Commission Implementing Directive (EU) 2019/523 of 21 March 2019 amending Annexes I to V to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community

COMMISSION IMPLEMENTING DIRECTIVE (EU) 2019/523

of 21 March 2019

amending Annexes I to V to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within 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 points (c) and (d) of the second paragraph of Article 14 thereof,

Whereas:

(1) With a view to protecting plants, plant products and other objects, in light of increased international trade and following pest risk assessments performed and recently published by the European and Mediterranean Plant Protection Organisation, it is technically justified and consistent with the pest risks involved to add the harmful organisms *Aromia bungii* (Faldermann), *Neoleucinodes elegantalis* (Guenée) and *Oemona hirta* (Fabricius) to Section I of Part A of Annex I to Directive 2000/29/EC.

(2) Following the pest risk categorisation performed and recently published by the European Food Safety Authority ('the Authority'), the hosts and pathways of entry in the Union of the harmful organism *Enarmonia packardi* (Zeller) are wider than the ones currently regulated in Section I of Part A of Annex II to Directive 2000/29/EC. Following a revision of the respective scientific denomination, the harmful organism has been renamed to *Grapholita packardi* (Zeller). Therefore, it is scientifically justified and consistent with the pest risk involved to delete the entry on *Enarmonia packardi* (Zeller) from Section I of Part A of Annex II to Directive 2000/29/EC and to include it in Section I of Part A of Annex I to that Directive under the denomination *Grapholita packardi* (Zeller).

(3) In the pest risk categorisation performed and recently published by the Authority, the species of *Elsinoe* spp. Bitanc. and Jenk. Mendes, currently included in Section I of Part A of Annex II to Directive 2000/29/EC, causal agents of disease to *Citrus* L. *Fortunella* Swingle, *Poncirus* Raf., and their hybrids, have been further defined. Additionally, based on the pest risk categorisation and the recent interceptions on fruits, it is evident that the list of currently regulated commodities does not mitigate all risks related to these harmful organisms. Therefore, it is scientifically and technically justified and

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consistent with the pest risk involved to delete the entry on *Elsinoe* spp. Bitanc. and Jenk. Mendes from Section I of Part A of Annex II to Directive 2000/29/EC and to include in Section I of Part A of Annex I to that Directive the species *Elsinoë australis* Bitanc. & Jenk., *Elsinoë citricola* X.L. Fan, R.W. Barreto & Crous and *Elsinoë fawcettii* Bitanc. & Jenk. causal agents of disease to *Citrus* L. *Fortunella* Swingle, *Poncirus* Raf., and their hybrids.

(4) With a view to protecting plants, plant products and other objects, in light of increased international trade and following pest risk assessments performed and recently published by the Authority and the European and Mediterranean Plant Protection Organisation, it is technically justified and consistent with the pest risks involved to add the harmful organisms *Fusarium circinatum* Nirenberg & O'Donnell and *Geosmithia morbida* Kolarík, Freeland, Utley & Tisserat and its vector *Pityophthorus juglandis* Blackman to Section II of Part A of Annex I to the Directive 2000/29/EC. These harmful organisms are currently present in the European Union and have a restricted distribution.

(5) Following the pest risk assessments performed and recently published by the Authority, it is scientifically and technically justified and consistent with the pest risk involved to delete *Ceratocystis platani* (J. M. Walter) Engelbr. & T. C. Harr from Section II of Part A of Annex II to Directive 2000/29/EC and to include it in Section II of Part A of Annex I to that Directive.

(6) With a view to protecting plants, plant products and other objects, in light of increased international trade and following the pest risk assessment performed and published by the Authority on soil and growing media and the relevant International Standards, it is scientifically justified and consistent with the pest risks involved to strengthen the requirements for soil and growing media through revising the relevant requirements in Annex III, in Section I of Part A of Annex IV and in Annex V to Directive 2000/29/EC.

(7) In order to protect the production and trade of plants, plant products and other objects, it is technically justified and consistent with the pest risk involved to add the harmful organisms *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burgess) to Part B of Annex I to that Directive.

(8) From information provided by Ireland and the United Kingdom it appears that the territories of Ireland and Northern Ireland, respectively, are free from *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burgess) and that Ireland and Northern Ireland fulfil the conditions set out in point (h) of Article 2(1) of Directive 2000/29/EC for the establishment of a protected zone with respect to those harmful organisms. Therefore, Part B of Annex I to Directive 2000/29/EC should be amended accordingly.

(9) It is technically acceptable, on the basis of scientific and technical knowledge, to include special requirements for the introduction and movement, where applicable, of certain plants, plant products and other objects into and within the Union due to their likelihood of hosting *Aromia bungii* (Faldermann), *Neoleucinodes elegantalis* (Guenée) referred to in recital 1, *Grapholita packardi* (Zeller), referred to in recital 2 and *Geosmithia morbida* Kolarík, Freeland, Utley & Tisserat and its vector *Pityophthorus juglandis* Blackman referred to in recital 4. Therefore, the relevant plants, plant products and other

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objects should be listed in Section I of Part A of Annex IV to Directive 2000/29/EC. For *Geosmithia morbida* Kolarík, Freeland, Utley & Tisserat and its vector *Pityophthorus juglandis* Blackman additional special requirements should be included for internal movement in Section II of Part A of Annex IV to Directive 2000/29/EC.

(10) In respect to *Ceratocystis platani* (J. M. Walter) Engelbr. & T. C. Harr referred to in recital 5, it is necessary to amend the special requirements set out in Sections I and II of Part A of Annex IV to Directive 2000/29/EC due to developments in scientific and technical knowledge and the recently published pest risk assessment carried out by the Authority.

(11) Based on pest risk assessment of a number of *Tephritidae* species of the European and Mediterranean Plant Protection Organisation, relevant international standards, technical information and the number of interceptions of *Tephritidae* species (non-European) on imported commodities, the special requirements set out in Section I of Part A of Annex IV to Directive 2000/29/EC should be amended.

(12) Based on the interceptions data on imported commodities, additional special requirements for *Bactericera cockerelli* (Sulc.) and *Thaumatotibia leucotreta (Meyrick)* should be included in Section I of Part A of Annex IV to Directive 2000/29/EC.

(13) Based on the pest risk categorisations recently performed by the Authority, relevant international standards and technical information and in view of increased international trade, special requirements provided for in Section I of Part A of Annex IV to Directive 2000/29/EC should be laid down for fruits of *Malus* Mill. in connection to the harmful organisms *Enarmonia prunivora* Walsh, *Grapholita inopinata* Heinrich and *Rhagoletis pomonella* (Walsh) and for fruits of *Malus* Mill. and *Pyrus* L. in connection to the harmful organisms *Guignardia piricola* (Nosa) Yamamoto and *Tachypterellus quadrigibbus* Say.

(14) The aim of the amended requirements set out in recitals 9 to 13 is to reduce to an acceptable level the phytosanitary risk caused by the introduction and where relevant the movement into the Union of those plants, plant products and other objects.

(15) In accordance with Commission Regulation (EC) No 690/2008[(2)] certain zones have been recognised as protected zones in respect of various harmful organisms. That Regulation has recently been amended to take into account the latest developments with regard to the protected zones within the Union and among others, to the following harmful organisms: *Bemisia tabaci* Genn. (European populations), *Candidatus* Phytoplasma ulmi, *Ceratocystis platani* (J.M.Walter) Engelbr. & T.C.Harr., Citrus tristeza virus (European strains), *Erwinia amylovora* (Burr.) Winsl. *et al*., *Globodera pallida* (Stone) Behrens, *Globodera rostochiensis* (Wollenweber) Behrens, *Gremmeniella abietina* (Lag.) Morelet, *Liriomyza huidobrensis* (Blanchard), *Liriomyza trifolii* (Burgess), *Paysandisia archon* (Burmeister), *Rhynchophorus ferrugineus* (Olivier), *Thaumetopoea pityocampa* Denis & Schiffermüller, *Thaumetopoea processionea* L., Tomato spotted wilt virus and *Xanthomonas arboricola* pv. *pruni* (Smith) Vauterin *et al*. In order to ensure that the requirements concerning protected zones with regard to the respective harmful organisms are consistent, the relevant requirements in Annexes I to V to Directive 2000/29/EC should be updated.

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(16) Moreover, several areas within the Union that have been recognised as protected zones with regard to certain harmful organisms no longer fulfil the requirements because those harmful organisms have become established there or the Member States concerned requested that the status as a protected zone be revoked. Those areas are the following: the territory of Finland with regard to *Bemisia tabaci* Genn. (European populations); the Regional Units of Arta and Lakonia in Greece with regard to Citrus tristeza virus (European strains); the entire territory of Emilia-Romagna, the communes of Scarnafigi and Villafalletto in the province of Cuneo in Piedmont and the municipalities of Cesarò (Messina Province), Maniace, Bronte, Adrano (Catania Province) and Centuripe, Regalbuto and Troina (Enna Province) in Sicily in Italy and the entire territory of Northern Ireland in the United Kingdom and the entire territory of the county of Dunajská Streda in Slovakia with regard to *Erwinia amylovora* (Burr.) Winsl. *et al*.; the territory of Northern Ireland in the United Kingdom with regard to *Gremmeniella abietina* (Lag.) Morelet, local authority areas of Barking and Dagenham; Basildon; Basingstoke and Deane; Bexley; Bracknell Forest; Brentwood; Broxbourne; Castle Point; Chelmsford; Chiltem; Crawley; Dacorum; Dartford; East Hertfordshire; Enfield; Epping Forest; Gravesham; Greenwich; Harlow; Hart; Havering; Hertsmere; Horsham; Littlesford; Medway; Mid Sussex; Mole Valley; Newham; North Hertfordshire; Redbridge; Reigate and Banstead; Rushmoor; Sevenoaks; South Bedfordshire; South Bucks; St Albans; Surrey Heath; Tandridge; Three Rivers; Thurrock; Tonbridge and Malling; Waltham Forest; Watford; Waverley; Welwyn Hatfield; Windsor and Maidenhead, Wokingham and Wycombe in the United Kingdom with regard to *Thaumetopoea processionea* L. and the territory of Sweden with regard to Tomato spotted wilt virus. This information should be reflected in Part B respectively of Annexes I to IV to Directive 2000/29/EC.

(17) Continued findings of *Bemisia tabaci* Genn. (European populations) on certain plants and plant products moved within the Union into certain protected zones show that the current requirements for the movement within the Union into certain protected zones of plants, plant products and other objects with regard to *Bemisia tabaci* Genn. (European populations) are inadequate to reduce the phytosanitary risk in question to acceptable levels. Those requirements should be reformulated in Part B of Annex IV to Directive 2000/29/EC.

(18) The plants, plant products or other objects referred to in recitals 6 to 17 should be subject to plant health inspections before being introduced into or moved within the Union. Therefore, those plants, plant products and other objects should be listed in Parts A or B of Annex V to Directive 2000/29/EC. Additionally, in view of having an increased phytosanitary protection, fruits of *Actinidia* Lindl., *Carica papaya* L., *Fragaria* L., *Persea americana* Mill., *Rubus* L. and *Vitis* L. are listed in Part B of Annex V to Directive 2000/29/EC, and for fruits of *Annona* L., *Cydonia* Mill., *Diospyros* L., *Malus* L., *Mangifera* L., *Passiflora* L., *Prunus* L., *Psidium* L., *Pyrus* L., *Ribes* L., *Syzygium* Gaertn. and *Vaccinium* L., already listed in Part B of Annex V to Directive 2000/29/EC, the geographical scope has been broadened.

(19) Annexes I to V to Directive 2000/29/EC should therefore be amended accordingly.

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

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annexes I to V to Directive 2000/29/EC are amended in accordance with the Annex to this Directive.

Article 2

1 Member States shall adopt and publish, by 31 August 2019 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 1 September 2019.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2 Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

This Directive shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 21 March 2019.

For the Commission

The President

Jean-Claude JUNCKER