



COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

COUNCIL DIRECTIVE

on the control of Pseudomonas solanacearum (Smith) Smith

(presented by the Commission)

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EXPLANATORY MEMORANDUM

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This proposal concerns a Control Directive in which measures to be taken by Member States against the bacterial pathogen Pseudomonas solanacearum (Smith) Smith, the cause of the brown rot disease on potatoes and bacterial wilt of tomatoes, are laid down in order to locate the pathogen, prevent its occurrence and spread, and control it with the aim of eradication.

Pseudomonas solanacearum (Smith) Smith until fairly recently was known to cause disease problems in the tropics, subtropics and warm temperature regions: in the EU the potato brown disease was reported from the southern Member States. These reports dated from the 1960s or earlier and since that date there had been no reports of outbreaks until 1995 when severe problems with extensive rotting of potato tubers were reported in several outbreaks in Italy and Portugal, and in 1996 several outbreaks in Spain.

In the meantime, however, in the beginning of the 1990s, isolated outbreaks of potato brown rot were recorded in three northern Member States, Belgium, the Netherlands and the United Kingdom, and in 1994 and 1995 there were several outbreaks of bacterial wilt in tomato production in France. Then in late 1995, outbreaks were reported in both seed and ware potato production in the Netherlands. A specific Commission Decision was introduced in 1995 (renewed for a further year in 1996) to prevent the spread of P. solanacearum as regards potatoes from the Netherlands and at the same time the need for a Control Directive on Pseudomonas solanacearum (Smith) Smith was recognised in order to ensure simultaneous and methodical control on this organism throughout the Community, as an area without internal frontiers.

The proposal has been drafted in the knowledge that there are still aspects of the biology and epidemiology of the organism that are poorly understood, and it is anticipated that there will be developments in the understanding and detection of the organism that may necessitate a further specification of measures.

There are no subsidiarity implications given that the proposal comes under Article 43 of the Treaty on the European Community and thus falls within the exclusive competence of the Community.

This proposal will have no impact on small or medium-sized undertakings as long as there are no outbreaks of Pseudomonas solanacearum (Smith) Smith. When outbreaks occur, the impact will be the same on any type of undertaking. The proposal has no budgetary implications.

Proposal for a Council Directive
of
on the control of Pseudomonas solanacearum (Smith) Smith

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission¹,

Having regard to the opinion of the European Parliament²,

Having regard to the opinion of the Economic and Social Committee³,

Whereas potato and tomato production occupies an important place in Community agriculture; whereas the potato and tomato yield is constantly threatened by harmful organisms;

Whereas, through the protection of potato and tomato cultivation against such harmful organisms, not only should productive capacity be maintained but agricultural productivity should also be increased;

Whereas protective measures to prevent the introduction of harmful organisms into the territory of a Member State would have only a limited effect were such organisms not controlled simultaneously and methodically throughout the Community and were not prevented from spreading;

Whereas one of the harmful organisms on potatoes and tomatoes is Pseudomonas solanacearum (Smith) Smith, the pathogenic agent of the potato brown rot disease and of bacterial wilt in tomatoes ; whereas disease outbreaks caused by this pathogen have occurred in some parts of the Community and some limited sources of infection still exist;

1 OJ No
2 OJ No
3 OJ No

Whereas there is a considerable risk to potato and tomato cultivation throughout the Community if effective measures are not taken to locate this disease and determine its distribution, to prevent it from occurring and spreading, and, if found, to prevent its spread and to control it with the aim of eradication;

Whereas, in order to ensure this, certain measures must be taken within the Community; whereas Member States must, in addition, be able to take additional or stricter measures where necessary, provided that there is no hindrance to the movement of potatoes or tomatoes within the Community, except in so far as laid down in 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 products⁴; whereas such measures must be notified to the other Member States and to the Commission;

Whereas the measures have to take into account that systematic official surveys are necessary to locate the pathogen; whereas such surveys should include inspection procedures and, where appropriate, given that under certain environmental circumstances the disease can remain latent and unobserved both in the growing crop of tomatoes and potatoes and in stored potato tubers, should include sampling and testing procedures ; whereas spread of the pathogen within the growing crop is not the most important factor, but whereas the pathogen can spread by surface water and certain associated wild solanaceous plants, and therefore the irrigation of potato and tomato crops using contaminated water appears to pose a risk for infection of such crops; whereas also the pathogen can exist through the winter in self-sown (volunteer) potato and tomato plants and these may be a source of infection being carried from one season to the next; whereas the pathogen is spread also by the contamination of potatoes or tomatoes through contact with infected potatoes or tomatoes and through contact with planting, harvesting and handling equipment or transport and storage containers which have become contaminated with the organism by previous contact with infected potatoes or tomatoes; whereas spread of the pathogen can be reduced or prevented by decontamination of such objects; whereas any such contamination of seed potatoes poses a major risk for the spread of the pathogen; similarly the latent infection of seed potatoes poses a major risk for the spread of the pathogen and this can be prevented only by the use of seed potatoes produced in an officially approved programme whereby seed potatoes have been tested and found free from infection;

⁴ OJ No L 26, 31.01.1977, p. 20. Directive as last amended by Commission Directive 96/78/EC (OJ No L 321, 12.12.1996, p. 20).

Whereas the current knowledge of the biology and epidemiology of Pseudomonas solanacearum (Smith) Smith under European conditions is incomplete and it is anticipated that a review of the measures proposed will be necessary within several seasons; similarly improvements to the test procedure are anticipated in the light of further research especially on the sensitivity and specificity of test methods in order to select and standardise the optimum test methods available;

Whereas, for the determination of the details of such general measures, as well as for those stricter or additional measures taken by Member States to prevent the introduction of the pathogen into their territory, it is desirable for Member States to cooperate closely with the Commission within the Standing Committee of Plant Health (hereinafter referred to as "the Committee"),

HAS ADOPTED THIS DIRECTIVE:

Article 1

The Directive concerns the measures to be taken within the Member States against Pseudomonas solanacearum (Smith) Smith, (hereinafter referred to as 'the organism'), in order to, with respect to the host plants of the organism listed in Annex I Section 1, (hereinafter referred to as 'the listed plant material'):

- (a) locate it and determine its distribution;
- (b) prevent its occurrence and spread; and
- (c) if found, to prevent its spread and to control it with the aim of eradication.

Article 2

1. Member States shall conduct annual systematic official surveys for the organism on the listed plant material originating in their territory. In addition, according to the risk identified and in order to identify possible sources of contamination threatening the production of the listed plant material, Member States shall, in production areas of the listed plant material, conduct targeted official surveys for the organism on plants other than the listed plant material, including wild solanaceous plants, and on both surface water which is used for irrigation and spraying of listed plant material and liquid waste from industrial processing or packaging premises handling listed plant material. Member States may also conduct official surveys for the organism on non-plant material.

2. The official surveys provided for in paragraph 1 shall be carried out
 - (a) for the listed plant material, according to the details set down in point 1 of Section II, Annex I , and,
 - (b) for host plants other than the listed plant material, and for water including liquid waste, in accordance with appropriate methods and, where appropriate, samples shall be taken and subjected to official or officially supervised laboratory testing,
 - (c) where appropriate for non-plant material, in accordance with appropriate methods.

For these surveys, further details of the inspection procedures and the number, origin, stratification and timing of collection of samples shall be decided by the responsible official bodies within the meaning of Directive 77/93/EEC based on sound scientific and statistical principles and the biology of the organism and taking into account in the Member State concerned, the particular production systems of the listed plant material and, as appropriate, of other host plants of the organism.

3. The details and results of the official surveys provided for in paragraph 1 shall be notified by 1 June each year to the other Member States and to the Commission in accordance with the provisions of point 2 of Section II, Annex I. The details of this notification shall be confidential. They may be submitted to the Committee.
4. The following provision shall be adopted in accordance with the procedure laid down in Article 16a of Directive 77/93/EEC:
 - the appropriate methods for the surveys and the laboratory testing provided for in paragraph 2 subparagraph 1(b) above.
5. The following provisions may be adopted in accordance with the procedure laid down in Article 16a of Directive 77/93/EEC;
 - the appropriate methods for the surveys provided for in paragraph 2 subparagraph 1(c) above,
 - further details of the surveys provided for in paragraph 2 subparagraph 2 above, with a view to ensuring comparable levels of assurance between Member States.

Article 3

Member States shall ensure that the suspected occurrence or confirmed presence of the organism in their territory shall be reported to their own responsible official bodies.

Article 4

1. In each case of suspected occurrence, the responsible official bodies of the Member State(s) concerned shall ensure completion of official or officially supervised laboratory testing using, for the listed plant material, the relevant method set out in Annex II and in accordance with the conditions specified in point 1 of Annex III, or, in all other cases, any other officially approved method, in order to confirm or refute the suspected occurrence. In the former case, the requirements laid down in point 2 of Annex III shall apply.
2. Pending the confirmation or refutation of a suspected occurrence under paragraph 1, in each case of suspected occurrence where, either:
 - (i) diagnostic symptoms of the diseases caused by the organism have been seen and a positive result in the rapid screening test(s), as specified in Annex II section 1 has been obtained, or,
 - (ii) a positive result in the screening test(s) as specified in Annex II section 2 has been obtained,the responsible official bodies of the Member States shall, in relation to their own production:
 - (a) prohibit the movement of plants and tubers from all crops, lots or consignments from which the samples have been taken, except under their control and provided that it has been established that there is no identifiable risk of the organism spreading;
 - (b) take steps to trace the origin of the suspected occurrence;
 - (c) introduce appropriate additional precautionary measures based on the level of estimated risk, particularly in relation to production of the listed plant material, in order to prevent any spread of the organism.

3. In those cases of suspected occurrence where there is a risk of contamination of the listed plant material or surface water in another Member State(s), the Member State in which the suspected occurrence has been reported shall immediately notify, according to the risk identified, the details of the said suspected occurrence to the other Member State(s) concerned.
4. The following provision may be adopted in accordance with the procedure laid down in Article 16a of Directive 77/93/EEC:
 - the measures referred to in paragraph 2(c) above.

Article 5

1. If official or officially supervised laboratory testing, using, for the listed plant material, the relevant method set out in Annex II or, in all other cases, any other officially approved method, confirms the presence of the organism in a sample taken pursuant to this Directive, the responsible official bodies of a Member State, having regard to sound scientific principles, the biology of the organism and the particular production, marketing and processing systems of the host plants of the organism in that Member State, shall:
 - (a) for the listed plant material,
 - (i) establish an investigation to determine the extent and primary source(s) of the contamination taking into account the provisions of Annex IV, with further testing in accordance with Article 4(1), as appropriate, and
 - (ii) designate as contaminated the listed plant material, consignment and/or lot from which the sample was taken, and the machinery, vehicle, vessel, store, or units thereof, and any other objects including packaging material which have been in contact with the listed plant material from which the sample was taken; also designate as contaminated, where appropriate, the field(s), unit(s) of protected crop production and place(s) of production from which the listed plant material was harvested and from which the sample was taken; and for those samples taken in the growing season, designate as contaminated the field(s), place(s) of production, and, where appropriate, unit(s) of protected crop production from which the sample was taken, and,

- (iii) determine, taking into account the provisions of point 1 of Annex V, the extent of probable contamination through pre- or post-harvest contact, through production, irrigation or spraying links or through clonal relationship with the designated contamination, and,
 - (iv) demarcate a zone on the basis of the designation of contamination under (ii), the determination of the extent of probable contamination under (iii), and the possible spread of the organism, taking into account the provisions of point 2(i) of Annex V;
- (b) for crops of host plants other than those mentioned under (a) where production of the listed plant material is identified at risk,
- (i) establish an investigation in accordance with subparagraph (a)(i), and
 - (ii) designate as contaminated the host plants of the organism from which the sample was taken, and
 - (iii) determine the probable contamination and demarcate a zone in accordance with subparagraphs (a)(iii) and (iv), respectively, in relation to production of the listed plant material;
- (c) for surface water (including liquid waste discharges from industrial processing or packaging premises handling listed plant material) and associated wild solanaceous host plants, where production of the listed plant material is identified at risk through irrigation or spraying of the surface water,
- (i) establish an investigation including an official survey at appropriate times on samples of surface water and if present wild solanaceous host plants to establish the extent of the contamination, and
 - (ii) designate as contaminated the surface water from which the sample(s) was taken, to the extent appropriate and on the basis of the investigation under (i), and
 - (iii) determine the probable contamination and demarcate a zone on the basis of the designation of contamination under (ii) and the possible spread of the organism taking into account the provisions of point 2(ii) of Annex V.

2. Member States shall immediately notify the other Member States and the Commission, in accordance with the provisions of point 3 of Annex V, of any contamination designated under paragraphs 1(a)(ii) and 1(c)(ii) and the details of the zone demarcation under paragraph 1(a)(iv) and, where applicable, under paragraph 1(c)(iii).

The details of this notification shall be confidential. They may be submitted to the Committee.

3. As a result of the notification under paragraph 2 and the elements mentioned therein, other Member States detailed in the notification shall establish an investigation in accordance with paragraph 1(a)(i) and, where applicable, paragraph 1(c)(i) and take further action, as appropriate, in accordance with paragraphs 1 and 2.

Article 6

1. Member States shall prescribe that the listed plant material designated to be contaminated under Article 5(1)(a)(ii) may not be planted and that, under the control and approval of their responsible official bodies, it shall be destroyed in accordance with the provisions of point 1 of Annex VI, such that it is established that there is no identifiable risk of the organism spreading.
2. Member States shall prescribe that the listed plant material determined as probably contaminated under Article 5(1)(a)(iii) may not be planted and shall, under the control of their responsible official bodies, be put to appropriate use or disposal as specified in point 2 of Annex VI, such that it is established that there is no identifiable risk of the organism spreading.
3. Member States shall prescribe that any machinery, vehicle, vessel, store, or units thereof, and any other objects including packaging material, designated as contaminated under Article 5(1)(a)(ii) or determined as probably contaminated under Article 5(1)(a)(iii), shall either be destroyed or decontaminated using appropriate methods as specified in point 3 of Annex VI. After decontamination, any such objects shall no longer be considered contaminated.

4. Without prejudice to the measures implemented under paragraphs 1, 2 and 3, Member States shall prescribe that, in the zone demarcated under Article 5(1)(a)(iv) and (c)(iii), a series of measures, as specified in points 4.1 and 4.2 of Annex VI, shall be implemented. Details of these measures shall be notified annually to the other Member States and to the Commission in accordance with the provisions of point 4.3 of Annex VI. The details of this notification shall be confidential. They may be submitted to the Committee.

Article 7

1. Member States shall prescribe that seed potatoes shall meet the requirements of Directive 77/93/EEC and shall derive in direct line from potato material obtained under an officially approved programme which has been found free of the organism in official or officially supervised testing using the relevant method set out in Annex II.

The aforesaid testing shall be carried out:

- in cases where the contamination affects seed potato production, on representative samples of the basic seed potatoes or earlier propagations, and
 - = for field selection systems in which the plants selected for clonal propagation have not been propagated for more than three generations since the previous clonal selection,
 - (i) on all lots produced by one of these three generations and to be used for further propagation, or
 - (ii) on each plant of the initial clonal selection,
 - = for other systems including tissue culture, on each plant or tuber of the initial clonal selection,
- in other cases, either on each plant of the initial clonal selection or on representative samples of the basic seed potatoes or earlier propagations.

2. The following provisions may be adopted in accordance with the procedure laid down in Article 16a of Directive 77/93/EEC:
- the detailed rules of application of the first indent of the second subparagraph of paragraph 1 of this Article,
 - the rules concerning the representative samples provided for in the second indent of the second subparagraph of paragraph 1 of this Article.

Article 8

Member States shall ban the holding and handling of the organism.

Article 9

Without prejudice to the provisions of Directive 77/93/EEC, Member States may authorize derogations from the measures referred to in Articles 6 and 8 of this Directive in accordance with the provisions laid down in Directive 95/44/EC for trial or scientific purposes, and for work on varietal selections⁵.

Article 10

Member States may adopt such additional or stricter measures as may be required to combat the organism or to prevent it from spreading, in so far as they are in compliance with the provisions of Directive 77/93/EEC.

The additional measures mentioned in the first subparagraph may include the prescription that only seed potatoes or tomatoes may be planted that are either officially certified or officially inspected to meet the required plant health standards. The latter may apply in particular in cases where farmers are authorized to use, on their own holding, seed potatoes or tomatoes which they have obtained from their own harvest and in other cases where own-produced seed potatoes or tomatoes are planted.

The details of these measures shall be notified to the other Member States and to the Commission. The details of this notification shall be confidential. They may be submitted to the Committee.

⁵ OJ No L 184, 03.08.1995, p. 34.

Article 11

Amendments to the Annexes to this Directive, to be made in the light of developments in scientific or technical knowledge, shall be adopted in accordance with the procedure laid down in Article 16a of Directive 77/93/EEC. In the case of measures laid down in Annex II and paragraphs 4.1 and 4.2 of Annex VI to this Directive a report shall be prepared by the Commission reviewing these measures in the light of experience gained and the report shall be submitted to the Committee before 1 January 2002.

Article 12

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive with effect from 1 July 1997. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The procedure for such a reference shall be adopted by Member States.

2. The Member States shall immediately communicate to the Commission the essential provisions of domestic law which they adopt in the field governed by this Directive. The Commission shall inform the other Member States thereof.

Article 13

This Directive shall enter into force on the day following that of its publication in the Official Journal of the European Communities.

Article 14

This Directive is addressed to the Member States.

Done at Brussels,

For the Council,

Annex I

Section I: List of host plants of Pseudomonas solanacearum (Smith) Smith referred to in Article 1:

Plants (including tubers), other than true seed, of Solanum tuberosum L. Potato
Plants, other than seeds, of Lycopersicon lycopersicum (L.) Karsten ex Farw. Tomato

Section II: Surveys

1. The official surveys referred to in Article 2(2)(a) shall be based on the biology of the organism and the particular production systems in the Member State concerned and shall comprise:
 - (i) in the case of potato,
 - visual inspection of the growing crop at appropriate times, and/or sampling of both seed and other potatoes shall be taken either, in the growing season from, wherever possible, wetter areas of the field or from lots in store. These samples shall be subjected to official or officially supervised visual inspection by cutting of tubers,
 - and
 - in the case of seed potatoes and where appropriate, for other potatoes, further sampling for official or officially supervised laboratory testing using the method set out in Annex II for the diagnosis, detection and identification of the organism.
 - (ii) in the case of tomato,
 - visual inspection of the growing crop at appropriate times, and,
 - in the case of tomato crops grown for seed production and where appropriate for other tomato crops, sampling for official or officially supervised laboratory testing, using the method set out in Annex II for the diagnosis, detection and identification of the organism.

2. The notification of the official surveys referred to in Article 2(3) shall include:
- (i) in the case of surveys on potatoes,
 - estimated total area grown, in hectares, of seed and other potatoes,
 - stratification by seed category and ware, and where appropriate, by region,
 - number and timing of samples taken for testing,
 - number of visual inspections in the field,
 - number (and size of sample) of visual inspections on tubers
 - (ii) in the case of surveys on tomatoes,
 - estimated total area grown, in hectares, of outdoor crops and of crops grown under protection,
 - stratification by seed and fruit production and, where appropriate, region
 - number and timing of samples taken for testing,
 - number of visual inspections in the field,
 - number (and size of sample) of visual inspections
 - (iii) in the case of surveys on host plants other than potatoes and tomatoes,
 - species
 - number of samples taken
 - area/river sampled, as appropriate
 - method of analysis
 - (iv) in the case of surveys on water,
 - number of samples
 - area/river sampled
 - method of analysis

Annex II

The method for the listed plant material referred to in Articles 4 and 5 shall be in accordance with Commission Decision 97/.. /EC detailing an interim test scheme for the diagnosis, detection and identification of Pseudomonas solanacearum (Smith) Smith (not yet adopted by the Commission).

Annex III

1. For each suspected occurrence for which a positive result in the screening test(s) has been identified according to, for the listed plant material, the relevant method set out in Annex II or, in all other cases, any other officially approved method, and confirmation or refutation by completion of the said method is awaited, there should be retention and appropriate conservation of:
 - the lot (from which the sample has been taken) in its original packaging with label, wherever possible
 - the remaining part of the samples, wherever possible,
 - any remaining extract and additional prepared material for the screening test(s) e.g. immunofluorescence slides, and,
 - all relevant documentation,until the completion of the said method.

2. In the case of confirmation of the organism, there should be retention and appropriate conservation of:
 - the material specified in paragraph 1, and
 - a sample of the infected tomato or eggplant material inoculated with the tuber or plant extract, where appropriate, and
 - the isolated culture of the organism,until at least one month after the notification procedure under Article 5(2).

Annex IV

The elements to be considered in the investigation referred to in Article 5(1)(a)(i) shall include:

(i) places of production,

- growing or having grown, potatoes which are clonally related to potatoes found to be infected with the organism,
- growing or having grown tomatoes which are from the same seed source as tomatoes found to be infected with the organism,
- growing or having grown, potatoes or tomatoes which have been placed under official control because of the suspected occurrence of the organism,
- growing or having grown, potatoes which are clonally related to potatoes that have been grown on places of production suspected to be infested with the organism,
- growing potatoes or tomatoes and located in the neighbourhood of infested places of production, including such places of production sharing production equipment and facilities directly or through a common contractor,
- using surface water for irrigation or spraying from any source confirmed or suspected to be infested with the organism.
- using surface water for irrigation or spraying from a source used in common with places of production confirmed or suspected to be infested with the organism.

and,

(ii) surface water used for irrigation or spraying of field(s) or place(s) of production confirmed to be infested with the organism.

Annex V

1. The elements to be considered in the determination of the extent of probable contamination under Article 5(1)(a)(iii), shall include:
- the listed plant material grown at a place of production designated as contaminated under Article 5(1)(a)(ii),
 - place(s) of production with a production link to the listed plant material designated as contaminated under Article 5(1)(a)(ii), including those sharing production equipment and facilities directly or through a common contractor,
 - the listed plant material produced in the place(s) of production referred to in the previous indent, or present in such place(s) of production during the period when the listed plant material designated as contaminated under Article 5(1)(a)(ii), was present on the places of production referred to in the first indent,
 - central stores handling the listed plant material from the above places of production,
 - any machinery, vehicle, vessel, store, or units thereof, and any other objects including packaging material, that may have come into contact with the listed plant material designated as contaminated under Article 5(1)(a)(ii),
 - any of the listed plant material stored in, or in contact with, any of the structures or objects listed in the previous indent, prior to the cleansing and disinfection of such structures and objects,
 - as a result of the investigation and testing under Article 5(1)(a)(i), in the case of potato, those tubers or plants with the same clonal origin as, and in the case of tomato, those plants with the same seed source as, the listed plant material designated to be contaminated under Article 5(1)(a)(ii) and for which investigations indicate contamination is probable,
 - place(s) of production of the listed plant material using water for irrigation or spraying which has been designated as contaminated under Article 5(1)(c)(ii).

2. The determination of the possible spread under Article 5(1)(a)(iv) and 5(1)(c)(iii) shall include:
 - (i) in cases under Article 5(1)(a)(iv), a consideration of the following elements,
 - the proximity of other places of production growing the listed plant material,
 - the commonality of seed potato stocks,
 - places of production using surface water for irrigation or spraying of listed plant material in cases where there is or has been risk of surface water run-off from place(s) of production designated to be contaminated under Article 5(1)(a)(ii).
 - (ii) in cases where surface water has been designated as contaminated under Article 5(1)(c)(ii):
 - place(s) of production producing listed plant material adjacent to the water designated as contaminated,
 - any discrete irrigation basin associated with the water designated as contaminated.
3. The details of the notification referred to in the first subparagraph of Article 5(2) shall include:
 - date of reporting of suspected occurrence under Article 4 and sampling under Article 5, as appropriate,
 - for any potato consignment or lot designated as contaminated, the certificates prescribed in Articles 7 or 8 of Directive 77/93/EEC, the passport number or registration number of potato producers, collective warehouses and dispatching centres, as appropriate,
 - for any tomato plant consignment or lot designated as contaminated the certificates prescribed in Articles 7 or 8 of Directive 77/93/EEC and passport number, in accordance with the listing in Annex V Part A Section I 2.2 to Directive 77/93/EEC,
 - the variety name and category for seed potato stocks, and where possible in all other cases,
 - a description of the elements of the designated contamination and zone demarcation,
 - the address where the material is retained and conserved in accordance with paragraph 2 of Annex III.

Annex VI

1. The destruction referred to in Article 6(1), according to the type of the listed plant material, shall be:
 - incineration, or
 - deep burial, in conformity with the provisions laid down in Annex VII(i) first indent to this Directive, or
 - industrial processing through direct and immediate delivery to a processing plant with officially approved waste disposal facilities which conform to the provisions laid down in Annex VII to this Directive, or
 - other measures, provided that it has been established that there is no identifiable risk of the organism spreading; such measures to be notified to the Commission and to the other Member States.

2. The appropriate use or disposal of the listed plant material referred to in Article 6(2), under the control of the responsible official bodies of the Member State(s) concerned, with appropriate communication between responsible official bodies to ensure such control at all times, shall be:
 - (i) for potato tubers,
 - use as ware potatoes intended for consumption and packed at sites with appropriate waste disposal facilities, ready for direct delivery and use without repacking, and intended for such direct delivery and use , or
 - use as ware potatoes intended for industrial processing, and intended for direct and immediate delivery to a processing plant with appropriate waste disposal facilities, or
 - some other use or disposal, provided that it is established that there is no identifiable risk of the organism spreading.
 - (ii) for tomato fruit,
 - use of fruit for industrial processing and intended for direct and immediate delivery to a processing plant with appropriate waste disposal facilities, and disposal of plant debris including seed by appropriate means, or

- use of fruit for consumption and packed at sites with appropriate waste disposal facilities,
- some other use or disposal, provided that it is established that there is no identifiable risk of the organism spreading,

(iii) for other plant parts,

- destruction, or
- some other use or disposal, provided that it is established that there is no identifiable risk of the organism spreading; such measures shall be notified to the Commission and to other Member States.

3. The appropriate methods for decontamination of the objects referred to in Article 6(3) shall be cleansing and, where appropriate, disinfection such that there is no identifiable risk of the organism spreading and shall be employed under the supervision of the responsible official bodies of the Member States.

4. The series of measures to be implemented by Member States within the demarcated zone(s) established under Article 5(1)(a)(iv) and (c)(ii) and referred to in Article 6(4) shall include:

4.1 In cases where places of production have been designated as contaminated under Article 5(1)(a)(ii):

- (a) in a field or unit of protected crop production designated to be contaminated under Article 5(1)(a)(ii), either
 - (i) - during at least the four growing years following the designated contamination,
 - = measures shall be taken to eliminate volunteer potato and tomato plants as well as other host plants of the organism including solanaceous weeds, and
 - = no potato tubers or plants, or other host plants of the organism including tomato plants and seeds, or crops for which there is an identified risk of the organism surviving or spreading, shall be planted,

- in the first potato or tomato cropping season following the period specified in the preceding indent, and on the condition that the field has been found free from volunteer potato and tomato plants and other host plants including solanaceous weeds for at least the two consecutive growing years prior to planting,
 - = an official survey including testing, as detailed in Article 2(1), shall be conducted, and
 - = in the case of potatoes, officially certified seed potatoes shall be planted for ware production only and,
 - = in the case of tomatoes, only tomato plants issued with a plant passport in accordance with Article 10 of Directive 77/93/EEC, on the basis of the examination carried out pursuant to Article 6 of that Directive for compliance with the provisions laid down therein (hereinafter referred to as a "plant passport"), or tomato plants raised from seed on the place of production and officially inspected and found free from the organism shall be planted;
 - in the potato or tomato cropping season succeeding that referred to in the previous indent and following an appropriate rotation cycle, in the case of potatoes officially certified seed potatoes shall be planted for either seed or ware production and in the case of potatoes and tomatoes an official survey as detailed in Article 2(1), shall be conducted;
- or
- (ii) - during the five growing years following that of the designated contamination,
 - = measures shall be taken to eliminate volunteer potato and tomato plants as well as other host plants of the organism including solanaceous weeds, and
 - = the field shall be established and maintained during the first three years either, in bare fallow or, in cereals excluding maize or, in permanent pasture with frequent close cutting or intensive grazing or, as grass for seed production, followed by planting in the succeeding two years with non-host plants of the organism for which there is no identified risk of the organism surviving or spreading,

- in the first potato or tomato cropping season following the period specified in the preceding indent,
 - = in the case of potatoes, officially certified seed potatoes shall be planted for either seed or ware production or,
 - = in the case of tomatoes, only tomato plants with an accompanying plant passport or plants raised from seed on the place of production and officially inspected and found free from the organism shall be planted,
- and an official survey, as detailed in Article 2(1), shall be conducted;

(b) in other fields:

- in the growing year following the designated contamination:
 - = either no potato tubers or plants, or other host plants of the organism shall be planted, and measures shall be taken to eliminate volunteer potato and tomato plants and other host plants including solanaceous weeds as appropriate, or
 - = in the case of potato tubers, officially certified seed potatoes may be planted for ware production only, or, in the case of tomatoes only tomato plants with an accompanying plant passport or plants raised from seed on the place of production and officially inspected and found free from the organism shall be planted, on the condition that the responsible official bodies are satisfied that the risks of volunteer potato and tomato plants and other host plants of the organism including solanaceous weeds, have been eliminated. The growing crop shall be inspected at appropriate times and volunteer potato plants shall be tested for the organism; in addition, for potatoes, the harvested tubers shall be inspected.
- for the first growing year following that specified in the first indent,
 - = in the case of potatoes, only officially certified seed potatoes shall be planted for either seed or ware production or,

- = in the case of tomatoes, only tomato plants with an accompanying plant passport or tomato plants raised from seed on the place of production and officially inspected and found free from the organism shall be planted,
 - for at least the second growing year following that in the first indent,
 - = in the case of potatoes, only officially certified seed potatoes or seed potatoes grown under official control from officially certified seed potatoes shall be planted for either seed or ware production, or,
 - = in the case of tomatoes, only tomato plants with an accompanying plant passport or tomato plants raised from seed on the place of production and officially inspected and found free from the organism, shall be planted,
 - in each of the growing years referred to in the previous indents measures shall be taken to eliminate volunteer potato and tomato plants and other host plants of the organism including solanaceous weeds, and an official survey as detailed in Article 2(1), shall be conducted, and in the cases where seed potatoes are planted for seed production testing of tubers shall be carried out;
- (c) immediately following the designation of contamination under Article 5(1)(a)(ii) and in each of the subsequent growing years up to and including the first permissible potato or tomato cropping season on the field(s) designated as contaminated, as detailed in paragraph (a):
- all machinery and storage facilities on the place of production and involved in potato or tomato production shall be cleansed and, where appropriate, disinfected using appropriate methods, as specified in point 3;
 - official controls on irrigation and spraying programmes, including a ban thereof, shall be introduced as appropriate in order to prevent the spread of the organism;
- (d) in a unit of protected crop production designated as contaminated under Article 5(1)(a)(ii) where complete replacement of the growing medium is possible,
- no potato tubers or plants, or other host plants of the organism including tomato plants and seeds shall be planted unless the said unit has been subjected to officially supervised measures to eliminate the organism and to remove all host plant material, including, at least, a complete change in growing medium and cleansing and, where appropriate, disinfection of the said unit and all equipment, and subsequently has been granted approval for potato or tomato production by the responsible official bodies, and

- for potato production, this production shall be from officially certified seed potatoes, or from mini-tubers or micro-plants derived from tested sources; for tomato production, this production shall be from tomato plants with an accompanying plant passport or from seed which shall be officially inspected during the growing season for the presence of the organism.
- official controls on irrigation and spraying programmes, including a ban thereof, shall be introduced as appropriate, in order to prevent the spread of the organism.

4.2 Within the demarcated zone, without prejudice to the measures detailed under 4.1, the Member States shall:

- (a) immediately, and for at least three growing years, after the designated contamination:
 - (aa) in cases where the demarcated zone has been determined under Article 5(1)(a)(iv),
 - ensure supervision by their responsible official bodies of premises growing, storing or handling potato tubers or tomatoes, together with premises which operate machinery for potato or tomato production under contract,
 - require cleansing and, where appropriate, disinfection of machinery and stores on such premises, using appropriate methods, as specified under point 3,
 - require the planting of only certified seed or seed grown under official control for all potato crops within that zone,
 - require the planting only of tomato plants with an accompanying plant passport or tomato plants raised from seed on the place of production concerned and officially inspected and found free from the organism, for all tomato crops within that zone,
 - require the separate handling of harvested potato seed stocks to those of ware on all premises within the zone,
 - conduct an official survey as detailed in Article 2(1),
 - (ab) in cases where surface water has been designated as contaminated under Article 5(1)(c)(ii) or included in the elements for the possible spread of the organism in accordance with Annex V point 2,
 - conduct an annual survey at appropriate times, including sampling of surface water and appropriate solanaceous host plants in the relevant water sources and testing in accordance with the methods laid down in Annex II;

- introduce official controls on irrigation and spraying programmes, including a ban on the use of the water designated as contaminated for the irrigation and spraying of listed plant material, and, where appropriate, other host plants in order to prevent the spread of the organism. This ban may be reviewed on the basis of the results obtained in the said annual survey,
 - in cases where liquid waste discharges are contaminated, introduce official controls on the disposal of waste from industrial processing or packaging premises handling listed plant material.
- (b) establish a programme, where appropriate, for the replacement of all seed potato stocks over an appropriate period of time.

4.3 The details of the notification referred to in Article 6 paragraph 4 shall include:

- the measures implemented under points 4.1 and 4.2,
- the registration numbers of potato producers, collective warehouses and dispatching centres within the demarcated zone and, where applicable, the registration numbers of tomato producers within the demarcated zone.

Annex VII

The officially approved waste disposal facilities referred to in Annex VI paragraph 1, third indent shall conform to the following provisions such that the risk of spreading the organism is obviated:

- (i) potato and tomato processing waste (including rejected potatoes and peelings and tomatoes) and any other solid waste associated with the potatoes and tomatoes shall be disposed by either,
 - deep burial at an officially approved disposal site at which there is no risk of seepage to agricultural land or contact with water sources which could be used for irrigation of agricultural land. The waste shall be conveyed directly to the approved site under containment conditions such that there is no risk of loss of the waste, or
 - incineration;
- (ii) liquid processing waste: prior to disposal, liquid waste containing suspended solids shall be subjected to filtration or settlement processes to remove such solids. These solids shall be disposed of as set out in subparagraph (i).

The liquid waste shall then be either:

- subjected to anaerobic treatment followed by aerobic digestion such that there is no risk of survival of the organism, or
- heated to a minimum of 70°C during at least 30 minutes, prior to disposal, or
- discharged into tidal waters, or
- otherwise disposed of subject to official approval and under official control such that there is no risk that the waste could come into contact with agricultural land. The details thereof shall be notified to the other Member States and to the Commission.

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