

**COMMISSION DIRECTIVE 2003/116/EC
of 4 December 2003**

**amending Annexes II, III, IV and V to Council Directive 2000/29/EC as regards the harmful
organism *Erwinia amylovora* (Burr.) Winsl. et al.**

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⁾, as last amended by Council Directive 2003/47/EC⁽²⁾, and in particular points (c) and (d) of the second paragraph of Article 14 thereof,

After consulting the Member States concerned,

Whereas:

- (1) The provisions against *Erwinia amylovora* (Burr.) Winsl. et al. should cover the whole range of host plants capable of spreading this harmful organism. Some known host plants for *Erwinia amylovora* (Burr.) Winsl. et al. are not covered by the current provisions. This list should therefore be extended to cover the whole range of host plants for *Erwinia amylovora* (Burr.) Winsl. et al.
- (2) The provisions on 'buffer zones' should be improved to reduce the risk of short distance spreading of *Erwinia amylovora* (Burr.) Winsl. et al. To that end the 'buffer zones' should be clearly delimited and a strict control regime should be applied which includes the removal of plants showing symptoms of *Erwinia amylovora* (Burr.) Winsl. et al.
- (3) Before plants from an area where *Erwinia amylovora* (Burr.) Winsl. et al. is known to occur may be introduced or moved into the relevant 'protected zones', the fields of production of those plants and a zone surrounding those fields, should be found to be totally free from *Erwinia amylovora* (Burr.) Winsl. et al. during the last complete cycle of vegetation preceding the introduction or movement. This should be confirmed by visual inspections carried out at appropriate times and laboratory tests for the possible detection of latent infections.
- (4) The movement of beehives to and within protected zones should be regulated, because it may be an important factor of spreading *Erwinia amylovora* (Burr.) Winsl. et al.
- (5) Specific arrangements should be made for plants which are produced and maintained on fields located in officially designated 'buffer zones' in accordance with the provisions of Directive 2000/29/EC, and which meet the relevant requirements as regards fields and 'buffer zones' thereof, before 1 April 2004.

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

(7) 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

Annexes II, III, IV and V to Directive 2000/29/EC are amended in accordance with the Annex to this Directive.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 March 2004 at the latest. 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.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

This Directive shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 4 December 2003.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

⁽²⁾ OJ L 138, 5.6.2003, p. 47.

ANNEX

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

1. Annex II is amended as follows:

- (a) In Part A, Section II, under heading (b), in point 3, the text in the right-hand column is replaced by the following:

'Plants of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L., intended for planting, other than seeds';

- (b) In Part B, under heading (b), in point 2, the entry in the second column is replaced by the following:

'Parts of plants, other than fruit, seeds and plants intended for planting, but including live pollen for pollination of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L.'

2. In Part B of Annex III, in point 1, the entry in the first column is replaced by the following:

'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: *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L., other than fruit and seeds, originating in third countries other than those recognised as being free from *Erwinia amylovora* (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 *Erwinia amylovora* (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).'

3. Annex IV is amended as follows:

- (a) Part A is amended as follows:

- (i) In Section I, point 17 is replaced by the following:

'17. Plants 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., intended for planting, other than seeds	Without prejudice to the provisions applicable to the plants listed in Annex III(A)(9), (9.1), (18), Annex III(B)(1) or Annex IV(A)(1)(15), where appropriate, official statement: (a) that the plants originate in 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), or (b) that the plants originate in pest free areas which have been established in relation to <i>Erwinia amylovora</i> (Burr.) Winsl. <i>et al.</i> 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), or (c) that the plants in the field of production and in its immediate vicinity, which have shown symptoms of <i>Erwinia amylovora</i> (Burr.) Winsl. <i>et al.</i>, have been removed.'
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- (ii) In Section II, in point 9, the text in the left-hand column is replaced by the following:

'Plants of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L., intended for planting, other than seeds';

(b) In Part B, point 21 is replaced by the following:

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	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: (a) the plants 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), or (b) the plants originate in pest free areas in third countries which have been established in relation to <i>Erwinia amylovora</i> (Burr.) Winsl. <i>et al.</i> 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), or (c) the plants originate in the protected zones listed in the right-hand column or (d) 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 <i>Erwinia amylovora</i> (Burr.) Winsl. <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 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 <i>Erwinia amylovora</i> (Burr.) Winsl. <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	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; Trentino-Alto Adige: autonomous provinces of Bolzano and Trento; 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, Castलगuglielmo, 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 of 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, FIN, UK (Northern Ireland, Isle of Man and Channel Islands)
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	(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 <i>Erwinia amylovora</i> (Burr.) Winsl. <i>et al.</i> 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 (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. 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.	
21.1 From 15 March to 30 June, beehives	There shall be documented evidence that the beehives: (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), or (b) originate in the protected zones listed in the right-hand column, or (c) have undergone an appropriate quarantine measure before being moved.	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; Trentino-Alto Adige: autonomous provinces of Bolzano and Trento; 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, Castelvoglio, 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 of 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, FIN, UK (Northern Ireland, Isle of Man and Channel Islands)

4. Annex V is amended as follows:

(a) Part A is amended as follows:

(i) Under heading I, point 1.1 is replaced by the following:

‘1.1 Plants, intended for planting, other than seeds, of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Prunus* L., other than *Prunus laurocerasus* L. and *Prunus lusitanica* L., *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L.’;

(ii) Under heading II, points 1.3 and 1.4 are replaced by the following:

‘1.3 Plants, other than fruit and seeds, of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Eucalyptus* L’Herit., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L.’;

1.4 Live pollen for pollination of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L.’;

(b) Under heading II of Part B, points 3 and 4 are replaced by the following:

‘3. Live pollen for pollination of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L.’;

4. Parts of plants, other than fruit and seeds, of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L.’
