Commission Implementing Regulation (EU) 2020/1199 of 13 August 2020 amending Annex VI to Implementing Regulation (EU) 2019/2072 to temporarily prohibit the introduction into the Union of certain fruits originating in Argentina to prevent the introduction into and the spread within the Union of Phyllosticta citricarpa (McAlpine) Van der Aa

COMMISSION IMPLEMENTING REGULATION (EU) 2020/1199

of 13 August 2020

amending Annex VI to Implementing Regulation (EU) 2019/2072 to temporarily prohibit the introduction into the Union of certain fruits originating in Argentina to prevent the introduction into and the spread within the Union of *Phyllosticta citricarpa* (McAlpine) Van der Aa

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2016/2031 of the European Parliament of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC[(1)], and in particular Article 40(3) thereof,

Whereas:

(1) Article 7 of Commission Implementing Regulation (EU) 2019/2072[(2)], in conjunction with Annex VI to that Regulation, establishes a list of plants, plant products and other objects whose introduction into the Union territory is prohibited, together with the third countries, groups of third countries or specific areas of third countries to which the prohibition applies, as provided for in Article 40(2) of Regulation (EU) 2016/2031.

(2) Commission Implementing Decision (EU) 2016/715[(3)] lays down measures in respect of fruits of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., and their hybrids, other than fruits of *Citrus aurantium* L. and *Citrus latifolia* Tanaka, originating in Argentina, Brazil, South Africa or Uruguay, to prevent the introduction into and the spread within the Union of *Phyllosticta citricarpa* (McAlpine) Van der Aa ('the specified pest').

(3) In May, June, July and first week of August 2020, Member States recurrently notified the Commission of the interceptions of the specified pest on fruits of *Citrus limon* (L.) N. Burm.f. and *Citrus sinensis* (L.) Osbeck originating in Argentina ('the specified fruits'), as a result of their import inspections.

(4) Those recurring interceptions demonstrate that the phytosanitary safeguards currently in place in Argentina are insufficient to prevent the introduction of the specified pest into the Union. Thus, there is an unacceptable phytosanitary risk due to the presence of the specified pest on the specified fruits, and that risk cannot be reduced to an acceptable

Changes to legislation: *There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2020/1199. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

level by any of the measures set out in points 2 and 3 of Section 1 of Annex II to Regulation (EU) 2016/2031.

(5) As a result, the introduction into the Union of the specified fruits should be temporarily prohibited, regardless whether they are destined exclusively for industrial processing into juice or not.

(6) That temporary prohibition should apply until 30 April 2021 to address the ongoing risk of the introduction into and the spread within the Union of the specified pest, to allow Argentina to upgrade its certification system and to be audited by the Commission. That date should be reviewed as necessary, based on the audit findings.

(7) Annex VI to Implementing Regulation (EU) 2019/2072 should be therefore amended accordingly, while Implementing Decision (EU) 2016/715 should continue applying to all other fruits and third countries concerned.

(8) Due to the urgent need to address the phytosanitary risk caused by the specified pest and specified fruits, this Regulation should enter into force on the second day following that of its publication.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food, and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment of Annex VI to Implementing Regulation (EU) 2019/2072

In Annex VI to Implementing Regulation (EU) 2019/2072, the following row is added:

21.	*Citrus limon* (L.) N. Burm.f. and *Citrus sinensis* (L.) Osbeck (until 30 April 2021)	ex 0805 50 10 0805 10 22 0805 10 24 0805 10 28 ex 0805 10 80	Argentina

Article 2

Entry into force

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.