COMMISSION IMPLEMENTING REGULATION (EU) No 436/2011
of 5 May 2011
amending Regulation (EC) No 690/2008 recognising protected zones exposed to particular plant
health risks in the Community

THE EUROPEAN COMMISSION,

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

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 Article 2(1)(h) thereof,

Having regard to the requests submitted by the Czech Republic,
Greece, France and Italy,

Whereas:

(1) By Commission Regulation (EC) No 690/2008 (2), certain
Member States or certain areas in Member States were
recognised as protected zones in respect of certain
harmful organisms. In some cases recognition was
granted for a limited period of time to allow the
Member State concerned to provide the full information
necessary to show that the harmful organisms in
question did not occur in the Member State or area
concerned or to complete the efforts to eradicate the
organism in question.

(2) The entire territory of Greece was recognised as a
protected zone with respect to Dendroctonus micans
Kugelan, Gilpinia hercyniae (Hartig), Gonipterus scutellatus
Gyll., Ips amitinus Eichhof, Ips cembrae Heer and Ips
duplicatus Sahlberg until 31 March 2011.

(3) In 2010 Greece conducted surveys and notified results to
the Commission in accordance with the third and fifth
subparagraph of Article 2(1)(h) of Directive 2000/29/EC.
A visit of Commission experts in Greece from 24 to
31 January 2011 confirmed that that Member State
continued to make significant progress with regard to
organising and conducting those surveys and with
regard to notifying the results thereof. It is, nevertheless,
necessary that Greece proves that the progress made is
sustainable.

(4) According to the results of the surveys carried out in
Greece in 2010, there was only one finding of Ips

cembrae Heer, there were no findings of the other five
organisms concerned. Taking into account those results
and the outcome of the visit of the Commission experts
in Greece, it is appropriate to continue to recognise
Greece as a protected zone with respect to those
organisms for three more years, in order to give Greece
the time necessary to collect and submit information
confirming that those organisms, with the exception of
Ips cembrae Heer, do not occur in its territory and, as
regards Ips cembrae Heer, to complete the efforts to
eradicate it and collect and submit the information
confirming that that organism no more occurs in its
territory.

(5) The entire territory of Greece was recognised as a
protected zone with respect to citrus tristeza virus
(European strains). In its annual report for 2010 on
the official survey carried out for the presence of that
harmful organism, Greece reported 104 trees tested
positive for that harmful organism in the Prefecture of
Argolida. Observations made by the Commission experts
during their visit in Greece from 24 to 31 January 2011
confirmed that citrus tristeza virus (European strains) was
present in that prefecture at least for the last three years
in spite of the eradication measures taken by the Greek
authorities which have proved to be ineffective.
Consequently, citrus tristeza virus (European strains) has
to be considered as established in the Prefecture of
Argolida. That prefecture therefore should no longer be
recognised as a protected zone in respect of that harmful
organism.

(6) The entire territory of Spain was recognised as a
protected zone with respect to Erwinia amylovora (Burr.)
Winsl. et al. Spain has submitted information showing
that Erwinia amylovora (Burr.) Winsl. et al. is now estab-
lished in the autonomous community of Castilla y León.
The measures taken for a period of two successive years,
2009 and 2010, with a view to the eradication of that
harmful organism have proved to be ineffective. Castilla y
León should therefore no longer be recognised as a
protected zone in respect of that harmful organism.

(7) The entire territory of the Czech Republic, certain regions
of France (Alsace, Champagne-Ardenne and Lorraine) and
one region in Italy (Basilicata) were recognised as
protected zones with respect to grapevine flavescence
dorée MLO until 31 March 2011. Information supplied
by the Czech Republic, France and Italy since that recog-
nition was granted, has provided evidence that that
harmful organism does not occur in the protected
zones concerned. Therefore the entire territory of the
Czech Republic, the regions of Alsace, Champagne-
Ardenne and Lorraine in France and the region of
Basilicata in Italy should continue to be recognised as
protected zones with respect to that organism.

(8) Italy has requested that the region of Sardinia be recognised as a protected zone in respect of the harmful organism grapevine flavescence dorée MLO. On the basis of surveys conducted in 2004-2010, Italy has submitted evidence that the harmful organism concerned does not occur in the region of Sardinia despite favourable conditions for that organism to establish itself there. It is, however, necessary that further surveys be carried out. Those surveys should be monitored by experts under the authority of the Commission. Therefore Sardinia should be recognised as a protected zone in respect of grapevine flavescence dorée MLO for a period of three years only.

(9) Regulation (EC) No 690/2008 should therefore be amended accordingly.

(10) The current recognition of some of these protected zones expires on 31 March 2011. Therefore, this Regulation should apply from 1 April 2011 so as to allow an uninterrupted recognition of all protected zones.

(11) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plant Health.

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 690/2008 is amended as follows:

(1) in the second column of points 4, 5 and 7 to 10 of heading (a), after the word ‘Greece’ the words ‘(until 31 March 2011)’ are replaced by ‘(until 31 March 2014)’;

(2) in the second column of point 2 of heading (b), after the word ‘Spain’ the words ‘(except the autonomous community of Castilla y León),’ are added;

(3) heading (d) is amended as follows:

(a) in the second column of point 3, after the word ‘Greece’ the words ‘(except the Prefecture of Argolida),’ are added;

(b) point 4 is replaced by the following:

| 4. Grapevine flavescence dorée MLO | Czech Republic, France (Alsace, Champagne-Ardenne and Lorraine), Italy (Basilicata and Sardinia, until 31 March 2014) |

Article 2

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

It shall apply from 1 April 2011.

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

Done at Brussels, 5 May 2011.

For the Commission
The President
José Manuel BARROSO