

Commission Decision of 19 September 2002 on provisional emergency phytosanitary measures to prevent the introduction into and the spread within the Community of *Phytophthora ramorum* Werres, De Cock & Man in 't Veld sp. nov. (notified under document number C(2002) 3380) (2002/757/EC)

COMMISSION DECISION

of 19 September 2002

on provisional emergency phytosanitary measures to prevent the introduction into and the spread within the Community of *Phytophthora ramorum* Werres, De Cock & Man in 't Veld sp. nov.

(notified under document number C(2002) 3380)

(2002/757/EC)

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<sup>(1)</sup>, as last amended by Commission Directive 2002/36/EC<sup>(2)</sup>, and in particular Article 16(3), third sentence thereof,

Whereas:

- (1) Where a Member State considers that there is a danger of introduction into or spread within its territory of a harmful organism not listed in Annex I or Annex II to Directive 2000/29/EC, it may temporarily take any additional measures necessary to protect itself from that danger.
- (2) The United Kingdom informed the other Member States and the Commission on 29 April 2002 of outbreaks of *Phytophthora ramorum* Werres, De Cock & Man in 't Veld sp. nov. (hereinafter referred to as: 'the harmful organism') on its territory and adopted on 13 May 2002 additional measures to prevent the introduction into and the spread within the Community of the harmful organism. The Netherlands and Germany also reported on 29 April 2002 outbreaks of the organism in their respective territories.
- (3) The harmful organism is currently not listed in Annex I or II to Directive 2000/29/EC. However, a preliminary pest-risk analysis based on available scientific information has demonstrated that the harmful organism and its damaging effects could be of significant plant-health concern to the Community, in particular the non-European isolates only present in the United States of America for the oak trees in the Community and the European isolates for ornamental plants such as *Rhododendron* spp. and *Viburnum* spp. The relevant services in the Member States have been asked to continue scientific work on the risk of the non-European isolates for the oak trees in the Community, the epidemiology of the harmful organism and the potential host plants.

Changes to legislation: There are currently no known outstanding effects for the Commission Decision of 19 September 2002 on provisional emergency phytosanitary measures to prevent the introduction into and the spread within the Community of Phytophthora ramorum Werres, De Cock & Man in 't Veld sp. nov. (notified under document number C(2002) 3380) (2002/757/EC). (See end of Document for details)

- (4) It is therefore necessary to take provisional emergency phytosanitary measures against the introduction into and spread within the Community of the harmful organism.
(5) Those measures should apply to the introduction or the spread of the harmful organism, the production and movement of known host plants of the harmful organism within the Community, the control of the harmful organism and to a more general surveillance for the presence or continued absence of the harmful organism in the Member States. However, it is not necessary to apply such measures to plants of Rhododendron simsii Planch, other than fruit and seeds, because the available information indicates that these plants are not affected by the harmful organism.
(6) The results of the above measures will be regularly assessed in 2002 and 2003, in particular on the basis of information to be provided by the Member States. Possible subsequent measures will be considered in the light of the results of that assessment, and the scientific opinion delivered by the Member States.
(7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

For the purpose of this Decision:

1 'the harmful organism' means Phytophthora ramorum Werres, De Cock & Man in 't Veld sp. nov.

- F12 .....
F13 .....
F14 .....

Textual Amendments
F1 Art. 1(2)-(4) omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 2(2)(b), 43(2)

F2 Article 2

Textual Amendments
F2 Arts. 2-9 omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 2(2)(b), 43(3)

F2 Article 3

**Changes to legislation:** There are currently no known outstanding effects for the Commission Decision of 19 September 2002 on provisional emergency phytosanitary measures to prevent the introduction into and the spread within the Community of *Phytophthora ramorum* Werres, De Cock & Man in 't Veld sp. nov. (notified under document number C(2002) 3380) (2002/757/EC). (See end of Document for details)

**Textual Amendments**

**F2** Arts. 2-9 omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 2(2)(b), **43(3)**

*F2 Article 4*

**Textual Amendments**

**F2** Arts. 2-9 omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 2(2)(b), **43(3)**

*F2 Article 5*

**Textual Amendments**

**F2** Arts. 2-9 omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 2(2)(b), **43(3)**

*F2 Article 6*

**Textual Amendments**

**F2** Arts. 2-9 omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 2(2)(b), **43(3)**

*F2 Article 6a*

**Textual Amendments**

**F2** Arts. 2-9 omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 2(2)(b), **43(3)**

*F2 Article 7*

**Textual Amendments**

**F2** Arts. 2-9 omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 2(2)(b), **43(3)**

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**Changes to legislation:** There are currently no known outstanding effects for the Commission Decision of 19 September 2002 on provisional emergency phytosanitary measures to prevent the introduction into and the spread within the Community of *Phytophthora ramorum* Werres, De Cock & Man in 't Veld sp. nov. (notified under document number C(2002) 3380) (2002/757/EC). (See end of Document for details)

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*F2 Article 8*

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**Textual Amendments**

**F2** Arts. 2-9 omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 2(2)(b), **43(3)**

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*F2 Article 9*

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**Textual Amendments**

**F2** Arts. 2-9 omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 2(2)(b), **43(3)**

**Changes to legislation:** There are currently no known outstanding effects for the Commission Decision of 19 September 2002 on provisional emergency phytosanitary measures to prevent the introduction into and the spread within the Community of *Phytophthora ramorum* Werres, De Cock & Man in 't Veld sp. nov. (notified under document number C(2002) 3380) (2002/757/EC). (See end of Document for details)

## [<sup>F3</sup>ANNEX I]

### Textual Amendments

- F3** Substituted by Commission Implementing Decision of 18 December 2013 amending Decision 2002/757/EC as regards the phytosanitary certificate requirement in respect of the harmful organism *Phytophthora ramorum* Werres, De Cock & Man in 't Veld sp. nov. for bark-free sawn wood of *Acer macrophyllum* Pursh and *Quercus* spp. L. originating in the United States of America (notified under document C(2013) 9181) (2013/782/EU).

<sup>F4</sup>1a....

<sup>F4</sup>1b. ...

<sup>F4</sup>2. ...

<sup>F4</sup>3. ...

[<sup>F5</sup>4. In cases where signs of the harmful organism have been found on any plants at places in [<sup>F6</sup>Great Britain] other than places of production, [<sup>F7</sup>the competent authority] shall take appropriate measures to at least contain the harmful organism. This may include the determination of the area concerned in which the measures shall be implemented.]

### Textual Amendments

- F6** Words in Annex 1 para. 4 substituted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 2(2)(b), **43(4)(b)(i)**
- F7** Words in Annex 1 para. 4 substituted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 2(2)(b), **43(4)(b)(ii)**

### Textual Amendments

- F5** Inserted by Commission Decision of 29 April 2004 amending Decision 2002/757/EC on provisional emergency phytosanitary measures to prevent the introduction into and the spread within the Community of *Phytophthora ramorum* Werres, De Cock & Man in 't Veld sp. nov. (notified under document number C(2004) 1585) (Text with EEA relevance) (2004/426/EC).

## <sup>F8</sup>ANNEX II

### Textual Amendments

- F8** Annex 2 omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 2(2)(b), **43(5)**

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**Changes to legislation:** There are currently no known outstanding effects for the Commission Decision of 19 September 2002 on provisional emergency phytosanitary measures to prevent the introduction into and the spread within the Community of *Phytophthora ramorum* Werres, De Cock & Man in 't Veld sp. nov. (notified under document number C(2002) 3380) (2002/757/EC). (See end of Document for details)

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- (1) [OJ L 169, 10.7.2000, p. 1.](#)
- (2) [OJ L 116, 3.5.2002, p. 16.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Commission Decision of 19 September 2002 on provisional emergency phytosanitary measures to prevent the introduction into and the spread within the Community of *Phytophthora ramorum* Werres, De Cock & Man in 't Veld sp. nov. (notified under document number C(2002) 3380) (2002/757/EC).