Commission Implementing Decision (EU) 2019/2032 of 26 November 2019 establishing measures to prevent the introduction into and the spread within the Union of Fusarium circinatum Nirenberg & O'Donnell (formerly Gibberella circinata) and repealing Decision 2007/433/EC (notified under document C(2019) 8359)

COMMISSION IMPLEMENTING DECISION (EU) 2019/2032

of 26 November 2019

establishing measures to prevent the introduction into and the spread within the Union of *Fusarium circinatum* Nirenberg & O'Donnell (formerly *Gibberella circinata*) and repealing Decision 2007/433/EC

(notified under document C(2019) 8359)

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 their spread within the Community[(1)], and in particular the third sentence of Article 16(3) thereof,

Whereas:

(1) Commission Decision 2007/433/EC[(2)] established provisional emergency measures to prevent the introduction into and the spread within the Union of *Gibberella circinata* Nirenberg & O'Donnell 1998.

(2) *Gibberella circinata* Nirenberg & O'Donnell 1998 and *Fusarium circinatum* Nirenberg & O'Donnell 1998 are the two names attributed to the same, pleomorphic fungus, denoting the teleomorph (sexual) and the anamorph (asexual) stage of the same organism, respectively. In line with recent scientific consensus[(3)], the name '*Fusarium circinatum* Nirenberg & O'Donnell 1998q' should be used to typify the organism as from 2013.

(3) *Fusarium circinatum* Nirenberg & O'Donnell 1998 ('the specified organism') is listed in Section II of Part A of Annex I to Directive 2000/29/EC as from March 2019[(4)].

(4) The specified organism is present in Portugal and Spain, and occurring mostly in nurseries and forests, but in private gardens as well. National measures concerning its control and eradication have been adopted by those Member States in order to prevent the further introduction into and spread within their territory of that organism.

(5) In 2010 the European Food Safety Authority (EFSA) published an opinion on the risk assessment of *Fusarium circinatum* for the Union territory and evaluation of risk management options[(5)].

(6) The specified organism is mainly associated with plants belonging to the genus *Pinus* and the species *Pseudotsuga menziesii* ('specified plants').

Changes to legislation: *There are outstanding changes not yet made to Commission Implementing Decision (EU) 2019/2032. 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*

(7) In the light of the annual surveys submitted by the Member States pursuant to Decision 2007/433/EC and the scientific opinion provided by EFSA, it is concluded that the specified organism is already present in parts of the Union territory. However, it also appears that the currently infested area is considerably smaller than the endangered area, considering, amongst others, ecoclimatic data, the distribution of potential hosts and the very high potential for establishment of the specified organism.

(8) It is therefore appropriate to update the measures against the specified organism. Those measures should provide for timely detection of the specified organism in the Union territory, its eradication, if found present in the Union territory, and requirements for the movement, within the Union, of plants (including seeds and cones containing seeds, intended for planting), specific forms of wood and wood packaging material out of demarcated areas. Those measures are necessary to ensure a proactive approach against the establishment and spread of the specified organism in the Union.

(9) The worldwide distribution of the specified organism is unclear. However, and according to the available information, that organism is not known to occur in the European third countries. Moreover, experience has shown that the specified organism has not been introduced into the Union through the trade of the specified plants (including seeds and cones containing seeds, intended for planting), wood, isolated bark and wood packaging material originating from those countries.

(10) Therefore measures should be adopted for the introduction into the Union of the specified plants (including seeds and cones containing seeds, intended for planting), wood, isolated bark and wood packaging material from non-European third countries only. Such measures should include a phytosanitary certificate, as well as official checks at introduction of those commodities. Those measures should also concern specific forms of wood of conifers (Pinales) and wood packaging material, because they are likely to host the specified organism.

(11) For reasons of legal certainty, Decision 2007/433/EC should be repealed.

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

HAS ADOPTED THIS DECISION:

Article 1

Definitions

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

(1) ‘specified organism’ means *Fusarium circinatum* Nirenberg & O’Donnell 1998;

(2) ‘specified plants’ means plants of the genus *Pinus* L. and the species *Pseudotsuga menziesii* (Mirbel) Franco;

(3) ‘place of production’ means:

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(a) any premises or collection of fields operated as a single production or farming unit, or

(b) a forestry stand designated for the production or harvest of seeds of the specified plants;

(4) 'wood packaging material' means wood packaging material in the form of packaging cases, boxes, crates, drums and similar packagings, pallets, box pallets and other load boards, pallet collars, dunnage, whether or not actually in use in the transport of objects of all kinds, except raw wood of 6 mm thickness or less, processed wood produced by glue, heat and pressure, or combination thereof, and dunnage supporting consignments of wood, which is constructed from wood of the same type and quality as the wood in the consignments and which meets the same Union phytosanitary requirements as the wood in the consignment.

Article 2

Action upon detection or suspected presence of the specified organism

1 Any person who suspects or becomes aware of the presence of the specified organism shall immediately inform the responsible official body and provide it with all relevant information concerning the presence, or suspected presence, of the specified organism.

2 The responsible official body shall immediately officially record such information.

3 Where the responsible official body has been informed of the presence, or suspected presence, of the specified organism, it shall take all necessary measures to confirm that presence, or the suspected presence.

4 Member States shall ensure that any person having under its control plants, plant products or wood of specified plants or wood of conifers (Pinales) which may be infected with the specified organism is immediately informed of the presence or the suspected presence of the specified organism, and of the measures to be taken.

Article 3

Surveys of the presence of the specified organism in the territories of the Member States

1 Member States shall conduct annual surveys for the presence of the specified organism in their territories. Those surveys shall not be required to be carried out where it is unequivocally concluded that the specified organism cannot become established or spread in the Member State concerned due to its ecoclimatic conditions or the absence of the host species.

2 Those surveys shall fulfil the following conditions:

a they shall be carried out by the responsible official body, or under official supervision of the responsible official body;

b they shall consist of visual examinations and, in the case of any suspicion of infection by the specified organism, collection of samples and performance of tests;

c they shall be based on sound scientific and technical principles and shall be carried out at appropriate times of the year with regard to the possibility to detect the specified organism by visual inspection, sampling and testing.

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Article 4

Establishment of demarcated areas

1 Where the presence of the specified organism is confirmed, the Member State concerned shall, without delay, demarcate an area in accordance with paragraph 2.

2 The demarcated area shall consist of:

a an infested zone where the presence of the specified organism has been confirmed and which includes all plants known to be infected, or showing signs or symptoms indicating possible infection, or liable to have been or become contaminated or infected by the specified organism; and

b a buffer zone surrounding the infested zone with a boundary of at least 1 km beyond the infested zone.

In cases where several buffer zones overlap or are geographically close, a wider demarcated area shall be defined which includes the relevant demarcated areas and the areas between them.

The exact delimitation of the infested zone and buffer zone shall be based on sound scientific principles, the biology of the specified organism, the level of infestation and the distribution of specified plants in the area concerned.

3 If the presence of the specified organism is confirmed in the buffer zone, the delimitation of the infested zone and buffer zone shall immediately be reviewed and changed accordingly.

4 Where, based on the surveys referred to in Article 3, the specified organism is not detected in a demarcated area for a period of two consecutive years, the demarcation may be lifted. In such cases, the Member State concerned shall notify the Commission and other Member States of the lifting of the demarcation.

5 Where justified by the development of the respective phytosanitary risk as described in paragraphs 2, 3 or 4, Member States shall adapt the demarcated area accordingly. They shall immediately communicate that adaptation to the Commission and the other Member States.

6 By way of derogation from paragraph 1, the Member State concerned may decide not to establish a demarcated area, where there is evidence that the presence of the specified organism is an isolated finding and there is no establishment of that organism, and that the spread of the specified organism is not possible due to the conditions under which specified plants as well as wood, isolated bark or wood packaging material of specified plants or conifers, were grown or stored.

7 In the case referred to in paragraph 6, the Member State concerned shall:

a take immediate measures to ensure the prompt eradication of the specified organism and to exclude the possibility of its spread, as well as the destruction of any infected material;

b carry out regular and appropriate surveys for at least two years to determine whether any plants have been infected other than those on which the specified organism was first found to be present. Those surveys shall be carried out in a zone surrounding the infested zone with a boundary of at least 1 km beyond the infested zone;

c take any other measures which may contribute to the eradication of the specified organism, taking into account the International Standard for Phytosanitary Measures

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(ISPM) No 9[(6)] and applying an integrated approach in accordance with the principles set out in ISPM No 14[(7)];

d notify to the Commission and the other Member States the justification for not establishing a demarcated area, and the outcome of the surveys referred to in point (b) as soon as they become available.

Article 5

Eradication measures in the demarcated area

1 The Member State concerned shall apply the following measures in the demarcated area:

a plants known to be infected by the specified organism and plants showing symptoms indicating possible infection by that organism, or suspected to be infected by that organism, shall be immediately removed;

b specified plants within a radius of 100 m around infested plants shall be removed;

c any other measure which may contribute to the complete eradication of the specified organism, taking into account ISPM No 9 and applying an integrated approach in accordance with the principles set out in ISPM No 14.

For the purposes of points (a) and (b) of the first subparagraph, removal shall include destruction of the plants and removal and safe disposal of roots, within at least the first 50 cm from the collar, and bark debris.

2 By way of derogation from paragraph 1, specified plants which have been sampled and tested for the purposes of Article 3 and have been confirmed not to be infected by the specified organism, do not have to be removed.

3 The Member State concerned shall carry out appropriate investigations to identify the origin of the infection. It shall trace the specified plants, as well as wood and isolated bark originating from the specified plants or from conifers (Pinales), and associated with the case of infection concerned, including those which were moved before the demarcated area was established. The results of such investigations shall be communicated to the Member States from which the plants concerned originate and to the Member States where those plants have moved into.

Article 6

Movement of specified plants within the Union

1 Specified plants intended for planting may only be moved within the Union territory, if they are accompanied by a plant passport.

That plant passport shall be issued for the specified plants intended for planting if one of the following conditions is fulfilled:

a they have been grown throughout their life, or since their introduction into the Union, in a place of production situated outside of a demarcated area;

b they originate in a place of production, including its vicinity of at least 1 km radius, where no symptoms of the specified organism have been observed during official annual inspections within a period of two years prior to their movement and have been tested prior to their movement, on the basis of a representative sample for each lot, and found free from the specified organism.