COMMISSION IMPLEMENTING REGULATION (EU) 2023/1572

of 25 July 2023

establishing a derogation from Implementing Regulation (EU) 2019/2072 concerning the introduction into the Union territory of tubers of *Solanum tuberosum* L., other than those intended for planting, originating in certain regions of Lebanon

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 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 Articles 40(2) and 41(1) thereof.

Having regard to Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) ([2]), and in particular Article 52 thereof,

Whereas:

(1) Commission Implementing Decision (EU) 2019/1614 ([3]) authorised Member States to provide for derogations from certain provisions of Council Directive 2000/29/EC ([4]) in respect of tubers of *Solanum tuberosum* L., other than those intended for planting, originating in the regions of Akkar and Bekaa of Lebanon ('the specified plants').

(2) On 12 January 2023, Lebanon submitted a request for a prolongation of the derogation, granted by Implementing Decision (EU) 2019/1614, beyond 31 March 2023.

(3) Regulation (EU) 2016/2031 has replaced Directive 2000/29/EC, while Commission Implementing Regulation (EU) 2019/2072 ([5]) has replaced Annexes I to V to that Directive.

([1]) OJ L 317, 23.11.2016, p. 4.
([2]) OJ L 95, 7.4.2017, p. 1.
([3]) Commission Implementing Decision (EU) 2019/1614 of 26 September 2019 authorising Member States to provide for derogations from certain provisions of Council Directive 2000/29/EC in respect of potatoes, other than potatoes intended for planting, originating in the regions of Akkar and Bekaa of Lebanon (OJ L 250, 30.9.2019, p. 85).
([4]) 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 (OJ L 169, 10.7.2000, p. 1).
([5]) 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).

(4) Implementing Regulation (EU) 2019/2072 sets out requirements concerning the introduction into the Union territory of certain plants, plant products or other objects to protect the Union territory from phytosanitary risks. Point 17(a) and (b) of Annex VI to that Regulation prohibits the introduction into the Union territory of tubers of *Solanum tuberosum* L., unless they originate in certain third countries or regions, or in countries known to be free from *Clavibacter sepedonicus* ('the specified pest'), or which apply rules recognised as equivalent to the Union rules against that pest.

(5) Lebanon has submitted information that the regions of Akkar and Bekaa were free from the specified pest during the 2020, 2021 and 2022 growing seasons. That information demonstrates that the specified plants are grown under adequate phytosanitary conditions to ensure the protection of the Union territory from the specified pest. Moreover, during the application of Implementing Decision (EU) 2019/1614, no presence of the specified pest or other Union quarantine pests has been found on the specified plants during and after their introduction into the Union territory. For this reason, that derogation should be granted again subject to certain requirements to ensure that no Union quarantine pests are present on the specified plants when they are introduced into the Union territory.

(6) The specified plants should be allowed to be introduced into the Union territory only through designated border control posts, to ensure effective controls and reduction of any phytosanitary risk.

(7) Inspection requirements should be set out to ensure control of the phytosanitary risk. Sampling and testing of the specified plants at the border control posts should be carried out in order to ensure the phytosanitary protection of the Union territory in accordance with the existing test scheme established by Commission Implementing Regulation (EU) 2022/1194 ([6]), as that scheme complies with the most updated international standards.

(8) The specified plants should only be introduced into the Union territory if they are appropriately labelled, in particular to indicate the Lebanese origin and that the specified plants are not for planting. This is necessary to prevent the specified plants from being planted and to ensure their identification and traceability.

(9) Due to the constraints of the COVID-19 pandemic and internal violent conflicts, Lebanon did not possess all resources to carry out a full assessment of the pest status of the regions of Akkar and Bekaa, thus it needs more time to complete that assessment. Therefore, and as this Regulation addresses a particular phytosanitary risk, which is not yet fully assessed, the requirements it provides are to have a temporary character pursuant to Article 7 of Implementing Regulation (EU) 2019/2072.

(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 plants' means tubers of *Solanum tuberosum* L., other than those intended for planting, originating in the regions of Akkar or Bekaa of Lebanon;

([6]) Commission Implementing Regulation (EU) 2022/1194 of 11 July 2022 establishing measures to eradicate and prevent the spread of *Clavibacter sepedonicus* (Spieckermann & Kotthoff 1914) Nouioui et al. 2018 (OJ L 185, 12.7.2022, p. 47).

(2) 'specified pest' means *Clavibacter sepedonicus* (Spieckermann & Kotthoff 1914) Nouioui *et al.* 2018;

(3) 'pest free areas' means those areas of Akkar or Bekaa in Lebanon, that have been officially declared to be free from the specified pest by the Lebanese plant protection organization, in accordance with the International Standard for Phytosanitary Measures No 4 on requirements for the establishment of pest free areas ([7]) and have been communicated by Lebanon to the Commission annually.

Article 2

Derogation from the prohibition to introduce the specified plants into the Union territory

By way of derogation from point 17, (a) and (b), of Annex VI to Implementing Regulation (EU) 2019/2072, the introduction into the Union territory of the specified plants shall be allowed subject to compliance with the requirements set out in Articles 3 to 7 of this Regulation and in the Annex thereto.

Article 3

Phytosanitary certificate

The specified plants shall be accompanied by a phytosanitary certificate including, under the heading 'Additional declaration', the following elements:

(a) the statement 'In accordance with European Union requirements laid down in Commission Implementing Regulation (EU) 2023/1572';

(b) the lot number(s) corresponding to each specific exported lot;

(c) the name of the pest free area of origin; and

(d) the name and the registration number of the registered producer(s) referred to in point 3 of the Annex.

Article 4

Requirements for the introduction of the specified plants into the Union territory

The specified plants shall fulfil the following requirements:

(a) they have been presented for introduction into the Union territory as lots, each lot being made up of specified plants produced by a single producer and harvested in one single pest free area;

(b) each lot of the specified plants does not contain more than 1 % by net weight of soil and growing medium; and

(c) they are moved in bags, packages or other containers, each of which is labelled in accordance with Article 6.

Article 5

Inspections, sampling and testing by Member States

1. At the border control posts or other control points, the specified plants shall be subject to the identity and physical checks set out in paragraphs 2 to 4 of this Article.

([7]) Glossary of Phytosanitary Terms – Reference Standard ISPM No 4 'Requirements for the establishment of pest free areas' by the Secretariat of the International Plant Protection Convention, Rome, 2017.

2. Visual inspections, sampling and testing aiming to detect and identify the specified pest shall be carried out on symptomatic and asymptomatic tubers of the specified plants, in accordance with Annex I to Regulation (EU) 2022/1194.

A sample shall consist of at least 200 tubers of the specified plants.

Where a lot exceeds 25 tons, one sample shall be taken for each 25 tons and one for the remaining part of the lot.

3. While the visual inspections, sampling and testing referred to in paragraph 2 are carried out, and pending the results of those tests, all lots of the consignment concerned, and all other consignments which contain a lot originating in the same pest free area and are under the control of the competent authority of the Member State concerned, shall remain under official supervision and shall not be moved or used.

4. Where the presence of the specified pest is confirmed after completion of the testing, referred to in paragraph 2, any remaining specified plant samples and material resulting from the tests shall be retained and appropriately conserved, and the lot concerned shall not be introduced into the Union territory. All remaining lots referred to in paragraph 3 shall be sampled and tested in accordance with Annex I to Regulation (EU) 2022/1194.

Article 6

Labelling for introduction into the Union territory

1. The specified plants shall only be introduced into the Union territory with a label, written in one of the official languages of the Union and containing all of the following elements:

(a) the indication: 'Origin: Lebanon';

(b) the name of the pest free area;

(c) the identification number of the producer;

(d) the number of the lot;

(e) the indication 'not for planting'.

2. The label referred to in paragraph 1 shall have been issued by the Lebanese plant protection organization or by a professional operator under the official supervision of that organization.

Article 7

Disposal of waste

Waste resulting from packaging or processing of the specified plants in the Union territory shall be disposed of by the professional operators in such a manner that the specified pest cannot become established and spread in the Union territory.

Article 8

Entry into force and period of application

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

It shall apply until 31 August 2026.

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

Done at Brussels, 25 July 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Requirements as regards specified plants to be fulfilled in Lebanon referred to in Article 2

1. **Areas of production**

The specified plants have been produced in pest free areas which fulfil the requirements as set out in point 2.

2. **Surveys of pest free areas**

The pest free areas have been subject to systematic and representative annual surveys for the detection of the specified pest carried out by the Lebanese plant protection organisation throughout the three years before and during production.

The surveys have taken place in production sites of the specified plants located in the pest free areas, and on specified plants harvested in those areas.

The surveys have consisted of the following:

(a) visual inspections of the production sites during the growing season;

(b) visual examination of the harvested specified plants for symptoms of the specified pest on cut tubers;

(c) laboratory testing on symptomatic and asymptomatic specified plants in accordance with Annex I to Regulation (EU) 2022/1194.

The surveys have not resulted in any finding of the specified pest or of any other evidence which could indicate that the area is not free from the pest.

The results of the surveys of the preceding calendar year have been submitted by the Lebanese plant protection organisation to the Commission, by 31 March of every year.

3. **Producers**

The specified plants have been grown by producers registered by the Lebanese plant protection organization.

4. **Production from certified specified plants for planting**

Specified plants have been grown from plants for planting certified in and imported from the Union into Lebanon or certified by the Lebanese plant protection organization as being free from Union quarantine pests.

5. **Production sites**

The specified plants have been grown in production sites where no specified plants, other than those referred to in point (4), have been grown during the previous 3 years.

6. **Handling**

The specified plants have been handled using machinery which is only used for handling specified plants satisfying conditions set out in points (1) to (5) or, where it has been used for other purposes, it has been cleaned and disinfected in an appropriate manner before handling the specified plants.

7. **Storage**

The specified plants have been stored in storage facilities, which are only used for storing specified plants satisfying conditions set out in points (1) to (6) or, where they have been used for other purposes, they have been subjected to appropriate hygiene measures before being used for storing the specified plants.

8. **Tests prior to packaging and export**

As close as possible to the time of export, and immediately prior to packaging, tubers of the specified plants, including asymptomatic tubers, have been subjected to tests aiming to detect and identify the presence of the specified pest, in accordance with Annex I to Regulation (EU) 2022/1194, and have been found free from the specified pest.

9. **Packaging**

The packaging material used for the specified plants has been new or cleaned and disinfected.