

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2022/1659

of 27 September 2022

on equivalent requirements for the introduction into the Union of fruits of *Citrus sinensis* Pers., originating from Israel in view of the risks posed by *Thaumatotibia leucotreta*

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/EC ⁽¹⁾, and in particular Article 41(3), second subparagraph, and Article 44(1) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2019/2072 ⁽²⁾ 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 in Part A of Annex II to Implementing Regulation (EU) 2019/2072 as a Union quarantine pest, which is not known to occur in the Union. It is also listed as a priority pest in the Annex to Commission Delegated Regulation (EU) 2019/1702 ⁽³⁾.
- (3) Special requirements exist for the introduction into the Union territory of several fruits to protect the Union territory from the specified pest. For fruits of *Citrus sinensis* Pers. ('the specified fruits') those special requirements are set out in point 62.1(d) of Annex VII to Implementing Regulation (EU) 2019/2072 and provide for the option of a systems approach with the application of specific regimes of a cold treatment.
- (4) Israel has requested the Commission to recognise its systems approach for the specified fruits as equivalent to the special requirements stipulated at point 62.1(d) of Annex VII to Implementing Regulation 2019/2072.

⁽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).

- (5) That systems approach used in regard to the specified fruits includes the fulfilment of requirements taken in the sites of production for the monitoring and control of the specified pest, the inspection of the specified fruits in the site of production and in the packing facilities, traceability requirements and official inspection carried out prior to export. It includes critical points of the inspection procedure in the fields, in the packing facilities and prior to export, resulting in suspension or rejection of export of the specified fruits when the relevant thresholds are not achieved.
- (6) The European Food Safety Authority ('the Authority') has performed a commodity risk assessment for *Citrus* spp. fruits imported from Israel (*). That assessment concerned the likelihood of pest freedom as regards the specified pest. Furthermore, recommendations on how to improve Israel's systems approach were provided. Israel has adapted its systems approach taking those recommendations into account.
- (7) Based on the outcome of the risk assessment performed by the Authority, combined with the consistent compliance of the fruits concerned with Union law, it is justified to accept the adapted systems approach of Israel as equivalent to the special requirements set out in point 62.1(d) of Annex VII to Implementing Regulation (EU) 2019/2072.
- (8) In order to keep any disruption of trade to a minimum, this Regulation should enter into force on the third day following that of its publication.
- (9) This Regulation should apply until 31 May 2025 to allow for its review.
- (10) 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

Definitions

For the purposes of this Regulation, the following definitions apply:

- (1) 'specified pest' means *Thaumatotibia leucotreta* (Meyrick);
- (2) 'specified fruits' means fruits of *Citrus sinensis* Pers.

Article 2

Equivalent requirements

The requirements for the introduction into the Union territory of the specified fruits originating in Israel set out in the Annex to this Implementing Regulation shall be considered equivalent to the ones set out in point 62.1(d) of Annex VII to Implementing Regulation (EU) 2019/2072.

Article 3

Phytosanitary certificate

When the specified fruits originating in Israel are introduced into the Union territory based on the equivalent requirements as set out in Article 2, they shall be accompanied by a phytosanitary certificate indicating:

- (a) the production site codes; and
- (b) under the heading 'Additional Declaration' the statement 'The consignment complies with Commission Implementing Regulation (EU) 2022/1659'.

(*) 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>.

*Article 4***Entry into force and application**

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

It shall apply until 31 May 2025.

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

Done at Brussels, 27 September 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Requirements for the introduction into the Union territory of the specified fruits originating in Israel, as referred to in Article 2**A. Requirements related to the sites of production**

1. The sites of production have been registered and approved by the National Plant Protection Organisation of Israel ('the NPPO').
2. The list of the approved production site codes has been communicated, prior to the export of the specified fruits, in writing to the Commission by the NPPO.
3. Monitoring of the specified pest in the site of production has been carried out by means of pheromone traps, with a frequency of at least 1 trap per 2,5 hectares, with a minimum of 2 traps per production site, where sites of productions are not adjacent.
4. Mating disruption products against the presence of the specified pest have been applied at appropriate periods, at least at the sites of production, where the presence of the specified pest has been confirmed in the previous growing seasons. In case of failing of the mating disruption, curative treatments against the specified pest have been applied.
5. Sanitation practices aiming at the control of the specified pest have been followed. Those practices include at least the removal and immediate destruction of fallen and infested specified fruits from the trees, and the removal of wild host plants of the specified pest from the site of production and its surrounding areas. All remnant specified fruits have been removed from the sites of production at the end of the growing season.
6. Official inspections of the specified fruits in the sites of production have been performed by the NPPO or other authorised bodies of Israel at least twice a month in the period from August to October and afterwards weekly until the end of the harvest of the specified fruits. A representative sample of the specified fruits has been inspected, taking into account the size of the site of production. That inspection has included destructive sampling of all specified fruits showing symptoms.

In case more than three infested fruits have been found during an inspection, the export to the Union from the respective site of production has been suspended for five weeks followed by intensified control measures for the specified pest. However, starting from five weeks prior to harvest, when findings of one or more infested fruits have taken place during that inspection, all specified fruits from the respective site of production have been disqualified for export to the Union.
7. The NPPO has given permission to harvest the specified fruits from a site of production based on the inspection and monitoring information acquired during the growing season.

B. Requirements related to the packing facilities

1. The packing facilities have been registered and approved by the NPPO.
2. The specified fruits have been transported to the packing facilities appropriately packaged to avoid infestation by the specified pest, and free from soil, other debris and foliage.
3. Upon arrival of a lot of the specified fruits from a site of production in the packing facilities, the specified fruits have been inspected by the trained personnel of the packing facilities for the presence of the specified pest with an intensity to enable at least the detection of a 1 % level of infestation, with a level of confidence of 95 % in accordance with the International Standard for Phytosanitary Measures ISPM 31(*). In case one or more infested fruits have been found during that inspection, all specified fruits from the respective site of production have been disqualified for export to the Union.

4. At least 10 % of the specified fruits destined for export to the Union have been inspected by trained personnel from the packing facilities for the presence of the specified pest during the different steps of grading and packaging of the specified fruits. That inspection has included destructive sampling of all specified fruits showing symptoms of the specified pest.

C. Traceability and official inspections prior to export

1. Traceability to the site of production and the packing facilities has been ensured at all times.
 2. Prior to export, 2 % of the specified fruits of the consignment have been subjected to official inspections for the presence of the specified pest, including destructive sampling in case of symptoms, and have been found free of the specified pest.
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