000/29/EC, in the Member State concerned, indicating:

- (a) the type of material,
- (b) the quantity,
- (c) the declared date of import,
- (d) the officially approved site where the plants will be held under the post-entry quarantine referred to in point 10.

The importers shall be officially informed, prior to the introduction, of the conditions laid down in points 1 to 12.

10. The material shall be subject, before it is released, to official post-entry quarantine for a period of not less than three months of active growth in the case of *Pinus* and *Chamaecyparis* plants and for a period including the active growth season from 1 April until 30 June in the case of *Juniperus* plants and must be found free, during this quarantine period, from any harmful organisms of concern. Particular attention shall be given to preserve for each plant the marking referred to in point 6(d).

11. The post-entry quarantine referred to in point 10 shall:

(a) be supervised by the responsible official bodies of the Member State concerned and executed by officially approved and trained staff, with the possible assistance of the experts referred to in Article 21 of Directive 2000/29/EC under the procedure laid down therein;

(b) be performed at an officially approved site provided with appropriate facilities sufficient to contain harmful organisms and maintain the material in such a way as to eliminate any risk of spreading harmful organisms;

(c) be performed for each item of material:

(i) by visual examination upon arrival and at regular intervals thereafter, having regard to the type of material and its state of development during the quarantine period, for harmful organisms or symptoms caused by any harmful organism,

(ii) by appropriate testing of any symptom observed in the visual examination in order to identify the harmful organisms having caused such symptoms.

12. Any lot in which material which has not been found free, during the post-entry quarantine referred to in point 10, from harmful organisms of concern shall be immediately destroyed under official supervision.

13. Member States shall notify, to the Commission and to the other Member States, any contamination by harmful organisms in question which has been confirmed during the post-entry quarantine referred to in point 10. In such case, the relevant Japanese nursery shall be disqualified from its status under point 3. The Commission shall inform immediately Japan thereof.

14. Any material which has been subjected to the post-entry quarantine referred to in point 10 in the importing Member State and has been found free, during that quarantine period, from harmful organisms of concern and which has been maintained under appropriate conditions may be moved within the Community only when a plant passport referred to in Article 10 of Directive 2000/29/EC has been issued in accordance with the relevant provisions of that Directive and has been attached to the material, to its packaging or to the vehicles transporting the material. The plant passport referred to in the first subparagraph shall indicate the name of the country of origin".

15. Immediately after Schedule XIV to the principal regulations, there shall be added the following new Schedule:—

Addition of new
Schedule XV to
the principal
regulations.

“SCHEDULE XV

(Regulation 4B)

Specific conditions applying to plants, originating in the Republic of Korea, benefiting from the derogation provided for in sub-regulation 1 of this Decision

1. The plants shall be naturally or artificially dwarfed plants of the genus *Chamaecyparis* Spach, genus *Juniperus* L., or in the case of the genus *Pinus* L. either entirely of the species *Pinus parviflora* Sieb. & Zucc. (*Pinus pentaphylla* Mayr), or that species grafted on a rootstock of a *Pinus* species other than *Pinus parviflora* Sieb. & Zucc. In the latter case, the rootstock shall not bear any shoots.

2. The total number of plants shall not exceed quantities which have been determined by the importing Member State, having regard to available quarantine facilities.

3. Prior to export to the European Community, the plants shall have been grown, held and trained for at least two consecutive years in officially registered nurseries, which are subject to an officially supervised control regime. The annual lists of the registered nurseries shall be made available to the Commission, at the latest by 1 March 2004. These lists shall be immediately transmitted to the Member States. They shall include the number of plants grown in each of these nurseries, as far as they are deemed suitable for dispatch to the Community, under the conditions laid down in this Decision.

4. For *Juniperus* plants, the plants of the genera *Chaenomeles* Lindl., *Crataegus* L., *Cydonia* Mill., *Juniperus* L., *Malus* Mill., *Photinia* Ldl. and *Pyrus* L., which have been grown in the two last years prior to dispatch in the abovementioned naturally or artificially dwarfed plants nurseries and their immediate vicinity, shall have been officially inspected at least six times a year at appropriate intervals for the presence of harmful organisms of concern. For *Chamaecyparis* and *Pinus* plants, the plants of the genus *Chamaecyparis* Spach and of the genus *Pinus* L., which have been grown in the abovementioned naturally or artificially dwarfed plants nurseries and their immediate vicinity, shall have been officially inspected at least six times a year at appropriate intervals, for the presence of harmful organisms of concern.

The harmful organisms of concern are:

- (a) for *Juniperus* plants,
 - *Aschistonyx eppoi* Inouye,
 - *Gymnosporangium asiaticum* Miyabe ex Yamada and *G. yamadae* Miyabe ex Yamada,
 - *Oligonychus perditus* Pritchard et Baker,
 - *Popillia japonica* Newman,
 - any other harmful organism which is not known to occur in the Community;
- (b) for *Chamaecyparis* plants,
 - *Popillia japonica* Newman,
 - any other harmful organism which is not known to occur in the Community;
- (c) for *Pinus* plants,
 - *Bursaphelenchus xylophilus* (Steiner & Buehrer) Nickle et al.,
 - *Cercoseptoria pini-densiflorae* (Hori & Nambu) Deighton,
 - *Coleosporium phellodendri* Komr,
 - *Coleosporium asterum* (Dietel) Sydow,
 - *Coleosporium eupatorii* Arthur,
 - *Cronartium quercuum* (Berk.) Miyabe ex Shirai,
 - *Dendrolimus spectabilis* Butler,
 - *Monochamus* spp. (non European),
 - *Popillia japonica* Newman,

- *Thecodiplosis japonensis* Uchida & Inouye,
- any other harmful organism which is not known to occur in the Community.

The plants shall have been found free, in these inspections, from the harmful organisms abovementioned. Infested plants shall be removed. The remaining plants shall be effectively treated.

5. Any detection of harmful organisms of concern specified in point 4 in the inspections carried out pursuant to point 4 shall be officially recorded, and the records shall be kept available to the Commission, upon its request. Any detection of any of the harmful organisms, which are specified in point 4, shall disqualify the nursery from its status under point 3. The Commission shall be informed immediately thereof. In such case, the registration can be renewed only in the following year.

6. The plants intended for the Community shall at least during the period referred to in point 3:

(a) be potted, at least during the same period, in pots which are placed either on shelves at least 50 cm above ground or onto flooring, impenetrable for nematodes, which is well maintained and free from debris;

(b) be found free, in the inspections referred to in point 4, from the harmful organisms of concern specified in point 4 and not be affected by the measures referred to in point 5;

(c) if they belong to the genus *Pinus* L. and in the case of grafting on a rootstock of a *Pinus* species other than *Pinus parviflora* Sieb. & Zucc., have a rootstock derived from sources officially approved as healthy material;

(d) be made recognisable with a marking, exclusive for each individual plant and notified to the official plant protection organisation of the Republic of Korea, enabling the identification of the registered nursery and the year of potting.

7. The official plant protection organisation of the Republic of Korea shall ensure the identifiability of the plants from the time of their removal from the nursery until the time of loading for export, through sealing of transport vehicles or appropriate alternatives.

8. The plants and the adhering or associated growing medium (hereinafter referred to as 'the material') shall be accompanied by a phytosanitary certificate issued in the Republic of Korea in accordance with Article 7 of Directive 2000/29/EC, on the basis of the examination laid down in Article 6 of that Directive relating to the conditions laid down therein, in particular freedom from harmful organisms of concern, as well as to the requirements specified in points 1 to 7.

The certificate shall indicate:

- (a) the name or the names of the registered nursery or nurseries;
- (b) the markings referred to in point 6, as far as they enable identification of the registered nursery and the year of potting;
- (c) the specification of the last treatment applied, prior to dispatch;
- (d) under 'Additional Declaration', the statement 'This consignment meets the conditions laid down in Decision 2002/499/EC'.

9. Prior to introduction into a Member State, the importer shall notify each introduction sufficiently in advance to the responsible official bodies referred to in Directive 2000/29/EC, in the Member State concerned, indicating

- (a) the type of material;
- (b) the quantity;
- (c) the declared date of import;
- (d) the officially approved site where the plants will be held under the post-entry quarantine referred to in point 10.

The importers shall be officially informed, prior to the introduction, of the conditions laid down in points 1 to 12.

10. The material shall be subject, before it is released, to official post-entry quarantine for a period of not less than three months of active growth in the case of *Pinus* and *Chamaecyparis* plants and for a period including the active growth season from 1 April until 30 June in the case of *Juniperus* plants and must be found free, during this quarantine period, from any harmful organisms of concern. Particular attention shall be given to preserve for each plant the marking referred to in point 6(d).

11. The post-entry quarantine referred to in point 10 shall:

(a) be supervised by the responsible official bodies of the Member State concerned and executed by officially approved and trained staff, with the possible assistance of the experts referred to in Article 21 of Directive 2000/29/EC under the procedure laid down therein;

(b) be performed at an officially approved site provided with appropriate facilities sufficient to contain harmful organisms and maintain the material in such a way as to eliminate any risk of spreading harmful organisms;

(c) be performed for each item of material:

(i) by visual examination upon arrival and at regular intervals thereafter, having regard to the type of material and its state of development during the quarantine period, for harmful organisms or symptoms caused by any harmful organism;

(ii) by appropriate testing of any symptom observed in the visual examination in order to identify the harmful organisms having caused such symptoms.

12. Any lot in which material which has not been found free, during the post-entry quarantine referred to in point 10, from harmful organisms of concern shall be immediately destroyed under official supervision.

13. Member States shall notify, to the Commission and to the other Member States, any contamination by harmful organisms in question which has been confirmed during the post-entry quarantine referred to in point 10. In such case, the relevant Korean nursery shall be disqualified from its status under point 3. The Commission shall inform immediately Korea thereof.

14. Any material which has been subjected to the post-entry quarantine referred to in point 10 in the importing Member State and has been found free, during that quarantine period, from harmful organisms of concern and which has been maintained under appropriate conditions may be moved within the Community only when a plant passport referred to in Article 10 of Directive 2000/29/EC has been issued in accordance with the relevant provisions of that Directive and has been attached to the material, to its packaging or to the vehicles transporting the material. The plant passport referred to in the first subparagraph shall indicate the name of the country of origin.

16. Immediately after Schedule XV to the principal regulations, there shall be added the following new Schedule:—

“SCHEDULE XVI

(Regulation 4C)

Part I

The conditions provided for in sub-regulation 1 of regulation 4C under which Member States are authorised to provide for derogations allowing the introduction into the Community of wood of conifers (*Coniferales*) listed under CN codes 4407 10 91, 4407 10 93 and 4407 10 98, as set out in Section IX of Part Two of Annex I to Regulation (EEC) No 2658/87, originating in Canada, are the following:

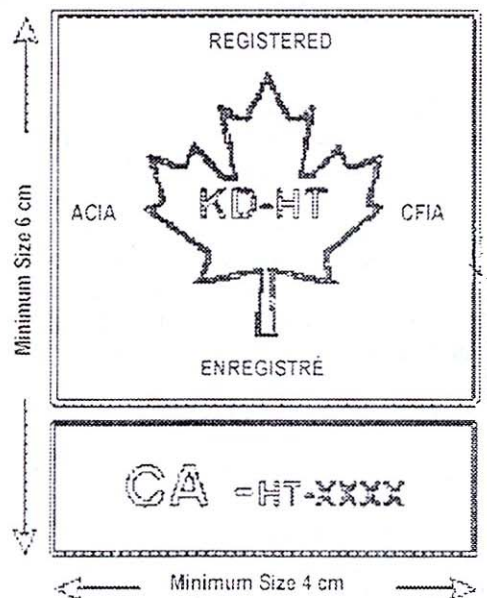
1. The wood must be manufactured at facilities registered and approved by the Canadian Food Inspection Agency (CFIA) to participate in the Canadian Heat-Treated Wood Products Certification Program (CHTWPCP). The list of facilities registered and approved to participate in the CHTWPCP must be made available to the Commission and must be posted and maintained on the official website of the CFIA (www.inspection.gc.ca).
2. The wood must have undergone a heat treatment during a period of time sufficient to achieve a minimum core temperature of 56 °C for 30 minutes in a kiln tested and approved for this purpose by the verification body qualified and approved by the CFIA for the purposes of the CHTWPCP (the verification body). The time and temperature of the heat treatment for each specific lot must be recorded by calibrated equipment which must also be tested and approved by the verification body.
3. When the conditions set out in point 2 are satisfied, a unique certification mark containing the letters KD-HT (kilndried heat-treated) (the certification mark) and the registration number of the facility registered and approved by the CFIA to produce, handle or export heat-treated wood in accordance with the specifications set out in the CHTWPCP must be applied on each piece of wood on at least one wide face and in such a way that it is clearly visible on the external surfaces when the board forms part of a bundle. The certification mark, which must be permanent and legible, must be approved by the CFIA, and must comply with the model set out in Part II. Where bundles of wood are shipped in wrapping and consequently the certification marks are not exposed to view, the certification mark must also be applied on the wrapping. The certification mark must be applied to the upper right hand quarter of one longitudinal side of each bundle of wood, and must comply with the model set out in Part II.
4. A checking system to ensure that the conditions set out in this Annex are satisfied must be set up by the verification body. Information on the implementation by the CFIA of the said checking system must be made available to the Commission.
5. The checking system referred to in point 4 must provide for CFIA inspectors to undertake monitoring at the facilities referred to in point 1 and occasional pre-shipment inspections to monitor, in particular, compliance with points 3 and 6. Information on the implementation by the CFIA on the said checking system must be made available to the Commission.
6. The wood entered into the CHTWPCP and destined to the Community must be accompanied by commercial documentation, intended to be presented to the Community customs authorities with a view to completing customs formalities, at the point of entry into the Community, and endorsed with the following declaration:

‘The lumber in this consignment meets the requirements of the CHTWPCP program of Canada and the conditions laid down in Decision 2004/95/EC.’

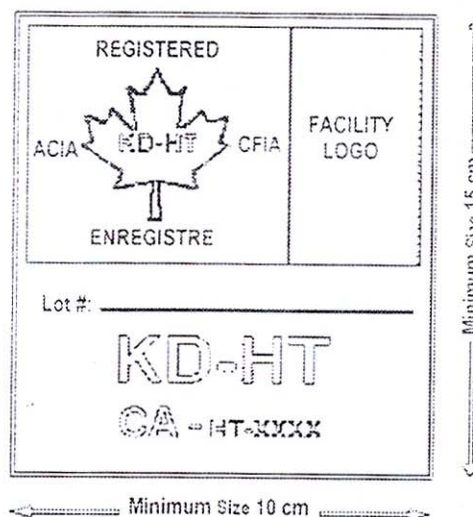
This information referred to in the commercial documentation must be made available by the importer to the responsible official bodies as referred to in Article 2 (1)(g) of Directive 2000/29/EC at the point of entry to the Community. The declaration must be made only by a shipper or other person authorised for this purpose by the CFIA. The list of the authorised shippers or other persons must be made available to the Commission and must be posted and maintained on the official website of the CFIA.

Part II
Models of certification marks

1. Certification mark to be applied on every piece of heat-treated wood :



2. Certification mark to be applied on the bundle or on the bundle or on the package wrapper:



Adds new
Schedule XVII to
the principal
regulations.

17. Immediately after Schedule XVI to the principal regulations, there shall be added the following new Schedule:—

“SCHEDULE XVII

(Regulation 4D)

For the purpose of the provisions of Article 2, the following emergency measures shall be complied with, in addition to the requirements for potatoes laid down in parts A and B of the Annexes I, II and IV to Directive 2000/29/EC, with the exception of those laid down in Annex IV, part A, section I, point 25.8:

1. (a) the potatoes destined for introduction into the Community shall have been produced in fields located in an approved ‘pest-free area’ in Egypt as established by the Commission in accordance with Article 2 of this Decision; in respect of any such approved areas and for the purpose of this Decision, the identification of ‘area’ shall be based on, either a ‘sector’ (administrative unit already established which covers a group of ‘basins’) or ‘basin’ (irrigation unit) and shall be identified by its individual official code number;

(b) the potatoes specified under (a) shall have been, in Egypt:

(i) grown from potatoes, either directly of Community origin or once grown from such potatoes, produced in an approved ‘pest-free area’ as established under Article 2 of this Decision and which have been officially tested for latent infection, immediately prior to planting, in accordance with the Community test scheme as laid down in Council Directive 98/57/EC (1), and found free from *Pseudomonas solanacearum* (Smith) Smith in such testing;

(ii) officially inspected in the field during the growing season for symptoms of potato brown rot caused by *Pseudomonas solanacearum* (Smith) Smith and found free from such symptoms in these inspections and a sample taken of 500 tubers per five feddans (= 2,02 hectares) or 200 tubers per feddan (= 0,41 hectare) or part thereof for smaller fields of potatoes as close as possible to harvest for laboratory examination including an incubation test and visual inspection on cutting of the tubers for symptoms of potato brown rot caused by *Pseudomonas solanacearum* (Smith) Smith and found free from such symptoms in these inspections;

(iii) transported to packing stations officially approved by the Egyptian authorities to handle only potatoes eligible for export to the Community during the 2003/04 export season and on arrival at such an approved packing station,

— accompanied by documents attached to each lorry load at the field of harvest stating the origin, by area as specified in (a), of the load. These documents shall be held at the packing station until after the completion of the export season,

— officially inspected on samples of cut tubers for symptoms of potato brown rot caused by *Pseudomonas solanacearum* (Smith) Smith and found free from such symptoms in these inspections, at a sampling rate, for 70 kg sacks or equivalent, of 10 % of sacks of 40 tubers inspected per sack and, for 1 or 1,5 tonne sacks, at a sampling rate of 50 % of sacks and 40 tubers inspected per sack. The list of packing stations officially approved by the Egyptian authorities shall have been made available to the Commission prior to 1 January 2004;

(iv) after packing of sacks at the packing station, officially inspected on samples of tubers for symptoms of potato brown rot caused by *Pseudomonas solanacearum* (Smith) Smith and found free from such symptoms in these inspections, at a sampling rate of 2 % of sacks per consignment and 30 tubers inspected per sack;

(v) immediately prior to export to the Community inspected at the port of dispatch by cutting 200 tubers from each pest-free area in a consignment drawn from at least five bags per pest-free area;

(vi) officially tested for latent infection on samples taken from each consignment; during the export season at least one sample per basin or sector and represented in the consignment must be taken, but in any case at least five samples must be taken and submitted for laboratory analysis in accordance with the Community test scheme as laid down in Directive 98/57/EC, and found free from *Pseudomonas solanacearum* (Smith) Smith in such testing;

(vii) put on an official holding notice on further treatment in the process of preparation for their shipment to the Community from the relevant basin, if the inspections and/or testing as referred to in (ii), (iii), (iv), (v) and (vi) reveal suspected occurrence of *Pseudomonas solanacearum* (Smith) Smith, until the refutation of the suspected occurrence of *Pseudomonas solanacearum* (Smith) Smith. At the same moment of the imposition of the above holding notice a buffer zone shall be designated around the relevant basin related to the above suspect finding, unless there is a natural physical barrier (e.g. the desert in the case of pivots). No potatoes shall be exported from the relevant buffer zone until the refutation of the suspected occurrence. The extent of the buffer zone shall take into account the risk of further spreading of *Pseudomonas solanacearum* (Smith) Smith from that approved pest-free area. Information on the identification of the above basin and its buffer zone by their individual official code numbers shall be made available immediately to the Commission, as well as the final results of the examination of the suspected occurrence;

(viii) harvested, handled and bagged separately, including reasonably separate use of machinery, basin by basin, wherever possible, and in any case area by area as specified in (a);

(ix) prepared in lots, each of which shall be made up exclusively of potatoes which were harvested in one single area as specified in (a);

(x) clearly labelled on each bag, under the control of the competent Egyptian authorities, with an indelible indication of the relevant official code number as given in the list of 'approved pest-free areas' compiled under Article 2 of this Decision, and of the relevant lot number;

(xi) accompanied by the official phytosanitary certificate required under Article 13(1)(ii) of Directive 2000/29/EC indicating the lot number(s) under the section 'Distinguishing marks', and the official code number(s), as referred to in (x) under the section 'Additional declaration'; the lot number of the lot from which a sample has been taken for the purpose specified in (vi), as well as the official statement that the testing has been carried out, shall also be indicated in that section;

(xii) exported by an officially registered exporter, the name or trademark of which shall be indicated on each consignment. The list of officially registered exporters established by the competent Egyptian authorities shall have been made available to the Commission prior to 1 January 2004;

(c) the points of entry authorised for the introduction of relevant potatoes and the name and address of the responsible official body in charge of each point shall have been notified by the Member States to the Commission, which will inform the other Member States and Egypt thereof;

(d) the responsible official body in charge of the point of entry shall have been notified in advance of the likely time of arrival of consignments of potatoes as well as of the amount thereof;

2. At the point of entry, the potatoes shall be subjected to the inspections required pursuant to Article 13a(1)(b) of Directive 2000/29/EC, and such inspections, shall be done on cut tubers of samples of at least 200 tubers each, taken from each lot in a consignment, or if the lot exceeds 25 tonnes, from every 25 tonnes or part thereof in such a lot. Each lot of the said consignment shall remain under official control and may not be marketed or used until it has been established that the presence of *Pseudomonas solanacearum* (Smith) Smith was not suspected or detected in those examinations. In addition, in cases where typical or suspect symptoms of *Pseudomonas solanacearum* (Smith) Smith are detected in a lot, all remaining lots in the said consignment and lots in other consignments which originate from the same area shall be held under official control until the presence of *Pseudomonas solanacearum* (Smith) Smith has been confirmed or

refuted in the said lot. If typical or suspect symptoms of *Pseudomonas solanacearum* (Smith) Smith are detected in the said examinations, the confirmation or refutation of *Pseudomonas solanacearum* (Smith) Smith shall be determined by testing in accordance with the said Community test scheme. If *Pseudomonas solanacearum* (Smith) Smith is confirmed the lot from which the sample has been taken shall be subjected to one of the following measures, either:

- (i) refusal or permission to send products to a destination outside the Community; or
- (ii) destruction, and all remaining lots in the consignment from the same area shall be tested in accordance with point 3.

3. In addition to the inspections referred to in point 2, testing for latent infection in accordance with the said Community test scheme shall be done on samples taken from each area as specified in point 1(a); during the export season at least one sample from each sector or basin per area as referred to in paragraph 1a shall be taken at a rate of 200 tubers per sample from a single lot. The sample selected for latent infection shall also be subjected to an inspection of the cut tubers. For each sample tested and confirmed positive there should be retention and appropriate conservation of any remaining potato extract. Each lot from which the samples have been taken shall remain under official control and may not be marketed or used until it has been established that the presence of *Pseudomonas solanacearum* (Smith) Smith was not confirmed in the said testing. If *Pseudomonas solanacearum* (Smith) Smith is confirmed the lot from which the sample has been taken shall be subjected to one of the following measures, either:

- (i) refusal or permission to send products to a destination outside the Community; or
- (ii) destruction.

4. In the case of both suspect and confirmed findings of *Pseudomonas solanacearum* (Smith) Smith the Member States shall notify the Commission and Egypt immediately thereof; the notification of a suspect finding shall be on the basis of a positive result in the rapid screening test(s) as specified in Annex II, section I, point 1 and section II or screening test(s) as specified in Annex II, section I, point 2 and section III of the said Community test scheme.

5. The Commission shall ensure that it receives information of the details and the results of visual inspections referred to in points 1(b)(ii), (iii), (iv) and (v) and of the testing referred to in paragraph 1(b)(vi). The list of approved pest-free areas shall be adjusted by the Commission according to these results and to the findings made under points 2 and 3; in relation to a suspect notification made under point 4 the list of 'approved pest-free areas' shall be adjusted by means of the imposition of a holding notice on further exports to the Community of potatoes related to the above suspect notification originating in the basin in the relevant approved pest-free area until refutation of the suspect finding of *Pseudomonas solanacearum* (Smith) Smith. On receipt of the notification made by the Commission of the above adjusted list of approved pest-free areas, a buffer zone shall be designated by the Egyptian authorities as referred to in point 1(b)(vii). Information on the identification of the above buffer zone by the individual official code number(s) shall be made available immediately to the Commission and the Member States. In absence of such information within three working days of the suspected occurrence, the Commission shall adjust the list of approved pest-free areas by excluding on any further exports for the remaining period of the import season 2003/04 from the entire sector in which the basin related to the above suspect notification is situated.

6. Member States shall lay down appropriate labelling requirements, including the Egyptian origin, with the aim of preventing the potatoes from being planted and appropriate measures for the disposal of waste after packaging or processing of the potatoes to prevent any spread of *Pseudomonas solanacearum* (Smith) Smith as a result of possible latent infection."

18. Immediately after Schedule XVII to the principal regulations, there shall be added the following new Schedule:—

Addition of new
Schedule XVIII to
the principal
regulations.

“SCHEDULE XVIII

(Regulation 4E)

For the purpose of the provisions of Article 1, the following emergency measures shall be complied with:

1. Susceptible wood originating in Canada, Japan or the United States of America:

- shall be heat treated or kiln dried to a minimum core temperature of 56 °C for at least 30 minutes in a closed chamber or kiln which has been tested, evaluated and approved officially for this purpose.

In addition the susceptible wood shall display an officially approved heat-treated or kiln-dried marking enabling the identification of where and by whom the above treatment has been carried out; or

(ii) shall have been pressure (impregnated) treated with an approved chemical in accordance with an officially recognized technical specification. In addition the susceptible wood shall display a marking enabling the identification of where and by whom the above treatment has been carried out; or

(iii) shall have been fumigated with an approved chemical in accordance with an officially recognized technical specification. In addition the susceptible wood shall display a marking enabling the identification of where and by whom the above fumigation has been carried out.

2. Susceptible wood originating in China shall be subjected to one of the measures mentioned in point 1 of this Annex, and be accompanied by a certificate referred to in Articles 7 and 8 of Directive 2000/29/EC attesting to the measures carried out. By way of derogation, and without prejudice to the provisions laid down in Annex IV to Directive 2000/29/EC, the measures referred to in point 1 of this Annex are not applicable to susceptible wood originating in areas established by China in which *Bursaphelenchus xylophilus* (Steiner et Buhrer) Nickle et al. is known not to occur taking into account the results of surveys carried out in these areas. The Commission shall compile a list of areas in which *Bursaphelenchus xylophilus* (Steiner et Buhrer) Nickle et al. is known not to occur and convey such a list to the Standing Committee on Plant Health and to the Member States.

3. Compliance with the provisions referred to in:

- Part A, Section I, point (a) 14 of Annex I, Part A, Section I, point (a) 8 of Annex II and
- points 1 and 2 of this Annex, shall be monitored by and in accordance with a plan set out by the responsible official bodies referred to in Directive 2000/29/EC.”

Adds new
Schedule XIX to
the principal
regulations.

19. Immediately after Schedule XVIII to the principal regulations, there shall be added the following new Schedule:—

“SCHEDULE XIX

(Regulation 4F)

For the purpose of Article 2, the following conditions shall be complied with.

1. Without prejudice to the provisions referred to in point 2 in the case of movements from demarcated areas into areas in Portugal, other than demarcated areas or into other Member States of:

(a) susceptible plants shall be accompanied by a plant passport prepared and issued in accordance with the provisions of Commission Directive 92/ 105/EEC (1), after:

- the plants have been officially inspected and found free from signs or symptoms of PWN and
- no symptoms of PWN have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation;

(b) susceptible wood and isolated bark, other than wood in the form of:

- chips, particles, wood waste or scrap obtained in whole or part from these conifers,
- packing cases, crates or drums,
- pallets, box pallets or other load boards,
- dunnage, spacers and bearers, but including that which has not kept its natural round surface shall be accompanied by the plant passport referred to in point 1(a), after the wood or the isolated bark has undergone an appropriate heat-treatment to achieve a minimum wood-core temperature of 56 °C for 30 minutes in order to ensure freedom from live PWNs;

(c) susceptible wood, in the form of chips, particles, wood waste or scrap obtained in whole or part from these conifers shall be accompanied by the said plant passport after having undergone an appropriate fumigation- treatment in order to ensure freedom from live PWNs;

(d) susceptible wood, in the form of dunnage, spacers and bearers, including that which has not kept its natural round surface shall:

- be stripped of its bark,
- be free from grub holes which are larger than 3 mm across,
- have a moisture content expressed as a percentage of dry matter of less than 20 % achieved at time of manufacture;

(e) susceptible wood, in the form of packing cases, boxes, crates, drums and similar packings, pallets, box pallets and other load boards, pallet collars, whether or not actually in use in the transport of objects of all kinds shall undergo either an appropriate heat treatment to achieve a minimum wood-core temperature of 56 °C for 30 minutes, pressure (impregnated) treatment, or fumigation in order to ensure freedom from live PWNs and either display an officially approved treatment marking enabling the identification of where and by whom the treatment has been carried out or be accompanied by the said plant passport attesting to the measures carried out.

2. In cases of movements within demarcated areas of Portugal:

(a) susceptible plants:

- grown in places of production where no symptoms of PWN have been observed, or in its immediate vicinity since the beginning of the last complete cycle of vegetation and found free

from signs or symptoms of PWN during official inspections, shall be accompanied by the said plant passport when moved from the place of production,

- grown in places of production where symptoms of the pine wood nematode have been observed, or in its immediate vicinity, since the beginning of the last complete cycle of vegetation or identified as infested by the pine wood nematode shall not be moved from the place of production and shall be destroyed by burning,

- grown in places, such as forests, public or private gardens, which are either identified as infested by the pine wood nematode, or showing any symptoms of poor health or situated in salvage areas, shall:

- if identified during the period from 1 November to 1 April, be felled within that period, or

- if identified during the period from 2 April to 31 October, be felled immediately and, — if located in the part of demarcated areas designated as buffer zones in accordance with the provisions of Article 5, tested for the presence of PWN. If the presence is confirmed, the delimitation of the demarcated areas shall be changed accordingly;

(b) during the period from 1 November to 1 April, susceptible wood in the form of roundwood or sawnwood, with or without bark, including that which has not kept its natural round surface:

(i) obtained from trees identified as infested by PWN, or situated in salvage areas, or showing any symptoms of poor health, shall before 2 April either be:

- destroyed by burning under official control at appropriate places,

or

- moved under official control to either:

- a processing plant to be chipped and utilised within this plant,

or

- an industrial plant for use as fuel wood within this plant, or

- a processing plant, where the wood shall either be:

- heat treated in such a way that a minimum wood-core temperature of 56 °C for 30 minutes has been achieved, or

- chipped and fumigated in order to ensure freedom from live PWNs;

(ii) obtained from trees other than those referred to in subparagraph (i) shall be officially tested for the presence of the PWN and of *Monochamus* spp.; if the presence of the PWN or of *Monochamus* spp. is confirmed the wood shall be subjected to the provisions referred to in subparagraph (i); if the presence of the PWN and of *Monochamus* spp. is refuted, the wood may be moved under official control to a processing plant for further use as construction timber, or by way of derogation moved into areas in Portugal, other than demarcated areas under official control to approved processing plants notified to the Commission, where the wood or chips made from such wood, within the period between 1 November and 1 April, shall either:

- in the case of chips, be used for industrial purposes within such an approved processing plant,

or

- in the case of wood:

- be heat treated in such a way that a minimum wood-core temperature of 56 °C for 30 minutes has been achieved.

Further movement of such heat-treated wood may be allowed when the wood is accompanied by a plant passport, or

- be chipped and fumigated in order to ensure freedom from live PWNs. Further movement of such fumigated wood may be allowed when it is accompanied by a plant passport, or

- be chipped and used for industrial purposes within this plant,
or

- be moved under official control to a plant, where the wood shall either be:

- heat treated in such a way that a minimum wood core temperature of 56 °C for 30 minutes has been achieved, or

- chipped and fumigated in order to ensure freedom from live pine wood nematodes, or

- chipped and used for industrial purposes.

(c) during the period from 2 April to 31 October, susceptible wood in the form of roundwood or sawnwood, with or without bark, including that which has not kept its natural round surface:

(i) obtained from trees identified as infested by PWN, or situated in salvage areas, or showing any symptoms of poor health, shall either be:

- immediately destroyed by burning under official control at appropriate places, or

- immediately stripped of bark at appropriate places outside the forest before being moved under official control to storage places where the wood is treated with an appropriate insecticide or which have appropriate and approved wet storage facilities, available at least during the above period, with a view to a further movement to an industrial plant:

- to be immediately chipped and used for industrial purposes,

or

- for immediate use as fuel within this plant, or

- to be immediately heat-treated in such a way that a minimum wood-core temperature of 56 °C for 30 minutes has been achieved, or

- to be immediately chipped and fumigated in order to ensure freedom from live PWNs:

(ii) obtained from trees other than those referred to in subparagraph (i) shall be immediately stripped of bark at the place of felling or in the immediate vicinity and either be:

- officially tested for the presence of PWN and of *Monochamus* spp.: if the presence of PWN or of *Monochamus* spp. is confirmed the wood shall be subjected to the provisions referred to in (i); if the presence of PWN and of *Monochamus* spp. is refuted, the wood may be moved under official control to a processing plant for further use as construction timber, or

- moved under official control to a plant where the wood shall either be:

- chipped and used for industrial purposes, or

- heat-treated in such a way that a minimum wood-core temperature of 56 °C for 30 minutes has been achieved, or

- chipped and fumigated in order to ensure freedom from live PWNs;

(d) susceptible bark shall be;

- destroyed by burning or used as fuel at an industrial processing plant,

or

- heat-treated in such a way that a minimum temperature of 56 °C for 30 minutes has been achieved throughout the bark, or

— fumigated in order to ensure freedom from live PWNs;

(e) susceptible wood in the form of waste produced at the time of felling, shall be burned at appropriate places under official control:

— during the period from 1 November to 1 April, within that period, or
— during the period from 2 April to 31 October, immediately;

(f) susceptible wood, in the form of waste produced during wood processing, shall either be immediately burned at appropriate places under official control, used as fuel wood at the processing plant or fumigated in order to ensure freedom from live PWNs;

(g) susceptible wood, in the form of packing cases, boxes, crates, drums and similar packings, pallets, box pallets and other load boards, pallet collars, dunnage, spacers and bearers, including that which has not kept its natural round surface, shall:

— be stripped of its bark,
— be free from grub holes which are larger than 3 mm across,
— have a moisture content expressed as a percentage of dry matter of less than 20 % achieved at time of manufacture.”

Adds new
Schedule XX to
the principal
regulations.

20. Immediately after Schedule XIX to the principal regulations, there shall be added the following new Schedule:—

“SCHEDULE XX

(Regulation 4G)

1a. Without prejudice to the provisions of Annex III, Part A(2), and Annex IV, Part A(1), (11.1), (39) and (40) of Directive 2000/29/EC, susceptible plants originating in the United States of America shall be accompanied by a certificate referred to in Article 7 or 8 of Directive 2000/29/EC:

(a) stating that they originate in areas in which non-European isolates of the harmful organism are known not to occur. The name of the area shall be mentioned on the certificate under the rubric ‘place of origin’; or

(b) issued after official verification that no signs of non-European isolates of the harmful organism have been observed on any susceptible plants at the place of production during official inspections, including laboratory testing of any suspicious symptoms carried out since the beginning of the last complete cycle of vegetation.

Further, the certificate shall only be issued after representative samples of the plants have been taken before shipment and have been inspected and found free from non-European isolates of the harmful organism in these inspections. The latter shall be mentioned on the certificate under the rubric ‘additional declaration’ as ‘found free from non-European isolates of *Phytophthora ramorum* Werres, De Cock & Man in ‘t Veld sp. nov.’

1b. The introduced susceptible plants referred to in point 1a may only be moved within the Community if they are accompanied by a plant passport prepared and issued in accordance with the provisions of Directive 92/105/EEC attesting to the inspections referred to in Article 3(1).

2. Susceptible wood originating in the United States of America may only be imported into the Community if, it is accompanied by a certificate referred to in Article 7 or 8 of Directive 2000/29/EC:

(a) stating that it originates in areas in which non-European isolates of the harmful organism is known not to occur. The name of the area shall be mentioned on the certificate under the rubric ‘place of origin’; or

(b) issued after official verification that the wood has been stripped of its bark and:

(i) that it has been squared so as to remove entirely the rounded surface; or

(ii) that the water content of the wood does not exceed 20 % expressed as a percentage of the dry matter, or

(iii) that the wood has been disinfected by an appropriate hot-air or hot-water treatment;

or

(c) in the case of sawn wood with or without residual bark attached, if there is evidence by a mark ‘Kiln-dried’, ‘KD’ or another internationally recognised mark put on the wood or on its packaging in accordance with current commercial usage, that it has undergone 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.

3. Plants of *Rhododendron* spp., other than *Rhododendron simsii* Planch., and *Viburnum* spp., other than fruits and seeds, originating in the Community may be moved from the place of production only if they are accompanied by a plant passport as referred to in point 1 of this Schedule and:

(a) they originate in areas in which European isolates of the harmful organism are known not to occur; or

(b) no signs of European isolates of the harmful organism have been observed on the above plants on the place of production since the beginning of the last complete cycle of vegetation on official inspections,

including laboratory testing of any suspicious symptoms, carried out at least once at appropriate times when the plants are in active growth; or

(c) in cases where signs of European isolates of the harmful organism have been found on the above plants at the place of production, appropriate procedures have been implemented aiming at eradicating the harmful organism, consisting at least of destruction of the infected plants and all susceptible plants within 2 m of the infected plants, and

— for all susceptible plants within 10 m radius of the infected plants, and any remaining plants from the affected lot, the plants have been retained at the place of production and additional inspections have been carried out at least twice in the three months following the finding when the plants are in active growth and they have been found free from the harmful organism in these inspections,

— for all other susceptible plants at the place of production, the plants have been subject to intensive reinspection following the finding and have been found free from the harmful organism in these inspections”.

Adds new
Schedule XXI to
the principal
regulations.

24. Immediately after Schedule XX to the principal regulations, there shall be added the following new Schedule:—

“SCHEDULE XXI

(Regulation 4H)

Conditions laid down in sub-regulations (2) and (3) of regulation 4H

1. Seeds of tomato, originating in third countries, shall be accompanied by a phytosanitary certificate as referred to in Article 13(1)(ii) of Directive 2000/29/EC, stating that they have been obtained by means of an appropriate acid extraction method, and:

- (a) that they originate in areas in which Pepino mosaic virus is known not to occur; or
- (b) that no symptoms of Pepino mosaic virus have been observed on the plants at the place of production during their complete cycle of vegetation; or
- (c) that they have undergone official testing for Pepino mosaic virus, on a representative sample and using appropriate methods, and have been found, in these tests, free from Pepino mosaic virus.

2. Seeds of tomato, originating in the Community, may only be moved within the Community if they have been obtained by means of an appropriate acid extraction method, and:

- (a) that they originate in areas in which Pepino mosaic virus is known not to occur; or
- (b) that no symptoms of Pepino mosaic virus have been observed on the plants at the place of production during their complete cycle of vegetation; or
- (c) that they have undergone official testing for Pepino mosaic virus, on a representative sample and using appropriate methods, and have been found, in these tests, free from Pepino mosaic virus.”

25. Immediately after Schedule XXI to the principal regulations, there shall be added the following new Schedule:—

Addition of new
Schedule XXII to
the principal
regulations.

“SCHEDULE XXII

(Regulation 4J)

Without prejudice to the provisions applicable to the fruits in points 16.1, 16.3 and 16.5 of Section I of Part A of Annex IV to Directive 2000/29/EC, the following requirements shall apply:

1. Citrus fruits originating in Argentina or Brazil shall be accompanied by a certificate referred to in paragraph 1 of Article 13 of Directive 2000/29/EC, officially stating that:

(a) the fruits originate in an area recognised as being free from *Xanthomonas campestris* (all strains pathogenic to Citrus), in accordance with the procedure referred to in Article 18(2) of Directive 2000/29/EC, and mentioned on the certificate;

or

(b) — in accordance with an official control and examination regime, no symptoms of *Xanthomonas campestris* (all strains pathogenic to Citrus) have been observed in the place of production since the beginning of the last cycle of vegetation,

and

— in accordance with an official control and examination regime, including an appropriate testing regime, the fruits harvested in the place of production are free from *Xanthomonas campestris* (all strains pathogenic to Citrus),

and

— the fruits have been subjected to treatment such as sodium orthophenylphenate and mentioned on the certificate,

and

— the place of production, the packing facilities, exporters and any other operator involved in the handling of the fruits are officially registered for this purpose.

2. Citrus fruits, other than *Citrus aurantium* L., originating in Argentina or Brazil shall be accompanied by a certificate referred to in paragraph 1 of Article 13 of Directive 2000/29/EC, officially stating that:

(a) the fruits originate in an area recognised as being free from *Guignardia citricarpa* Kiely (all strains pathogenic to Citrus), in accordance with the procedure referred to in Article 18(2) of Directive 2000/29/EC, and mentioned on the certificate;

or

(b) — no symptoms of *Guignardia citricarpa* Kiely (all strains pathogenic to Citrus), have been observed in the place of production since the beginning of the last cycle of vegetation, and none of the fruits harvested in the place of production has shown, in appropriate official examination, symptoms of this organism, and

— the place of production, the packing facilities, exporters and any other operator involved in the handling of the fruits are officially registered for this purpose.

3. Fruits covered by this Decision may only enter the Community if their movement, from their place of production to the point of export to the Community, is accompanied by documents issued under the authority of and supervised by the National Plant Protection Organisation of Argentina or Brazil respectively, as part of a documentary system on which information is made available to the Commission."