

## COMMISSION DECISION

of 13 February 2006

**requiring Member States temporarily to take additional measures against the dissemination of *Bursaphelenchus xylophilus* (Steiner et Buhrer) Nickle *et al.* (the pine wood nematode) as regards areas in Portugal, other than those in which it is known not to occur**

(Decision 2006/133/EC, as amended by Decision 2008/340/EC,  
by Decision 2008/378/EC + Decision 2008/790/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, and in particular Article 16 (3) thereof,

Whereas: [Recitals...]

HAS ADOPTED THIS DECISION:

### *Article 1*

For the purposes of this Decision, the following definitions shall apply:

- (a) “the pine wood nematode (PWN)”: *Bursaphelenchus xylophilus* (Steiner et Buhrer) Nickle *et al.*;
- (b) “susceptible wood and bark”: wood and isolated bark of conifers (*Coniferales*), except that of *Thuja* L.;
- (c) “susceptible plants”: plants (other than fruit and seeds) of *Abies* Mill., *Cedrus* Trew, *Larix* Mill., *Picea* A. Dietr., *Pinus* L., *Pseudotsuga* Carr. and *Tsuga* Carr.

### *Article 2*

Until 31 March 2012, Portugal and, if appropriate, Spain, shall ensure that the conditions laid down in the Annex are met in relation to susceptible wood, bark and plants, which are to be moved within or from demarcated areas defined in accordance with Article 5, to areas, other than demarcated areas in Member States or to third countries.

Until 31 March 2012, Portugal shall implement an eradication plan to control the spread of PWN with the aim of eradicating it. That plan shall include details on the management, within the demarcated area, of plant species known to be highly susceptible to PWN under the conditions in Portugal. This plan shall be reviewed annually by 31 December.

### *Article 3*

Member States of destination other than Portugal may:

- (a) subject consignments of susceptible wood, bark and plants, coming from Portugal and moved into their territory, to testing for the presence of PWN;
- (b) take further appropriate steps to carry out official monitoring in respect of such consignments, to ascertain whether they comply with the relevant conditions specified in the Annex.

### *Article 4*

1. Member States shall conduct official annual surveys for PWN, on susceptible wood and bark and susceptible plants originating in their country, to determine whether there is any evidence of infestation by PWN.

Without prejudice to Article 16(1) of Directive 2000/29/EC, the results of such surveys shall be notified to the other Member States and the Commission annually by 15 December.

2. In addition to the surveys provided for in paragraph 1, Portugal and, if appropriate, Spain shall prepare annually a survey plan for the demarcated areas and present it to the Commission for approval. The plan shall be risk-based and take into account the distribution of susceptible plants within their territory.

The results of the survey carried out on the basis of that plan shall be notified to the Commission and the other Member States as soon as they are available.

### *Article 5*

Portugal shall establish areas in which PWN is known not to occur, and demarcate areas (hereinafter called demarcated areas) comprised of a part in which PWN is known to occur and a part designated as buffer zone of not less than 20 km width surrounding that part, taking into account the results of the surveys referred to in Article 4.

In case the results of the survey referred to in Article 4 (2) indicate the presence of PWN at less than 20 km from the border with Spain, Portugal shall immediately inform Spain thereof. If the presence is confirmed within 3 km from the border with Spain or if another presence is detected in the vicinity of the first presence within one year, Spain shall establish a demarcated area as an extension of the Portuguese demarcated area in its territory to include a buffer zone of 20 km width around the location where the presence was detected.

The Commission shall compile a list of “areas” in which PWN is known not to occur and convey such a list to the Standing Committee on Plant Health and to the Member States. Any areas in Portugal not comprised in the above compiled list, shall be deemed to be demarcated areas.

That list shall be updated according to the results of the surveys referred to in Article 4 and to the findings notified under Article 16(1) of Directive 2000/29/EC.

*Article 6*

Decision 2001/218/EC is hereby repealed.

*Article 7*

This Decision is addressed to the Member States.

Done at Brussels, 13 February 2006

*For the Commission*  
*Markos KYPRIANOU*  
*Member of the Commission*

## ANNEX

### **For the purpose of Article 2, the following conditions shall be complied with:**

1. Without prejudice to the provisions referred to in point 2, in the case of movements from demarcated areas into areas, other than demarcated areas in Member States or third countries, as well as for movements from the part of the demarcated areas in which PWN is known to occur to the part of the demarcated areas designated as buffer zone, of:
  - (a) susceptible plants, those plants shall be, for destinations within the Community, accompanied by a plant passport prepared and issued in accordance with the provisions of Commission Directive 92/105/EEC<sup>1</sup>, after:
    - the plants have been officially inspected and found free from signs or symptoms of PWN, and
    - no symptoms of PWN have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation;
  - (b) susceptible wood and isolated bark, other than wood in the form of:
    - chips, particles, wood waste or scrap obtained in whole or part from these conifers,
    - packing cases, crates or drums,
    - pallets, box pallets or other load boards,
    - dunnage, spacers and bearers,but including that which has not kept its natural round surface, that wood and isolated bark shall be, for destinations within the Community, accompanied by the plant passport referred to in point 1(a), after the wood or the isolated bark has undergone an appropriate heat treatment to achieve a minimum wood core temperature of 56°C for 30 minutes in order to ensure freedom from live PWNs;
  - (c) susceptible wood in the form of chips, particles, wood waste or scrap obtained in whole or part from these conifers, that wood shall, for destinations within the Community, be accompanied by the plant passport referred to in point 1(a) after having undergone an appropriate fumigation treatment in order to ensure freedom from live PWNs;

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<sup>1</sup> OJ L 4, 8.1.1993, p. 22.

- (d) susceptible wood, originating in the demarcated areas, in the form of newly produced dunnage, spacers and bearers, including that which has not kept its natural round surface, as well as in the form of newly produced packing cases, boxes, crates, drums and similar packings, pallets, box pallets and other load boards, pallet collars, whether or not actually in use in the transport of objects of all kinds, that wood shall be subject to one of the approved measures as specified in Annex I to the FAO International Standard for Phytosanitary Measures No 15 on *Guidelines for regulating wood packaging material in international trade* and marked according to Annex II of the said Standard.

Portugal shall ensure that the plant passport referred to in point 1(a) or the mark in accordance with the FAO International Standard for Phytosanitary Measures No 15 is attached to each unit of susceptible wood, bark and plants that is moved.

2. In cases of movements within demarcated areas:

- (a) Susceptible plants shall be treated as follows:
  - (i) susceptible plants grown in places of production where no symptoms of PWN have been observed, or in their immediate vicinity, since the beginning of the last complete cycle of vegetation and found free from signs or symptoms of PWN during official inspections, shall be accompanied by the said plant passport when moved from the place of production;
  - (ii) susceptible plants grown in places of production where symptoms of PWN have been observed, or in their immediate vicinity, since the beginning of the last complete cycle of vegetation or identified as infested by PWN shall not be moved from the place of production and shall be destroyed by burning;
  - (iii) susceptible plants grown in places, such as forests, public or private gardens, which are either identified as infested by PWN, or showing any symptoms of poor health or situated in salvage areas, shall :
    - if identified in the period 1 November – 1 April, be felled within that period, or
    - if identified in the period 2 April – 31 October, be felled immediately, and
    - be tested for the presence of PWN in all cases where such susceptible plants are located in the part of demarcated areas designated as buffer zones in accordance with Article 5. If the presence is confirmed, the infested plants and all susceptible plants in a zone within a radius of at least 50 m around the infested plants and in any case within a radius covering at least 10 susceptible plants, shall be destroyed (focus zone). All susceptible plants in a zone within a radius of at least 50 m around the focus zone shall be officially inspected every two months for a period of at least one year after the infested plants have been removed (safety zone). If another presence of PWN in the vicinity is confirmed during that

period, the demarcated area shall be modified in accordance with the first paragraph of Article 5;

- (b) during the period between 1 November and 1 April, susceptible wood in the form of roundwood or sawnwood, with or without bark, including that which has not kept its natural round surface:
- (i) obtained from trees identified as infested by PWN, or situated in salvage areas, or showing any symptoms of poor health, shall before 2 April either be:
- destroyed by burning under official control at appropriate places, or
  - moved under official control to either:
    - a processing plant to be chipped and utilised within this plant, or
    - an industrial plant for use as fuel wood within this plant, or
    - a processing plant, where the wood shall either be:
      - heat treated in such a way that a minimum wood core temperature of 56°C for 30 minutes has been achieved, or
      - chipped and fumigated in order to ensure freedom from live PWNs;
- (ii) obtained from trees other than those referred to in subparagraph (i) shall be officially tested for the presence of PWN and of *Monochamus* spp.; if the presence of PWN or of *Monochamus* spp. is confirmed the wood shall be subjected to the provisions referred to in subparagraph (i); if the presence of PWN and of *Monochamus* spp. is refuted, the wood may be moved under official control to a processing plant for further use as construction timber, or by way of derogation moved into areas in Portugal, other than demarcated areas under official control to approved processing plants notified to the Commission, where the wood or chips made from such wood, within the period between 1 November and 1 April, shall either:
- in the case of chips, be used for industrial purposes within such an approved processing plant, or
  - in the case of wood:
    - be heat treated in such a way that a minimum wood-core temperature of 56°C for 30 minutes has been achieved. Further movement of such heat-treated wood may be allowed when the wood is accompanied by a plant passport, or
    - be chipped and fumigated in order to ensure freedom from live PWNs. Further movement of such fumigated wood may be allowed when it is accompanied by a plant passport, or

- be chipped and used for industrial purposes within this plant, or
  - be moved under official control to a plant, where the wood shall either be:
    - heat treated in such a way that a minimum wood core temperature of 56°C for 30 minutes has been achieved, or
    - chipped and fumigated in order to ensure freedom from live pine wood nematodes, or
    - chipped and used for industrial purposes;
- (c) during the period between 2 April and 31 October, susceptible wood in the form of roundwood or sawnwood, with or without bark, including that which has not kept its natural round surface:
- (i) obtained from trees identified as infested by PWN, or situated in salvage areas, or showing any symptoms of poor health, shall either be:
    - immediately destroyed by burning under official control at appropriate places, or
    - immediately stripped of bark at appropriate places outside the forest before being moved under official control to storage places where the wood is treated with an appropriate insecticide or which have appropriate and approved wet storage facilities, available at least during the above period, with a view to a further movement to an industrial plant:
      - to be immediately chipped and used for industrial purposes, or
      - for immediate use as fuel within this plant, or
      - to be immediately heat treated in such a way that a minimum wood core temperature of 56°C for 30 minutes has been achieved, or
      - to be immediately chipped and fumigated in order to ensure freedom from live PWNs;
  - (ii) obtained from trees other than those referred to in sub-paragraph (i) shall be immediately stripped of bark at the place of felling or in the immediate vicinity and either be:
    - officially tested for the presence of PWN and of *Monochamus* spp.; if the presence of PWN or of *Monochamus* spp. is confirmed the wood shall be subjected to the provisions referred to in (i); if the presence of PWN and of *Monochamus* spp. is refuted, the wood may be moved under official control to a processing plant for further use as construction timber, or

- moved under official control to a plant where the wood shall either be:
    - chipped and used for industrial purposes, or
    - heat treated in such a way that a minimum wood core temperature of 56°C for 30 minutes has been achieved, or
    - chipped and fumigated in order to ensure freedom from live PWNs;
  - (d) susceptible bark shall be
    - destroyed by burning or used as fuel at an industrial processing plant, or
    - heat treated in such a way that a minimum temperature of 56°C for 30 minutes has been achieved throughout the bark, or
    - fumigated in order to ensure freedom from live PWNs;
  - (e) Susceptible wood in the form of waste produced at the time of felling, shall be, under official control, burned at appropriate places or chipped into pieces of less than 3 cm thickness and width and left on site:
    - in the period 1 November – 1 April, within that period, or
    - in the period 2 April – 31 October, immediately;
  - (f) susceptible wood, in the form of waste produced during wood processing, shall either be immediately burned at appropriate places under official control, used as fuel wood at the processing plant or fumigated in order to ensure freedom live PWNs;
  - (g) susceptible wood, originating in the demarcated areas in the form of newly produced packing cases, boxes, crates, drums and similar packings, pallets, box pallets and other load boards, pallet collars, dunnage, spacers and bearers, including that which has not kept its natural round surface, shall be subject to one of the approved measures as specified in Annex I to the FAO International Standard for Phytosanitary Measures No 15 on *Guidelines for regulating wood packaging material in international trade* and marked according to Annex II of the said Standard.
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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels,  
C(2008)/954 CE final

(17-12-08)

Draft

**COMMISSION DECISION**

of

**amending Decision 2006/133/EC requiring Member States temporarily to take additional measures against the dissemination of *Bursaphelenchus xylophilus* (Steiner et Buhner) Nickle *et al.* (the pine wood nematode) as regards areas in Portugal, other than those in which it is known not to occur**

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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>, and in particular Article 16(3) thereof,

Whereas:

- (1) In accordance with Commission Decision 2006/133/EC<sup>2</sup>, Portugal is implementing a plan against the dissemination of the pine wood nematode (PWN) to other Member States as well as within its own territory.
- (2) Sweden and Finland informed the Commission between August and October 2008 that several cases of PWN infested wood had been detected in Portuguese consignments. As a result of these cases, Sweden informed the Commission on 18 September 2008 on the additional measures that it was taking to prevent the introduction into and spread within its territory of PWN.
- (3) Spain informed the Commission on 12, 14 and 18 November 2008 about cases where susceptible wood and wood products, including wood packaging material, had been moved recently from Portugal to Spain though the requirements laid down in Decision 2006/133/EC were not fulfilled. In some of those cases PWN was detected.
- (4) Portugal has adopted a ministerial decree Portaria n°1339-A/2008 on 20 November 2008, including the application of the measures in FAO International Standard for Phytosanitary Measures N°15 on wood packaging material originating in continental Portugal and destined for intracommunity trade or export.
- (5) In view of those informations, it is necessary that all susceptible wood, originating in the demarcated areas in the form of packing cases, boxes, crates, drums and similar

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<sup>1</sup> OJ L 169, 10.7.2000, p. 1.

<sup>2</sup> OJ L 52, 23.2.2006, p. 34.

packings, pallets, box pallets and other load boards, pallet collars, dunnage, spacers and bearers, including that which has not kept its natural round surface, is treated and marked before it is moved out of the demarcated area, instead of only the newly produced material.

- (6) Those informations also indicate that the existing requirements for movements of all types of susceptible wood other than those referred to in recital 5 and originating in the demarcated areas are not fully applied. Under those circumstances it is appropriate to introduce a general prohibition for movements of such wood out of the demarcated areas. Exceptions from the general prohibition should be provided for as regards movements of susceptible wood from authorised processing plants. Those plants should be authorised and inspected by the responsible official body to ensure that an effective treatment is carried out. They should be included in a list established and updated by the Commission. Traceability should be guaranteed by a plant passport or by a mark as set out in the applicable FAO Standard.
- (7) Member States should have the possibility to take measures to ascertain whether the susceptible wood, bark or plants, moving from demarcated areas into their territory is free from PWN.
- (8) Decision 2006/133/EC should therefore be amended accordingly.
- (9) 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*

The text of Article 3 to Decision 2006/133/EC is replaced by the following:

"Member States of destination other than Portugal may:

- (a) subject consignments of susceptible wood, bark and plants, coming from Portugal and moved into their territory, to testing for the presence of PWN;
- (b) take further appropriate steps to carry out official monitoring in respect of such consignments and to ascertain whether they comply with the relevant conditions specified in the Annex. In case non-compliances are confirmed, appropriate measures in accordance with Article 11 of Council Directive 2000/29/EC shall be taken."

#### *Article 2*

The Annex to Decision 2006/133/EC is amended in accordance with the Annex to this Decision.

*Article 3*

Member States shall take all measures to comply with this Decision and, if necessary, amend the measures which they have adopted to protect themselves against the introduction and spread of PWN in such a manner that those measures comply with this Decision. They shall immediately inform the Commission of those measures.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels,

*For the Commission*  
*Androulla VASSILIOU*  
*Member of the Commission*

## ANNEX

The Annex to Decision 2006/133/EC is amended as follows:

(1) Point 1 is replaced by the following:

"1. Without prejudice to the provisions referred to in point 2, in the case of movements from demarcated areas into areas, other than demarcated areas in Member States or into third countries, as well as for movements from the part of the demarcated areas in which PWN is known to occur to the part of the demarcated areas designated as buffer zone, of:

(a) susceptible plants, those plants shall be, for destinations within the Community, accompanied by a plant passport prepared and issued in accordance with the provisions of Commission Directive 92/105/EEC<sup>3</sup>, after:

- the plants have been officially inspected and found free from signs or symptoms of PWN, and
- no symptoms of PWN have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation;

(b) susceptible wood and isolated bark, other than wood in the form of:

- chips, particles, wood waste or scrap obtained in whole or part from these conifers,
- packing cases, boxes, crates, drums and similar packings,
- pallets, pallet collars, box pallets or other load boards,
- dunnage, spacers and bearers,

but including that which has not kept its natural round surface, that wood and isolated bark shall not be allowed to leave the demarcated area; the responsible official body may grant an exception from this prohibition where the wood or isolated bark, for destinations within the Community, is accompanied by the plant passport referred to in point (a), after having undergone an appropriate heat treatment to achieve a minimum core temperature of 56°C for 30 minutes in order to ensure freedom from live PWNs;

(c) susceptible wood in the form of chips, particles, wood waste or scrap obtained in whole or part from these conifers, that wood shall not be allowed to leave the demarcated area; the responsible official body may grant an exception from this prohibition where that wood, for destinations within the Community, is accompanied by the plant passport

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<sup>3</sup> OJ L 4, 8.1.1993, p. 22.

referred to in point (a), after having undergone an appropriate fumigation treatment in order to ensure freedom from live PWNs;

- (d) susceptible wood, originating in the demarcated areas in the form of dunnage, spacers and bearers, including that which has not kept its natural round surface, as well as in the form of packing cases, boxes, crates, drums and similar packings, pallets, box pallets and other load boards, pallet collars, whether or not actually in use in the transport of objects of all kinds, that wood shall not be allowed to leave the demarcated area; the responsible official body may grant an exception from this prohibition where that wood has been subject to one of the approved treatments as specified in Annex I to the FAO International Standard for Phytosanitary Measures No 15 on *Guidelines for regulating wood packaging material in international trade* and marked according to Annex II of the said Standard.

The responsible official body shall authorise the processing plants to carry out the treatments referred to under points (b), (c) and (d), and to issue the plant passports referred to in point (a) for susceptible wood under points (b) and (c) or to mark, in accordance with the FAO International Standard for Phytosanitary Measures No 15, the susceptible wood under point (d). Official inspections of the authorised processing plants shall be carried out on a continuous basis to verify the effectiveness of the treatment as well as the traceability of the wood.

The Commission shall compile a list of the processing plants authorised by the responsible official body and convey that list to the Standing Committee on Plant Health and to the Member States. That list shall be updated according to the results of official inspections to verify the effectiveness of the treatment as well as the traceability of the wood and according to the findings notified under Article 16(1) of Directive 2000/29/EC.

Portugal shall ensure that only processing plants included in that list are authorised to issue plant passports referred to in point (a) for susceptible wood under points (b) and (c) or to mark, in accordance with the FAO International Standard for Phytosanitary Measures No 15, the susceptible wood under point (d).

The plant passport referred to in point (a) or the mark in accordance with the FAO International Standard for Phytosanitary Measures No 15 shall be attached by the authorised processing plant to each unit of susceptible wood, bark and plants that is moved."