

## COMMISSION IMPLEMENTING REGULATION (EU) 2022/1372

of 5 August 2022

as regards temporary measures to prevent the entry into, the movement and spread within, the multiplication and release in the Union of *Meloidogyne graminicola* (Golden & Birchfield)

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 <sup>(1)</sup>, and in particular Articles 30(1) and 41(2) 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 <sup>(2)</sup>, and in particular Article 128(1) thereof,

Whereas:

- (1) *Meloidogyne graminicola* (Golden & Birchfield) is not listed as a Union quarantine pest, protected zone quarantine pest or as a Union regulated non-quarantine pest in accordance with Commission Implementing Regulation (EU) 2019/2072 <sup>(3)</sup>.
- (2) In 2016, Italy informed the Commission that *Meloidogyne graminicola* (Golden & Birchfield) was first found in its territory in a rice-producing area of Northern Italy. Since then, it has also been found in additional rice fields and the most serious infestations led to crop losses of up to 50 % of the ordinary production.
- (3) In 2017, Italy adopted official measures to prevent the further introduction and spread within its territory of *Meloidogyne graminicola* (Golden & Birchfield) <sup>(4)</sup>. *Meloidogyne graminicola* (Golden & Birchfield) is mainly associated with rooted plants of *Oryza sativa* L. that have been grown in soil and are intended for planting. It is also associated with other host plants, such as barley, but to a lesser extent than with rooted plants of *Oryza sativa* L.

<sup>(1)</sup> OJ L 317, 23.11.2016, p. 4.

<sup>(2)</sup> OJ L 95, 7.4.2017, p. 1.

<sup>(3)</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).

<sup>(4)</sup> Misure d'emergenza per impedire la diffusione di *Meloidogyne graminicola* Golden & Birchfield nel territorio della Repubblica italiana. Decreto 6 luglio 2017, Gazzetta ufficiale della Repubblica Italiana. Serie generale n. 202, 30.8.2017.

- (4) Italy is currently the only Member State where the presence of *Meloidogyne graminicola* (Golden & Birchfield) has been confirmed. Based on a risk assessment carried out by Italy in 2018 <sup>(7)</sup>, it is concluded that that pest fulfils the criteria set out in Subsection 2 of Section 3 of Annex I to Regulation (EU) 2016/2031. It is therefore deemed necessary to adopt temporary measures against that pest. Those measures should take account of the major pathways for its spread, such as plants for planting, soil, machinery and tools, and human-assisted transfer.
- (5) In a certain region within that rice-producing area of Italy, it has been concluded that the eradication of *Meloidogyne graminicola* (Golden & Birchfield) is no longer possible. Italy should therefore be allowed to apply measures for its containment within that region, instead of eradication. Those measures should be aimed at keeping the levels of *Meloidogyne graminicola* (Golden & Birchfield) stable. However, if surveys show an increase of the levels of *Meloidogyne graminicola* (Golden & Birchfield), measures aimed at its eradication should be applied to reduce its levels again and prevent its spread.
- (6) Member States should inform the general public and relevant professional operators about the threat of *Meloidogyne graminicola* (Golden & Birchfield) and the measures taken against it to ensure a more effective approach by all persons possibly concerned. In particular, Member States should raise awareness about the danger of its spread through footwear and vehicles, because those means are most commonly used by the general public.
- (7) Surveys should be carried out in the demarcated areas and on host plants outside those areas, in order to detect early the potential presence of *Meloidogyne graminicola* (Golden & Birchfield) and prevent its spread to the rest of the Union territory. Member States should conduct annual surveys based on an assessment of the risk of introduction of *Meloidogyne graminicola* (Golden & Birchfield).
- (8) In view of the evidence from Italy and of the wide distribution of *Meloidogyne graminicola* (Golden & Birchfield) in rice-producing third countries, it is necessary to check that certain conditions were fulfilled in those third countries, with respect to the rooted plants for planting of *Oryza sativa* L., prior to their introduction into the Union. In particular, those conditions should concern the freedom of the site or place of production from the pest, the official inspections to be carried out and the necessary declarations on the phytosanitary certificate. These conditions are necessary to ensure freedom of those plants from *Meloidogyne graminicola* (Golden & Birchfield).
- (9) Furthermore, it is necessary that, at arrival, rooted plants for planting of *Oryza sativa* L. are visually inspected and, where showing symptoms of *Meloidogyne graminicola* (Golden & Birchfield), sampled and tested for the presence of that pest, in order to identify its possible presence or ascertain its absence.
- (10) Measures should also be provided for the movement within the Union of rooted plants of *Oryza sativa* L. that originate in the Union. In order to ensure the appropriate level of phytosanitary protection, the movement of those plants and soil from the demarcated areas to the rest of the Union territory should be prohibited.
- (11) This Regulation should apply for an adequate length of time to allow for its review and the review of the presence and the spread of *Meloidogyne graminicola* (Golden & Birchfield).
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

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<sup>(7)</sup> Pest risk analysis on *Meloidogyne graminicola* (Golden & Birchfield) carried out by Consiglio per la ricerca in agricoltura e l'analisi dell'economia agraria (CREA).

HAS ADOPTED THIS REGULATION:

#### Article 1

##### **Subject matter**

This Regulation sets out rules to prevent the entry into, the movement and spread within, the multiplication and release in the Union of *Meloidogyne graminicola* (Golden & Birchfield).

#### Article 2

##### **Definitions**

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

- (1) 'the specified pest' means *Meloidogyne graminicola* (Golden & Birchfield);
- (2) 'specified plants' means plants for planting, other than seeds, with roots of *Oryza sativa* L., that have been grown in soil;
- (3) 'host plants' means plants for planting with roots of the genera and species listed in Annex I, that have been grown in soil;
- (4) 'volunteer host plants' means host plants which appear in the places of production without having been planted;
- (5) 'specified seeds' means seeds of *Oryza sativa* L.;
- (6) 'specified objects' means machinery, tools, vehicles, and personal equipment, which have been used for activities relating to the planting, treatment or harvesting of the host plants;
- (7) 'demarcated area' means the area consisting of an infested zone and a buffer zone that is established when the specified pest has been found;
- (8) 'infested zone' means a zone in which the field or fields of *Oryza sativa* L. contains:
  - (a) all host plants known to be infested by the specified pest;
  - (b) all host plants showing symptoms indicating possible infestation by the specified pest;
  - (c) all other plants suspected to be infested or infested by the specified pest, including plants prone to be infested due to their susceptibility to that pest and their close proximity to infested specified plants, or plants grown from them;
  - (d) land, soil or other elements infested, or liable to be infested, by the specified pest;
- (9) 'buffer zone' means a zone of a width of at least 100 m, surrounding the infested zone;
- (10) 'trap-crop method' means the method under which certain specified plants are temporarily planted in an infested field, in order to trap the specified pest, and later removed and destroyed, for the purpose of protecting in the same field other specified plants from that pest.

#### Article 3

##### **Prohibition of introduction and movement within the Union**

The specified pest shall not be introduced into, moved within, or held, multiplied or released in the Union territory.

#### Article 4

##### **Establishment of demarcated areas**

1. Where the presence of the specified pest in the Union territory is confirmed, each Member State concerned shall immediately establish a demarcated area.

2. If the presence of the specified pest is confirmed in the buffer zone, the Member State concerned shall immediately review and modify accordingly the delimitation of the infested zone and the buffer zone.
3. The Member State concerned shall notify the Commission and the other Member States of the number and locations of the demarcated areas established for the specified pest pursuant to Article 18 of Regulation (EU) 2016/2031.
4. Where, on the basis of the surveys referred to in Article 8, the specified pest is not detected in a demarcated area for a period of 3 consecutive years, that demarcated area may be abolished. In such cases, the Member State concerned shall notify the Commission and the other Member States that the demarcated area has been abolished pursuant to Article 19(4) of Regulation (EU) 2016/2031.

#### Article 5

##### **Eradication measures**

The Member State concerned shall apply all of the following measures in the demarcated area(s) for the purpose of eradication of the specified pest:

- (1) the specified plants in the infested zone shall be removed and destroyed in fields close to harvesting. The specified plants shall be destroyed, *in situ* or in a nearby location designated for this purpose within the infested zone, in a manner ensuring that the specified pest is not spread;
- (2) specified seeds shall not be sown and host plants shall not be planted in the infested zone;
- (3) volunteer host plants shall be regularly eliminated;
- (4) fields in the infested zone shall be continuously flooded for more than 18 months. If continuous flooding is not possible, the trap-crop method, or other methods preventing the pest from concluding its life cycle, shall be applied;
- (5) specified plants that are used for the trap-crop method shall be destroyed within 5 weeks after planting;
- (6) specified objects that have been used in an infested zone shall be cleaned from soil and plant debris before being moved to the surrounding fields. During cleaning, residue dispersal out of the infested field shall be avoided.

#### Article 6

##### **Containment measures**

1. In the demarcated areas listed in Annex II, the competent authority shall apply all of the following measures for the purpose of containing the specified pest within those areas and preventing its spread outside those areas:
  - (a) specified seeds may be sown and specified plants may be planted only if one of the following phytosanitary measures has been carried out:
    - (i) continuous flooding for at least 6 months since the last harvest;
    - (ii) trap-crop method whereby specified plants shall be destroyed within five weeks after planting;
    - (iii) crop rotation with non-host plants or cultivated host plants of the genus *Brassica* L. or species *Allium cepa* L., *Glycine max* (L.) Merr., *Hordeum vulgare* L., *Panicum miliaceum* L., *Sorghum bicolor* (L.) Moench, *Triticum aestivum* L. and *Zea mays* L., intended for the production of bulbs, vegetables or grains for final users other than the use as plants for planting;
  - (b) volunteer host plants shall be regularly eliminated;
  - (c) specified objects that have been used in the infested field shall be cleaned from soil and plant debris before moving them to the surrounding fields. During cleaning, residue dispersal out of the infested field shall be avoided.

2. If survey results demonstrate that the presence of the specified pest has increased, the competent authority shall apply the measures referred to in Article 5 in the respective demarcated areas.

#### Article 7

### Awareness raising

Regarding the demarcated area(s) to which the eradication and the containment measures referred to in Articles 5 and 6 were applied, the Member State concerned shall raise public awareness concerning the threat of the specified pest and the measures adopted to prevent its further spread outside of the demarcated areas. It shall ensure that the general public and relevant operators are aware of the delimitation of the demarcated area(s), the infested zone and the buffer zone.

#### Article 8

### Surveys of the specified pest in the territory of the Member States

1. Member States shall conduct annual official surveys for the presence of the specified pest on host plants in their territory, prioritising the surveys on the specified plants. Those surveys shall be risk-based.

Member States shall transmit, by 30 April of each year, to the Commission and to the other Member States, the results of the surveys carried out outside of the demarcated areas based on the templates referred to in Annex I to Commission Implementing Regulation (EU) 2020/1231 <sup>(6)</sup>.

2. In demarcated areas, the Member State concerned shall monitor the development of the presence of the specified pest. The Member State concerned shall, by 30 April of each year, transmit to the Commission and to the other Member States, the results of the surveys carried out using the template set out in Annex III.

3. Those surveys shall consist of visual examinations of host plants, sampling of symptomatic host plants as well as, where appropriate, asymptomatic host plants in the proximity of the symptomatic host plants, and of soil. The root system of sampled plants shall be checked for the presence of galls of the specified pest.

4. Soil samples shall be taken adjacent to symptomatic host plants. Soil shall be sampled at a depth of 20-25 cm. In the fields under surveillance, soil samples shall be taken in a rectangular grid covering the entire field whereby the sampling distance shall not exceed 20 m length by 5 m width. The sample size shall be 500 ml up to a total surface of 1 ha.

#### Article 9

### Movement of the specified plants, soil, specified seeds, and specified objects

1. The movement of the specified plants out of the demarcated areas shall be prohibited.

2. The movement within or out of the demarcated areas of soil in which specified plants have been grown in the previous 3 years shall be prohibited.

3. The movement of specified seeds within or out of the demarcated areas shall be allowed only if the seeds are free from soil and plant debris.

4. The movement of specified objects out of the demarcated areas shall be allowed only if they are cleaned and found free from soil.

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<sup>(6)</sup> Commission Implementing Regulation (EU) 2020/1231 of 27 August 2020 on the format and instructions for the annual reports on the results of the surveys and on the format of the multiannual survey programmes and the practical arrangements, respectively provided for in Articles 22 and 23 of Regulation (EU) 2016/2031 of the European Parliament and the Council (OJ L 280, 28.8.2020, p. 1).

*Article 10***Introduction of specified plants and specified seeds into the Union**

Specified plants and specified seeds originating in third countries may only be introduced into the Union if the competent authorities or the professional operators under the official supervision of the competent authorities comply with all of the following requirements:

- (1) the specified plants which have been produced in a pest-free place or a pest-free site of production are officially inspected at that place or site of production, at the most appropriate time for detecting symptoms of infection during the last complete cycle of vegetation prior to the export, and are found free from the specified pest;
- (2) official inspections were carried out at the most appropriate time for detecting symptoms of infection during the last complete cycle of vegetation prior to the export in a zone with a width of at least 100 m and surrounding the place or site of production referred to in point (1);
- (3) any specified plants in the zone surrounding the pest-free place or pest-free site of production showing symptoms of infection during those inspections were immediately destroyed;
- (4) the specified plants are accompanied by a phytosanitary certificate including, in accordance with Article 71(2) of Regulation (EU) 2016/2031, under the heading 'Additional declaration', one of the following statements:
  - (a) 'The national plant protection organisation of origin of the specified plants recognised that country as being free from the specified pest in accordance with the relevant international standards for phytosanitary measures.';
  - (b) 'The specified plants originate in a pest-free area, established as regards the specified pest by the national plant protection organisation of the third country of the area concerned, in accordance with the relevant international standards for phytosanitary measures. The name of the pest-free area shall be included in the phytosanitary certificate under the heading "Place of origin".';
  - (c) 'The specified plants have been produced in a pest-free place or a pest-free site of production, established as regards the specified pest by the national plant protection organisation of the third country concerned, in accordance with the relevant international standards for phytosanitary measures (Requirements for the establishment of pest free places of production and pest free production sites. ISPM No 10 (1999), Rome, IPPC, FAO 2016) and have been produced in accordance with Commission Implementing Regulation (EU) 2022/1372 (\*).

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(\* ) Commission Implementing Regulation (EU) 2022/1372 of 5 August 2022 as regards temporary measures to prevent the entry into, the movement and spread within, the multiplication and release in the Union of *Meloidogyne graminicola* (Golden & Birchfield) (OJ L 206, 8.8.2022, p. 16).;

- (5) the phytosanitary certificate accompanying specified seeds originating in third countries includes, under the heading 'Additional declaration', the information that the seeds are free from soil and debris.

*Article 11***Sampling and testing of specified plants showing symptoms of the specified pest**

Specified plants introduced into the Union from a third country and showing symptoms of the specified pest, upon visual inspection, shall be sampled and tested to identify the presence of that pest.

*Article 12***Entry into force and 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 30 June 2025.

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

Done at Brussels, 5 August 2022.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

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## ANNEX I

**List of host plants referred to in Article 2, point (3)****Genus or species**

*Ageratum conyzoides* L.  
*Alisma plantago* L.  
*Allium cepa* L.  
*Alopecurus* L.  
*Amaranthus spinosus* L.  
*Amaranthus viridis* L.  
*Avena sativa* L.  
*Beta vulgaris* L.  
*Brassica* L.  
*Capsicum annuum* L.  
*Centella asiatica* (L.) Urb.  
*Colocasia esculenta* (L.) Schott  
*Coriandrum sativum* L.  
*Cucumis sativus* L.  
*Cymbopogon citratus* (DC.) Stapf  
*Cynodon dactylon* (L.) Pers.  
*Cyperus compressus* L.  
*Cyperus difformis* L.  
*Cyperus iria* L.  
*Cyperus rotundus* L.  
*Dactyloctenium aegyptium* (L.) Willd.  
*Digitaria filiformis* (L.) Köler  
*Digitaria sanguinalis* (L.) Scop.  
*Echinochloa colona* (L.) Link  
*Echinochloa crus-galli* (L.) P. Beauv.  
*Eclipta prostrata* (L.) L.  
*Eleusine coracana* (L.) Gaertn.  
*Eleusine indica* (L.) Gaertn.  
*Fimbristylis dichotoma* var. *pluristriata* (C.B. Clarke) Napper  
*Gamochoaeta coarctata* (L.) Cabrera  
*Glycine max* (L.) Merr.  
*Heteranthera reniformis* Ruiz & Pav.  
*Hordeum vulgare* L.  
*Hydrilla* Rich.  
*Impatiens balsamina* L.  
*Imperata cylindrica* (L.) Raeusch.



*Kyllinga brevifolia* Rottb.  
*Lactuca sativa* L.  
*Ludwigia* L.  
*Melilotus albus* Medik.  
*Murdannia keisak* (Hassk.) Hand.-Mazz.  
*Musa* L.  
*Oryza sativa* L.  
*Oxalis corniculata* L.  
*Panicum* L.  
*Pennisetum glaucum* (L.) R. Br.  
*Pisum sativum* L.  
*Poa annua* L.  
*Portulaca oleracea* L.  
*Ranunculus* L.  
*Saccharum officinarum* L.  
*Schoenoplectus articulatus* (L.) Palla  
*Schoenoplectiella articulata* (L.) Lye  
*Setaria italica* (L.) P. Beauv.  
*Solanum lycopersicum* L.  
*Solanum melongena* L.  
*Solanum nigrum* L.  
*Solanum sisymbriifolium* Lam.  
*Solanum tuberosum* L.  
*Sorghum bicolor* (L.) Moench  
*Spergula arvensis* L.  
*Spinacia oleracea* L.  
*Stellaria media* (L.) Vill.  
*Trifolium repens* L.  
*Triticum aestivum* L.  
*Urena lobata* L.  
*Vicia faba* L.  
*Zea mays* L.

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## ANNEX II

**Demarcated areas referred to in Article 6****Italy**

List of municipalities in demarcated areas in Italy

Region	Province	Municipalities
Lombardy	Pavia	Alagna, Carbonara al Ticino, Cilavegna, Dorno, Gambolò, Garlasco, Gropello Cairoli, Linarolo, Parona, Pieve Albignola, Sannazzaro de' Burgondi, Scaldasole, Sommo, Tromello, Trovo, Vigevano, Villanova d'Ardenghi, Zerbolò, Zinasco
Piedmont	Biella	Castelletto Cervo, Giffenga, Mottalciata
Piedmont	Vercelli	Buronzo

**Template for the reporting of the results of the surveys carried out pursuant to Article 8(2) in demarcated areas**

Name	1. Description of the DA											12. Survey details A) Number of visual examinations B) Total number of samples taken C) Type of traps (or other alternative method (e.g. sweep nets)) D) Number of traps (or other capturing method) E) Number of trapping sites, when different from data reported in (D) F) Type of tests (e.g. microscopic identification, PCR, ELISA, etc.) G) Total number of tests H) Other measures (e.g. sniffer dogs, drones, helicopters, awareness raising campaigns etc.) I) Number of other measures				13. N° of symptomatic samples analysed: i: Total ii: Positive iii: Negative iv: Undetermined				14. N° of asymptomatic samples analysed: i: Total ii: Positive iii: Negative iv: Undetermined				15. Comments						
	Date of establishment	2. Initial size of DA (ha)		3. Updated size of DA (ha)		4. Approach		5. Zone		6. Survey sites															7. Risk areas identified		8. Risk areas inspected		9. Plant material/Commodity	
		Description	Number									A	B	C	D	E	F	G	H	I	i	ii	iii	iv	i	ii	iii	iv		

*Instructions for how to report*

For column 1: Indicate the name of the geographical area, outbreak number or any information that allows identification of the demarcated area (DA) and the date when it was established.

For column 2: Indicate the size of the DA before the start of the survey.

For column 3: Indicate the size of the DA after the survey.

For column 4: Indicate the approach: Eradication (E)/Containment (C). Please, include as many rows as necessary, depending on the number of DA per pest and the approaches these areas are subject to.

For column 5: Indicate the zone of the DA where the survey was carried out, including as many rows as necessary: Infested zone (IZ) or buffer zone (BZ), using separate rows. When applicable, indicate the area of the IZ where the survey was carried out (e.g. last 20 km adjacent to the BZ, around nurseries, etc.) in different rows.

For column 6: Indicate the number and the description of the survey sites, by choosing one of the following entries for the description:

1. Open air (production area): 1.1. field (arable, pasture); 1.2. orchard/vineyard; 1.3. nursery; 1.4. forest;
2. Open air (other): 2.1. private garden; 2.2. public sites; 2.3. conservation area; 2.4. wild plants in areas other than conservation areas; 2.5. other, with specification of the particular case (e.g. garden centre, commercial sites that uses wood packaging material, wood industry, wetlands, irrigation and drainage network, etc.);
3. Physically closed conditions: 3.1. greenhouse; 3.2. private site, other than greenhouse; 3.3. public site, other than greenhouse; 3.4. other, with specification of the particular case (e.g. garden centre, commercial sites that uses wood packaging material, wood industry).

For column 7: Indicate which are the risk areas identified based on the biology of the pest(s), presence of host plants, eco-climatic conditions and risk locations.

For column 8: Indicate the risk areas included in the survey, from those identified in column 7.

For column 9: Indicate plants, fruits, seeds, soil, packaging material, wood, machinery, vehicles, water, other, specifying the specific case.

For column 10: Indicate the list of plant species/genera surveyed. When required by the specific legal pest survey requirement, use one row per plant species/genera.

For column 11: Indicate the months of the year when the survey was carried out.

For column 12: Indicate the details of the survey, depending on the specific legal requirements of each pest. Indicate with NA when the information of certain column is not applicable.

For columns 13 and 14: Indicate the results, if applicable, providing the information available in the corresponding columns. 'Undetermined' are those analysed samples for which no result was obtained due to different factors (e.g. below detection level, unprocessed sample-not identified, old, etc.)