



2024/3010

4.12.2024

**COMMISSION IMPLEMENTING DIRECTIVE (EU) 2024/3010**

**of 29 November 2024**

**amending Council Directives 2002/55/EC and 2002/57/EC, and Commission Directive 93/61/EEC as regards the listing of pests of plants on seeds and other plant reproductive material**

**(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed <sup>(1)</sup>, and in particular Article 45 thereof,

Having regard to Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants <sup>(2)</sup>, and in particular Article 24 thereof,

Having regard to Council Directive 2008/72/EC of 15 July 2008 on the marketing of vegetable propagating and planting material, other than seed <sup>(3)</sup>, and in particular Article 4 thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2019/2072 <sup>(4)</sup> establishes a list of Union regulated non-quarantine pests ('RNQPs'). It further sets out requirements for the introduction into, or movement within, the Union territory of certain plants, plant products and other objects, in order to prevent the spread of those pests in the Union territory.
- (2) For reasons of consistency, those requirements should be aligned with the respective requirements set out in the Union legislation concerning the marketing of seeds and other propagating and planting material.
- (3) On the basis of a methodology developed by the European and Mediterranean Plant Protection Organization (EPPO) <sup>(5)</sup>, Tobacco ringspot virus has been listed in Part H of Annex IV to Implementing Regulation (EU) 2019/2072 as an RNQP in relation to seed of oil and fibre plants of *Glycine max* (L.) Merr., with a 0 % tolerance threshold.
- (4) Directive 2002/57/EC establishes a uniform certification scheme for the production and marketing of seed of oil and fibre plants within the Union, including requirements, among others, on the maximum presence of RNQPs in those seeds. Therefore, and in order to align with the provisions of Implementing Regulation (EU) 2019/2072, it is necessary to amend that Directive by adding requirements concerning Tobacco ringspot virus for *Glycine max* (L.) Merr. (soy bean). That amendment should set a tolerance threshold of 0 % for that pest in all seed categories of that species, to ensure consistency with the respective provisions of that Implementing Regulation.
- (5) Tomato brown rugose fruit virus (ToBRFV) has been widely spread within the Union territory in the recent years. Moreover, the updated pest risk analysis of EPPO of June 2024 <sup>(6)</sup> noted that the situation regarding that pest has evolved leading to an increase of its distribution worldwide.

<sup>(1)</sup> OJ L 193, 20.7.2002, p. 33; ELI: <http://data.europa.eu/eli/dir/2002/55/oj>.

<sup>(2)</sup> OJ L 193, 20.7.2002, p. 74; ELI: <http://data.europa.eu/eli/dir/2002/57/oj>.

<sup>(3)</sup> OJ L 205, 1.8.2008, p. 28; ELI: <http://data.europa.eu/eli/dir/2008/72/oj>.

<sup>(4)</sup> 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, ELI: [http://data.europa.eu/eli/reg\\_impl/2019/2072/oj](http://data.europa.eu/eli/reg_impl/2019/2072/oj)).

<sup>(5)</sup> A methodology for preparing a list of recommended regulated non-quarantine pests (RNQPs). EPPO Bulletin (2017) 47(3), pp. 551. <https://doi.org/10.1111/epp.12420>.

<sup>(6)</sup> EPPO (2024) Pest risk analysis for tomato brown rugose fruit virus. EPPO, Paris. Available at <https://gd.eppo.int/taxon/TOBRFV/documents>.

- (6) As ToBRFV fulfils the requirements to be qualified as RNQP, it has been listed in Annex IV to Implementing Regulation (EU) 2019/2072, through its amendment by Commission Implementing Regulation (EU) 2024/2970 <sup>(7)</sup>.
- (7) ToBRFV has been listed in Parts E and H of Annex IV to Implementing Regulation (EU) 2019/2072 as a RNQP in relation to plants for planting of *Solanum lycopersicum* L. and hybrids thereof, and plants for planting of *Capsicum annuum* L., other than varieties known to be resistant to ToBRFV, with a 0 % tolerance threshold for its presence on those plants. That pest has been further subjected to the measures set out in Annex V to that Implementing Regulation concerning the introduction into, and movement within, the Union of those plants for planting.
- (8) Directive 2002/55/EC establishes requirements for the marketing of vegetable seed within the Union, including, among others, on the presence of RNQPs on those seeds. Therefore, and in order to align with the provisions of Implementing Regulation (EU) 2019/2072, it is necessary to amend that Directive, by setting out requirements concerning the presence of ToBRFV on seeds of *Capsicum annuum* L. (pepper), other than seeds belonging to a variety known to be resistant to ToBRFV, and concerning the presence of that pest on seeds of *Solanum lycopersicum* L. (tomato) and hybrids thereof. That amendment should set a tolerance threshold of 0 % for the presence of that pest in seeds of these species, to ensure consistency with the respective provisions of Implementing Regulation (EU) 2019/2072.
- (9) Commission Directive 93/61/EEC <sup>(8)</sup> establishes the specific conditions and quality standards that vegetable propagating and planting material, excluding seeds, must meet under Council Directive 92/33/EEC <sup>(9)</sup>, including requirements concerning the presence of RNQPs on that material of certain species. In order to align with the provisions of Implementing Regulation (EU) 2019/2072, it is necessary to amend that Directive by setting out requirements concerning the presence of ToBRFV on vegetable propagating and planting material, other than seed, of *Capsicum annuum* L. (pepper), and other than material belonging to a variety known to be resistant to ToBRFV. For the same reason, it is necessary to amend that Directive by setting out requirements concerning the presence of that pest on vegetable propagating and planting material, other than seed, of *Solanum lycopersicum* L. (tomato) and hybrids thereof. Those amendments should set a tolerance threshold of 0 % for ToBRFV on propagating and planting material other than seeds of those species, to ensure consistency with the respective provisions of Implementing Regulation (EU) 2019/2072.
- (10) This Directive should apply from 1 June 2025 to grant more time to the competent authorities and the professional operators to adapt to its provisions.
- (11) The provisions 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

#### Amendment of Directive 2002/55/EC

Annex II to Directive 2002/55/EC is amended as set out in point 1 of the Annex to this Directive.

<sup>(7)</sup> Commission Implementing Regulation (EU) 2024/2970 of 29 November 2024 amending Implementing Regulation (EU) 2019/2072 as regards measures to prevent the presence of the Tomato brown rugose fruit virus on plants for planting of *Solanum lycopersicum* L. and hybrids thereof and of *Capsicum annuum* L., and establishing the frequency rates of official controls (OJ L, 2024/2970, 2.12.2024, ELI: [http://data.europa.eu/eli/reg\\_impl/2024/2970/oj](http://data.europa.eu/eli/reg_impl/2024/2970/oj)).

<sup>(8)</sup> Commission Directive 93/61/EEC of 2 July 1993 setting out the schedules indicating the conditions to be met by vegetable propagating and planting material, other than seed pursuant to Council Directive 92/33/EEC (OJ L 250, 7.10.1993, p. 19, ELI: <http://data.europa.eu/eli/dir/1993/61/oj>).

<sup>(9)</sup> Council Directive 92/33/EEC of 28 April 1992 on the marketing of vegetable propagating and planting material, other than seed (OJ L 157, 10.6.1992, p. 1, ELI: <http://data.europa.eu/eli/dir/1992/33/oj>).

*Article 2***Amendment of Directive 2002/57/EC**

Annex II to Directive 2002/57/EC is amended as set out in point 2 of the Annex to this Directive.

*Article 3***Amendment of Directive 93/61/EEC**

The Annex to Directive 93/61/EEC is amended as set out in point 3 of the Annex to this Directive.

*Article 4***Transposition**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 May 2025 at the latest. They shall forthwith communicate to the Commission the text of those provisions.

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 5***Entry into force**

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

*Article 6***Addressees**

This Directive is addressed to the Member States.

Done at Brussels, 29 November 2024.

*For the Commission*

*The President*

Ursula VON DER LEYEN

ANNEX

1. In Annex II, point 3(b) to Directive 2002/55/EC, the following row is added to the table under the title ‘Viruses, viroids, virus-like diseases and phytoplasmas’:

‘Tomato brown rugose fruit virus [ToBRFV]	<i>Capsicum annuum</i> L., other than seeds belonging to a variety known to be resistant to ToBRFV. <i>Solanum lycopersicum</i> L. and hybrids thereof.	0 %
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2. In Annex II, point (5) of Section I to Directive 2002/57/EC, the following table is added:

‘Viruses, viroids, virus-like diseases and phytoplasmas				
RNQPs or symptoms caused by RNQPs	Plants for planting (genus or species)	Thresholds for pre-basic seed	Thresholds for basic seed	Thresholds for certified seed
Tobacco ringspot virus [TRSV00]	<i>Glycine max</i> (L.) Merr.	0 %	0 %	0 %

3. In the Annex to Directive 93/61/EEC, the following row is inserted between the third and the fourth row of the table of ‘Viruses, viroids, virus-like diseases and phytoplasmas’:

‘Tomato brown rugose fruit virus (ToBRFV)	<i>Capsicum annuum</i> L., other than material belonging to a variety known to be resistant to ToBRFV. <i>Solanum lycopersicum</i> L. and hybrids thereof.	0 %
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