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COM (83) 712

Vol. 1983/0254

Historical Archives of the European Commission

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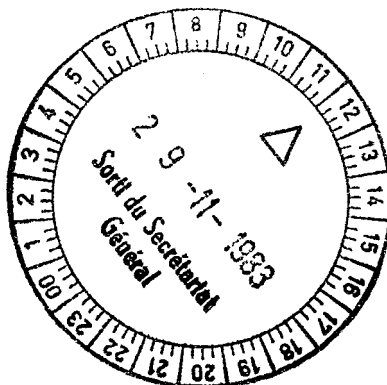
In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(83) 712 final

Brussels, 25 November 1983



Proposal for a
COUNCIL DECISION

approving derogations provided for by Italy from certain provisions of Council Directive 77/93/EEC in respect of seed potatoes originating in Canada

Proposal for a
COUNCIL DECISION

approving derogations provided for by Italy from certain provisions of Council Directive 77/93/EEC in respect of seed potatoes originating in Poland

(submitted to the Council by the Commission)

COM(83) 712 final

Under the Community plant health regime, set up under Council Directive 77/93/EEC, Member States are not allowed to import potatoes originating in third countries where Potato spindle tuber viroid or *Corynebacterium sepedonicum* is known to occur, amongst which are Canada and Poland, except by way of a derogation.

At the request of Italy, the Commission drew up measures approving derogations proposed by Italy, provided that a certain number of special, technical conditions were met. In drawing up these measures the Commission took into account the results of its examination, carried out on the basis of the information currently available, of the plant health situation in the two third countries in question.

On 28 October 1983 these measures were submitted, in accordance with the provisions of Article 16 of Directive 77/93/EEC, to the Standing Committee on Plant Health for its opinion. When the question was put to the vote, the representatives of Germany, Ireland and the United Kingdom rejected the measures and the representative of France abstained. The representatives of the first three Member States considered that the risk of introducing the two harmful organisms into Italy through the importation of seed potatoes originating in Canada or Poland remained too great, while the representative of France stated that it had not yet been possible to define his country's position.

The representatives of the six other Member States supported the measures.

As a result, since the Standing Committee on Plant Health did not adopt a favourable opinion, the Council must now give its view on the two proposals for a Decision. For its part the Commission considers that experience of the application of similar measures approved in recent years demonstrates that the plant health risks cannot be held to be unacceptable and that the proposed measures are therefore justified.

The Council is invited

- to agree, since the progress of the current seed potato season renders the matter urgent, to reach a decision within a period of time corresponding to that which applies under the accelerated procedure (cf. Article 17 of Directive 77/93/EEC), that is to say, fifteen days, and thus to reduce correspondingly in this case the time limit laid down in the second indent of Article 16(4) of Directive 77/93/EEC,
- to adopt the two proposals for a Decision.

PROPOSAL
for a Council Decision
approving derogations provided for by Italy from certain provisions
of Council Directive 77/93/EEC in respect of seed potatoes
originating in Canada

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Member States of organisms harmful to plants or plant products⁽¹⁾, as last amended by Directive 81/7/EEC⁽²⁾, and in particular Article 14(2) thereof,

Having regard to the communication from Italy of 23 July 1983,

Having regard to the proposal from the Commission,

Whereas, pursuant to Directive 77/93/EEC, potato tubers originating in the American Continent may not in principle be brought into the Community unless their faculty of germination has been suppressed, in view of the risk of the introduction of potato spindle tuber viroid and unless - if they originate in a country where *Corynebacterium sepedonicum* is known to occur - provisions recognized as equivalent to the Community provisions on combatting this organism have been complied with in the country of origin;

Whereas, nevertheless, Article 14(1)(c)(iii) of the abovementioned Directive permits Member States to provide for derogations with regard to the rule relating to the suppression of the faculty of germination, provided that there is no risk of harmful organisms spreading, and these derogations are subject to approval in accordance with the provisions of Article 14(2);

Whereas in Italy the growing of potatoes of the Kennebec variety has been an established practice; whereas part of the supply of seed potatoes of this variety has been ensured through importations from Canada;

(1) OJ No L 26, 31.01.1977, p 20

(2) OJ No L 14, 16.01.1981, p 23

Whereas Commission Decision 81/974/EEC⁽³⁾ approved derogations in subject to certain technical conditions to prevent the risk of harmful organisms spreading; whereas that approval expired on 31 December 1982;

Whereas Italy has stated that it intends to provide for derogations also for the current seed potato season;

Whereas it is known that Canada is not free from potato spindle tuber viroid or from *Corynebacterium sepedonicum*;

Whereas Canada has further developed its programme to eradicate these harmful organisms in the provinces of New Brunswick and Prince Edward Island; whereas this programme has still not yet proved fully effective;

Whereas recent information supplied by Canada has shown that there are good reasons to believe that this programme may become fully effective soon; whereas in particular it has at present not been established that there are elements which would militate against the recognition of the provisions implemented there as equivalent to the Community provisions on combating *Corynebacterium sepedonicum*;

Whereas it can therefore be established that no new risks have arisen and it appears under these circumstances that the assessment of the risk of the harmful organisms in question spreading, made in Decision 81/974/EEC, can be confirmed, provided that certain special technical conditions are complied with;

Whereas the derogations provided for by Italy should therefore be approved for the current seed potato season, provided that they include those special technical conditions, subject to the provisions of Council Directive 66/403/EEC of 14 June 1966 on the marketing of seed potatoes⁽⁴⁾, as last amended by Directive 81/561/EEC⁽⁵⁾;

Whereas, however, a further extension can only be envisaged if it has been established on the basis of a detailed technical report to be supplied by Canada that the Canadian eradication programme has been fully effective at least for one of the provinces concerned;

(3) OJ No L 355, 10.12.1981, p 60

(4) OJ No 125, 11.7.1966, p. 2320/66

(5) OJ No L 203, 23.7.1981, p.52

Whereas the Standing Committee on Plant Health has not delivered an opinion within the time-limit set by its chairman,

HAS ADOPTED THIS DECISION:

Article 1

1. Approval is hereby given, under the conditions laid down in paragraph 2 and without prejudice to the provisions of Directive 66/403/EEC, to Italy to provide, in Council Directive 81/561/EEC of 13 July 1981⁽⁵⁾, to Italy to provide, in accordance with Article 14(1)(c)(iii) of Directive 77/93/EEC, and in connection with the third indent in Annex IV, Part A(24) thereto, for derogations from Article 5(1) and the third indent of Article 12(1)(a) of that Directive as regards the requirements referred to in Annex IV, Part A(25), in respect of seed potatoes of the Kennebec variety, originating in the Canadian provinces of New Brunswick and Prince Edward Island.
2. For the purposes of paragraph 1, the following conditions shall apply:
 - a) The seed potatoes shall be the first direct progeny of seed potatoes of the categories 'Pre-elite', 'Elite I', 'Elite II' or 'Elite III' which have been produced in establishments qualified to produce seed potatoes of the 'Pre-elite' or 'Elite I' categories and which are either official establishments or officially designated and controlled for that purpose.
 - b) The seed potatoes shall have been produced either in zones set up as seed potato production areas or in comparable areas situated in zones other than those designated as danger zones because of the presence of potato spindle tuber viroid or *Corynebacterium sepedonicum*.
 - c) The seed potatoes shall have been certified officially as seed potatoes meeting at least the conditions laid down for the 'Foundation' category.

- d) A sample shall be taken officially from each consignment intended for Italy and consisting of products from a single producer. Such samples shall comprise approximately 1% of the tubers in that consignment, up to a thousand tubers. They shall be examined by official laboratories in order to detect any presence of potato spindle tuber viroid or *Corynebacterium sepedonicum*. These examinations shall be carried out using the following methods:
- as regards potato spindle tuber viroid, the PAGE-method after passage of the material through tomato plants, and
 - as regards *Corynebacterium sepedonicum*, the Angers-IF-method.
- e) The plant health certificate required shall be made out only after confirmation that the presence of potato spindle tuber viroid or *Corynebacterium sepedonicum* could not be detected in the examinations referred to in d) above. It shall also state that the conditions laid down in a) to d) have been complied with and shall give the name of the establishment as referred to in a) and of the area as referred to in b).
- f) In Italy a representative sample shall be taken officially, by spot checks, from each of the consignments imported pursuant to this Decision, for official examination as described in d). Subsamples shall be made available to other Member States. The consignments concerned shall remain under official control and may not be marketed or used until it has been confirmed that the presence of potato spindle tuber viroid or *Corynebacterium sepedonicum* could not be detected in those examinations. The total of consignments imported shall not exceed an amount which is adequate for the abovementioned examinations, taking into account the facilities available for that purpose.
- g) Potatoes grown from seed potatoes imported pursuant to this Decision shall not be certified as seed potatoes and shall be used only as potatoes for consumption in Italy.
- h) Buildings, containers, packaging material, vehicles and handling, grading and preparation equipment which has been in contact with seed potatoes imported pursuant to this Decision shall at least be cleaned and disinfected before being brought into contact with other potatoes.

Article 2

Italy shall provide the Commission and the other Member States before 1 June 1984 with a detailed technical report of the official examinations referred to in Article 1(2)(f).

Article 3

The approval granted in Article 1 shall expire on 31 January 1984. It shall be revoked prior to that date if it is found that the conditions laid down in Article 1(2) have been insufficient to prevent the introduction of the harmful organisms in question or have not been complied with.

Article 4

This Decision is addressed to the Italian Republic.

Done at Brussels,

For the Council

PROPOSAL
for a Council Decision
approving derogations provided for by Italy from certain provisions
of Council Directive 77/93/EEC in respect of seed potatoes
originating in Poland

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Member States of organisms harmful to plants or plant products⁽¹⁾, as last amended by Directive 81/7/EEC⁽²⁾, and in particular Article 14(2) thereof,

Having regard to the communication from Italy of 28 September 1983,

Having regard to the proposal from the Commission,

Whereas, pursuant to Directive 77/93/EEC, potato tubers originating in non-member countries where potato spindle tuber viroid has occurred may not in principle be brought into the Community unless their faculty of germination has been suppressed, in view of the risk of the introduction of potato spindle tuber viroid and unless - if they originate in a country where *Corynebacterium sepedonicum* is known to occur - provisions recognized as equivalent to the Community provisions on combatting this organism have been complied with in the country of origin;

Whereas, nevertheless, Article 14(1)(c)(iii) of the abovementioned Directive permits Member States to provide for derogations with regard to the rule relating to the suppression of the faculty of germination, provided that there is no risk of harmful organisms spreading, and these derogations are subject to approval in accordance with the provisions of Article 14(2);

(1) OJ No L 26, 31.01.1977, p 20
(2) OJ No L 14, 16.01.1981, p 23

Whereas in Italy the growing of potatoes of the Majestic and Sieglinde varieties has been an established practice; whereas part of the supply of seed potatoes of these varieties has been ensured through importations from Poland;

Whereas Italy has stated that it intends to provide for the abovementioned derogations in respect of seed potatoes originating in Poland;

Whereas it is known that Poland is not free from potato spindle tuber viroid or from *Corynebacterium sepedonicum*;

Whereas Poland has set up a programme to eradicate these harmful organisms; whereas this programme has not yet proved effective;

Whereas recent information supplied by Poland has shown that there are good reasons to believe that this programme may become effective soon, at least in parts of Poland other than the voievodships of Bydgoszcz and of Pila; whereas in particular it has at present not been established that there are elements which would militate against the recognition of the provisions implemented there as equivalent to the Community provisions on combatting *Corynebacterium sepedonicum*;

Whereas it can therefore be established that no recent risks have arisen and it appears under these circumstances that the assessment of the risk of the harmful organisms in question spreading, made in Commission Decision 81/974/EEC⁽³⁾ in respect of Canada, can be extended to the case of Poland, provided that certain special technical conditions are complied with;

Whereas the derogations provided for by Italy should therefore be approved for the current seed potato season, provided that they include those special technical conditions, subject to the provisions of Council Directive 66/403/EEC of 16 June 1966 on the marketing of seed potatoes⁽⁴⁾, as last amended by Directive 81/561/EEC⁽⁵⁾;

Whereas, however, a further extension can only be envisaged if it has been established through thorough technical examinations to be carried out in Poland that the plant health situation in respect of potatoes growing in Poland confirms the above conclusions;

(3) OJ No L 355, 10.12.1981, p 60

(4) OJ No 125, 11.7.1966, p.2320/66

(5) OJ No L 203, 23.7.1981, p.52

Whereas the Standing Committee on Plant Health has not delivered an opinion within the time-limit set by its chairman,

HAS ADOPTED THIS DECISION:

Article 1

1. Approval is hereby given, under the conditions laid down in paragraph 2 and without prejudice to the provisions of Directive 66/403/EEC, to Italy to provide, in accordance with Article 14(1)(c)(iii) of Directive 77/93/EEC, and in connection with the third indent in Annex IV, Part A(24) thereto, for derogations from Article 5(1) and the third indent of Article 12(1)(a) of that Directive as regards the requirements referred to in Annex IV, Part A(25), in respect of seed potatoes of the Majestic and Sieglinde varieties, originating in parts of Poland other than the voievodships of Bydgoszcz and of Pila.
2. For the purposes of paragraph 1, the following conditions shall apply:
 - a) The seed potatoes shall be the first direct progeny of seed potatoes of the category 'Super-Elite' or of a preceding category which have been produced in establishments qualified to produce seed potatoes of the 'Super-Elite' category and which are either official establishments or officially designated and controlled for that purpose.
 - b) The seed potatoes shall have been produced either in state establishments or in 'closed zones' ('strefy zamknięte').
 - c) The seed potatoes shall have been certified officially as seed potatoes meeting at least the conditions laid down for the 'Elite' category.

(4) OJ No 125, 11.07.1966, p 2320/66

(5) OJ No L 203, 23.07.1981, p 52

- d) A sample shall be taken officially from each consignment intended for Italy and consisting of products from a single producer. Such samples shall comprise approximately 1% of the tubers in that consignment, up to a thousand tubers. They shall be examined by official laboratories in order to detect any presence of potato spindle tuber viroid or *Corynebacterium sepedonicum*. These examinations shall be carried out using the following methods:
- as regards potato spindle tuber viroid, the PAGE-method after passage of the material through tomato plants, and
 - as regards *Corynebacterium sepedonicum*, the Angers-IF-method.
- e) The plant health certificate required shall be made out only after confirmation that the presence of potato spindle tuber viroid or *Corynebacterium sepedonicum* could not be detected in the examinations referred to in d) above. It shall also state that the conditions laid down in a) to d) have been complied with and shall give the name of the establishment as referred to in a) and of the area as referred to in b).
- f) In Italy a representative sample shall be taken officially, by spot checks, from each of the consignments imported pursuant to this Decision, for official examination as described in d). Subsamples shall be made available to other Member States. The consignments concerned shall remain under official control and may not be marketed or used until it has been confirmed that the presence of potato spindle tuber viroid or *Corynebacterium sepedonicum* could not be detected in those examinations. The total of consignments imported shall not exceed an amount which is adequate for the abovementioned examination, taking into account the facilities available for that purpose.
- g) Potatoes grown from seed potatoes imported pursuant to this Decision shall not be certified as seed potatoes and shall be used only as potatoes for consumption in Italy.

- h) Buildings, containers, packaging material, vehicles and handling, grading and preparation equipment which has been in contact with seed potatoes imported pursuant to this Decision shall at least be cleaned and disinfected before being brought into contact with other potatoes.

Article 2

Italy shall provide the Commission and the other Member States before 1 June 1984 with a detailed technical report of the official examinations referred to in Article 1(2)(f).

Article 3

The approval granted in Article 1 shall expire on 31 January 1984. It shall be revoked prior to that date if it is found that the conditions laid down in Article 1(2) have been insufficient to prevent the introduction of the harmful organisms in question or have not been complied with.

Article 4

This Decision is addressed to the Italian Republic.

Done at Brussels,

For the Council