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COMMISSION DECISION

of 3 May 1996

authorizing Member States temporarily to take additional measures against the dissemination of *Pseudomonas solanacearum* (Smith) Smith as regards Egypt

(96/301/EC)

(OJ L 115, 9.5.1996, p. 47)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Commission Decision 98/105/EC of 28 January 1998	L 25	101	31.1.1998
►**M2**	Commission Decision 98/503/EC of 11 August 1998	L 225	34	12.8.1998
►**M3**	Commission Decision 1999/842/EC of 30 November 1999	L 326	68	18.12.1999

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COMMISSION DECISION

of 3 May 1996

authorizing Member States temporarily to take additional measures against the dissemination of *Pseudomonas solanacearum* (Smith) Smith as regards Egypt

(96/301/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community [1], as last amended by Directive 96/14/EC [2], and in particular Article 15 (3) thereof,

Whereas, where a Member State considers that there is an imminent danger of the introduction into its territory of *Pseudomonas solanacearum* (Smith) Smith, the cause of potato brown rot, from a third country, it may temporarily take any additional measures necessary to protect itself from that danger;

Whereas France, on the basis of continued interceptions of *Pseudomonas solanacearum* in potatoes originating in Egypt adopted on 19 March 1996 measures to implement a ban on potatoes originating in Egypt, with a view to ensuring more efficient protection against the introduction of *Pseudomonas solanacearum* from Egypt into France;

Whereas Finland adopted on 4 April 1996 similar measures against the introduction of that organism into Finland;

Whereas Spain and Denmark subsequently adopted such measures on 16 and 22 April 1996 respectively against the introduction into their respective territories;

Whereas, based on the experiences gained during the current import season, and information gathered from the Egyptian authorities during a recent mission in Egypt, it becomes apparent that the current provisions concerning the 'area freedom' requirement are not sufficient to protect the Community adequately and that additional measures are necessary, whereby under the provisions of the safeguard measures it is appropriate to take into consideration the Egyptian potato production system and the current stage of the production season;

Whereas therefore the concepts of 'basin' for the Desert production area and of 'village' for the Delta production area should be used as reference for the areas in which *Pseudomonas solanacearum* is not known to occur;

Whereas, moreover, there should also be an indication of the basin/village coding system for the identification of areas, qualified for the production of potatoes for export to the Community, on both the labels and the required phytosanitary certificates;

Whereas, if it becomes apparent that the additional measures referred to in Article 1 of this Decision, are not sufficient to prevent the entry of *Pseudomonas solanacearum* or have not been complied with, more stringent or alternative measures should be envisaged;

Whereas the aforesaid imminent danger has justified the adoption of additional emergency measures by Member States;

Whereas, however, these additional emergency measures should be brought into line with Community safeguard measures;

Whereas the effects of the additional measures will be assessed continually, and subsequent measures applicable to the introduction of

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[1] OJ No L 26, 31. 1. 1977, p. 20.
[2] OJ No L 68, 19. 3. 1996, p. 24.

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potatoes originating in Egypt, including requirements for more intensive testing in Egypt, in the forthcoming season will be examined in the light of the results of that assessment, by 30 November 1996 at the latest;

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:

▼M2

Article 1

1. The entry into the territory of the Community of tubers of *Solanum tuberosum* L. which originate in Egypt, other than those already prohibited under the provisions laid down in Annex III, part A, point 10 to Directive 77/93/EEC, shall be prohibited from 15 September 1998.

2. Paragraph 1 shall not apply to consignments leaving Egypt before the Commission has informed Egypt of the present Decision.

▼M3

Article 1a

1. By way of derogation to Article 1, for the import season 1999/2000, the entry into the territory of the Community of tubers of *Solanum tuberosum* L. which orignate 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 the Annex of this Decision, are complied with.

2. The Commission establishes whether 'pest-free areas' have been approved in Egypt for the import season 1999/2000 in accordance with the 'FAO International Standard for Phytosanitary Measures Part 4: Pest Surveillance — Requirements for the Establishment of Pest-Free Areas', in particular point 2.3 thereof, and compiles 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 such a list to the Committee and to the Member States.

▼M2

Article 1b

The provisions of Article 1a shall no longer apply as soon as the Commission has notified to the Member States that more than five interceptions of *Pseudomonas solanacearum* have been confirmed in accordance with points 2 or 3 of the Annex to this Decision, in lots of potatoes introduced into the Community pursuant to this Decision during the ►M3 1999/2000 ◄ 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* into the Community.

Article 2

The importing Member States shall provide the Commission and the other Member States, before ►M3 30 August 2000 ◄, 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 Annex; 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 Annex copies of the plant health certificates and their attached documents shall be transmitted with the said notification.

▼**B**

Article 3

The Member States 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 ►**M3** Article 1, 1a and 1b ◄.

Article 4

This Decision shall be reviewed by ►**M3** 30 September 2000 ◄ at the latest.

Article 5

This Decision is addressed to the Member States.

▼M1

ANNEX

▼M2

For the purpose of the provisions of Article 1a, 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 77/93/EEC, 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 1a 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, at least, for the delta region, 'village' (administrative units already established which cover a group of 'basins'), and for the desert regions, 'basin' (irrigation unit); and shall be identified by its individual or collective name and its individual official code number, including each basin or village official code number;

▼M1

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

▼M3

— 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 1a 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 Directive 98/57/EC, and found free from *Pseudomonas solanacearum* (Smith) Smith in such testing,

▼M1

— 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 auch symptoms in these inspections and a sample taken of 500 tubers per five feddans (= 5 acres) or 200 tubers per feddan (= 1 acre) or part thereof for smaller acreages 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,

▼M2

— transported to packing stations officially approved by the Egyptian authorities to handle only potatoes eligible for export to the Community during the ►M3 1999/2000 ◄ 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 ►M3 1 December 1999 ◄,

▼M1

— 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,

▼M3

— officially tested for latent infection on samples taken from each consignment; during the export season at least one sample per area as specified in (a) 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,

▼**M1**

— 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),

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

▼**M2**

— 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 1a of this Decision, and of the relevant lot number,

▼**M1**

— accompanied by the official phytosanitary certificate required under Article 12.1(b) of Directive 77/93/EEC indicating the lot number(s) under the section 'Distinguishing marks', and the official code number(s), as referred to in the previous indent, under the section 'Additional declaration'; the lot number of the lot from which a sample has been taken for the purpose specified in the fifth indent above, as well as the official statement that the testing has been carried out, shall also be indicated in that section,

— 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 ►**M3** 1 December 1999 ◄;

(d) the points of entry authorized 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;

(e) the responsible official body in charge of the point of entry should have received advanced notification of the likely time of arrival of consignments of potatoes as well as of the amount thereof. In absence of any advance notification, the provisions of Article 5(4) of Council Directive 83/643/EEC [1] as last amended by Directive 91/342/EEC [2] shall apply.

2. At the point of entry, the potatoes shall be subjected to the inspections required pursuant to Article 12 of Directive 77/93/EEC, 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 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 interim 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 paragraph 2, testing for latent infection in accordance with the said Community interim test scheme shall be done on samples taken from each area as specified in 1(a); during the export season at least one sample ►**M2** from each village or basin per area as referred to in point 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.

[1] OJ L 359, 22. 12. 1983, p. 8.
[2] OJ L 187, 13. 7. 1991, p. 47.

▼**M1**

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) or screening test(s) as specified in section I point 1 and point 2 respectively, of the said Community interim test scheme.

5. The Commission shall ensure that it receives information of the details and the results of visual inspections referred to in 1(c) second, third and fourth indents and of the testing referred to in 1(c) fifth indent. ►**M3** The list of approved pest-free areas shall be adjusted by the Commission according to these results and to the findings made under 2 and 3; in relation to a suspect notification made under 4 the list of 'approved pest-free areas' shall be adjusted with an indication of a holding notice on further exports from the relevant approved pest-free area until confirmation or refutation of the suspect finding of *Pseudomonas solanacearum* (Smith) Smith. ◄

6. Member States shall lay down appropriate labelling requirements 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.