Commission Implementing Regulation (EU) 2020/465 of 30 March 2020 on emergency measures in support of fruit and vegetables producer organisations in the Italian regions of Emilia Romagna, Veneto, Trentino Alto-Adige, Lombardia, Piemonte and Friuli Venezia Giulia in view of the damage caused to their production by the Asian brown marmorated stink bug (Halyomorpha halys)

COMMISSION IMPLEMENTING REGULATION (EU) 2020/465

of 30 March 2020

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THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007[(1)], and in particular Article 221(1) thereof,

Whereas:

(1) The Asian brown marmorated stink bug (*Halyomorpha halys*) ('the stink bug') is an insect originating from Asia that was accidentally introduced in the Union and in particular in the northern regions of Italy, namely Emilia Romagna, Veneto, Trentino Alto-Adige, Lombardia, Piemonte and Friuli Venezia Giulia ('the affected regions'), through international trade.

(2) In 2019, the stink bug caused serious damage to the fruit and vegetables production in the affected regions, infecting pears, peaches and nectarines, apples, kiwis, cherries and apricots. The damage inflicted on the fruit and vegetables makes them unusable for both consumption and processing. The losses for fruit and vegetables producers in the affected regions caused by the stink bug are estimated to have reached 500 million EUR only for 2019. Due to the stink bug many producer organisations in the affected regions lost in 2019 a large part of or even their entire harvest of fruit and vegetables.

(3) The stink bug currently does not fulfil the criteria of a Union quarantine pest in accordance with Regulation (EU) 2016/2031 of the European Parliament of the Council[(2)] and no measures for eradication can be taken at the Union level. Therefore, at this stage, Italian authorities can take no appropriate protective phytosanitary measures.

(4) In addition, only limited plant protection tools are currently available to effectively control the stink bug. The 'Samurai' wasps (*Trissolcus japonicus* and *Trissolcus mitsukurii*) as an alternative measure for biological control, have only been recently

authorised in Italy as antagonist insects and at this point it is unclear whether this biological method of control of the stink bug is effective.

(5) Producer organisations in the fruit and vegetables sector in the affected regions have implemented preventive measures (e.g. installation of anti-insect nets and traps) to avoid the damage to their crops. In spite of the efforts, those producer organisations have incurred simultaneously high costs for preventive measures and production losses with important negative impact on the value of their marketed production. This affects producer organisations' financial stability and their capacity to implement operational programmes in the subsequent years, as well as to introduce measures and actions targeting pest infestations. In addition, the reduction of the value of marketed production impairs producer organisations' access to Union financial assistance in the fruit and vegetables sector. Moreover, the reduction of the value of marketed production could lead to a loss of recognition for producer organisations in the fruit and vegetables sector in the affected regions where their value of marketed production decreases below the minimum legal threshold.

(6) The complexity of the situation in the affected regions resulting from the damage to the fruit and vegetables production, the considerable loss of income and the financial instability of producer organisations in the fruit and vegetables sector in the affected regions as well as the inability to continue implementing their operational programs efficiently constitute a specific problem within the meaning of Article 221 of Regulation (EU) No 1308/2013. This specific problem cannot be addressed by measures taken pursuant to Article 219 or 220 of that Regulation, since it is not linked to an existing market disturbance or a currently precise threat thereof. Neither is it linked to measures for combating the spread of diseases of animals or a loss of consumer confidence due to public, animal or plant health risks.

(7) Emergency measures to improve the access to mutual funds and increase the ceilings of Union financial assistance for producer organisations in the affected regions are therefore necessary for resolving the specific problem in the affected regions. Such measures will ensure the financial stability and boost the resilience and capacity of producer organisations in the affected regions to cope with the damage caused by the stink bug and to implement further crisis prevention and management measures in this regard.

(8) The use of mutual funds as a crisis prevention and management measure by the producer organisations in the affected regions is a means to mitigate the damage to their fruit and vegetable production and their loss of income. Therefore, the access to the mutual funds for producer organisations in the fruit and vegetables sector in the affected regions should be improved. Currently, the Union financial assistance covers only the administrative costs of setting-up of a mutual fund and the replenishment of a mutual fund following payment of compensation to the producer members who experience a severe drop in their income as a result of adverse market conditions. To address the damage caused by the stink bug in the affected regions the Union financial assistance should also cover the starting capital of the mutual fund. The Union financial assistance for the starting capital of a mutual fund thus provided should however be dedicated to

the compensation of the lost income of producer members due to the damage caused by the stink bug.

(9) The 4,6 % ceiling of Union financial assistance dedicated to crisis and prevention measures in operational programmes of producer organisations in the fruit and vegetables sector in the affected regions in accordance with Article 34(2) of Regulation (EU) No 1308/2013 should be increased by 0,4 % of value of marketed production to 5 % of value of marketed production, in order to improve access of those producer organisations to mutual funds and other crisis and prevention measures and to boost their financial stability. As associations of producer organisations are not concerned by the specific problem, it is not necessary to increase the ceiling laid down in the third subparagraph of Article 34(2) of Regulation (EU) No 1308/2013.

(10) As a result of the increase of the ceiling of 4,6 % by 0,4 %, the ceiling of the Union financial assistance to crisis and prevention measures should increase to 0,9 % of the value of marketed production of those producer organisations, instead of the current 0,5 % of the value of marketed production laid down in the second subparagraph of Article 34(2) of Regulation (EU) No 1308/2013. That additional 0,4 % of value of marketed production should be used for measures to control the stink bug. This is necessary to reinforce the financial stability of producer organisations in the fruit and vegetables sector in the affected regions, increase their resilience and improve their ability to implement approved operational programmes in the subsequent years.

(11) In view of the financial instability of the producer organisations in the fruit and vegetables sector in the affected regions and considering the necessity to implement additional measures to control the stink bug, the limit of Union financial assistance of 50 % referred to in Article 34(1) of Regulation (EU) No 1308/2013 should be increased to 60 % for all measures in operational programmes targeting the stink bug in the affected regions.

(12) In view of the implementation of operational programmes by calendar years and considering that the calculation of value of marketed production that determines the amount of Union financial assistance is based on the previous calendar year, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*.

(13) This Regulation should apply as from 1 January 2020. This is necessary, given that the emergency measures concern the level and scope of Union financial assistance for producer organisations affected by the damage to the fruit and vegetables production caused by the stink bug. These producer organisations need to start applying these measures in their operational programmes as from January 2020, to be able to urgently address the damage to their fruit and vegetables production caused by the stink bug and to ensure the continuity of their operational programmes and their economic stability and viability already in 2020.

(14) The measures provided for in this Regulation are in accordance with the opinion of Committee for Common Organisation of Agricultural Markets and Horticultural products,