Commission Implementing Decision (EU) 2019/1614 of 26 September 2019 authorising Member States to provide for derogations from certain provisions of Council Directive 2000/29/EC in respect of potatoes, other than potatoes intended for planting, originating in the regions of Akkar and Bekaa of Lebanon (notified under document C(2019) 6819)

COMMISSION IMPLEMENTING DECISION (EU) 2019/1614

of 26 September 2019

authorising Member States to provide for derogations from certain provisions of Council Directive 2000/29/EC in respect of potatoes, other than potatoes intended for planting, originating in the regions of Akkar and Bekaa of Lebanon

(notified under document C(2019) 6819)

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 first indent of Article 15(1) thereof,

Whereas:

(1) In accordance with Article 4(1) of Directive 2000/29/EC in conjunction with point 12 of Part A of Annex III thereto, Member States shall ban the introduction into the Union of potatoes, other than potatoes intended for planting, originating in Lebanon. Pursuant to Article 15(1) of that Directive derogations from that ban may, however, be provided for if there is no risk of spreading harmful organisms.

(2) In accordance with Article 5(1) of Directive 2000/29/EC in conjunction with point 25.2 of Section I of Part A of Annex IV thereto, Member States shall ban the introduction into the Union of potatoes unless they originate in countries known to be free from *Clavibacter michiganensis* (Smith) Davis *et al.* ssp. *sepedonicus* (Spieckermann and Kotthoff) Davis *et al.* hereinafter 'the specified organism', or applying provisions recognised as equivalent to the Union provisions for combatting that organism. Lebanon fulfils neither of those conditions. However, pursuant to Article 15(1) of that Directive, derogations from that ban may be provided for if there is no risk of spreading harmful organisms.

(3) Commission Implementing Decision 2013/413/EU[(2)] authorising derogations from certain provisions of Directive 2000/29/EC in respect of potatoes, other than potatoes intended for planting, originating in the regions of Akkar and Bekaa of Lebanon expired on 31 October 2018.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2019/1614. (See end of Document for details)*

(4) Lebanon has supplied new information to demonstrate that potatoes, other than potatoes intended for planting, originating from the regions of Akkar and Bekaa are grown under adequate phytosanitary conditions to ensure the protection of the Union territory from the specified organism.

(5) Therefore, the introduction into the Union of potatoes, other than potatoes intended for planting, originating in the regions of Akkar and Bekaa in Lebanon should be permitted provided they satisfy conditions ensuring that the specified organism is not present on potatoes when they are introduced into the Union territory. Those conditions should concern the production in areas free from the specified organism, conduct of surveys of those areas, production from certified seed potatoes, handling, storage, packaging and preparation requirements.

(6) The potatoes should be introduced into the Union through designated points of entry, to ensure effective controls and reduction of any phytosanitary risk.

(7) Inspection requirements should be set out to ensure control of the phytosanitary risk. It should be laid down that sampling and testing is to be carried out in accordance with the existing test scheme established by Council Directive 93/85/EEC[(3)].

(8) The potatoes should only be introduced and moved within the Union if they are appropriately labelled to indicate the Lebanese origin and other relevant information, with the aim of preventing the potatoes from being planted and to ensure identification and traceability of the potatoes.

(9) The derogation should be for a limited period.

(10) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

Authorisation to provide for derogation

By way of derogation from Article 4(1) of Directive 2000/29/EC in conjunction with point 12 of Part A of Annex III to that Directive, and from Article 5(1) of that Directive in conjunction with point 25.2 of Section I of Part A of Annex IV to that Directive, Member States may authorise the introduction into their territory of potatoes, as set out in point 12 of Part A of Annex III to that Directive, (hereinafter: 'potatoes') originating in the regions of Akkar or Bekaa of Lebanon, which satisfy the conditions set out in the Annex to this Decision.

Article 2

Phytosanitary certificate

The phytosanitary certificate, as set out in Article 13a(3) of Directive 2000/29/EC, shall be issued in Lebanon. It shall include under 'Additional declaration' the following elements:

(a) a statement ‘In accordance with EU requirements laid down in Commission Implementing Decision (EU) 2019/1614’;

(b) the number of the lot;

(c) the name of the pest free area within the meaning of point (1) of the Annex.

Article 3

Points of entry

1 Potatoes covered by an authorisation under Article 1, may only be introduced into the Union through one or more points of entry, designated for such an introduction by the Member State in which the point of entry is situated.

2 The points of entry, and the name and address of the responsible official body referred to in Directive 2000/29/EC in charge of each point of entry, shall be notified by the Member State to the other Member States, the Commission and Lebanon.

Article 4

Inspections by Member States

1 Samples for official examination in respect of *Clavibacter michiganensis* (Smith) Davis *et al*. ssp. *sepedonicus* (Spieckermann and Kotthoff) Davis *et al.*, hereinafter ‘the specified organism’, shall be taken from each lot in a consignment. Each sample shall consist of at least 200 tubers. Where a lot exceeds 25 tonnes, a sample shall be taken for each 25 tonnes and, in addition, for the remaining part of the lot.

2 The responsible official bodies shall carry out a visual examination of the samples for symptoms of the specified organism on cut tubers. During that examination, all lots of the consignment concerned shall remain under official control and shall not be moved or used.

3 Where symptoms of the specified organism are detected during the examination referred to in paragraph 2, tests, determining whether the specified organism is present, shall be carried out in accordance with point 1.1 and points 4 to 10 of Annex I to Directive 93/85/EEC.

While those tests are carried out, all lots of the consignment concerned, and all other consignments which contain a lot originating in the same pest free area and are under the control of the responsible official body concerned, shall remain under official control, and shall not be moved or used.

4 Where the presence of the specified organism is confirmed in a sample in accordance with paragraph 3, there shall be retention and appropriate conservation of any remaining potato extract and the lot concerned shall not be introduced into the Union.

All remaining lots referred to in the second subparagraph of paragraph 3 shall be tested in accordance with point 1.1 and points 4 to 10 of Annex I to Directive 93/85/EEC.

5 As regards lots for which no symptoms of the specified organism are detected in the samples during the examination referred to in paragraph 2, tests for latent infection shall be carried out on all of the lots in accordance with point 1.2 and points 3 to 10 of Annex I to Directive 93/85/EEC.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2019/1614. (See end of Document for details)*

During that testing that lot shall remain under official control and shall not be moved or used.

Where the presence of the specified organism is confirmed in a sample as referred to in the first subparagraph, there shall be retention and appropriate conservation of any remaining potato extract and the lot concerned shall not be introduced into the Union.

Article 5

Notification of suspect or confirmed findings

1 Member States shall immediately notify the Commission and Lebanon of the cases where the presence of the specified organism is suspected as a result of the rapid screening test, as referred to in point 1.1 of Annex I to Directive 93/85/EEC, or the screening test as referred to in point 1.2 of Annex I to that Directive.

2 Member States shall immediately notify the Commission and Lebanon of the cases where the presence of the specified organism is confirmed in accordance with points 1.1 and 1.2 of Annex I to Directive 93/85/EEC.

Article 6

Labelling

1 The potatoes shall only be introduced into and moved within the Union with a label, in one of the official languages of the Union, including the following elements:

a an indication that they originate in Lebanon;

b the name of the pest free area;

c the name and the identification number of the producer;

d the number of the lot.

2 The label referred to in paragraph 1 shall be issued under the control of the Lebanese plant protection organisation.

Article 7

Disposal of waste

The waste resulting from packaging or processing of the potatoes in the Union shall be disposed of in such a manner to ensure that the specified organism cannot establish and spread.

Article 8

Notification obligations of importers

1 The importer shall, sufficiently in advance, notify the responsible official body of the point of entry in the Member State concerned of its intention to introduce a consignment.

2 The notification referred to in paragraph 1 shall include the following elements:

a quantity of the consignment(s) concerned;