

**COMMISSION DIRECTIVE 2004/70/EC
of 28 April 2004**

amending Council 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

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/29/EC of 8 May 2000 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⁾, and in particular points (c) and (d) of the second paragraph of Article 14 thereof,

Whereas:

(1) Article 20 of the Act of Accession of 2003, refers to Annex II to that Act, which contains adaptations to the *acquis* required by accession. However, Annex II in principle only takes into account adaptations to acts adopted before the cut-off date for the accession negotiations, i.e. 1 November 2002.

(2) It is however necessary to make additional adaptations to the *acquis*, in particular to acts adopted after that date as well as to acts which could not be included in Annex II or which, because of changed circumstances, require new adaptations.

(3) Directive 2000/29/EC was amended at several occasions after 1 November 2002 in respect of certain provisions that were adapted by the Act of Accession of 2003.

(4) By the Act of Accession of 2003, Lithuania was granted the status of a protected zone as regards Beet necrotic yellow vein virus for a limited period of time expiring on 31 March 2006. It is appropriate to amend the text of Annex IV to reflect the changes made by the Act of Accession.

(5) By the Act of Accession of 2003, Latvia, Slovenia and Slovakia were granted the status of a protected zone as regards *Globodera pallida* (Stone) Behrens for a limited period of time expiring on 31 March 2006. It is appropriate to amend the text of Annex IV to reflect the changes made by the Act of Accession.

(6) By the Act of Accession of 2003, Malta was granted the status of a protected zone as regards Citrus tristeza virus (European strains) for a limited period of time expiring on 31 March 2006. It is appropriate to amend the text of Annex IV to reflect the changes made by the Act of Accession.

(7) In the interest of clarity it is appropriate to combine in one text some of the amendments made since 1 November 2002. An appropriate period should be given for the Member States to implement those provisions of this Directive which do not reflect existing legislation.

(8) Directive 2000/29/EC should, therefore, be amended accordingly.

(9) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 2000/29/EC is amended as follows:

1. Annexes I, II, III and IV are amended in accordance with Annex I to this Directive.

2. Part B of Annex IV is amended in accordance with Annex II to this Directive.

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Annex II to this Directive at the latest by 1 June 2004. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

⁽¹⁾ OJ L 169, 10.7.2000, p. 1. Directive as last amended by Commission Directive 2004/31/EC (OJ L 85, 23.3.2004, p. 18).

Article 3

This Directive shall enter into force subject to, and as from the date of, the entry into force of the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 28 April 2004.

For the Commission
David BYRNE
Member of the Commission

ANNEX I

Annexes I, II, III and IV to Directive 2000/29/EC are amended as follows:

1. In Part B of Annex I, under heading (b), point 1 is replaced by the following:

'1. Beet necrotic yellow vein virus	DK, F (Britanny), FI, IRL, LT, P (Azores), UK (Northern Ireland)
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2. In Part B of Annex II, under heading (b), point 2 is replaced by the following:

'2. <i>Erwinia amylovora</i> (Burr.) Winsl. et al.	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. and <i>Sorbus</i> L.	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, Lusìa, 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)
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3. Part B of Annex III is amended as follows:

(a) point 1 is replaced by the following:

'1. 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>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.) 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)	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, Lusìa, 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)
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(b) point 2 is replaced by the following:

<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, Castelguglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusia, 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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4. Part B of Annex IV is amended as follows:

(a) in the right hand column of point 20.1, the text is replaced by the following:

'DK, F (Britanny), FI, IRL, P (Azores), UK (Northern Ireland)'

(b) in the right hand column of point 20.2, the text is replaced by the following:

'DK, F (Britanny), FI, IRL, P (Azores), UK (Northern Ireland)'

(c) point 21 is replaced 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), 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, Ticino, Vaud, Valais,</p> <p>or</p> <p>d) the plants originate in the protected zones listed in the right-hand column,</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 del Ghebbo, Fiesso Umbertiano, Castelguglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusia, 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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- 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 a field:
- 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 *Erwinia amylovora* (Burr.) Winsl. et al. being spread from the plants grown there. Details of the description of this "buffer zone" shall be kept available to the Commission and to other Member States. 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 *Erwinia amylovora* (Burr.) Winsl. et al. 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
- 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
- cc) which, as well as the surrounding zone of a width of at least 500 m, has been found free from *Erwinia amylovora* (Burr.) Winsl. et al. since the beginning of the last complete cycle of vegetation, at official inspection carried out at least:
- twice in the field at the most appropriate time, i.e. once during June to August and once during August to November;
 - and
 - once in the said surrounding zone at the most appropriate time, i.e. during August to November, and

	<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) point 21.3 is replaced 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. et al. 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>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>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; 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, Castelguiglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusia, 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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(e) in the right hand column of point 22, the text is replaced by the following:

'DK, F (Britanny), FI, IRL, P (Azores), UK (Northern Ireland)'

(f) in the right hand column of point 23, the text is replaced by the following:

'DK, F (Britanny), FI, IRL, P (Azores), UK (Northern Ireland)'

(g) in the right hand column of point 25, the text is replaced by the following:

'DK, F (Britanny), FI, IRL, P (Azores), UK (Northern Ireland)'

(h) in the right hand column of point 26, the text is replaced by the following:

'DK, F (Britanny), FI, IRL, P (Azores), UK (Northern Ireland)'

(i) in the right hand column of point 27.1, the text is replaced by the following:

'DK, F (Britanny), FI, IRL, P (Azores), UK (Northern Ireland)'

(j) in the right hand column of point 27.2, the text is replaced by the following:

'DK, F (Britanny), FI, IRL, P (Azores), UK (Northern Ireland)'

(k) in the right hand column of point 30, the text is replaced by the following:

'DK, F (Britanny), FI, IRL, P (Azores), UK (Northern Ireland)'

ANNEX II

Part B of Annex IV to Directive 2000/29/EC is amended as follows:

- (a) in the right hand column of point 20.1, the text is replaced by the following:
'DK, F (Britanny), FI, IRL, P (Azores), LT, UK (Northern Ireland)'
- (b) in the right hand column of point 20.2, the text is replaced by the following:
'DK, F (Britanny), FI, IRL, P (Azores), LT, UK (Northern Ireland)'
- (c) in the right hand column of point 20.3, the text is replaced by the following:
'LV, SI, SK, FI'
- (d) in the right hand column of point 22, the text is replaced by the following:
'DK, F (Britanny), FI, IRL, P (Azores), LT, UK (Northern Ireland)'
- (e) in the right hand column of point 23, the text is replaced by the following:
'DK, F (Britanny), FI, IRL, P (Azores), LT, UK (Northern Ireland)'
- (f) in the right hand column of point 25, the text is replaced by the following:
'DK, F (Britanny), FI, IRL, P (Azores), LT, UK (Northern Ireland)'
- (g) in the right hand column of point 26, the text is replaced by the following:
'DK, F (Britanny), FI, IRL, P (Azores), LT, UK (Northern Ireland)'
- (h) in the right hand column of point 27.1, the text is replaced by the following:
'DK, F (Britanny), FI, IRL, P (Azores), LT, UK (Northern Ireland)'
- (i) in the right hand column of point 27.2, the text is replaced by the following:
'DK, F (Britanny), FI, IRL, P (Azores), LT, UK (Northern Ireland)'
- (j) in the right hand column of point 30, the text is replaced by the following:
'DK, F (Britanny), FI, IRL, P (Azores), LT, UK (Northern Ireland)'
- (k) point 31 is replaced 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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