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# Commission Implementing Regulation (EU) 2016/873 of 1 June 2016 amending Regulation (EC) No 690/2008 recognising protected zones exposed to particular plant health risks in the Community

## COMMISSION IMPLEMENTING REGULATION (EU) 2016/873

## of 1 June 2016

## amending Regulation (EC) No 690/2008 recognising protected zones exposed to particular plant health risks in the Community

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community[(1)], and in particular Article 2(1)(h) thereof,

Having regard to the requests submitted by Finland, Greece, Ireland, Italy, Malta, Portugal, Slovakia, Spain and the United Kingdom,

Whereas:

(1) By Commission Regulation (EC) No 690/2008[(2)] certain Member States and certain areas in Member States were recognised as protected zones in respect of certain harmful organisms. In some cases recognition was granted for a limited period of time to allow the Member State concerned to provide the full information necessary to show that the harmful organisms in question did not occur in the Member State or area concerned, or to complete the efforts to eradicate the organism in question. Since then, there have been significant developments in the plant health status of certain protected zones in some Member States.

(2) Certain communes of the region of Ribatejo e Oeste in Portugal were recognised as a protected zone with respect to *Bemisia tabaci* Genn. (European populations). Portugal has submitted information showing that *Bemisia tabaci* (European populations) is now established in those communes. Those communes should therefore no longer be recognised as a protected zone in respect of *Bemisia tabaci* (European populations).

(3) The territory of Greece was recognised until 30 April 2016 as a protected zone in respect of *Dendroctonus micans* Kugelan, *Gilpinia hercyniae* (Hartig), *Gonipterus scutellatus* Gyll., *Ips amitinus* Eichhof, *Ips cembrae* Heer and *Ips duplicatus* Sahlberg. From further information provided by Greece, it appears that the territory of Greece continues to be free from those organisms. Therefore, Greece should be recognised as a protected zone in respect of those harmful organisms without any time limitation.

(4) The territories of Ireland and the United Kingdom were recognised until 30 April 2016 as a protected zone in respect of *Dryocosmus kuriphilus* Yasumatsu. From further information provided by Ireland and the United Kingdom, it appears that their territories

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continue to be free from that organism. Therefore, Ireland and the United Kingdom should be recognised as a protected zone in respect of that harmful organism without any time limitation.

(5) The territory of Portugal was recognised as a protected zone with respect to *Dryocosmus kuriphilus* Yasumatsu until 30 April 2016. Portugal has submitted information showing that *Dryocosmus kuriphilus* is now established in its territory. Portugal should therefore no longer be recognised as a protected zone in respect of *Dryocosmus kuriphilus*.

(6) Portugal has requested that the territory of Azores be recognised as a protected zone in respect of *Globodera pallida* (Stone) Behrens and *Globodera rostochiensis* (Wollenweber) Behrens. On the basis of surveys conducted since 2006, Portugal has submitted evidence that those harmful organisms do not occur in the territory of Azores, despite favourable conditions for those organisms to establish themselves there. It is, however, necessary that further surveys be carried out. Those surveys should further be monitored by experts under the authority of the Commission. Therefore, Azores should be recognised as a protected zone in respect of *Globodera pallida* and *Globodera rostochiensis* only until 30 April 2018.

(7) Ireland, Malta and the United Kingdom have requested that their territories be recognised as a protected zone in respect of *Paysandisia archon* (Burmeister). On the basis of surveys conducted since 2007, Ireland, Malta and the United Kingdom have submitted evidence that the harmful organism concerned does not occur in their territories, despite favourable conditions for that organism to establish itself there. It is, however, necessary that further surveys be carried out. Those surveys should further be monitored by experts under the authority of the Commission. Therefore, Ireland, Malta and the United Kingdom should be recognised as a protected zone in respect of *Paysandisia archon* only until 30 April 2018.

(8) Ireland and the United Kingdom have requested that their territories be recognised as a protected zone in respect of *Rhynchophorus ferrugineus* (Olivier). On the basis of surveys conducted since 2007, Ireland and the United Kingdom have submitted evidence that the harmful organism concerned does not occur in their territories, despite favourable conditions for that organism to establish itself there. It is, however, necessary that further surveys be carried out. Those surveys should further be monitored by experts under the authority of the Commission. Therefore, Ireland and the United Kingdom should be recognised as a protected zone in respect of *Rhynchophorus ferrugineus* only until 30 April 2018.

(9) Portugal has requested that the territory of Azores be recognised as a protected zone in respect of *Rhynchophorus ferrugineus* (Olivier). On the basis of surveys conducted since 2007, Portugal has submitted evidence that the harmful organism concerned does not occur in the territory of Azores, despite favourable conditions for that organism to establish itself there. It is, however, necessary that further surveys be carried out. Those surveys should further be monitored by experts under the authority of the Commission. Therefore, Azores should be recognised as a protected zone in respect of *Rhynchophorus ferrugineus* only until 30 April 2018.

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(10) The United Kingdom has requested that its territory be recognised as a protected zone in respect of *Thaumetopoea pityocampa* Denis & Schiffermüller. On the basis of surveys conducted since 2013, the United Kingdom has submitted evidence that the harmful organism concerned does not occur in its territory, despite favourable conditions for that organism to establish itself there. It is, however, necessary that further surveys be carried out. Those surveys should further be monitored by experts under the authority of the Commission. Therefore, the United Kingdom should be recognised as a protected zone in respect of *Thaumetopoea pityocampa* only until 30 April 2018.

(11) The territory of Ireland was recognised until 30 April 2016 as a protected zone in respect of *Thaumetopoea processionea* L. From further information provided by Ireland, it appears that the territory of Ireland continues to be free from that organism. Therefore, Ireland should be recognised as a protected zone in respect of that harmful organism without any time limitation.

(12) The territory of the United Kingdom, with the exception of certain local authority areas, was recognised as a protected zone with respect to *Thaumetopoea processionea* L. until 30 April 2016. The United Kingdom has submitted information showing that *Thaumetopoea processionea* is now established in the local authority areas of Guildford and Woking. Those areas should therefore no longer be recognised as part of the protected zone of the United Kingdom. That information also shows that the rest of the territory of the United Kingdom, which was recognised as a protected zone with respect to *Thaumetopoea processionea* appears to continue to be free from that harmful organism. It is, however, necessary that further surveys be carried out. Those surveys should be further monitored by experts under the authority of the Commission. Therefore, the United Kingdom, with the exception of certain local authority areas, including those of Guildford and Woking, should be recognised as a protected zone in respect of *Thaumetopoea processionea* only until 30 April 2018.

(13) The United Kingdom has requested that its territory be recognised as a protected zone in respect of '*Candidatus* Phytoplasma ulmi'. On the basis of surveys conducted since 2013, the United Kingdom has submitted evidence that that harmful organism does not occur in its territory, despite favourable conditions for that organism to establish itself there. It is, however, necessary that further surveys be carried out. Those surveys should further be monitored by experts under the authority of the Commission. Therefore, the United Kingdom should be recognised as a protected zone in respect of '*Candidatus* Phytoplasma ulmi' only until 30 April 2018.

(14) The territory of Portugal was recognised as a protected zone with respect to *Curtobacterium flaccumfaciens* pv. *flaccumfaciens* (Hedges) Col. As the national production in Portugal of seed of *Phaseolus vulgaris* and *Dolichos* (the relevant host plants) has become negligible, Portugal has requested its status as protected zone for *Curtobacterium flaccumfaciens* pv. *flaccumfaciens* (Hedges) Col. be revoked. Portugal should therefore no longer be recognised as a protected zone in respect of *Curtobacterium flaccumfaciens* pv. *flaccumfaciens* (Hedges) Col.

(15) Spain was recognised as a protected zone with respect to *Erwinia amylovora* (Burr.) Winsl. et al with the exception of certain parts of its territory. Spain requested the

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revocation of the status of protected zone for the autonomous community of Madrid due to the lack of economic interest. The autonomous community of Madrid should therefore no longer be recognised as part of the protected zone of Spain in respect of *Erwinia amylovora.*

(16) Furthermore, Spain has submitted information showing that *Erwinia amylovora* is now established in the autonomous community of Andalucía and in the districts (*comarcas*) of Segrià, Noguera, Pla d'Urgell, Garrigues and Urgell in the province of Lleida (Comunidad autónoma de Catalunya). The measures taken in 2013 to 2015 with a view to the eradication of that harmful organism have proven to be ineffective. The autonomous community of Andalucía and the districts (*comarcas*) of Segrià, Noguera, Pla d'Urgell, Garrigues and Urgell in the province of Lleida (Comunidad autónoma de Catalunya) should therefore no longer be recognised as part of the protected zone of Spain in respect of *Erwinia amylovora*.

(17) Certain parts of the territory of Italy were recognised as protected zones with respect to *Erwinia amylovora* (Burr.) Winsl. et al. Italy has submitted information showing that *Erwinia amylovora* is now established in the communes of Busca, Centallo and Tarantasca in the province of Cuneo (Piedmont). The communes of Busca, Centallo and Tarantasca in the province of Cuneo (Piedmont) should therefore no longer be recognised as part of the protected zone of Italy in respect of *Erwinia amylovora*.

(18) The territory of Northern Ireland was recognised as part of the protected zone of the United Kingdom with respect to *Erwinia amylovora* (Burr.) Winsl. et al. The United Kingdom has submitted information showing that *Erwinia amylovora* is now established in the townlands of Ballinran Upper, Carrigenagh Upper, Ballinran, and Carrigenagh in County Down, and in the electoral area of Dunmurry Cross in Belfast, County Antrim in Northern Ireland. The townlands of Ballinran Upper, Carrigenagh Upper, Ballinran, and Carrigenagh in County Down, and the electoral area of Dunmurry Cross in Belfast, County Antrim in Northern Ireland should therefore no longer be recognised as being part of the protected zone of the United Kingdom in respect of *Erwinia amylovora*.

(19) Certain parts of the territory of Italy were recognised as a protected zone with respect to *Erwinia amylovora* (Burr.) Winsl. et al. until 30 April 2016. Italy has submitted information showing that *Erwinia amylovora* is now established in the provinces of Milano and Varese in Lombardy. Those provinces should therefore no longer be recognised as part of the protected zone of Italy. That information also shows that the rest of the territory of Italy which was recognised as a protected zone with respect to *Erwinia amylovora* until 30 April 2016 appears to continue to be free from that harmful organism. It is, however, necessary that further surveys be carried out. Those surveys should further be monitored by experts under the authority of the Commission. Therefore, Italy, with the exception of certain provinces, including those of Milano and Varese in Lombardy, should be recognised as a protected zone in respect of *Erwinia amylovora* only until 30 April 2018.

(20) The territory of Slovakia, with the exception of some communes in certain counties, was recognised as a protected zone with respect to *Erwinia amylovora* (Burr.) Winsl.

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et al. until 30 April 2016. Slovakia has submitted information showing that *Erwinia amylovora* is now established in the entire territory of the county of Dunajská Streda. That information also shows that the rest of the territory of Slovakia, which was recognised as a protected zone with respect to *Erwinia amylovora* until 30 April 2016 appears to continue to be free from that harmful organism. It is, however, necessary that further surveys be carried out. Those surveys should further be monitored by experts under the authority of the Commission. Therefore, Slovakia, with the exception of some communes in certain counties, including the county of Dunajská Streda, should be recognised as a protected zone in respect of *Erwinia amylovora* only until 30 April 2018.

(21) The United Kingdom has requested that its territory be recognised as a protected zone in respect of *Xanthomonas arboricola* pv. *pruni* (Smith) Vauterin et al. On the basis of surveys conducted since 2013, the United Kingdom has submitted evidence that the harmful organism concerned was eradicated, or was under eradication in parts of its territory where there had been outbreaks of the organism, and that it does not occur in the rest of its territory, despite favourable conditions for that organism to establish itself there. It is, however, necessary that further surveys be carried out. Those surveys should further be monitored by experts under the authority of the Commission. Therefore, the United Kingdom should be recognised as a protected zone in respect of *Xanthomonas arboricola* pv. *pruni* only until 30 April 2018.

(22) Ireland has requested that its territory be recognised as a protected zone in respect of *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr. On the basis of surveys conducted since 2013, Ireland has demonstrated that the harmful organism concerned does not occur in its territory, despite favourable conditions for that organism to establish itself there. It is, however, necessary that further surveys be carried out. Those surveys should further be monitored by experts under the authority of the Commission. Therefore, Ireland should be recognised as a protected zone in respect of *Ceratocystis platani* only until 30 April 2018.

(23) The territory of the United Kingdom has been recognised until 30 April 2016 as a protected zone in respect of *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr. From further information provided by the United Kingdom, it appears that its territory continues to be free from that harmful organism. Therefore, the United Kingdom should be recognised as a protected zone in respect of that harmful organism without any time limitation.

(24) The territory of the Isle of Man in the United Kingdom has been recognised until 30 April 2016 as a protected zone in respect of *Cryphonectria parasitica* (Murill) Barr. From further information provided by the United Kingdom, it appears that the territory of the Isle of Man continues to be free from that harmful organism. Therefore, the Isle of Man in the United Kingdom should be recognised as a protected zone in respect of that harmful organism without any time limitation.

(25) The territory of Finland was recognised as a protected zone with respect to tomato spotted wilt virus. Finland has submitted information showing that it cannot prevent repeated introductions of tomato spotted wilt virus into its territory and requests that it