



EUROPEAN
COMMISSION

Brussels, **XXX**
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[...] (2022) **XXX** draft

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

amending Implementing Regulation (EU) 2019/2072 as regards requirements for the introduction into the Union of certain fruits of *Capsicum* (L.), *Citrus* L., *Citrus sinensis* Pers., *Prunus persica* (L.) Batsch and *Punica granatum* L.

This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.

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THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/2031 of the European Parliament and of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC¹, and in particular Article 41(2) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2019/2072² lays down, in Part A of Annex II, the list of Union quarantine pests not known to occur in the Union territory. Implementing Regulation (EU) 2019/2072 aims at preventing the entry, establishment and spread of such quarantine pests in the Union territory by setting out special requirements, in Annex VII thereto, for the introduction into the Union territory of certain plants, plant products and other objects.
- (2) *Thaumatotibia leucotreta* (Meyrick) (“the specified pest”) is listed as a Union quarantine pest, which is not known to occur in the Union, in Part A of Annex II to Implementing Regulation (EU) 2019/2072. It is also listed as a priority pest in the Annex to Commission Delegated Regulation (EU) 2019/1702³. The specified pest is polyphagous and has been intercepted on several host plants during border controls in the Union territory.
- (3) Specific import requirements exist for fruits of *Capsicum* (L.), *Citrus* L., other than *Citrus aurantiifolia* (Christm.) Swingle and *Citrus limon* (L.) Osbeck, for fruits of *Prunus persica* (L.) Batsch and of *Punica granatum* L. to protect the Union territory from the specified pest⁴. *Citrus* L. is a category which covers fruits of *Citrus sinensis* Pers.
- (4) According to the existing import requirements, information on the country freedom, area freedom of the specified pest, and the use of a systems approach and any post-

¹ OJ L 317, 23.11.2016, p. 4.

² Commission Implementing Regulation (EU) 2019/2072 of 28 November 2019 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants, and repealing Commission Regulation (EC) No 690/2008 and amending Commission Implementing Regulation (EU) 2018/2019 (OJ L 319, 10.12.2019, p. 1).

³ Commission Delegated Regulation (EU) 2019/1702 of 1 August 2019 supplementing Regulation (EU) 2016/2031 of the European Parliament and of the Council by establishing the list of priority pests (OJ L 260, 11.10.2019, p. 8).

⁴ EPPO (2013) Pest risk analysis for *Thaumatotibia leucotreta*. EPPO, Paris. <https://pra.eppo.int/pr/9305d7ed-2788-46dc-882d-b4641fa24ff>

harvest treatment together with the documentary evidence of the effectiveness of those requirements, needs to be communicated prior to trade. The availability of this information allows for easier evaluation of the effectiveness of the current special requirements, which was documented by the interceptions of the specified pest on the imported host commodities.

- (5) As interceptions of the specified pest continue to occur during border controls in the Union territory, it is justified to amend the special requirements set out in Annex VII to Implementing Regulation (EU) 2019/2072. In particular, the special requirements relating to the freedom of the place of production, the use of post-harvest treatments and of the systems approach, should be amended to offer better guarantees of pest freedom of the traded fruit commodities.
- (6) The amendment of the special requirements is based on the scientific and technical information of the pest risk analysis performed by the European and Mediterranean Plant Protection Organisation (“EPPO”), and on the commodity risk assessments performed by the European Food Safety Authority for *Citrus* spp. fruits imported from Israel⁵ and South Africa⁶, following a systems approach for the control of the specified pest.
- (7) At present, the requirements established in Annex VII to Implementing Regulation (EU) 2019/2072 for fruits of *Citrus* L. are also applicable for *Citrus sinensis* Pers. Based on the interceptions data of the presence of the specified pest, the fruits of *Citrus sinensis* Pers. should be subject to separate requirements, and not to the same requirements as fruits of *Citrus* L. This is important in order to better guarantee their freedom from the specified pest. Such requirements should include, within the systems approach, a specific regime of cold treatment that can ensure the highest possible probability of pest freedom.
- (8) Correct implementation of the relevant treatments and, in addition, further approval of facilities, requirements for treatment facilities, monitoring, auditing, documentation procedures and record keeping of the applied cold treatment should be ensured, as laid down in the International Standard for Phytosanitary Measures (ISPM) 42⁷. When the cold treatment is applied during the transport of the fruits concerned, the records of the data loggers should accompany the phytosanitary certificate to ensure traceability and implementation of that treatment.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Annex VII to Implementing Regulation (EU) 2019/2072 is amended in accordance with the Annex to this Regulation.

⁵ Scientific Opinion on the commodity risk assessment of *Citrus* L. fruits from Israel for *Thaumatotibia leucotreta* under a systems approach. EFSA Journal 2021;19(3):6427, 36 pp. <https://doi.org/10.2903/j.efsa.2021.6427>.

⁶ Scientific Opinion on the commodity risk assessment of *Citrus* L. fruits from South Africa for *Thaumatotibia leucotreta* under a systems approach. EFSA Journal;19(8):6799, 63 pp. <https://doi.org/10.2903/j.efsa.2021.6799>.

⁷ ISPM 42 ‘Requirements for the use of temperature treatments as phytosanitary measures’.

Article 2

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President
Ursula VON DER LEYEN

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