

COMMISSION IMPLEMENTING REGULATION (EU) 2022/959**of 16 June 2022****amending Annex VII to Implementing Regulation (EU) 2019/2072 as regards requirements for the introduction into the Union of certain fruits of *Capsicum* (L.), *Citrus* L., *Citrus sinensis* Pers., *Prunus persica* (L.) Batsch and *Punica granatum* L.**

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(2) 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 as a Union quarantine pest, which is not known to occur in the Union, in Part A of Annex II to Implementing Regulation (EU) 2019/2072. It is also listed as a priority pest in the Annex to Commission Delegated Regulation (EU) 2019/1702⁽³⁾. The specified pest is polyphagous and has been intercepted on several host plants during border controls in the Union territory.
- (3) Specific import requirements exist for fruits of *Capsicum* (L.), *Citrus* L., other than *Citrus aurantiifolia* (Christm.) Swingle and *Citrus limon* (L.) Osbeck, for fruits of *Prunus persica* (L.) Batsch and of *Punica granatum* L. to protect the Union territory from the specified pest⁽⁴⁾. *Citrus* L. is a category which covers fruits of *Citrus sinensis* Pers.
- (4) According to the existing import requirements, information on the country freedom, area freedom of the specified pest, and the use of a systems approach and any post-harvest treatment together with the documentary evidence of the effectiveness of those requirements, needs to be communicated prior to trade. This information should allow for an easier evaluation of the effectiveness of the current special requirements. That effectiveness should be measured depending on the number of non-compliances due to the specified pest on the imported host commodities.
- (5) As non-compliances of consignments with the specific import requirements due to the presence of the specified pest on the host commodities continue to occur during border controls in the Union territory, it is justified to amend the special requirements set out in Annex VII to Implementing Regulation (EU) 2019/2072. In particular, the special requirements relating to the freedom of the place of production, the use of post-harvest treatments and of the systems approach, should be amended to offer better guarantees of pest freedom of the traded fruit commodities.

⁽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).

⁽⁴⁾ EPPO (2013) Pest risk analysis for *Thaumatotibia leucotreta*. EPPO, Paris. <https://pra.eppo.int/pr/9305d7ed-2788-46dc-882d-b4641fa24fff>

- (6) The amendment of the special requirements is based on the scientific and technical information of the pest risk analysis performed by the European and Mediterranean Plant Protection Organisation ('EPPO'), on the commodity risk assessments performed by the European Food Safety Authority for *Citrus* spp. fruits imported from Israel ⁽⁵⁾ and South Africa ⁽⁶⁾, on the relevant scientific literature and on comments received from third countries following a consultation within the World Trade Organisation (Sanitary and Phytosanitary Measures Agreement).
- (7) The respective approval of facilities, requirements for treatment facilities, monitoring, auditing, documentation procedures and record keeping of the applied treatment should be ensured, in order to guarantee phytosanitary safety and traceability.
- (8) At present, the requirements established in Annex VII to Implementing Regulation (EU) 2019/2072 for fruits of *Citrus* L. are also applicable for *Citrus sinensis* Pers. Based on the non-compliance data due to the presence of the specified pest on *Citrus* fruits, the fruits of *Citrus sinensis* Pers. should be subject to separate requirements, and not to the same requirements as other fruits of *Citrus* L. This is important in order to better ensure their freedom from the specified pest. Such requirements should include a systems approach with a specific regime of cold treatment, possibly with a precooling step in order to ensure the highest possible probability of pest freedom.
- (9) To allow competent authorities and professional operators to adapt to the systems approach, for *Citrus sinensis* Pers., an alternative and temporary requirement of a systems approach, which includes a precooling step of the pulp of the fruit to 5 °C, followed by a cold treatment for at least 25 days at a set temperature between – 1 °C and +2 °C should be provided for until 31 December 2022.
- (10) In the case of *Citrus sinensis* Pers., when the cold treatment is applied during the transport of the fruits concerned, records on the application of that treatment should be kept and made available upon request.
- (11) This Regulation should enter into force and apply as soon as possible in order for the reinforced requirements, which increase the protection of the Union against this pest, to be implemented within the shortest time, in order to take account of consignments of the specified fruits in transport to the Union at the time of entry into force of this Regulation.
- (12) 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

Annex VII to Implementing Regulation (EU) 2019/2072 is amended in accordance with the Annex to this Regulation.

Article 2

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 from 14 July 2022.

⁽⁵⁾ 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>

⁽⁶⁾ Scientific Opinion on the commodity risk assessment of *Citrus* L. fruits from South Africa for *Thaumatotibia leucotreta* under a systems approach. *EFSA Journal*;19(8):6799, 63 pp. <https://doi.org/10.2903/j.efsa.2021.6799>

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

Done at Brussels, 16 June 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

The table of Annex VII to Implementing Regulation (EU) 2019/2072 is amended as follows:

(1) point 62 is replaced by the following:

62.	Fruits of <i>Capsicum</i> (L.), <i>Citrus</i> L., other than <i>Citrus aurantiifolia</i> (Christm.) Swingle <i>Citrus limon</i> (L.) Osbeck. and <i>Citrus sinensis</i> Pers., <i>Prunus persica</i> (L.) Batsch and <i>Punica granatum</i> L.	0709 60 10 0709 60 91 0709 60 95 0709 60 99 ex 0805 10 80 ex 0805 21 10 ex 0805 21 90 ex 0805 22 00 ex 0805 29 00 ex 0805 40 00 ex 0805 50 10 ex 0805 90 00 0809 30 10 0809 30 90 ex 0810 90 75	Countries of the African continent, Cape Verde, Saint Helena, Madagascar, La Reunion, Mauritius and Israel	<p>Official statement that:</p> <p>(a) the fruits originate in a country recognised as being free from <i>Thaumatotibia leucotreta</i> (Meyrick) in accordance with the relevant International Standards for Phytosanitary Measures, provided that this freedom status has been communicated in advance in writing to the Commission by the national plant protection organisation of the country of origin,</p> <p>or</p> <p>(b) the fruits originate in an area established by the national plant protection organisation in the country of origin as being free from <i>Thaumatotibia leucotreta</i> (Meyrick), in accordance with the International Standard for Phytosanitary Measures ISPM 4 (*). The pest free area is mentioned on the phytosanitary certificate, provided that this freedom status has been communicated in advance in writing to the Commission by the national plant protection organisation of the country of origin,</p> <p>or</p> <p>(c) the fruits:</p> <p>(i) originate in a place of production established by the national plant protection organisation in the country of origin as being free from <i>Thaumatotibia leucotreta</i> (Meyrick) in accordance with the International Standard for Phytosanitary Measures ISPM 10(**), and which is included in the list of place of production codes that has been communicated in advance in writing to the Commission by the national plant protection organisation of the country of origin,</p>
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				<p>and</p> <p>(ii) have been subjected to official inspections carried out in the place of production at appropriate times during the growing season and prior to export, including a visual examination with an intensity to enable at least the detection of a 2 % level of infestation, with a level of confidence of 95 % in accordance with the International Standard for Phytosanitary Measures ISPM 31 ("") and including destructive sampling in case of symptoms, and have been found to be free from <i>Thaumatotibia leucotreta</i> (Meyrick),</p> <p>and</p> <p>(iii) are accompanied by a phytosanitary certificate that indicates the place of production codes,</p> <p>or</p> <p>(d) the fruits</p> <p>(i) have been produced in an approved site of production, which is included in the list of production site codes that has been communicated in advance in writing to the Commission by the national plant protection organisation of the country of origin,</p> <p>and</p> <p>(ii) have been subjected to an effective systems approach to ensure freedom from <i>Thaumatotibia leucotreta</i> (Meyrick), in accordance with the International Standards for Phytosanitary Measures ISPM 14(""), or an effective stand-alone post-harvest treatment to ensure freedom from <i>Thaumatotibia leucotreta</i> (Meyrick), provided that the respective systems approach used or the post-harvest treatment, together with documentary evidence of its effectiveness, have been communicated in advance in writing to the Commission by the national plant protection organisation of the country of origin and that post-harvest treat-</p>
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				<p>ment has been assessed by the European Food Safety Authority,</p> <p>and</p> <p>(iii) prior to export, have been subjected to official inspections for the presence of <i>Thaumatotibia leucotreta</i> (Meyrick), with an intensity to enable at least the detection of 2 % level of infestation, with a level of confidence of 95 % in accordance with the International Standard for Phytosanitary Measures ISPM 31 (") and including destructive sampling in case of symptoms,</p> <p>and</p> <p>(iv) are accompanied by a phytosanitary certificate that indicates the production site codes and mentions the details of the post-harvest treatment used, or the use of the systems approach.'</p>
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(2) the following point 62.1 is inserted between points 62 and 63:

'62.1	Fruits of <i>Citrus sinensis</i> Pers.	0805 10 22 0805 10 24 0805 10 28 ex 0805 10 80	Countries of the African continent, Cape Verde, Saint Helena, Madagascar, La Reunion, Mauritius and Israel	<p>Official statement that:</p> <p>(a) the fruits originate in a country recognised as being free from <i>Thaumatotibia leucotreta</i> (Meyrick) in accordance with relevant International Standards for Phytosanitary Measures, provided that this freedom status has been communicated in advance in writing to the Commission by the national plant protection organisation of the country of origin,</p> <p>or</p> <p>(b) the fruits originate in an area established by the national plant protection organisation in the country of origin as being free from <i>Thaumatotibia leucotreta</i> (Meyrick), in accordance with the International Standard for Phytosanitary Measures ISPM 4 ("). The pest free area is mentioned on the phytosanitary certificate, provided that this free-</p>
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			<p>dom status has been communicated in advance in writing to the Commission by the national plant protection organisation of the country of origin,</p> <p>or</p> <p>(c) the fruits</p> <p>(i) originate in a place of production established by the national plant protection organisation in the country of origin as being free from <i>Thaumatotibia leucotreta</i> (Meyrick) in accordance with the International Standard for Phytosanitary Measures ISPM 10 ("") and which is included in the list of place of production codes that has been communicated in advance in writing to the Commission by the national plant protection organisation of the country of origin,</p> <p>and</p> <p>(ii) have been subjected to official inspections carried out in the place of production at appropriate times during the growing season and prior to export, including a visual examination with an intensity to enable at least the detection of a 2 % level of infestation, with a level of confidence of 95 % in accordance with the International Standard for Phytosanitary Measures ISPM 31 ("") and including destructive sampling in case of symptoms, and found to be free from <i>Thaumatotibia leucotreta</i> (Meyrick),</p> <p>and</p> <p>(iii) are accompanied by a phytosanitary certificate that indicates the place of production codes,</p>
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				<p>or</p> <p>(d) the fruits:</p> <p>(i) have been produced in an approved site of production, which is included in the list of production site codes that has been communicated in advance in writing to the Commission by the national plant protection organisation of the country of origin,</p> <p>and</p> <p>(ii) have been subjected to:</p> <ul style="list-style-type: none">— an effective systems approach, which includes a cold treatment of 0 °C to -1 °C for at least 16 days, in accordance with the relevant International Standards for Phytosanitary Measures ISPM 14(****) and ISPM 42(****), provided that the cold treatment has been documented and checked for each consignment by the exporting third country and the systems approach, together with documentary evidence of its effectiveness, have been communicated in advance in writing to the Commission by the national plant protection organisation of the country of origin, <p>or</p> <ul style="list-style-type: none">— an effective systems approach in accordance with the International Standard for Phytosanitary Measures ISPM 14(****), which includes a precooling step of the pulp of the fruit to the temperature of the cold treatment applied, followed by that cold treatment for at least 20 days at a set temperature between - 1 °C and +2 °C, provided that the precooling step and the cold treatment have been documented and checked for each consignment by
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				<p>the exporting third country, and provided that the systems approach, together with documentary evidence of its effectiveness, have been communicated in advance in writing to the Commission by the national plant protection organisation of the country of origin,</p> <p>or</p> <ul style="list-style-type: none">— an effective stand-alone post-harvest treatment to ensure freedom from <i>Thaumotobia leucotreta</i> (Meyrick), provided that that post-harvest treatment, together with documentary evidence of its effectiveness has been communicated in advance in writing to the Commission by the national plant protection organisation of the country of origin and has been assessed by the European Food Safety Authority, <p>or</p> <ul style="list-style-type: none">— until 31 December 2022, an effective systems approach in accordance with the International Standard for Phytosanitary Measures ISPM 14 (****), which includes a pre-cooling step of the pulp of the fruit to 5 °C, followed by a cold treatment for at least 25 days at a set temperature between – 1 °C and +2 °C, provided that the precooling step and the cold treatment have been documented and checked for each consignment by the exporting third country, and provided that the systems approach, together with documentary evidence of its effectiveness, have been communicated in advance in writing to the Commission by the national plant protection organisation of the country of origin,
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				<p>and</p> <p>(iii) prior to export have been subjected to official inspections for the presence of <i>Thaumatotibia leucotreta</i> (Meyrick), with an intensity to enable at least the detection of a 2 % level of infestation, with a level of confidence of 95 % in accordance with the International Standard for Phytosanitary Measures ISPM 31 ("") and including destructive sampling in case of symptoms,</p> <p>and</p> <p>(iv) are accompanied by a phytosanitary certificate that indicates the production site codes, mentions details of the post-harvest treatment used or the use of the systems approach together with the set temperature used and the duration of the cold treatment applied in that systems approach;</p> <p>and</p> <p>(v) in case the cold treatment has been applied during transport, in addition to the phytosanitary certificate, records on the application of the treatment have been kept and made available upon request.</p>
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(¹) ISPM 4 "Requirements for the establishment of pest free areas".

(²) ISPM 10 "Requirements for the establishment of pest free places of production and pest free production site".

(³) ISPM 31 "Methodologies for sampling of consignments".

(⁴) ISPM 42 "Requirements for the use of temperature treatments as phytosanitary measures".

(⁵) ISPM 14 "The use of integrated measures in a systems approach for pest risk management".