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COMMISSION IMPLEMENTING DECISION

of 16 May 2012

as regards emergency measures to prevent the introduction into and the spread within the Union of *Epitrix cucumeris* (Harris), *Epitrix similaris* (Gentner), *Epitrix subcrinita* (Lec.) and *Epitrix tuberosa* (Gentner)

(notified under document C(2012) 3137)

(2012/270/EU)

(OJ L 132, 23.5.2012, p. 18)

Amended by:

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COMMISSION IMPLEMENTING DECISION

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as regards emergency measures to prevent the introduction into and the spread within the Union of *Epitrix cucumeris* (Harris), *Epitrix similaris* (Gentner), *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner)

(notified under document C(2012) 3137)

(2012/270/EU)

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) It appears from an assessment carried out by the Commission on the basis of a pest risk analysis produced by the European and Mediterranean Plant Protection Organisation that *Epitrix cucumeris* (Harris), *Epitrix similaris* (Gentner), *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner) cause harmful effects to susceptible plants. They affect, in particular, tubers of *Solanum tuberosum* L., including those intended for planting, hereinafter 'potato tubers', which are produced in the whole Union. Those organisms are listed neither in Annex I nor in Annex II to Directive 2000/29/EC.
- (2) Portugal has informed the Commission that *Epitrix cucumeris* (Harris) and *Epitrix similaris* (Gentner) are present in that Member State. A notification submitted by Spain on 8 September 2010 shows the first findings of *Epitrix similaris* (Gentner) in one region of that Member State. The available information also shows that *Epitrix cucumeris* (Harris) and *Epitrix tuberis* (Gentner) are present in a third country that currently exports potato tubers to the Union.
- (3) Measures should be provided for concerning the introduction into the Union of potato tubers from third countries where *Epitrix cucumeris* (Harris), *Epitrix similaris* (Gentner), *Epitrix subcrinita* (Lec.) or *Epitrix tuberis* (Gentner) is known to be present. Measures should also be provided for concerning the movement of potato tubers originating in areas of the Union where the presence of one or more of those organisms is confirmed.
- (4) Surveys concerning the presence of *Epitrix cucumeris* (Harris), *Epitrix similaris* (Gentner), *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner) should be carried out on potato tubers and potato fields in all Member States and the results notified. Member States may also choose to carry out surveys on other plants.

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

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- (5) Measures should provide for Member States to establish demarcated areas in cases where the presence of *Epitrix cucumeris* (Harris), *Epitrix similaris* (Gentner), *Epitrix subcrinita* (Lec.) or *Epitrix tuberis* (Gentner) is confirmed in order to eradicate or at least contain the organisms concerned and to ensure intensive monitoring for their presence.
- (6) Member States should, if necessary, adapt their legislation in order to comply with this Decision.
- (7) This Decision should be in force until 30 September 2014 to allow time for the evaluation of its efficacy.
- (8) 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

Prohibitions concerning *Epitrix cucumeris* (Harris), *Epitrix similaris* (Gentner), *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner)

Epitrix cucumeris (Harris), *Epitrix similaris* (Gentner), *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner), hereinafter ‘the specified organisms’, shall not be introduced into or spread within the Union.

Article 2

Introduction of potato tubers into the Union

1. Tubers of *Solanum tuberosum* L., including those intended for planting, hereinafter ‘potato tubers’, originating ⁽¹⁾ in third countries where one or more of the specified organisms are known to be present may only be introduced into the Union if they comply with the specific import requirements, as set out in point (1) of Section 1 of Annex I.

2. On entry into the Union potato tubers shall be inspected by the responsible official body in accordance with point (5) of Section 1 of Annex I.

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Article 3

Movement of potato tubers within the Union

1. Potato tubers originating in demarcated areas within the Union established in accordance with Article 5, packed within those areas or at the facilities referred to in Article 3b may be moved within the Union only if they meet the conditions, as set out in point (1) of Section 2 of Annex I.

⁽¹⁾ Glossary of Phytosanitary Terms — Reference Standard ISPM No 5 and Phytosanitary Certificates — Reference Standard ISPM No 12 by the Secretariat of the International Plant Protection Convention, Rome.

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Potato tubers originating in a demarcated area, may be moved from that demarcated area to a packing facility fulfilling the requirements of Article 3b which is in the vicinity of that demarcated area provided that the conditions set out in point (2) of Section 2 of Annex I are fulfilled. Potato tubers may be stored at that facility.

In the case of the second subparagraph, the responsible official body shall carry out the following actions:

- (a) intensive monitoring for the presence of the specified organisms through appropriate inspections on potato plants and, where appropriate, other host plants, including fields where those plants are growing, within at least a radius of 100 m of the packing facility;
- (b) activities to raise public awareness concerning the threat of the specified organisms and the measures adopted to prevent its introduction into and spread within the Union in the vicinity of the packing facility.

2. Potato tubers introduced into the Union in accordance with Article 2 from third countries where one or more of the specified organisms are known to be present, may be moved within the Union only if they meet the conditions, as set out in point (3) of Section 2 of Annex I.

*Article 3a***Requirements concerning vehicles, packaging, machinery and waste soil**

1. Member States shall ensure that any vehicle and packaging having been used to transport the potato tubers originating in a demarcated area prior to fulfilment of point 1(b) of Section 2 of Annex I is decontaminated and cleaned in an appropriate manner in the following cases:

- (a) before they are moved outside the demarcated area; and
- (b) before they leave a packing facility, as referred to in the second subparagraph of Article 3(1).

2. Member States shall ensure that machinery used to handle the potato tubers referred to in paragraph 1 in a packing facility referred to in the second subparagraph of Article 3(1) is decontaminated and cleaned in an appropriate manner after each use.

3. Member States shall ensure that the waste soil, or other waste material, resulting from the fulfilment of the requirements of Article 3(1) and paragraphs 1 and 2 of this Article is disposed of in such a manner to ensure that the specified organisms cannot establish or spread outside a demarcated area.

▼M1*Article 3b***Requirements concerning packing facilities located outside the demarcated areas concerned**

Packing facilities located outside the demarcated areas concerned and handling potato tubers originating in such areas, as referred to in the second subparagraph of Article 3(1), shall fulfil the following requirements:

- (a) they are authorised by the responsible official body to pack potato tubers originating in a demarcated area; and
- (b) they keep, for one year from the time of arrival of the potato tubers at that facility, records of the potato tubers handled which originate in demarcated areas.

▼B*Article 4***Surveys and notifications of the specified organisms**

1. Member States shall conduct annual official surveys for the presence of the specified organisms on potato tubers and, where appropriate, other host plants, including fields where potato tubers are growing, in their territory.

Member States shall notify the results of those surveys to the Commission and the other Member States by 30 April of each year.

2. Any presence or suspected occurrence of a specified organism shall immediately be notified to the responsible official bodies.

*Article 5***Demarcated areas and measures to be taken in such areas**

1. Where based on the results of the surveys referred to in Article 4(1) or other evidence, a Member State confirms the presence of a specified organism in a part of its territory, that Member State shall without delay establish a demarcated area consisting of an infested zone and a buffer zone, as set out in Section 1 of Annex II.

It shall take measures, as laid down in Section 2 of Annex II.

2. Where a Member State takes measures in accordance with paragraph 1, it shall immediately notify the list of demarcated areas, information on their delimitation, including maps showing their location, and a description of the measures applied in those demarcated areas.

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Article 6

Compliance

Member States shall take all measures to comply with this Decision and, if necessary, amend the measures which they have adopted to protect themselves against the introduction and spread of the specified organisms in such a manner that those measures comply with this Decision. They shall immediately inform the Commission of those measures.

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Article 8

Addressees

This Decision is addressed to the Member States.

▼B*ANNEX I*

SECTION 1

Specific requirements for introduction into the Union

- (1) Without prejudice to the provisions listed in Directive 2000/29/EC, potato tubers originating in third countries where one or more of the specified organisms are known to be present shall be accompanied by a phytosanitary certificate, as referred to in the first subparagraph of point (ii) of paragraph 1 of Article 13 of Directive 2000/29/EC ('the certificate'), which includes under the heading 'Additional declaration' the information set out in points (2) and (3).
- (2) The certificate shall include either the information in point (a) or in point (b):
 - (a) the potato tubers have been grown in a pest-free area established by the national plant protection organisation in accordance with relevant international standards for phytosanitary measures;
 - (b) the potato tubers have been washed or brushed so that there is no more than 0,1 % of soil remaining, or have undergone an equivalent method specifically applied in order to achieve the same outcome and remove the specified organisms concerned and to ensure that there is no risk of spreading the specified organisms.
- (3) The certificate shall include the following:
 - (a) it shall include the information that the potato tubers have been found free from the specified organisms concerned and from any of their symptoms and do not contain more than 0,1 % of soil in an official examination carried out immediately prior to export;
 - (b) it shall include the information that the packaging material in which potato tubers are imported is clean.
- (4) Where the information set out in point (2)(a) is given, the name of the pest-free area shall be mentioned under the heading 'Place of origin'.
- (5) Potato tubers introduced into the Union in accordance with points (1) to (4) shall be inspected at the point of entry or the place of destination established in accordance with Commission Directive 2004/103/EC ⁽¹⁾ to confirm that they meet the requirements laid down in points (1) to (4).

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SECTION 2

Conditions for movement

- (1) Potato tubers originating in demarcated areas within the Union may be moved from such areas into non-demarcated areas within the Union only if the following conditions are fulfilled:
 - (a) the potato tubers have been grown in a registered place of production in accordance with Commission Directive 92/90/EEC ⁽²⁾ or by a registered

⁽¹⁾ OJ L 313, 12.10.2004, p. 16.

⁽²⁾ Commission Directive 92/90/EEC of 3 November 1992 establishing obligations to which producers and importers of plants, plant products or other objects are subject and establishing details for their registration (OJ L 344, 26.11.1992, p. 38).

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producer in accordance with Commission Directive 93/50/EEC ⁽¹⁾, or moved from a warehouse or a dispatching centre registered in accordance with Directive 93/50/EEC;

- (b) the potato tubers have been washed or brushed so that there is no more than 0,1 % of soil remaining or have undergone an equivalent method specifically applied in order to achieve the same outcome and remove the specified organisms concerned and to ensure that there is no risk of spreading the specified organisms;
 - (c) the packaging material in which potato tubers are moved is clean; and
 - (d) the potato tubers are accompanied by a plant passport prepared and issued in accordance with Commission Directive 92/105/EEC ⁽²⁾.
- (2) For the movement of potato tubers to the packing facility, as referred to in the second subparagraph of Article 3(1), in addition to point (1)(a), the following conditions shall be fulfilled:
- (a) the potato tubers have been grown in fields that have been submitted to insecticide treatments against the specified organisms at appropriate times during the growing season;
 - (b) pre-harvest official inspections have been carried out, at appropriate times, at those fields, and no specified organisms have been detected;
 - (c) the producer has, in advance, notified the responsible official bodies of its intention to move potato tubers in accordance with this point, and of the date of intended movement;
 - (d) the potato tubers are transported to the packing facility in closed vehicles, or in closed and clean packaging, in such a manner to ensure that the specified organisms cannot escape or spread;
 - (e) during their transport to the packing facility, the potato tubers are accompanied by a document identifying their origin and destination; and
 - (f) immediately upon arrival at the packing facility, the potato tubers are subject to the treatment described in point 1(b) of this Section.
- (3) Potato tubers introduced into the Union in accordance with Section 1 from third countries where one or more of the specified organisms are known to be present may be moved within the Union only if they are accompanied by the plant passport referred to in point (1)(d).

⁽¹⁾ Commission Directive 93/50/EEC of 24 June 1993 specifying certain plants not listed in Annex V, part A to Council Directive 77/93/EEC, the producers of which, or the warehouses, dispatching centres in the production zones of such plants, shall be listed in an official register (OJ L 205, 17.8.1993, p. 22).

⁽²⁾ Commission Directive 92/105/EEC of 3 December 1992 establishing a degree of standardization for plant passports to be used for the movement of certain plants, plant products or other objects within the Community, and establishing the detailed procedures related to the issuing of such plant passports and the conditions and detailed procedures for their replacement (OJ L 4, 8.1.1993, p. 22).

*ANNEX II***DEMARCATED AREAS AND MEASURES, AS PROVIDED FOR IN
ARTICLE 5**

SECTION 1

Establishment of demarcated areas

- (1) Demarcated areas shall consist of the following zones:
 - (a) an infested zone which includes at least the fields where the presence of a specified organism has been confirmed as well as fields where infested potato tubers have been grown; and
 - (b) a buffer zone with a width of at least 100 m beyond the edge of an infested zone; where part of a field is within that width, the entire field shall be part of the buffer zone.
- (2) In cases where several buffer zones overlap or are geographically close, a demarcated area shall be established which includes the area covered by the relevant demarcated areas and the areas between them.
- (3) When establishing the infested zone and the buffer zone, Member States shall, bearing in mind sound scientific principles, take into account the following elements: the biology of the specified organisms, the level of infestation, the distribution of host plants, the evidence of establishment of the specified organisms, the capacity of the specified organisms to spread naturally.
- (4) If the presence of a specified organism is confirmed outside the infested zone, the delimitation of the infested zone and buffer zone shall be reviewed and changed accordingly.
- (5) Where as regards a demarcated area, based on the surveys referred to in Article 4(1), the specified organism concerned has not been detected for a period of two years, the Member State concerned shall confirm that that organism is no longer present in that area and that the area ceases to be demarcated. It shall notify the Commission and the other Member States.

SECTION 2

**Measures in demarcated areas, as provided for in the second subparagraph
of Article 5(1)**

Measures taken by Member States in demarcated areas shall include at least the following:

- (1) measures for eradication or containment of the specified organisms including treatments and disinfestations as well as a prohibition on planting of host plants where necessary;
- (2) intensive monitoring for the presence of the specified organisms through appropriate inspections;
- (3) surveillance of the movement of potato tubers out of demarcated areas.