COMMISSION

COMMISSION DECISION

of 23 May 1980

authorizing certain Member States to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of oak wood originating in Canada

(Only the Dutch, French, German and Italian versions are authentic)

(80/566/EEC)

THE COMMISSION 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 harmful organisms of plants or plant products [1], as amended by Directives 80/392/EEC and 80/393/EEC [2], and in particular Article 14 (3) thereof,

Having regard to the requests submitted by the Kingdom of Belgium, the Federal Republic of Germany, the Italian Republic, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands,

Whereas, under the provisions of Directive 77/93/EEC, oak wood with bark attached, originating in North America, may in principle not be introduced into the Community, because of the risk of Ceratocystis fagacearum (oak wilt) being introduced ;

Whereas, however, Article 14 (3) of the abovementioned Directive permits derogations from that rule, provided that it is established that there is no risk of spreading harmful organisms ;

Whereas, in the requesting Member States, there is a need to import oak wood with bark attached, because of the technical requirements of veneer production ;

Whereas, in respect of Canada, the Commission has established that on the basis of the information available at present, there is no evidence of Ceratocystis fagacearum occurring in any part of that country and also no other risk of spreading Ceratocystis fagacearum, provided that certain special technical conditions are satisfied ;

Whereas the requesting Member States should therefore be authorized, in the first instance for a limited period, to provide, under those special technical conditions, for derogations in respect of oak wood originating in Canada ;

Whereas, without prejudice to possible requirements in respect of the period of felling, this authorization will be extended unless new information gives cause for its revision ;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION :

Article 1

1. The Kingdom of Belgium, the Federal Republic of Germany, the Italian Republic, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands are hereby authorized to provide, under the conditions laid down in paragraph 2 hereof, for derogations from Article 5 (1) and the third indent of Article 12 (1) (a) of Directive 77/93/EEC with regard to the requirements referred to in Annex IV, part A (2), for logs of Quercus with bark attached originating in Canada and intended for veneer production.

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[1] OJ No L 26, 31. 1. 1977, p. 20.
[2] OJ No L 100, 17. 4. 1980, pp. 32 and 35.

2. For the purposes of paragraph 1, the following conditions shall be satisfied :

(a) each log shall be marked, in the area of origin, with an officially approved sign enabling its Canadian origin to be identified ;

(b) the official phytosanitary certificate shall be issued by Federal Authorities in Canada, and shall indicate the botanical name of the species as well as the Canadian origin, as indicated by the marking mentioned in (a) ;

(c) the logs may be introduced into the Community only via the following ports of unloading :
— Amsterdam,
— Antwerpen,
— Bremen,
— Bremerhaven,
— Hamburg,
— Livorno,
— Nordenham,
— Ravenna,
— Rotterdam,
— Venezia.

The inspections required pursuant to Article 12 of Directive 77/93/EEC shall be made either in those ports or at the first place of storage ;

(d) prior to treatment or processing corresponding at least to that provided for in Annex IV A (2) of the said Directive, logs which have been stored in one of the Member States mentioned in paragraph 1 may be introduced into another of such Member States only after information has been exchanged between the official plant protection organizations of the Member States concerned, and under conditions which have been agreed between them prior to such introduction ;

(e) prior to treatment or processing corresponding at least to that provided for in Annex IV A (2) of the said Directive, logs may be stored only at places which have been notified to the official plant protection organization of the Member State concerned and mentioned in paragraph 1, and which have appropriate wet storage facilities, available at least for the period specified in (f) ;

(f) prior to treatment or processing corresponding at least to that provided for in Annex IV A (2) of the said Directive, the logs shall be subject to continuous wet storage, starting, at the latest, at the time of flushing in the neighbouring oak stands ;

(g) the waste from treatment or processing shall immediately be destroyed at the place of processing ;

(h) the neighbouring oak stands shall regularly be inspected at appropriate times by the official plant protection organizations for symptoms of Ceratocystis fagacearum. Any confirmed contamination shall immediately be notified to the other Member States and to the Commission ;

(i) prior to import, the importer or his agents shall notify each import sufficiently in advance to the authority responsible in the Member State concerned and mentioned in paragraph 1, indicating :
— the quantity,
— the area or areas of origin,
— the port of unloading,
— the place or places of storage,
— the place or places of destination for processing for veneer production.

They shall be officially informed, prior to import, of the conditions laid down in paragraph 2 (a) to (h).

Article 2

1. The authorization accorded in Article 1 shall expire on 31 December 1980. It shall be revoked earlier immediately upon it being established that the conditions laid down under Article 1 (2) are not sufficient to prevent the introduction of Ceratocystis fagacearum, or have not been complied with. It shall be reviewed immediately there is evidence of Ceratocystis fagacearum occurring in Canada.

2. Extension of the authorization beyond 31 December 1980 shall be decided upon before 1 October 1980.

Article 3

This Decision is addressed to the Kingdom of Belgium, the Federal Republic of Germany, the Italian Republic, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands.

Done at Brussels, 23 May 1980.

For the Commission

Finn GUNDELACH

Vice-President