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FINAL REPORT OF A SPECIFIC AUDIT

CARRIED OUT IN

BULGARIA

FROM 14 TO 18 JUNE 2010

IN ORDER TO EVALUATE THE PHYTOSANITARY CONTROLS IN THE POTATO SECTOR
AND THE GENERAL SYSTEM OF SURVEILLANCE FOR HARMFUL ORGANISMS

IN THE CONTEXT OF A GENERAL AUDIT

In response to information provided by the Competent Authority, any factual error noted in the draft report has been corrected; any clarification appears in the form of a footnote.

Executive Summary

This report describes the outcome of a Food and Veterinary Office (FVO) specific audit in Bulgaria which took place between 13 to 18 June 2010, as part of the general audit of Bulgaria carried out under the provisions of Regulation (EC) No 882/2004 on official food and feed controls.

The specific audit evaluated the phytosanitary controls in the potato sector and the general system of surveillance for harmful organisms.

The mission team found that the plant health services in Bulgaria are well structured, with a clear division of tasks and with competent inspectors. The NPPS acts as the Single Authority for plant health within the meaning of Article 1(4) of Directive 2000/29/EC. It operates within the structure of the MAF. The NPPS in cooperation with the CLPQ, plays a main role with regard to the transposition of legislation and issuing of plant health control guidance, while the RSPP inspectors carry out controls. However in the case of potato bacteria there are delays in laboratory analyses and their results are not available in due time; thus timely implementation of specific measures in certain cases is not possible.

Bulgaria has established a well organised system of surveys for harmful organisms. There are also good procedures in place for survey coordination and reporting.

Bulgaria has an organised control programme in the potato sector. Surveys and controls for the main quarantine organisms are generally carried out as required by the EU legislation. The incidence of ring rot is still low. However the limited extent of surveys mostly of registered potato producers indicates that the true distribution of ring rot may not have been established. There are also some inadequacies in the controls of this organism which may prevent complete eradication of the outbreaks.

The report makes a number of recommendations to the Competent Authorities in Bulgaria, aimed at rectifying the shortcomings identified and enhancing the implementing and control measures in place.

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ABBREVIATIONS AND DEFINITIONS USED IN THIS REPORT

Abbreviation	Explanation
BIP	Border Inspection Post
CA	Competent Authority
CLPQ	Central Laboratory of Plant Quarantine
DG(SANCO)	Health and Consumers Directorate-General
EC	European Community
EU	European Union
FVO	Food and Veterinary Office
GA	General Audit
MANCP	Single Integrated Multi-Annual National Control Plan
MS	Member State
NPPS	National Plant Protection Service
RSPP	Regional Service of Plant Protection

Definitions of other terms used in this report are contained in Article 2 of Council Directive 2000/29/EC or, where appropriate, the International Standard for Phytosanitary Measures No 5, *Glossary of Phytosanitary Terms* issued by the Food and Agriculture Organisation (FAO) of the United Nations.

1 INTRODUCTION

The Specific Audit formed part of the Food and Veterinary Office's (FVO) planned mission programme and was carried out as a component of a General Audit, as prescribed in Article 45 of Regulation (EC) No. 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules. It took place in Bulgaria from 13 to 18 June 2010. The audit team consisted of 2 inspectors from the Food and Veterinary Office (FVO) and one expert from a Member State. Representatives from the central Competent Authority accompanied the audit team for the duration of the audit.

An opening meeting was held in Sofia on 13 June 2010 with the Competent Authorities. At this meeting, the objectives of, and itinerary for, the specific audit were confirmed by the audit team and the control systems were described by the authorities.

2 OBJECTIVES OF THE MISSION

The **objectives** of the specific audit were to:

- verify that official controls are organised and carried out in accordance with relevant provisions of Regulation (EC) No 882/2004, and the multi-annual national control plan (MANCP) prepared by Bulgaria.
- to evaluate the structure, capability and performance of the official bodies responsible for implementing relevant Community legislation;
- to evaluate procedures, methodology and adequacy of national surveys for the presence of harmful organisms;
- to evaluate the situation and control of the main harmful organisms of potato: *Clavibacter michiganensis* ssp. *sepedonicus*, *Ralstonia solanacearum*, *Synchytrium endobioticum* and *Globodera* spp. The focus was on the developments of the potato sector since the last mission (DG(SANCO)/7650/2005).

The table below lists sites visited and meetings held in order to achieve these objectives:

MEETINGS/VISITS		No.	COMMENTS
COMPETENT AUTHORITIES	Central	1	Ministry of Agriculture and Food, the National Service for Plant Protection
	Regional	2	Regional Phytosanitary Services in Sofia and Plovdiv
PLANT HEALTH CONTROL SITES			
LABORATORIES		3	Central Laboratory for Phytosanitary Quarantine in Sofia, Potato Laboratory in Samokov and Regional Diagnostic Laboratory in Plovdiv.
FARMS		5	3 fields where potatoes had been grown in the past, 1 nursery with fruit trees, 1 garden center-nursery with a glasshouse for ornamental plants.
ESTABLISHMENTS		1	Potato processing factory
OTHER SITES		2	Potato market place in Sofia, HO Observation point on forest species in Vitosha mountain.

3 LEGAL BASIS FOR THE MISSION

The mission was carried out under the general provisions of Community legislation, and in particular:

- Article 45 of Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules;
- The mandate of Article 21 and Article 27a of Council Directive 2000/29/EC.

A full list of the legal instruments referred to in this report is provided in the Annex and refers, where applicable, to the last amended version.

In addition, Article X(4) of the International Plant Protection Convention (IPPC) establishes that contracting parties should take into account, as appropriate, international standards when undertaking activities related to the Convention. The following International Standards for Phytosanitary Measures (ISPMs) were of particular relevance to this mission:

- ISPM No. 4 - Requirements for the establishment of pest free areas;
- ISPM No. 5 - Glossary of Phytosanitary Terms;

- ISPM No. 6 - Guidelines for surveillance;
- ISPM No. 8 - Determination of pest status in an area;
- ISPM No. 15 - Guidelines for regulating wood packaging material in international trade;
- ISPM No. 23 - Guidelines for inspection;
- ISPM No. 31 - Methodologies for sampling of consignments.

The full text of all adopted ISPMs is available on the International Phytosanitary Portal (www.ippc.int) of the IPPC.

4 BACKGROUND

4.1 CONTRIBUTION TO THE GENERAL AUDIT

Article 45 of Regulation (EC) No 882/2004 requires the Commission to carry out general and specific audits in member States. The main purpose of such audits is to verify that, overall, official controls take place in Member States in accordance with the multi-national control plans referred to in Article 41 and in compliance with Community law.

This Specific Audit was carried out as a component of a General Audit to Bulgaria. Section 5 below contains findings and conclusions relating to the implementation of Regulation (EC) No 882/2004; Section 6 below contains findings and conclusions relating to sector specific issues.

4.2 SUMMARY OF PREVIOUS FVO MISSION RESULTS

The FVO has carried out two previous missions in the potato sector. The first was carried out in 2004 (Ref. No DG(SANCO)7302/2004) in order to evaluate the request to be recognised as a country free from *Clavibacter michiganensis* ssp. *sepedonicus*. Indeed Commission Decision 2005/870/EC recognised Bulgaria as being free from the bacterium. The next mission (Ref. No. DG(SANCO)7650/2005) focused on surveys and controls of the harmful organisms for potato as well as registration of potato producers and labelling.

The last mission revealed some problems with implementing the EU legislation in the potato sector, especially with regard to the survey intensity and sampling for the presence of the potato bacteria especially by testing for latent infection, the control of potato ring rot in terms of designation of probable contamination and safety zone demarcation, as well as registration of potato stakeholders and the labelling of ware potatoes. Consequently, a number of recommendations for addressing these shortcomings were made in both reports; their details can be found in further sections. The CA has provided an action plan for the recommendations.

5 FINDINGS AND CONCLUSIONS RELATED TO IMPLEMENTATION OF REGULATION (EC) NO 882/2004

5.1 COMPETENT AUTHORITIES

5.1.1 Designation of Competent Authorities

Legal Requirements

Article 4.1 of Regulation (EC) No 882/2004 requires Member States to designate the Competent Authorities responsible for official controls. This Article does not apply to plant health, however Article 1(4) of Council Directive 2000/29/EC requires that Member States establish or designate a Single Authority, which shall be responsible, at least, for the co-ordination and contact in relation to matters covered by the Directive.

Article 2(1)(g) of the same Directive defines "responsible official bodies" as being either the Single Authority or any State authority established at national level, or under the supervision within the limits set by the constitution of the Member State concerned, of national authorities at regional level.

Article 13d(6) of Directive 2000/29/EC requires that Member States *shall designate* the authorities empowered to charge the phytosanitary fee established by Article 13d(1) of the same Directive.

Findings

The structure of the control system for plant health is described in the Country profile (see http://ec.europa.eu/food/fvo/country_profiles_en.cfm) and in the MANCP. The Ministry of Agriculture and Food (MAF) is the regulating authority. The National Plant Protection Service (NPPS) as autonomous entity is the executive body of MAF and the Single Authority (SA) in the meaning of Directive 2000/29/EC.

The NPPS through its Directorate General of Plant Protection coordinates from the administrative point of view four headquarter departments: the Phytosanitary Control Dpt., the Operative Plant Protection Dpt., Plant Protection Products Dpt. and Integration Policy and International Cooperation Dpt. In addition within its competence fall 14 Directorates of Regional Services for Plant Protection (RSPP).

The NPPS coordinates the Central Laboratory for Phytosanitary Quarantine (CLPQ), the Central Laboratory for Chemical Testing and Control and the Plant Protection Institute. The coordination and supervision of the laboratories of the 12 Border Inspection Posts (BIPs) and the 7 Regional Diagnostic Laboratories is done by the CLPQ.

The statutory activities are financed from the state budget. Import control fees are collected for inspections according to the EU requirements. No fee applies for activities like internal phytosanitary inspection. These costs are only partially covered by the issuance of plant passports where a standard rate fee is charged per plant and one passport is issued for each lot. However a fee is paid for sampling and laboratory analysis of soil for potato cyst nematodes prior to the establishment of a plantation. The main tasks of the NPPS are as described in the Country profile and the MANCP.

5.1.2 *Cooperation between Competent Authorities*

Legal Requirements

Article 4.3 of Regulation (EC) No 882/2004 provides for efficient and effective co-ordination and co-operation between Competent Authorities involved in official controls. This Article does not apply to plant health; however Article 2(1)(g) of Council Directive 2000/29/EC requires that Member States shall ensure close cooperation between their official plant protection organisation (Single Authority) and the responsible official bodies.

Article 13(1)(b) of the same Directive requires that Member States shall ensure that, whenever a customs inspection reveals that a consignment or lot coming from a third country consists of or contains non-declared plants, plant products or other objects listed in Annex V, Part B, the inspecting customs office shall immediately inform the official body of its Member State, under the cooperation referred to in Article 13c(4) of the same Directive.

Article 6 of Commission Directive 2004/103/EC requires that Member States shall ensure cooperation, where applicable, between official bodies and customs offices, which may be situated in the same Member State, by means of exchange of relevant information.

Findings

The National Council for Food Safety, the National Coordination Council for Controls and the Expert Council have been set up to ensure cooperation between the Competent Authorities. Coordination and cooperation between Competent Authorities at the operational levels takes place via various agreements between the Competent Authorities and joint control programmes.

- The NPPS as executive agency has signed agreements in place for coordination and interaction with the National Customs Agency within the Ministry of Finance.
- The management of certain forest reserves where removal of forest material is not allowed, has been allocated to the Ministry of Environment. However this does not affect the phytosanitary issues in these areas, as responsibilities related to plant health remain with the NPPS.
- During the mission it was confirmed that there is good collaboration between the NPPS and the Forestry Executive Agency (FEA) dealing with forestry matters on both national and local level with three stations on forest protection in Plovdiv, Sofia and Varna.

NPPS participates in common with the Executive Agency for Plant Variety Testing Approbation and Seed Control and with the National Grain and Feed Service in projects certifying the quality and health of seeds and other propagating material.

5.1.3 *Co-operation within Competent Authorities*

Legal Requirements

Article 4.5 of Regulation (EC) No 882/2004 requires that, when, within a Competent Authority, more than one unit is competent to carry out official controls, efficient and effective coordination and cooperation shall be ensured between the different units. This Article does not apply to plant health and there are no equivalent requirements for cooperation *within* Competent Authorities.

Findings

The Director General of NPPS in order to ensure the co-ordination and organisation of the control activities issues ordinances, directions, instructions, procedures, and official letters. Certain coordination tasks in the area of surveillance have been delegated to the CLPQ (see Section 5.2.2.).

- The representatives of the plant health services met by the mission team confirmed that there is good cooperation between them. Apart from formal communication, this cooperation is also based on personal contacts by phone and e-mail.
- The mission team found that there were good lines of communication between the NPPS, the CLPQ and the RSPP. The plant health work is generally well coordinated by the NPPS.

5.1.4 Delegation of specific tasks related to official controls

Legal Requirements

Article 5 of Regulation (EC) No 882/2004 sets out the scope of possible delegation to control bodies, the criteria for delegation, and the minimum criteria which must be met by control bodies. Where such delegation takes place, the delegating Competent Authority must organise audits or inspections of the control bodies as necessary. The Commission must be notified about any intended delegation.

This Article does not apply to plant health, however Article 2(1)(g) of Council Directive 2000/29/EC allows responsible official bodies in a Member State to delegate the tasks provided for in the Directive to be accomplished under their authority and supervision to a legal person, whether governed by public or by private law, ' *provided that such person has no personal interest in the outcome of the measures it takes* '.

Findings

In Bulgaria there is no official delegation of tasks in the plant health sector to any public organisation and there are no plans to delegate official control tasks to other control bodies in the future.

5.1.5 Contingency planning

Legal Requirements

Article 4 of Regulation (EC) No 882/2004 also requires that Competent Authorities have contingency plans in place, and are prepared to operate such plans in the event of an emergency. Article 13 of Regulation (EC) No 882/2004 requires Member States to draw up operational contingency plans setting out measures to be implemented without delay when feed or food is found to present a serious risk.

Articles 4 and 13 do not apply to plant health and there are no equivalent requirements for contingency planning.

Findings

The NPPS has a contingency plan established for outbreaks or occurrences of plant pests describing the rules for actions to be taken. In the guidelines for the surveillance of particular pests there is a

reference on measures to be taken in the case of positive findings and outbreaks. These measures are agreed with the CLPQ, which plays an active role in developing particular instructions for measures to be undertaken. A consulting council providing technical expertise and scientific advice on plant health matters can be assembled in case of emergency situations for management of the risk in the event of an outbreak of a pest in the plant health sector.

For the management of emergency situations, state assistance and payments are provided to the affected producers through the Directorate for Safety of Information and Crisis Management of MAF, in the form of a national annual insurance plan.

- The mission team noted that in case of a serious new outbreak an application for reimbursement may be submitted to MAF where a new allocation of the NPPS budget is feasible for the purpose of plant protection from harmful organisms in emergency situations.

Conclusions on Competent Authorities

The plant health services in Bulgaria are well structured, with a clear division of tasks and responsibilities amongst the Competent Authorities. Co-operation within and between the Competent Authorities is good. A contingency plan exists for plant health outbreaks.

5.2 RESOURCES FOR PERFORMANCE OF CONTROLS

5.2.1 Legal basis for controls

Legal Requirements

Article 4 of Regulation (EC) No 882/2004 requires that the necessary legal powers to carry out controls are in place and that there is an obligation on food business operators to undergo inspection by the Competent Authorities. Article 8 of the above Regulation requires that Competent Authorities have the necessary powers of access to food business premises and documentation.

Articles 4 and 8 do not apply to plant health, however, Article 12(2) of Directive 2000/29/EC establishes that inspectors shall have access to plants, plant products or other objects at all stages in the production and marketing chain and that they shall be entitled to make any investigation necessary for the official checks concerned, including those related to the plant passports and the records.

Article 2 paragraph 2(e) of Commission Directive 92/90/EC, obliges registered establishments to ensure access for inspectors to records/documents and for inspection and/or sampling.

Findings

The overall activities in the field of Plant Health are based on the Plant Protection Act, the Ordinance No 1 on phytosanitary control, which transposes Directive 2000/29/EC, and a number of other deriving legislation, which transpose specific Directives into Bulgarian phytosanitary national legislation. The plant health inspectors have the relevant legal power to carry out their duties.

- Inspectors met by the mission team stated that they have never faced situation that access to the inspection area was denied to them and that it would trigger a sanctions against the stakeholder.
- The mission team noted that NPPS had translated, issued and edited in Bulgarian language all the ISPMs.

5.2.2 *Staffing provision and facilities*

Legal Requirements

Article 4 of Regulation (EC) No 882/2004 requires the Competent Authority to ensure that they have access to a sufficient number of suitably qualified and experienced staff; that appropriate and properly maintained facilities and equipment are available; and that staff performing controls are free of any conflict of interest. This Article does not apply to plant health.

Article 2.1(i) of Council Directive 2000/29/EC establishes that Member States shall ensure that their public servants and qualified agents have the qualifications necessary for the proper application of the Directive.

Article 2(1)(g) of Council Directive 2000/29/EC establishes that responsible official bodies may delegate tasks provided for in that Directive to a legal person whether governed by public or by private law *'provided that such person, and its members, has no personal interest in the outcome of the measures it takes'*.

Findings

The total number of the NPPS staff is 292 of which 184 are involved in plant health issues. In the Phytosanitary Control Department there are 5 full time officials. Since the last mission there was an increase in the number of staff at central level from three to five full time equivalent. In the 14 RSPP there are 79 inspectors operating across the country, responsible for internal controls. In the 12 BIPs there are 77 inspectors dealing with import controls. In order to fulfill the statutory responsibilities, collaboration on certain tasks, like inspections in the BIPs and territory surveillance, has been agreed.

- The RSPP inspectors carry out duties exclusively related to plant quarantine. Controls of plant protection products, pesticides residues, and other quality checks have been assigned to other officials. In certain cases the BIP inspectors are assigned with other tasks like territory surveillance.
- The mission team noted that all inspectors from NPPS and RSPP authorised to perform control activities are provided with all necessary materials, instruments and equipment including all terrain vehicles with fully equipped inspection suitcases and self protection devices.

The Law on Conflict of Interest and the Law on Civil Service prescribes the obligation of public officials as regards independence and involvement in other activities. Each public official has to sign annually a declaration that he/she is not in conflict of interest and a declaration on the property owned. There is also a code of ethics developed by the MAF.

5.2.3 *Staff qualifications and training*

Legal Requirements

Article 6 of Regulation (EC) No 882/2004 requires Competent Authorities to ensure that staff receive appropriate training, and are kept up-to-date in their competencies. This Article does not apply to plant health.

Article 2(1)(i) of Council Directive 2000/29/EC establishes that a statement or measure shall be considered to be official if made or taken either by representatives of the official plant protection organisation or public servants or by qualified agents employed by one of the responsible official

bodies of a Member State, *in all other cases, provided that such agents have no personal interest in the outcome of the measures they take and satisfy minimum standards of qualification*. Member States shall ensure that their *public servants and qualified agents have the qualifications necessary* for the proper application of this Directive.

Findings

To be recruited, an applicant must meet the minimum requirements of the job description in accordance with the rules on appointing civil servants. Thus, all phytosanitary inspectors must have an agricultural university degree and be specialised in “Plant Protection”. Compulsory training is provided to all inspectors by CLPQ, after appointment.

Apart from the entrance requirements the inspectors are required to follow for at least one week every three years different training and refresher courses based on their individual training files. The activities of the previous year are analysed annually and corrective measures are applied if necessary. The quality evaluation of training takes place by testing that indicates the weak points and the needs for additional training. Apart from the regular training, cascade training and specialised seminars are organised for the implementation of monitoring programmes.

- In the case of surveys or specific monitoring, inspectors have been issued with specific guidelines to assist them when carrying out inspections and/or sampling.
- Plant health inspectors met appeared to be well prepared, competent and motivated in carrying out their tasks.

Conclusions on Resources for Performance of Controls

Relevant EU legislation has been transposed into national law. It gives inspectors appropriate legal powers to act. Inspectors met by the mission team appeared competent and have been provided with a good range of guidelines, work instructions and training.

5.3 ORGANISATION AND IMPLEMENTATION OF OFFICIAL CONTROLS

5.3.1 Registration / approval of food business operators

Legal Requirements

Article 31 of Regulation (EC) No 882/2004 requires Member States to establish procedures for the registration/approval of food and feed business operators, for reviewing compliance with conditions of registration and for the withdrawal of approvals. This Article does not apply to plant health and there are no equivalent general legal requirements, however there are, in specific cases, similar requirements:

Articles 6.5, 6.6 and 13c(1)(b) of Council Directive 2000/29/EC require that, subject to certain exemptions, producers, collective warehouses, dispatching centres and importers of certain plants and plant products be registered.

Commission Directive 92/90/EEC establishes obligations for producers and importers of certain plants and plant products and establishes details for their registration. Article 4 of that Directive requires that Member States ensure compliance with the obligations referred to in Article 2(2) by examining periodically, at least once a year, records and related documents.

Findings

Ordinance No 1 on phytosanitary control provides that RSPP should keep an official register for the physical persons and legal entities subject to compulsory registration and phytosanitary control. The “Methodological guidance, documentation and documental exchange on implementation of Ordinance No1 on phytosanitary control”, describes the registration procedures.

Each registered entity receives a unique registration number. The registration is kept updated by the regional phytosanitary inspectors and renewed annually when the information with regards to the specific production of each entity is provided. However at this stage there is not a single national list of registered stakeholders but only plans for the establishment in the future of a central computer database with data access to all registered producers. No fees are paid in the official register of RSPP for the registration of physical persons or legal entities.

Nevertheless a basic fee is paid upon issuance of plant passports (6 BGN each) but their final price depends on the number and the type of plants or plant material for which the passports have been issued. To this end, the number of checks carried out during the vegetation period or the number of samples taken for laboratory testing is taken into account. The fees are regulated in the “Tariff of fees collected by the NPPS within the MAF”, adopted by Decree N 226 of the Council of Ministers of 1998 as amended.

- The registered operators visited by the mission team were aware of their obligations and stakeholders met by the mission team stated that they are systematically checked by the plant health services.

5.3.2 *Prioritisation of official controls*

Legal Requirements

Article 3 of Regulation (EC) No 882/2004 requires that official controls are carried out regularly, on a risk basis and with appropriate frequency. Controls shall be carried out at any of the stages of the production and processing chain and, in general, are to be carried out without prior warning. Controls shall be applied with the same care to exports from the European Union, imports into the European Union and to product placed on the Union market. This Article does not apply to plant health and there are no equivalent general legal requirements especially regarding exports, however in certain specific cases, there are similar requirements:

Article 6(5) of Council Directive 2000/29/EC requires that the official examinations referred to in that Article shall be made regularly at appropriate times at least once a year and at least by visual observation. Article 12(1) of the same Directive establishes that Member States shall organise official checks to ensure compliance with the provisions of this Directive, in particular with Article 10(2) which shall be carried out at random and without any discrimination in respect of the origin of the plants, plant products or other objects, and in accordance with the following provisions:

- occasional checks, at any time and at any place where plants, plant products or other objects are moved,
- occasional checks on premises where plants, plant products or other objects are grown, produced, stored or offered for sale, as well as on the premises of purchasers,
- occasional checks at the same time as any other documentary check, which is carried out for reasons other than plant health.

The checks must be regular in premises listed in an official register in accordance with Article 10(3)

and Article 13c(1)(b), and may be regular in premises listed in an official register in accordance with Article 6(6). The checks must be targeted if facts have come to light to suggest that one or more provisions of this Directive have not been complied with.

Findings

Each year the NPPS prepares, in cooperation with the CLPQ and RSPP an annual working plan of inspections including surveillance together with the training programme for inspectors which is approved by the General Director. Following a risk based approach, priority is given to areas where an outbreak occurred in the previous year and where there is a high risk of introduction of quarantine pests. Particular attention is paid to control of propagating material or plants for planting, the country of origin and the particular harmful organisms.

The risk based approach takes into consideration, recent scientific data, the Commission Decisions on emergency measures to control regulated pests, as well as the information of detected harmful organisms available in EUROPHYT. The RSPP inspectors carry out at least two visits per year to all registered entities to ensure that the obligations are complied with. In 2008 the 2179 registered producers were subject to 4193 inspections, while in 2009 the number of registered producers increased to 2307 with 4554 inspections respectively. A substantial effort is made to check wood packaging material.

- The mission team was informed by the owners of the two nurseries visited, that regular as well as occasional checks are carried out by RSPP inspectors in Plovdiv.

5.3.3 Control activities, methods and techniques

Legal Requirements

Article 10 of Regulation (EC) No 882/2004 specifies the control activities, methods and techniques that should be deployed. This Article does not apply to plant health however there are specific requirements concerning control activities in Directive 2000/29/EC.

Article 1 of Commission Directive 92/70/EEC establishes detailed rules for surveys to be carried out for the recognition of protected zones within the Union.

Certain Directives for specific diseases for potatoes and various Decisions establish specific inspection/sampling requirements.

Findings

In general, official controls are carried out at all stages of production, import and marketing. The controls planned are risk based while their frequency and timing are those required by EU legislation.

- Visual examination of plants always supplemented in the event of suspicion by sampling and laboratory analyses, is the basic method of assessment of phytosanitary status. There are also regular surveys, composed of obligatory sampling and laboratory examination, for the variety of organisms, such as the harmful organisms of potatoes, *Tilletia indica* in wheat grain, potato cysts nematodes (PCN) and potato wart disease (PWD) in soil.

- There is a common use of pheromone traps for monitoring *Diabrotica virgifera virgifera* and *Monochamus* spp.
- Surveys for the presence of harmful organisms are carried out at the production sites, green areas and forest areas in accordance with EU requirements.
- As far as the mission team could assess, growing season inspections are planned and carried out at appropriate times and monthly reports are prepared by the RSPP.
- Controls under the plant passport system are based on regular visits to registered producers. Plant passports are issued by the inspectors following a favourable inspection result. However the mission team noted that in some cases plant passports were not compliant with Commission Directive 92/105/EEC and no measures were taken by the Competent Authority.
- The controls generally meet the EU requirements; visual examination is the usual method applied for monitoring glasshouse pests.

5.3.4 Sampling and Laboratory analysis

Legal Requirements

Article 4 of Regulation (EC) No 882/2004 requires Competent Authorities to have, or to have access to, adequate laboratory capacity. Article 11 of the Regulation establishes requirements for sampling and analysis and Article 12 requires the Competent Authority to designate laboratories that may carry out analysis of samples taken during official controls. It also lays down accreditation criteria for laboratories so designated.

Articles 4, 11 and 12 do not apply to plant health and there are no equivalent general legal requirements. Article 2(1)(i) of the same Directive establishes the requirements that must be met in order for a statement or measure to be considered official.

Findings

There is an annual plan for sampling prepared by the CLPQ. It specifies the minimum sampling level and, where necessary, the number of samples can be increased. Samples are in general taken based on suspicion. However if no symptoms are detected asymptomatic samples are also sometimes collected. In specific cases (e.g. potatoes, soil) routine sampling and laboratory analyses are carried out. Stakeholders are charged for laboratory analyses and the laboratory fees applied are listed in section VI of the tariff for the fees collected by the NPPS and MAF. The CLPQ is implementing a quality management system according to ISO 17025, but is not accredited yet. Ring tests are organised for all laboratories on annual basis.

- Procedures for sampling and sample handling are laid down in the guidelines for inspectors.
- The inspectors met stated that, whenever it is necessary, they can take more samples than set up in the sampling plan.

The three laboratories visited by the mission team (the CLPQ, the Potato Laboratory in Samokov and Regional Diagnostic Laboratory in Plovdiv) were well organised and provide a high level of diagnostic expertise. Methods applied, particularly when testing potato tubers, are consistent with the relevant EU legislation.

5.3.5 Procedures for performance and reporting of control activities

Legal Requirements

Article 8 of Regulation (EC) No 882/2004 requires that Competent Authorities carry out their official controls in accordance with documented procedures, containing information and instructions for staff performing official controls.

Article 9 of the above Regulation requires Competent Authorities to draw up reports on the official controls carried out, including a description of the purpose of official controls, the methods applied, the results obtained and any action to be taken by the business operator concerned.

Articles 8 and 9 do not apply to plant health and there are no equivalent general legal requirements. Point 1, 6th indent (a), of the Annex to Commission Directive 98/22/EC requires that the responsible official bodies shall have available written, up-to-date inspection guidelines.

Findings

There are documented procedures in place with detailed guidelines for carrying out inspections. All inspections and their results are recorded. The final results as described in the inspection protocols serve as the basis for issuing plant passports. Plant passports in Bulgaria are issued exclusively by the RSPP, based on favourable plant health inspection result.

The results of inspections carried out in the framework of the surveillance are recorded separately. The summary of the inspections is provided monthly via a short template report. An extended reporting template providing information on stakeholders registration, import and export control, movement, specific monitoring and general surveillance, is sent on both a yearly and half yearly basis to the NPPS headquarters. The data is compiled and the final results of official surveys, referred to in various EU legislation, have been regularly submitted to the Commission as required.

5.3.6 Transparency and confidentiality

Legal Requirements

Article 7 of Regulation (EC) No 882/2004 requires that Competent Authorities carry out their activities with a high degree of transparency, in particular by giving relevant information to the public as soon as possible. However, information covered by professional secrecy and personal data protection is not to be disclosed. This Article does not apply to plant health and there are no equivalent legal requirements.

Findings

Information on plant health issues including legislation and occurrence of new quarantine harmful organisms is published from the NPPS through its website (www.nsrz.government.bg). Brochures and pamphlets have been produced by the CLPQ to inform the public involved in the specialised trade. All Decisions and Orders related to enforcement of emergency phytosanitary measures at import from third countries or to introduction of bans or restrictions are also published on the web-sites of the NPPS and MAF. Stakeholders have access to the relevant draft legislation documents and the right to provide their comments.

The NPPS organises regulatory meetings with trade associations, as well as international meetings

between members of Bulgarian associations and representatives of foreign associations. In November 2009 the NPPS organised and hosted an international workshop with representatives of the French and Bulgarian associations of potato producers and vine planting material growers.

The “Annual working plan of the NPPS” provides for the organisation of regular meetings with producers of a branch of industries at regional level.

- The stakeholders met by the mission team appeared well informed and confirmed that their contact with the plant health inspectors serves as the most important source of information.

Conclusions on Organisation and Implementation of Official Controls

Stakeholders are registered whenever required, and their obligations are laid down in relevant legislation. In general, official controls are carried out at all stages of production, import and marketing. Controls are planned based on risk and the frequencies and timing required by EU legislation. Information on plant health requirement is publicly available, reports are drawn up after inspections and there are good procedures for internal reporting. However in some cases regulated articles were marketed with plant passports non compliant with Commission Directive 92/105/EEC.

5.4 ENFORCEMENT MEASURES

5.4.1 Measures in the case of non-compliance

Legal Requirements

Article 54 of Regulation (EC) No 882/2004 requires a Competent Authority which identifies a non-compliance to take appropriate action to ensure that the operator remedies the situation. This Article does not apply to plant health and there are no equivalent general legal requirements, however in specific cases, there are similar requirements:

Article 11 and Article 13c(7) of Council Directive 2000/29/EC specify measures to be taken where non-compliance is found during official inspections.

Article 1(6) of Directive 92/90/EEC requires that Member States ensure that responsible official bodies take the necessary measures if the obligations referred to in Article 2(2), and, where appropriate, Articles 2(3) and 3 of the same Directive, cease to be met.

Findings

The RSPP are responsible for enforcement of legislation in the regions. According to requirements of the Plant Protection Act and Ordinance No 1 on phytosanitary control the following measures are taken in cases of non-compliances found during internal plant health checks:

- no plant passport is issued by the RSPP when the plants and plant products are not in conformity with the specific requirements;
- refusal for entry into EU territory or placing under quarantine of consignment/area;
- prescription of an appropriate treatment or destruction;
- ban for movement and/or planting, or permission to move under official control to an area where there is no additional risk involved or establishments for industrial processing ;

- designation of buffer zones if appropriate;
- total or partial suspension of activities of the stakeholder.

In cases of non-compliance a report is drawn and a notification with the required measures is given to the stakeholders. The cost of the measures taken is borne by the stakeholders and the implementation is confirmed by the RSPP inspector. Apart from the situation described in point 5.1.5 no compensation is given to stakeholders affected by obligatory eradication measures.

- The mission team noted that measures imposed in cases of findings of certain harmful organisms of *Prunus*, were not fully in line with Community legislation. In a nursery visited, the requirements provided by point 16(b)(bb) of Annex IV, Part A, Section II of Council Directive 2000/29/EC, were not respected and plants of *Prunus* spp. were allowed to be moved after an outbreak of plum pox virus had occurred on other plants at the same place of production. Non compliances found on potatoes are described in section 6.2.

5.4.2 Sanctions

Legal Requirements

Article 55 of Regulation (EC) No 882/2004 states that Member States shall lay down the rules on sanctions applicable to infringements of feed and food law and other European Union provisions relating to the protection of animal health and welfare and shall take all measures necessary to ensure that they are implemented. The sanctions provided for must be effective, proportionate and dissuasive.

This Article does not apply to plant health and there are no equivalent legal requirements.

Findings

According to requirements of the Plant Protection Act and Ordinance No 1 on phytosanitary control, the enforcement of sanctions in case of plant health non-compliance is carried out on the ground of both administrative and punitive sanctions, following the legal procedure in place for this purpose. Following the determination of the non-compliance a protocol of findings is issued and a fine is imposed by the juridical unit within NPPS. Depending on the seriousness of the infringement imposed fines may vary between 300 and 1 200 Bulgarian leva.

- The SA stated that since accession there have been five cases where sanctions had to be imposed due to violation of legislation.

Conclusions on Enforcement Measures

The Bulgarian legislation provides a legal basis to impose control measures in cases of non-compliance. In general, measures are taken when non-compliance is found but these in some cases are not in compliance with relevant Community legislation, like e.g. for plants for planting of *Prunus* spp.

5.5 VERIFICATION AND REVIEW OF OFFICIAL CONTROLS AND PROCEDURES

5.5.1 Verification procedures

Legal Requirements

Article 4 of Regulation (EC) No 882/2004 requires the Competent Authorities to ensure the impartiality, consistency and quality of official controls at all levels and to guarantee the effectiveness and appropriateness of official controls. Article 8 states that they must have procedures in place to verify the effectiveness of official controls, to ensure effectiveness of corrective action and to update documentation where needed.

Articles 4 and 8 do not apply to plant health and there are no equivalent legal requirements.

Findings

The verification of effectiveness of phytosanitary controls is carried out through checking by the central level of the results of control activities, the notifications of interceptions of consignments like in the cases of imported potatoes infected by PWD or the detection of *Tuta absoluta* on tomatoes. In addition the overall performance of the system is assessed by organising planned audits. There are several guidelines prepared by the NPPS and the CLPQ covering various aspects of plant health controls. The developed guidelines are regularly updated following any new situation faced or changes made in EU legislation.

5.5.2 Audit

Legal Requirements

Under Article 4 of Regulation (EC) No 882/2004, Competent Authorities are required to carry out internal audits, or have external audits carried out. These must be subject to independent scrutiny and carried out in a transparent manner.

This Article does not apply to plant health and there are no equivalent legal requirements.

Findings

There is an audit system in place for the plant health control system. Audits of local units are carried out by auditors visiting 4-5 counties annually. The inspector's performance is assessed against the procedures and guidelines. The scope of audits includes compliance of the records kept, the achievement of the objectives and tasks of the respective unit and the manner in which those objectives and tasks are achieved. In 2008 an independent review/scrutiny was carried out within NPPS by the Competent Authority of another Member State in the framework of a bilateral cooperation with the Food Directorate General of the French Ministry of Agriculture and Fisheries. Overall for the years between 2007 to 2009 16 audits have been carried out.

- The RSPP visited by the mission team confirmed that they had been audited by the central NPPS.

Conclusions on Verification Procedures

There is an internal audit system in place and appropriate verification procedures in the plant health sector in Bulgaria.

5.6 MULTI ANNUAL NATIONAL CONTROL PLAN

Legal Requirements

Article 41 of Regulation (EC) No 882/2004 requires that each Member State prepares a single integrated multi-annual national control plan (MANCP). According to Article 42 it should be implemented for the first time no later than 1 January 2007 and be regularly updated in light of developments. Details on the type of general information on the structure and organisation of the systems of feed and food control and of animal health and welfare control in the Member State concerned are provided.

Findings

Bulgaria adopted its first single MANCP for 2008-2010 period. It was drawn up jointly by a number of Competent Authorities and coordinated by MAF and in particular by the Directorate of Quality and Safety of Food. The plan is annually updated. The mission team noted that:

- The MANCP includes detailed information on the structure and organisation of the system of official controls for plant health and describes the tasks being carried out. However the participation of plant health is limited compared to other control authorities.
- The annual reports for 2008 and 2009 on the control of the food chain, as required under Article 44 of the Regulation (EC) No. 882/2004, will be updated by a working group and the plant health sector will be appropriately addressed.
- Although MANCP does not contain specific numbers of inspections to be carried out for plant health purposes, there are specific technical instructions which specify all these elements including numbers of samples to be taken.

Conclusions on Multi-Annual National Control Plan

MANCP has been prepared and the annual reports were sent to the Commission as required. Plant health falls within the competence of NPPS along with contingency planning for the management of crisis situations and a system is in place for the prevention and control of biological emergencies.

6 SECTOR SPECIFIC FINDINGS AND CONCLUSIONS

6.1 SURVEILLANCE

6.1.1 Background

A variety of the European Union legislation, in particular those on the control of specified harmful organisms require, that regular surveys be carried out by Member States on their territories. In the case of Bulgaria, the surveillance in the context of this mission refers to:

- The establishment of areas found to be free from certain harmful organisms specified in relevant provisions of Section II, Part A, of Annex IV, to Council Directive 2000/29/EC;
- Absence or presence of harmful organisms regulated by Commission Decisions regarding *Anoplophora chinensis*, *Bursaphelenchus xylophilus*, *D. virgifera virgifera*, *Dryocosmus kuriphilus*, *Gibberella circinata*, *Pepino mosaic virus*, *Phytophthora ramorum*, *Potato spindle tuber viroid* and *Rhynchophorus ferrugineus*, as listed in the Annex to this report.

Data related to the above mentioned surveys can be collected through general surveillance and specific surveys. The former concerns utilisation of any data on the pest status, which are commonly available, e.g. from historical records, the general public, scientific and trade journals, unpublished data, etc. The latter requires official activities specifically aimed at inspection and, if

relevant, sampling of specified host plants and/or commodities, according to the survey plan prepared and approved by the official responsible bodies, taking into account a number of specific elements.

6.1.2 Scope of the surveys

Legal Requirements

Article 5(1) and 5(4) of Council Directive 2000/29/EC provide that the movement of plants, plant products and objects listed in Annex IV, Part A, Section II, shall be banned unless the relevant special requirements indicated in that part of the Annex are met. For certain plants the requirement is met if these plants originate in areas known to be free from specified pests. Where a Member State makes use of this option, the pest freedom status of the area has to be established.

The relevant articles in the EU emergency decisions require that Member States shall conduct official annual surveys for the presence of the specified organisms. It is also required that certain conditions must be met for movement of the host plants specified in these decisions. Where a Member State makes use of the option that specified plants originate in areas known to be free from specified pests, the pest freedom status of the area has to be established.

Findings

Bulgaria implements a system of surveillance for harmful organisms adapted to its specific needs and conditions as well as to the role that these organisms play in the overall organisation of its plant protection system. For this purpose, each year, experts of NPPS and CLPQ prepare a general annual activity plan which is included in the overall working plan of NPPS. The option of the pest freedom status of an area, as defined in Annex IV of the Directive, is used only for certain harmful organisms (*Ceratocystis fimbriata*, *Paysandisia archon*, *Tomato yellow leaf curl virus*, *Xanthomonas axonopodis* pv. *phaseoli*, and certain other harmful organisms relevant for plants of *Fragaria*, *Prunus*, and *Rubus* intended for planting).

The mission team noted that surveys are carried out for the presence of:

- Harmful organisms regulated by Council Directive 2000/29/EC, in particular listed in Annex IV, Part A, Section II, thereof, insofar as these organisms may be relevant for Bulgaria and the relevant host plants occur in the territory of the country;
- All harmful organisms regulated by EU emergency decisions;
- Any other unlisted pests which may cause economic or environmental damage.

The surveys are carried out in various habitats, such as field crops, nurseries, glasshouses, public parks, etc. In forests the surveys are carried out in close collaboration with the forest protection stations of the Forestry Executive Agency. In Bulgaria there are no protected zones for any of the listed harmful organisms, thus no specific surveys are carried out for this purpose.

Conclusions

Surveys are carried out for the presence of the relevant harmful organisms as required by EU legislation.

6.1.3 Organisation of the surveys

6.1.3.1 National co-ordination

Legal Requirements

Section 1.2 of ISPM No. 6 provides that it is recommended that the NPPO develops a system whereby appropriate information on the particular pest is collected, verified and compiled.

Section 2 of ISPM No. 8 provides that the NPPO has responsibility to provide accurate information on pest records upon request.

Findings

All surveys are prepared, organised and carried out at national level on the basis of specific annual monitoring plans. These contain guidelines with regards to changes in the legislation, the choice of observation points, timing, frequency and methods for sampling as well as the technical equipment necessary for carrying out inspections and procedures to be followed. Some of them deal with single pests (e.g. *D. virgifera virgifera*, *P. ramorum*, *B. xylophilus* etc.) while others are more general and cover the crops to be monitored for quarantine harmful organisms (potatoes, cereals, ornamentals, small fruits, vegetables, orchards, vineyards, forests etc.).

The mission team noted that:

- Each year specific working groups comprised of experts from NPPS, CLPQ, the national rapporteurs of the relevant programmes and the RSPP survey coordinators meet to analyse the results of the previous monitoring and prepare the new monitoring plans.
- A single national rapporteur is assigned for each monitoring plan as responsible for development, planning and coordination of the survey activities.
- Each RSPP has a coordinator in charge of collecting and collating the surveillance results at regional level and reporting to the national rapporteurs.
- The regional plant health inspectors are informed of any problems that may arise during the performance of the survey.

Conclusions

Programmes for surveying are coordinated and monitored in line with the relevant ISPM provisions.

6.1.3.2 Establishment of surveys methodologies

Legal Requirements

Section 2 of ISPM No. 6 specifies elements which should be considered when establishing the survey plan; these elements include, amongst others, identification of the target pest and timing, indication of statistical basis (such as number of samples; selection and number of sites; frequency of sampling), and description of survey methodology. Section 2.1 specifically relates to pests which are only likely to be present as a result of recent introduction; in such cases the selection of suitable survey sites may relate to points of possible entry, possible pathways of spread, sites where imported commodities are used as planting material, etc. Section 2.3 provides that the survey plan should include random sampling to detect unexpected events.

Findings

As mentioned earlier various sources of information are used for the elaboration of the annual survey programmes. These may include statistics on cultivation/growth, elements of the biology of the harmful organism of concern, meteorological and environmental aspects at regional level, outbreak data and control results from previous years as well as information concerning imports/movement of susceptible host plants. A risk-based approach is implemented depending on the current phytosanitary status of the specific harmful organism. Monitoring plans are based on the relevant information received from the RSPP and the determination of the high risk areas, as well as on results of the previous years monitoring. On planning of the annual monitoring programme other sources of information, such as the EPPO database and other international publications like scientific journals and relevant websites are also used. The annual monitoring programme includes the numbers of inspections to be carried out and an estimation of numbers of samples to be collected or traps to be deployed. Survey plans contain information about the relevant organisms, the best timing for inspections, details of inspections and, if relevant, sampling.

The mission team noted that:

- Controls are carried out in production areas and also in public greens and forest areas;
- Statistical principles and other criteria (such as distribution of host species, risky locations) are taken into account.

Conclusions

The survey methodologies have been established in line with relevant requirements.

6.1.4 Surveys implementation

Legal Requirements

ISPM No. 4 details the requirements for the establishment of pest free areas. These include general surveillance and specific surveys. ISPM No. 6 establishes guidelines for surveillance. ISPM No. 8 describes the use of pest records and other information in the determination of pest status in an area.

Findings

Information regarding the absence or presence of particular harmful organisms is gathered mostly through specific surveys and summarised on a monthly, six monthly and annual basis. In addition the national rapporteur addresses any possible deficiencies and makes suggestions for the improvement of the control activities. In the event of a positive analysis result the CLPQ informs the NPPS. The same procedure is followed for any occurrence of harmful organism. The main method of surveying is by visual examination of crops, nurseries, forests or other public green sites which is carried out at appropriate times. In case of suspicion or in cases of non-symptomatic presence of harmful organisms samples are taken for laboratory analyses as required by the guidelines.

- The mission team during its visits at central and regional level was presented with the monitoring plans for different harmful organisms and various crops and saw cumulative data on surveys carried out during the last three years.
- The mission team noted that all inspectors met were well aware of the specific pests and the survey methodologies. Inspectors were aware of how to take samples and where to send them.

Conclusions

The implementation of surveys is adequate and in line with the relevant legislation and allows for obtaining reliable data.

6.1.5 Record keeping

Legal Requirements

Section 5 of ISPM No. 6 provides that the NPPO should keep appropriate records derived from general surveillance and specific surveys.

Findings

All surveys activities are registered and every inspection is documented in RSPP as a hard copy. The survey results are sent by the regional coordinators to the national rapporteurs who are responsible for collection and synthesis of data.

- The mission team saw the relevant records and registers and noted that the set of reporting templates with the reporting requirements is part of the guidelines for survey.

Conclusions

There is a good system of record keeping in place that meets this specific requirement.

6.1.6 Reporting

Legal Requirements

Article 16(1) of Council Directive 2000/29/EC states that each Member State shall immediately notify in writing the Commission and the other Member States of the presence in its territory of any of the harmful organisms listed in the relevant parts and sections of Annex I and II to the Directive.

Section 2 of ISPM No. 6 lays down that the survey plan should include reporting procedures.

The relevant articles in the EU emergency decisions require that Member States shall submit the results of the survey to the Commission and other Member States within the specified deadlines.

Findings

Reports are regularly sent to the Phytosanitary Control Department of NPPS with the control activities performed and other documents issued within the territory of RSPP. Specific forms are used for reporting survey results of pest monitoring. The mission team noted that:

- Results of surveys required by the EU emergency decisions are submitted to the Commission and other Member States each year.
- The appearance of harmful organisms listed in the relevant parts and sections of Annex I and II to the Directive in a part of the country's territory in which its presence was previously unknown, in many cases is not notified immediately to the Commission. For example in 2009 the following organisms were found in the Bulgaria territory without being notified: Pear decline phytoplasma, Apple proliferation phytoplasma and *Opogona sacchari*. There were also examples of adequate notifications made, e.g. notifications of outbreaks of *Diabrotica virgifera virgifera* outside already demarcated areas.

Conclusions

Bulgaria generally fulfils the relevant Community requirement to inform the Commission and other Member States about the results of the surveys carried out. However, the findings of regulated harmful organisms in many cases are not notified immediately as required by article 16(1) of Council Directive 2000/29/EC.

6.2 THE POTATO SECTOR

6.2.1 Background

6.2.1.1 Production and trade information

The total area planted with potatoes has been dropping over the recent years. Table 1 below gives an overview of the total production over the last three years. Potatoes are cultivated all across the country, but the majority of the production is mainly concentrated in the south western part of the country around the areas of Samokov and Pernik, where the conditions for cultivation are the most favorable. The size of potato producing farms is on average from 5 to 10ha; however smaller potato plots occur in mountain areas where the production is fragmented.

Table 1. Potato production in Bulgaria during 2008-2010			
Year of cropping	2007	2008	2009
Area with seed potatoes (in ha)	315	274	265.7
Area with ware potatoes (in ha)	22 531	19 613	15 931

There is potato trade in and out of the country, although the "exports" to other Member States are restricted to ware potatoes only and quite limited. Bulgaria "imports" from other Member States significant amounts of both seed (mostly used for further multiplication) and ware potatoes, principally for processing. Third country potatoes were imported mostly from Turkey and Egypt (see also Section 6.2.9). Tables 2 and 3 give an overview of the potato trade in and out of Bulgaria.

Table 2. Seed potato trade in and out of Bulgaria during 2008-2010						
Season	2007/2008		2008/2009		2009/2010	
	EU	non-EU	EU	non-EU	EU	non-EU
Exports (t)	0	0	0	0	0	0
Imports (t)	2 316	0	782	0	889	0

Table 3. Ware potato trade in and out of Bulgaria during 2008-2010						
Season	2007/2008		2008/2009		2009/2010	
	EU	non-EU	EU	non-EU	EU	non-EU
Exports (t)	702	0	0	0	0	0
Imports (t)	14 870	858	9 834	1 112	2 471	3 580

6.2.1.2 Potato production system

Holding of genetic material

There is one small gene bank in Sadovo holding genetic *Solanum* material falling within the competence of the RSPP in Plovdiv. These varieties belong to a collection and are not released for potato breeding. Further details of accessions which are held there were available at the time of the mission.

Potato breeding

The Competent Authority informed the mission team that nowadays potato breeding for new varieties does not take place in Bulgaria. The system of production is based on imported seed potatoes used for propagation and replanting.

Seed multiplication and certification

The certified seed of the varieties used in Bulgaria is either of domestic or of EU origin (64% and 36% respectively). All seed produced is multiplied from high grade seed originating from other Member States. In total 55 registered growers are involved in seed potato production in 7 regions. These growers generally have their own equipment for planting, harvesting and grading. Irrigation is not common, but sometimes practiced in cases of drought; when it is done it is typically from purpose built reservoirs, rarely from public waterways.

Production methods for ware potatoes

Many farmers grow less than 0.5 ha of potatoes; these potatoes are generally used for own purposes (consumption or livestock feeding). A considerable amount of the national crop is grown from farm saved seed. Registered farmers who produce for industry or marketing generally use certified seeds (directly or after one-year multiplication on their fields) and systematically renew their seed stocks. Some big ware potato producers produce seeds as well. Cutting of seed tubers is not done. Generally, farms do not share planting, harvesting or grading equipment with other farms. Irrigation is rare.

6.2.2 Registration and traceability of consignments

6.2.2.1 Registration of stakeholders

Legal Requirements

Article 6(5) of Council Directive 2000/29/EC requires that all producers of products, which must be accompanied by a plant passport when moved within the EU, must be officially registered. Article 6(6) of the same Directive, and Commission Directive 93/50/EEC extend this obligation to producers, collective warehouses or dispatching centres of all other than seed sorts of potatoes.

Commission Directive 92/90/EEC establishes the procedures for registration, the obligations for registered establishments and the official checks that must be carried out.

Findings

The 2005 mission report contained the following recommendation related to this issue:

“To finalise the registration of entities (producers, dispatching centres, collective warehouses) that market ware potatoes”.

Both Commission Directives 92/90/EEC and 93/50/EEC have been transposed into national legislation by the Ordinance No 1 for phytosanitary control. Registration with the NSPP of ware potato producers follows the provisions of the EU legislation. A general rule to be fulfilled is that the producer should comply with the Plant Protection Act, the Ordinance No 1 and own more than 0.5 ha of arable land. Furthermore, packers, traders and processors must also be registered.

Table 4. Breakdown of registered stakeholders involved in the potato sector							
Year	Seed potato producers	Ware potato producers	Dispatching centres (seed EU origin)	Domestic Warehouse			Wholesale markets
				Seed potatoes	Ware potatoes	mixed	
2008	55	575	12	27	165	35	48
2009	55	576	17	51	143	25	157

In 2009, registered potato producers grew in total 266ha of seed and 2,430ha of ware potatoes representing 17% of the total of ca. 16,000ha of potatoes grown in Bulgaria (2009 data). The mission team met two registered potato producers and visited a potato processing factory and noted that:

- All stakeholders were aware of their obligations, the relevant plant health procedures and the phytosanitary requirements.
- The obligations of registered entities are in line with those established by Article 2 of Directive 92/90/EEC.
- All stakeholders emphasised that cooperation with the plant health services was good.
- Checks are regularly carried out by plant health inspectors to ensure that obligations are complied with.

Conclusions

The requirements of Community legislation concerning registration of potato producers and other relevant stakeholders are fulfilled. Thus, the recommendation of the 2005 mission has been addressed.

6.2.2.2 Documentation and traceability of consignments

Legal Requirements

Article 10(2) of Directive 2000/29/EC requires that articles listed in Annex V, Part A, Section I to the Directive may not be moved within the Union unless they are accompanied by a plant passport valid for the territory concerned. This articles include plants of stolon- or tuber forming species of *Solanum* L. or their hybrids, intended for planting.

Point 18.5 of Annex IV, Part A, Section II to Council Directive 2000/29/EC lays down provisions for labelling of ware potatoes.

Article 10 of Directive 2000/29/EC establishes the procedures and requirements that have to be met in order for a plant passport to be issued.

Directive 92/105/EEC establishes requirements for the standardization of plant passports content.

Findings

The 2005 mission report contained the following recommendation related to this issue:

'To replace, before accession to the EU, the requirement for plant passports for ware potatoes with the labelling requirements, mentioned in Council Directive 2000/29/EC, Annex IV, Section II, point 18.5'.

Labelling of seed potatoes is regulated by Plant Protection Act, the Ordinance No 1 on phytosanitary control. The grower number indicated is the registration number from the NSPP. It is also required that all marketed ware potatoes are labelled with the registration number of the producer or packer. Issuance of plant passports or labels is preceded by visual examinations during the growth and storage and, where appropriate, sampling and laboratory analysis.

- All RSPP visited had good records and statistics of their producers and types of production on their territories.
- Inspectors met by the mission team stated that they carry out systematic checks of ware potatoes being marketed.
- A processing factory visited by the mission team could confirm that all its Bulgarian potato suppliers were registered.
- However the mission team during its visit to a central fruit and vegetable market, noted that controls on marketed ware potatoes are not that regular and meticulous and in one case ware potatoes of domestic origin were not labelled.
- During the same visit the mission team noted that in certain cases packed ware potatoes from other Member States were not appropriately labelled either.

Conclusions

Although EC requirements regarding the labelling of ware potatoes have been transposed to the national legislation, these are not always implemented. Consequently the relevant recommendation of the 2005 mission is not fully addressed. The absence of labels on marketed ware potatoes found by the mission team is of particular concern regarding the effectiveness of the occasional checks carried out by inspectors.

6.2.3 Plant health status in genetic material

6.2.3.1 Health status of gene bank material

Legal Requirements

Point 18.4 of Annex IV, Part A, Section II of Council Directive 2000/29/EC requires that the plant protection service of the Member State is kept informed of genetic *Solanum* material held in the country.

Point 18.3 of Annex IV, Part A, Section II of Council Directive 2000/29/EC lays down that before such material is released from the gene bank, it has been tested for all organisms mentioned in this point.

Findings

There is a gene bank/nuclear stock collection in Bulgaria. The inventory of the material held in the collection is known to the Competent Authority. For the time being no potato material is released

from the gene bank for multiplication or breeding purposes.

Conclusions

The NSPP has been kept adequately informed of *Solanum* material held in the gene bank; requirements of Point 18.4 of Annex IV, Part A, Section II of Directive 2000/29/EC are thus complied with. Since this material is not released for multiplication or breeding purposes there is no need to be tested for the harmful organisms mentioned in Point 18.3 of Annex IV, Part A, Section II of Directive 2000/29/EC.

6.2.4 Control of *Clavibacter michiganensis* ssp. *sepedonicus*

6.2.4.1 Surveys

Legal Requirements

Article 2(1) of Council Directive 93/85/EEC requires that Member States shall conduct systematic official surveys for the organism on tubers and, where appropriate, on plants of potato originating in their territory, for the confirmation of absence of the organism, by taking samples of both seed and other potatoes, preferably from lots in store. In addition, where appropriate, official or officially supervised visual inspection by cutting of tubers on other samples may be done.

Point 24 of Annex IV, Part A, Section II to Directive 2000/29/EC stipulates that in the case of plants with roots, planted or intended for planting and grown in the open air, there shall be evidence that the place of production is known to be free from *Clavibacter michiganensis* ssp. *sepedonicus*.

Findings

The 2005 mission report contained the following recommendation related to this issue:

'To include in the national surveys for ring rot and R. solanacearum a representative sample of the non-registered small producer sector'.

Surveys coordination and methodology

NSPP each year elaborates the national monitoring programme "Phytosanitary control of potatoes" which among others includes the annual survey plan for potato ring rot disease. Surveys are carried out mostly during the harvest or storage periods. Surveys during the growing season are carried out only on potatoes grown for seed. The numbers of tuber samples to be analysed are determined according to the total estimated production, the previous ring rot history of a region, the intensity of potato production in an area and the laboratory capacity.

Nowadays surveys are focused on:

- 100% of registered seed potato producers
- 15.7% of the total ware potato producers.
- 100% of registered mixed (seed and ware) potato producers
- seed potatoes being moved from other "risk" Member States when stored or prior to planting.
- Ware potatoes of EU origin are also checked in wholesale market and stock exchange places.

The mission team noted that:

- A significant proportion of the potato production (ca. 84%) is cultivated by non-registered

farmers. These farmers mostly use their own farm saved seed or seed purchased from other farmers. The participation of these farmers and their production in the survey programme is still very limited.

- Seed lots from other MS are systematically tested before planting. The following numbers of seed potato lots brought from other Member States have been laboratory examined from 2007/2008 to 2008/2009 and 2009/2010 campaign: 66 , 175, 115, respectively. There have been no positive findings. A further 66 , 225 and 168 lots, respectively, were visually inspected.
- Lots of ware potatoes brought into Bulgaria from other Member States or third countries are also checked. Over the last season, a total of 112 lots were laboratory examined, whilst 834 were visually inspected.
- The Competent Authority stated that visual examination of crops is carried out in line with EPPO Phytosanitary Procedure PM 3/71 ¹.

Seed lots must be tested before they can be certified. Samples always consist of 200 tubers. They are taken, according to the drawn plan, in the autumn-winter from storage and analysed for both ring rot and *R. solanacearum*, and other harmful organisms (see further sections). The farmer signs the sampling protocol, which accompanies the sample to the laboratory. The CLPQ in Sofia is the sole laboratory in Bulgaria which tests potatoes for both *Clavibacter michiganensis* spp. *sepedonicus* and *R. solanacearum*.

The mission team noted that:

- In the case of both seed and ware potatoes, the sampling rate established is not less than the EU average (see below in Table 5).

Table 5. Comparison of sampling intensity in potatoes for the presence of ring rot between Bulgaria and EU average over seasons from 2006 to 2009

	Sampling intensity (area of production in ha per sample)							
	Seed potatoes				Ware potatoes			
	2006/2007	2007/2008	2008/2009	2009/2010	2006/2007	2007/2008	2008/2009	2009/2010
EU	1.4	1.5	1.5	1.5	63.6	54.4	58.3	60.6
Bulgaria	0.74	1.1	1	1.25	54.3	33.5	42	30

Survey results

The first ring rot outbreak in Bulgaria was confirmed in 2005 where 10.2% of the ware potato cultivated area was surveyed. There have been a number of cases each year since then. An overview of the surveys carried out and their results over the last four production seasons is given in Table 6 below. In the 2008/2009 season, ring rot was detected in 2 counties (out of 27).

¹ EPPO Phytosanitary Procedure PM 3/71. General crop inspection procedure for potatoes. 2007. European and Mediterranean Plant Protection Organisation. Bulletin 37: 592-597.

Table 6. Potato sampling for ring rot testing and the results over 2006-2009					
Production season		2006/2007	2007/2008	2008/2009	2009/2010
Seed potatoes	Cropping area (ha)	327.4	315.5	274	265.7
	No. of samples	443	285	275	213
	No. of contaminated lots	2	5	2	0
	Incidence (% samples positive)	0.45%	1.75%	0.73%	0.00%
Ware potatoes	Cropping area (ha)	30 000	22 531	19 613	15 931
	No. of samples	552	672	467	531
	No. of contaminated lots	14	29	9	2
	Incidence (% samples positive)	2.54%	4.32%	1.93%	0.40%

Conclusions

Surveys for ring rot are carried out as required by EU legislation both in seed and ware potatoes. The sampling intensity is higher compared to the average of comparable Member States. Surveys are mostly focused on large registered producers. The Competent Authority has also started extending surveys to small non registered potato producers. So far only several samples have been examined and these surveys cannot yet be considered as representative. Thus there has only been partial response to the recommendation of the previous mission.

6.2.4.2 Handling of outbreaks

Legal Requirements

Article 5(2) of Directive 93/85/EEC requires that Member States immediately notify the other Member States and the Commission of any designation of contamination and zone demarcation.

Article 5(1) of the same Directive requires that the Member State demarcates a zone based on the designation of contamination, the determination of the extent of probable contamination and the possible spread of the organism. Annex III of the same Directive provides further details, including: designation as contaminated the tubers or plants, consignment and/or lot, and the machinery, vehicle, vessel, store, or units thereof, and any other objects including packaging material, from which the sample was taken and, where appropriate, the place(s) of production and field(s) from which the tubers or plants were harvested; determination of the extent of probable contamination through pre- or post-harvest contact or through production link with the designated contamination.

Article 6 of the Directive requires that the Member State establishes an investigation to determine the extent and primary source(s) of the contamination with further testing of clonally related potato stocks.

Article 7 of Directive 93/85/EEC stipulates the measures to be taken on contaminated and probably contaminated material, and also for contaminated places of production and for the rest of the zone. Further details for the Article 7 requirements are given in Annex IV to the Directive.

Article 8 of the Directive establishes requirements for seed potatoes and for carrying out testing.

Findings

The 2005 mission report contained the following recommendations related to this issue:

'To ensure that systematic investigations of clonal or other links are carried out in case of a ring rot or brown rot outbreak and that probable contamination is designated and a quarantine zone demarcated accordingly. Improvement of the existing contingency plans with these points could be helpful',

and

'To immediately notify the European Commission of any outbreaks of potato ring rot or R. solanacearum or other significant outbreaks of potato quarantine pests or diseases'.

Ordinance No 19/2001 (with further amendments) transposes provisions of Directive 93/85/EEC. (provisions of Directive 2006/56/EC amending Annexes to Directive 93/85/EEC).

The mission team visited two affected producers.

- In one case (2009 outbreak) it was a producer renting a field of 4.3ha out of a 7.2ha plot and machinery to produce potatoes from a mixture of non-certified and farm saved seed for industrial processing. In the remaining 2.9ha of the plot ware potatoes were grown to be marketed. The plot forms part of a farm in which ring rot was found in 2007.
- In the other case (2008 outbreak) it was a producer growing 8ha potatoes from seed marketed from another Member State. These potatoes were also grown to be used for industrial processing and this was the first ring rot finding on this farm. In both cases ring rot was detected during routine sampling of the registered producers followed by laboratory analysis. The samples were taken from potatoes which were stored to be used as farm saved seed in the next growing period.
- The mission team noted that in both cases it took to the Competent Authorities between six to ten weeks from sampling of tubers to the first screening test for ring rot.

Notification of outbreaks

The RSPP inspectors immediately notify the NPPS of any confirmed finding of ring rot. During the 2007-2008 growing period, two Member States from where the initial material-seeds was delivered were notified following three confirmed cases of ring rot infection. Findings of ring rot in the course of the year in most cases are not notified immediately to the Commission; they are generally notified together with the annual survey reports.

- The SA stated that in the cases of the two outbreaks in the farms visited, there was no situation where other Member States had to be notified, as in neither of these cases a direct link with "imported" or "exported" seeds or ware potatoes could be found.
- The annual survey reports submitted each year to the Commission contain more details of ring rot outbreaks, in line with Point 3 of Annex III to Directive 93/85/EEC.
- In both cases the local inspectors notified not only the users but also the owners of the rented fields designated as contaminated with ring rot .

Trace-back and trace-forward of contamination

Where it is possible, RSPP proceeds to the investigation of clonal links to locate sister lot progeny. Often, there are no meaningful clonal links to investigate, because the seed used for a contaminated

crop is farm saved for several years or of uncertain origin. The NPPS stated that where producers mix certified with farmed saved seed, an "Act of non-compliance" is issued since this practice is considered to be a serious problem for tracing back or forward a possible ring rot outbreak. If seed originating in other regions of Bulgaria is suspected as the source, the NPPS informs the RSPP in the relevant regions.

- The mission team noted that although in the case of the first farmer an earlier outbreak had occurred in 2007 in a different location, the source of the 2009 outbreak remained unclear and a link between the two outbreaks could not be established.
- The RSPP inspectors stated that tracing of contamination through the shared use of agricultural machinery was not relevant due to disinfection taking place after each use. Samples taken from other users who had shared the same machinery were negative.

Demarcation of a zone

Following a finding, the RSPP inspectors determine the extent of probable contamination. In the first case (2009 outbreak) the neighboring field to the contaminated one was also considered as contaminated because the same machinery had been used in both fields. However the mission team noted that:

- as mentioned earlier a long time elapsed between sampling, first screening test and final ring rot confirmation; it was not feasible for potatoes harvested from the plot neighbouring to the contaminated one to be designated and traced as probably contaminated; these had already been sold or disposed of otherwise;
- the demarcation zone was restricted to the machinery and the warehouses where the contaminated seed potatoes were stored. There were other potato tubers stored within the same premises; these were considered healthy because they were found negative during previous routine tests.

There were generally good statistics of contaminated and probably contaminated areas across the country held by the plant health services. Maps of the farms indicating the contaminated places of production were also available.

Disposal of contaminated and probably contaminated material

The most common practice for disposal of contaminated potatoes is industrial processing or heat treatment and subsequent feeding to animals. In the case of industrial processing disinfection of transporting vehicles and appropriate waste handling is obligatory while proof for purchased potatoes such as invoices are required.

- Both farmers and the Competent Authority met by the mission team stated that in both affected farms the contaminated lots had been industrially processed.
- The management of the processing plant visited by the mission team stated that in one case of processing contaminated potato lots, appropriate decontamination of transporting trucks took place.

Quarantine measures on contaminated places of production

Following the confirmation, the measures imposed on the contaminated zone generally follow those of Council Directive 93/85/EEC (ban of potato growing in contaminated fields, checking for volunteers, checks for compliance, etc.). Disinfection of equipment and storage facilities is carried out in the year of the outbreak and the following year.

Control of waste

There are strict environmental requirements in Bulgaria for processing factories and no waste can be discarded directly into the environment without special treatment. There are several large processors in Bulgaria who principally process potatoes from the domestic production. The team visited one industrial type processor supplied from both domestic and EU potato production and noted that:

- The management team of the factory were well aware of phytosanitary requirements and risks related to such processing. Treatment of waste is outsourced and the factory had signed a long-term contract with a company for waste utilisation.
- The factory has its own water sources; no recycling of washing water takes place; liquid waste is transported to disinfection facilities and subjected to both biological and chemical treatment.
- Any solid waste leaving the factory is transported by a professional company and landfilled.

Conclusions

Outbreaks are handled in accordance with Council Directive 93/85/EEC, designation of 'other fields' within the meaning of Council Directive 93/85/EEC includes all fields of the farms where the same machinery had been used. Disinfection of equipment and storage is imposed immediately after the outbreak, as well as after the first subsequent growing year. However, some elements are not taken into consideration when determining the extent of possible contamination in compliance with Article 4 point 2(c) of the Directive. A systematic investigation of contaminated lots is carried out but the designation of probably contaminated lots is not adequately performed. For the same reason the demarcation of quarantine zone could not be considered as appropriate. Hence the recommendations of the 2005 mission are only partially addressed.

6.2.4.3 Specific ring rot control programme

Legal Requirements

Article 11 of Council Directive 93/85/EEC provides that Member States may adopt such additional or stricter measures as may be required to combat *Clavibacter michiganensis* ssp. *sepedonicus* or to prevent it from spreading, in so far as they are in compliance with the provisions of Directive 2000/29/EC.

Findings

The Competent Authority has launched an information campaign with leaflets, media broadcasting, producers' associations meetings and inspectors training, at regional and national level. There are financial incentives for farmers who are partially subsidised to use certified potato seed as well as there are plans to increase the number of samples analysed each year. Compensations are paid to the affected producers to cover expenses like transport, destruction and decontamination of machinery/premises.

Conclusions

There are some activities in Bulgaria aiming at encouraging farmers to use certified seeds and to support the affected farmers.

6.2.5 Control of *Ralstonia solanacearum*

6.2.5.1 Surveys

Legal Requirements

Article 2(1) of Council Directive 98/57/EC requires that Member States shall conduct annual systematic official surveys for the organism on the specified host plant material originating in their territory, including wild Solanaceous host plants, as well as on surface water which is used for irrigation or spraying of the relevant plants and on liquid waste discharged from industrial processing or packaging premises handling the specified plant material. The extent of these targeted surveys shall be determined according to the risk identified. Member States may also conduct official surveys for the organism on the material, such as growing medium, soil and solid waste from industrial processing or packaging premises.

EPPO Standard PM 7/21² provides that standard samples for testing for the presence of *R. solanacearum* should consist of 200 tubers per 25 tonnes.

Findings

Surveys coordination and methodology

As regards potatoes, the survey policy is the same as in the case of ring rot, as all samples are tested in parallel for both *C. michiganensis* ssp. *sepedonicus* and *R. solanacearum*. Hence, observations related to the survey extent and sampling intensity, made in Section 6.2.4.1, are also relevant for surveys for brown rot. Specific surveys for the presence of the bacterium are carried out mostly in the south part of the country and they include testing of irrigation and waste water, tomato plants, waste potato products and wild hosts (mainly *Solanum dulcamara*). Samples are collected by local inspectors and delivered to the CLPQ.

Table 7. Comparison of sampling intensity in potatoes for the presence of *R. solanacearum* between Bulgaria and EU average over seasons from 2006 to 2009

	Sampling intensity (area of production in ha per a sample)							
	Seed potatoes				Ware potatoes			
	2006/2007	2007/2008	2008/2009	2009/2010	2006/2007	2007/2008	2008/2009	2009/2010
EU	2.2	2.0	2.0	1.8	66.9	59.1	67.8	65.4
Bulgaria	0.7	0.8	1	1.2	54.3	36.5	41.4	29.9

The mission team noted that:

- In the regional units visited there was the necessary equipment for proper sampling and sample delivery. Inspectors were aware of how to take and handle a sample; they were also aware of the relevant safety and hygiene practices.
- Between 2008-2010, the following numbers of such samples were laboratory analysed: 44 , 34 and 47 , respectively.

² EPPO Standard PM 7/21 - Diagnostic Protocols for regulated pests – *Ralstonia solanacearum* . 2004. European and Mediterranean Plant Protection Organisation, EPPO Bulletin, 34: 173-178.

Survey results

So far there have been no findings of *R. solanacearum* in either potatoes or in water or wild hosts in Bulgaria.

Conclusions

As in the ring rot case, surveys for brown rot are carried out as required by EU legislation with a good density level but they could not be considered representative for all categories of producers.

6.2.6 Control of *Synchytrium endobioticum*

6.2.6.1 Surveys

Legal Requirements

Point 18.1 of Annex IV, Part A, Section II to Council Directive 2000/29/EC specifies that in the case of potato tubers intended for planting the Union provisions to combat *S. endobioticum* have to be complied with.

Point 24 of Annex IV, Part A, Section II to Directive 2000/29/EC stipulates that in the case of plants with roots, planted or intended for planting and grown in the open air, there shall be evidence that the place of production is known to be free from *S. endobioticum*.

Findings

The 2005 mission report contained the following recommendations related to this issue:

“Report to the European Commission concerning the potato wart disease outbreak on final details of the measures taken on the contamination plots and surrounding area, the outcome of the 2005 follow-up survey and on the outcome of the pathotype investigations”.

Surveys coordination and methodology

The general strategy for controlling *S. endobioticum* is based on Ordinance No 1 for phytosanitary control and Ordinance No 20 transposing Directive 69/464/EEC. The monitoring programme “Phytosanitary control of potatoes” provides the sampling method for visual inspections to be carried out on tubers in order to detect potato wart disease. In the BIPs, priority is given to ware potatoes imported from third countries. Seed potatoes moving within the Community are also examined on the basis of a risk based approach. In case of suspicion the samples are sent to CLPQ.

Sampling for potato wart disease is carried out together with the surveillance for ring rot and brown rot, during the harvest or storage periods with 200 tubers taken from each lot. Visual inspections during the growing season are carried out on all potatoes grown for seed and on 15% of the areas grown other potatoes. Between the period 2007-2009, the numbers of seed and ware potatoes inspected were 250, 271 and 214 and 568, 406 and 572 respectively.

Survey results

S. endobioticum first appeared in the area of Samokov in 2004. Since then two outbreaks occurred in 2006, one in 2007 and another two in 2008 in a total of 0.27ha. Pathotype identification was carried out by the Potato Laboratory in Samokov (a branch of the CLPQ) visited by the mission team. In Bulgaria only pathotype 8(F1) has been detected so far. In 2009, re-testing of soil samples taken from the places of the 2004 outbreaks revealed increased levels of contamination by *S. endobioticum*. The RSPP suspects that potato wart disease was introduced in the area after growing of potatoes from other Member States by small garden producers.

Conclusions

Surveys for the presence of potato wart disease are carried out with visual inspections of crops and harvested tubers as the main method of surveillance. Testing of soil for the presence of resting sporangia is carried out only upon suspicious symptoms on tubers.

6.2.6.2 Handling of outbreaks

Legal Requirements

Council Directive 69/464/EEC specifies measures to be taken by a Member State in the event where potato wart disease is found; these measures include demarcation of the contaminated plot and a safety zone, large enough to ensure the protection of surrounding areas.

Article 10 of the same Directive requires that a list of potato varieties recognised as resistant to *Synchytrium endobioticum* is prepared and communicated to the Commission each year.

Findings

A plot is considered contaminated when symptoms of potato wart disease are observed on at least one potato plant. Contaminated areas are placed under quarantine. Borders of the outbreak are established with GPS and buffer zones are determined to prevent spread of the disease. For partial de-scheduling soil samples consisting of approximately 1 litre soil per 0,5ha taken from 20cm depth will be taken after five years for identification of winter fungi sporangia.

The mission team visited three places of *S. endobioticum* outbreak and the Potato Laboratory in Samokov carrying out the testing of potato cultivars for resistance to *S. endobioticum* and noted that:

- the contaminated plots remained uncultivated (bare fallow) and a safety zone had been designated. No potatoes were grown within the buffer zone.
- so far of the approx. 90 varieties that have been tested only four or five have showed a good level of resistance to pathotype 8(F1).
- the EPPO Standard PM 7/28 ³ is used for soil sampling and testing and laboratory examination and the team was informed that EPPO Standard PM 3/59 ⁴ is used for de-scheduling and partial de-scheduling of contaminated plots.

Following the 2009 potato wart disease positive results, an order was issued placing under quarantine the contaminated plots and the buffer zone (approximately 3.4ha) for 10 years.

Conclusions

Outbreaks of potato wart disease are handled in line with Community legislation.

6.2.7 Control of potato cyst nematodes

6.2.7.1 Surveys

Legal Requirements

3 EPPO Standard PM 7/28 (1) - Diagnostic Protocols for regulated pests PM 7/28. 2004. European and Mediterranean Plant Protection Organisation, EPPO Bulletin, 34: 213-218.

4 EPPO Standard PM 3/59 (1) - Phytosanitary procedures: *Synchytrium endobioticum* - Soil Sampling and de-scheduling of previously infested plots.

Point 18.1 of Annex IV, Part A, Section II to Council Directive 2000/29/EC specifies that potato tubers intended for planting shall originate from a field known to be free from *Globodera pallida* and *Globodera rostochiensis*.

Point 24 of Annex IV, Part A, Section II to Directive 2000/29/EC stipulates that in the case of plants with roots, planted or intended for planting and grown in the open air, there shall be evidence that the place of production is known to be free from potato cyst nematodes.

Article 4(1) of Council Directive 2007/33/EC lays down that Member States shall carry out an official investigation for the presence of potato cyst nematodes on the field in which the plants specified in Annex I to this Directive are to be planted or stored; this investigation shall involve sampling and testing; details of these are specified in Annex II to the Directive. Article 6(1) of the same Directive requires that Member States carry out official surveys on fields used for production of potatoes other than seeds, in order to determine the distribution of potato cyst nematodes.

Findings

Surveys coordination and methodology

The general strategy for controlling *Globodera* spp. was based on Ordinance No 39/2001 transposing Directive 69/465/EEC. The above mentioned legislative act was relevant only until 30 June 2010, since the new control Directive 2007/33/EC which came into force from 1 July 2010 has already been transposed by Ordinance 17/2010. The SA informed the mission team that the sampling protocol laid down in Directive 2007/33/EC is included in the monitoring programme “Phytosanitary control of potatoes” for 2010. Soil sampling is carried out in fields intended for production of plants listed in the Directive according to the specific requirements described in Annex II of the same Directive. The plant health services intend to test soil from 100% (seed potatoes) to at least 5 % (ware potatoes) of fields. Samples are analysed in the regional nematological laboratories but PCR analysis at species level takes place in the CLPQ in Sofia. Regular control checks are also carried out in growing media consisting of soil, in crops which are potential hosts, warehouses and vehicles transporting plants or other plant products. An overview of the field sampling for the last three growing periods is given in Table 8 below.

Table 8. Numbers of soil samples analysed for the presence of PCN over the last three growing periods							
Year	Seed potatoes		Ware potatoes		Nurseries	Rooting Nurseries	Strawberry/ Raspberry mother plants
	ha	N° samples	ha	N° samples	N° samples	N° samples	N° samples
2008	274	663	2 921.3	1 556	188	108	8
2009	265.7	629	2 430.1	1 421	93	62	36
2010*	298.4	347	793.5	795	150	50	48
* Plan according to Council Directive 2007/33/EC							

In seed potatoes although the number of soil samples during 2010 has been reduced compared to that tested in 2008 and 2009, the implementation of the sampling rates of Council Directive 2007/33/EC led to significant increase of the total volume of soil analysed.

Survey results

Both *G. pallida* and *G. rostochiensis* are established in 5 counties in south west of Bulgaria (Sofia region, Plovdiv, Pazardjik, Smolyan and Blagoevgrad) while outbreaks occurred in the past in Vraca, Kyustendil, Burgas and Dobrich. At the time of the mission on the total area of 509.71ha. A sample is considered to be positive if one live cyst is found. Positive samples are systematically analysed at species level by morphological examination. Currently pathotype identification of *G. rostochiensis* has been attempted but was not successful. Based on morphological features supplemented by PCR analysis it is believed that only pathotype Ro1 is present.

- The mission team noted that EPPO Protocol PM 7/40 ⁵ is used for detection and identification of PCN in soil samples.

Conclusions

All seed potato plots are systematically sampled for potato cyst nematodes, which at the time of the mission met the requirements of Article 2 of Council Directive 69/465/EEC. Bulgaria has already implemented provisions of Directive 2007/33/EC concerning sampling.

6.2.7.2 Handling of outbreaks

Legal Requirements

Chapter III of Council Directive 2007/33/EC specifies measures to be taken following findings of contamination by potato cyst nematodes.

Article 3 of the same Directive states that responsible official bodies of the Member State shall define what constitutes a field for the purposes of this Directive in order to ensure that phytosanitary conditions within a field are homogeneous as regards the risk of potato cyst nematodes.

Article 10 of Directive 69/465/EEC and, after 1 July 2010, Article 12 of Council Directive 2007/33/EC require that a list of potato varieties recognised as resistant to potato cyst nematodes is prepared and communicated to the Commission each year.

Findings

As mentioned earlier transposition of Directive 2007/33/EC has been completed.

- The mission team noted that assessment of the local *Globodera* spp. populations regarding the resistance of Bulgarian potato varieties has been attempted at species level and an official list of resistant potato varieties has been prepared.

Conclusions

Findings of potato cyst nematodes are handled in line with EU legislation. Currently pathotype identification of *Globodera* spp. is not carried out. As a consequence the degree of susceptibility to potato cyst nematodes cannot be quantified and the establishment of a list with PCN resistant potato varieties is possible only at species level.

⁵ EPPO Protocol PM 7/40. Diagnostic Protocols for regulated pests PM 7/40. 2009. European and Mediterranean Plant Protection Organisation, EPPO Bulletin, 39: 354-368.

6.2.8 Other organisms

6.2.8.1 Surveys

Legal Requirements

Annexes I and II to Council Directive 2000/29/EC lists those harmful organisms relevant for potatoes whose introduction and spread within the Union is banned.

Article 5(1) and 5(4) of Directive 2000/29/EC provides that the movement of plants, plant products and objects listed in Annex IV, Part A, Section II, shall be banned unless the relevant requirements indicated in that part of the Annex are met. For potatoes, one of the requirements is met if these plants originate in areas or places of production known to be free from specified pests. Where a Member State makes use of this option, the pest free status of the area or the place of production has to be established.

Findings

Visual examination of crops and tubers after harvest, supplemented by laboratory analyses of samples, is the main method of assessing the plant health status. In case of seeds a portion of samples taken for testing for the presence of the two bacteria are routinely examined for nematodes, such as *Ditylenchus destructor*, *Meloidogyne chitwoodi*, *Meloidogyne fallax*. Visual examination is carried out for Potato stolbur phytoplasma and *Tomato spotted wilt virus*. Other tests are done in cases of suspicion.

Survey results

Of all other harmful organisms for potato, only Potato stolbur phytoplasma has been found in Bulgaria, though its spread is limited to one or two foci. Although *D. destructor* was found in ware potatoes imported from a third country no other nematodes like *Meloidogyne* spp. are known to occur. Other harmful organisms affecting potatoes, such as *Potato spindle tuber viroid*, *Tomato spotted wilt virus*, are not known to occur in Bulgaria. *Leptinotarsa decemlineata* is common in the country and its control is done by farmers by regular spraying.

Conclusions

Regular and systematic inspections supplemented by laboratory examination allow for recognition of the plant health status of potato crops; this fulfills the EU requirements. In addition to the harmful organisms described in previous sections, also Potato stolbur phytoplasma is known to occur in Bulgaria.

6.2.9 Import controls

Legal Requirements

According to Annex III, Point 12, of Directive 2000/29/EC, imports of ware potatoes to the EU from third countries are generally banned with the exception of several countries, provided that specific provisions of this Directive are met. These specific requirements are included in relevant points of Annex IV, Part A, Section I, to the Directive.

Article 13 of Directive 2000/29/EC covers imports of plants and plant products from third countries. It establishes when and where the checks should be carried out and also that the regulated articles and other articles that the plant health services may decide to inspect must remain under the control of the Customs authorities and of the official services until the checks have been completed.

Decision 2004/4/EC specifies requirements for imports of ware potatoes from Egypt.

Findings

Imports of third country potatoes are limited to ware potatoes mostly from Turkey and Egypt. Varna seaport is the only point of entry authorised to receive potatoes from Egypt. The mission team was informed that during such imports the standard import control procedure is applied, as prescribed in Article 13 of Directive 2000/29/EC and Decision 2004/4/EC. The mission team, based on the information received noted that:

- Bulgaria observes the relevant provisions of Commission Decision 2004/4/EC as regards the import control procedure.
- there have been no interceptions of *R. solanacearum* in the relevant potatoes; non-compliant phytosanitary certificates is the only problem.
- any non-compliant phytosanitary certificate is notified to the EC and other Member States through EUROPHYT.
- since the last interception of potatoes from Turkey due to the presence of potato wart disease (2009) no other problems occurred. Further details may be found in the report DG SANCO/2009/8381.

Conclusions

Import controls of potatoes are organised in line with EU legislation.

6.2.10 Reporting

Legal Requirements

Article 16(1) of Council Directive 2000/29/EC states that each Member State shall immediately notify in writing the Commission and the other Member States of the presence in its territory of any of the harmful organisms listed in the relevant parts and sections of Annex I and II to the Directive.

Article 2(2) of Directive 93/85/EEC requires that the results of the official surveys for the presence of ring rot shall be notified at least once a year to the other Member States and to the Commission.

Article 2(3) of Council Directive 98/57/EC requires that the details and results of the official surveys for the presence of *Ralstonia solanacearum* shall be notified each year to the other Member States and to the Commission by 1 June, except for potatoes use as farm-saved seed for which the notification shall be submitted by 1 September.

Article 10 of Council Directive 69/464/EEC lays down that Member States shall communicate to the Commission before 1 January each year a list of all varieties of potato varieties accepted and found resistant to *S. endobioticum*.

Article 6(3) of Directive 2007/33/EC requires that Member States submit to the Commission the results of their official surveys for the presence of potato cyst nematodes by 1 April for the previous 12 month period. Article 12 of the same Directive stipulates that Member States shall notify in writing to the Commission and to the other Member States each year by 31 January at the latest, a list of all new varieties of potatoes which they have found by official testing to be resistant to potato cyst nematodes.

Article 3 of Directive 2007/33/EC requires that the detailed criteria for the definition of a field shall be officially notified to the Commission and to the other Member States by the official responsible bodies of the Member State.

Findings

The mission team analysed records and information submitted by Bulgaria since their accession and noted that:

- Results of surveys for the presence of the two potato bacteria are submitted each year and within the deadline.
- Reports of imports of Egyptian potatoes are also submitted to the Commission within the specified time frame.
- Findings of ring rot in the course of the year, in most cases are not notified immediately to the Commission, although they are notified in the annual reports.
- Single findings of certain harmful organisms relevant for potatoes (i.e. PCN, PWD) are generally not notified to the Commission. The SA stated that as a rule they notify only the first occurrence of a harmful organisms on their territory.
- As already mentioned above, the lists of potato varieties recognised as resistant to PWD and PCN are prepared and communicated to the Commission.

Conclusions

Bulgaria generally fulfils an obligation to submit survey reports to the Commission. However, findings of harmful organisms are not regularly notified to the Commission. The Bulgaria's approach that only the first occurrence of a harmful organisms is notified to the Commission and other Member States is not in line with Article 16(1) of Council Directive 2000/29/EC, since this Article lays down that the appearance of the harmful organisms of Annex I and II in a part of the country's territory in which its presence was previously unknown should also be immediately notified.

7 OVERALL CONCLUSION

The plant health services in Bulgaria are well structured, with a clear division of tasks and with competent inspectors. The NPPS acts as the Single Authority for plant health within the meaning of Article 1(4) of Directive 2000/29/EC. It operates within the structure of the MAF. The NPPS in cooperation with the CLPQ, plays a main role with regard to the transposition of legislation and issuing of plant health control guidances, while the RSPP inspectors carry out controls. However in the case of potato bacteria there are delays in laboratory analyses and their results are not available in due time; thus timely implementation of specific measures in certain cases is not possible.

Bulgaria has established a well organised system of surveys for harmful organisms. There are also good procedures in place for survey coordination and reporting.

Bulgaria has an organised control programme in the potato sector. Surveys and controls for the main quarantine organisms are generally carried out as required by the EU legislation. The incidence of ring rot is still low. However the limited extent of surveys mostly of registered potato producers indicates that the true distribution of ring rot may not have been established. There are also some shortcomings in the controls of this organism which prevent complete eradication of the outbreaks.

8 CLOSING MEETING

A closing meeting was held on 18 June 2010 with representatives of the Competent Authorities. At this meeting, the audit team presented the main findings and preliminary conclusions of the mission. These were provisionally accepted by the Single Authority.

9 RECOMMENDATIONS

The Competent Authorities are invited to provide details of the actions taken and planned, including deadlines for their completion ('action plan'), aimed at addressing the recommendations set out below, within twenty five working days of receipt of this specific audit report. The Competent Authorities in Bulgaria are recommended to:

N°.	Recommendation
1.	Ensure that laboratory analysis, in particular in cases of testing of potatoes for the presence of regulated bacteria, are provided within a reasonable time, so that timely appropriate action can be imposed, in line with Council Directive 93/85/EEC.
2.	Ensure that the extent of probable contamination by <i>Clavibacter michiganensis</i> ssp. <i>sepedonicus</i> is determined as specified in Annex III, Point 1, of Council Directive 93/85/EEC.
3.	Ensure that occasional official checks on ware potatoes being moved into or within Bulgaria are carried out, as required by Article 12(1) of Directive 2000/29/EC, to ensure compliance with point 18.5 of Annex IV Part A Section II of the Directive.
4.	Ensure that plant passports accompanying marketed regulated articles contain all particulars specified in Commission Directive 92/105/EEC.
5.	Ensure that in case of production of plants for planting of <i>Prunus</i> , the special requirements laid down in Point 16(b)(bb) of Annex IV, Part A, Section II, of Council Directive 2000/29/EC, are complied with.
6.	Ensure that the presence of any of the harmful organisms listed in the relevant parts and sections of Annex I and II to Directive 2000/29/EC are immediately notified in writing to the Commission and the other Member States, in line with Article 16(1) of the same Directive.
7.	Consider increasing the survey extent for the presence of <i>Clavibacter michiganensis</i> ssp. <i>sepedonicus</i> and <i>Ralstonia solanacearum</i> in the potato sector, by including the substantial part of potatoes being produced by small or unregistered producers.

The competent authority's response to the recommendations can be found at:

ANNEX 1 - LEGAL REFERENCES

Legal Reference	Official Journal	Title
Dir. 2000/29/EC	OJ L 169, 10.7.2000, p. 1-112	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
Dir. 69/464/EEC	OJ L 323, 24.12.1969, p. 1-2	Council Directive 69/464/EEC of 8 December 1969 on control of Potato Wart Disease
Dir. 69/465/EEC	OJ L 323, 24.12.1969, p. 3-4	Council Directive 69/465/EEC of 8 December 1969 on control of Potato Cyst Eelworm
Dir. 2007/33/EC	OJ L 156, 16.6.2007, p. 12-22	Council Directive 2007/33/EC of 11 June 2007 on the control of potato cyst nematodes and repealing Directive 69/465/EEC
Dir. 92/90/EEC	OJ L 344, 26.11.1992, p. 38-39	Commission Directive 92/90/EEC of 3 November 1992 establishing obligations to which producers and importers of plants, plant products or other objects are subject and establishing details for their registration
Dir. 92/105/EEC	OJ L 4, 8.1.1993, p. 22-25	Commission Directive 92/105/EEC of 3 December 1992 establishing a degree of standardization for plant passports to be used for the movement of certain plants, plant products or other objects within the Community, and establishing the detailed procedures related to the issuing of such plant passports and the conditions and detailed procedures for their replacement
Dir. 93/50/EEC	OJ L 205, 17.8.1993, p. 22-23	Commission Directive 93/50/EEC of 24 June 1993 specifying certain plants not listed in Annex V, part A to Council Directive 77/93/EEC, the producers of which, or the warehouses, dispatching centres in the production zones of such plants, shall be listed in an official register
Dir. 93/85/EEC	OJ L 259, 18.10.1993,	Council Directive 93/85/EEC of 4 October 1993 on

Legal Reference	Official Journal	Title
	p. 1-25	the control of potato ring rot
Dir. 98/57/EC	OJ L 235, 21.8.1998, p. 1-39	Council Directive 98/57/EC of 20 July 1998 on the control of <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al.
Dec. 2002/757/EC	OJ L 252, 20.9.2002, p. 37-39	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 <i>Phytophthora ramorum</i> Werres, De Cock & Man in 't Veld sp. nov.
Dec. 2003/766/EC	OJ L 275, 25.10.2003, p. 49-50	2003/766/EC: Commission Decision of 24 October 2003 on emergency measures to prevent the spread within the Community of <i>Diabrotica virgifera</i> Le Conte
Dec. 2004/4/EC	OJ L 2, 6.1.2004, p. 50-54	2004/4/EC: Commission Decision of 22 December 2003 authorising Member States temporarily to take emergency measures against the dissemination of <i>Pseudomonas solanacearum</i> (Smith) Smith as regards Egypt
Dec. 2004/200/EC	OJ L 64, 2.3.2004, p. 43-44	2004/200/EC: Commission Decision of 27 February 2004 on measures to prevent the introduction into and the spread within the Community of Pepino mosaic virus
Dec. 2006/133/EC	OJ L 52, 23.2.2006, p. 34-38	2006/133/EC: Commission Decision of 13 February 2006 requiring Member States temporarily to take additional measures against the dissemination of <i>Bursaphelenchus xylophilus</i> (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
Dec. 2006/464/EC	OJ L 183, 5.7.2006, p. 29-32	2006/464/EC: Commission Decision of 27 June 2006 on provisional emergency measures to prevent the introduction into and the spread within the Community of <i>Dryocosmus kuriphilus</i> Yasumatsu
Dec. 2007/365/EC	OJ L 139, 31.5.2007,	2007/365/EC: Commission Decision of 25 May

Legal Reference	Official Journal	Title
	p. 24-27	2007 on emergency measures to prevent the introduction into and the spread within the Community of <i>Rhynchophorus ferrugineus</i> (Olivier)
Dec. 2007/410/EC	OJ L 155, 15.6.2007, p. 71-73	2007/410/EC: Commission Decision of 12 June 2007 on measures to prevent the introduction into and the spread within the Community of Potato spindle tuber viroid
Dec. 2007/433/EC	OJ L 161, 22.6.2007, p. 66-69	2007/433/EC: Commission Decision of 18 June 2007 on provisional emergency measures to prevent the introduction into and the spread within the Community of <i>Gibberella circinata</i> Nirenberg & O'Donnell
Dec. 2008/61/EC	OJ L 15, 18.1.2008, p. 33-35	2008/61/EC: Commission Decision of 17 January 2008 amending Annex II to Council Decision 79/542/EEC as regards the imports of bovine fresh meat from Brazil
Dec. 2008/840/EC	OJ L 300, 11.11.2008, p. 36-41	2008/840/EC: Commission Decision of 7 November 2008 on emergency measures to prevent the introduction into and the spread within the Community of <i>Anoplophora chinensis</i> (Forster)