Commission Implementing Decision (EU) 2019/1739 of 16 October 2019 establishing emergency measures to prevent the introduction into and the spread within the Union of Rose Rosette Virus (notified under document C(2019) 7328)

COMMISSION IMPLEMENTING DECISION (EU) 2019/1739

of 16 October 2019

establishing emergency measures to prevent the introduction into and the spread within the Union of Rose Rosette Virus

(notified under document C(2019) 7328)

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 the third sentence of Article 16(3) thereof,

Whereas:

(1) Rose Rosette virus ('the specified organism') is a harmful organism currently not listed in Annex I or Annex II to Directive 2000/29/EC.

(2) The specified organism and its vector *Phyllocoptes fructiphilus* are not known to be present in the Union territory. However, a pest risk analysis carried out by the European and Mediterranean Plant Protection Organization EPPO has demonstrated that the specified organism and its damaging effects could be of significant plant health concern to the Union, in particular for all roses' production.

(3) In view of that evidence, and of the ongoing spread of the specified organism, susceptible plants should be subject to specific measures when introduced into the Union from the third countries where the pest is present (Canada, India and U.S.) and should be accompanied by a phytosanitary certificate.

(4) Those specific measures should provide for the timely detection of the specified organism in the Union territory and of its vector, requirements for the introduction into the Union of the specified plants, as well as official checks at introduction of those plants into the Union.

(5) Member States should ensure that any person having under its control plants which may be infected with the specified organism is informed about its potential presence and the measures to be taken.

(6) Member States should carry out annual surveys for the presence of the specified organism in their territories, to ensure a more pro-active approach against the establishment and spread of that organism.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Decision (EU) 2019/1739. 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) Requirements should be established for the introduction into the Union of plants, other than seeds, of *Rosa* spp. originating in Canada, India or the U.S. (specified plants) as well as official checks to be conducted at their introduction into the Union. Those measures are necessary to ensure an enhanced protection of the Union territory from the introduction and spread of the specified organism.

(8) In order to allow to responsible official bodies and the professional operators to adapt to those requirements, this Decision should apply from 1 November 2019.

(9) This Decision should be temporary and apply until 31 July 2022 to allow for its review before that time.

(10) 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 purposes of this Decision, the following definitions shall apply:

(a) ‘specified organism’ means Rose Rosette Virus;

(b) ‘specified plants’ means plants, other than seeds, of *Rosa* spp. originating in Canada, India or the U.S.;

(c) ‘specified vector’ means *Phyllocoptes fructiphilus.*

Article 2

Prohibition of introduction and movement within the Union

The introduction into and spread within the Union of the specified organism shall be prohibited.

Article 3

Detection or suspected presence of the specified organism

Member States shall ensure that any person having under its control plants which may be infected with the specified organism or its vector is immediately informed of the presence or the suspected presence of the specified organism and of its vector, of the possible consequences and risks, and of the measures to be taken.

***Changes to legislation:** There are outstanding changes not yet made to Commission Implementing Decision (EU) 2019/1739. 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*

Article 4

Surveys 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 and the specified vector on specified plants in their territory. Those surveys shall be carried out by the responsible official body, or under official supervision of the responsible official body.

2 Those surveys shall include sampling and testing and shall be based on sound scientific and technical principles with regard to the possibility to detect the specified organism and the specified vector.

3 Member States shall notify each year the results to the Commission and the other Member States, concerning the surveys that are carried out the previous calendar year.

Article 5

Requirements for the introduction into the Union of the specified plants

1 The specified plants shall only be introduced into the Union if the following requirements are fulfilled:

a they shall be accompanied by a phytosanitary certificate, as referred to in Article 13(1)(ii) of Directive 2000/29/EC;

b they shall comply, as applicable, with paragraph 2, 3 or 4, and the wording of the respective requirement shall be indicated in the phytosanitary certificate under 'Additional Declaration'.

2 The specified plants have been grown through their entire life in an area free from the specified organism, as established by the national plant protection organisation concerned, in accordance with the relevant International Standards for Phytosanitary Measures. The name of that area shall be stated in the phytosanitary certificate under 'place of origin'.

3 The specified plants have been grown through their entire life in a place of production where neither symptoms of the specified organism nor of the specified vector have been observed during official inspections since the start of the last growing season. In addition, the following conditions have been fulfilled:

a the specified plants for planting have been sampled and tested prior to export and found free from the specified organism;

b the specified plants, other than plants for planting, have been inspected, and in case of symptoms, sampled and tested prior to export for the presence of the specified organism and found free from that organism.

4 Specified plants in tissue culture not originating in an area free from the specified organism, have been produced from mother plants tested and found free from the specified organism.

5 The specified plants shall only be introduced into the Union if they are handled, packaged and transported in a manner to prevent infestation by the specified vector.