



EUROPEAN
COMMISSION

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[...] (2019) **XXX** draft

COMMISSION IMPLEMENTING DECISION

of **XXX**

**establishing emergency measures to prevent the introduction into and the spread within
the Union of Tomato brown rugose fruit virus (ToBRFV)**

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establishing emergency measures to prevent the introduction into and the spread within the Union of Tomato brown rugose fruit virus (ToBRFV)

THE EUROPEAN COMMISSION,

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

Having regard to 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 Community¹, and in particular the third sentence of Article 16(3) thereof,

Whereas:

- (1) Tomato brown rugose fruit virus ('the specified organism') is a harmful organism currently not listed in Annex I or Annex II to Directive 2000/29/EC.
- (2) However, in late 2018 Germany and Italy reported outbreaks of the specified organism on tomato crops in their territories and of the measures taken to control it. A pest risk analysis carried out by Italy has demonstrated that the specified organism and its damaging effects could be of significant plant health concern to the Union, in particular for *Solanum lycopersicum* L. and *Capsicum annuum* production.
- (3) Member States should therefore ensure that any person having under their control plants which may be infected with the specified organism is informed about its potential presence and the measures to be taken.
- (4) Member States should furthermore carry out annual surveys for the presence of the specified organism in their territories, to ensure a more pro-active approach against the establishment and spread of that organism.
- (5) In view of the evidence from Germany and Italy and of the spread of the specified organism in a rising number of third countries, susceptible specified plants for planting, including seed, should be subject to specific measures when introduced into the Union and should be accompanied by a phytosanitary certificate.
- (6) Those specific measures should provide for the timely detection of the specified organism in the Union territory, requirements for the introduction into the Union of the specified plants for planting, including seed, as well as official checks to be conducted at the introduction of the specified plants for planting including seed into the Union.
- (7) Such measures are necessary to ensure an enhanced protection of the Union territory from the entry, establishment and spread of the specified organism.
- (8) In order to allow the responsible official bodies and the professional operators to adapt to those requirements, this Decision should apply from 1 November 2019.

¹ OJ L 169, 10.7.2000, p. 1.

- (9) This Decision should be temporary and apply until 31 March 2022 to allow for its review before that time.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1
Definitions

For the purposes of this Decision, the following definitions shall apply:

- (a) ‘specified organism’ means Tomato brown rugose fruit virus (ToBRFV);
- (b) ‘specified plants for planting’ means plants for planting, of *Solanum lycopersicum* L. and *Capsicum annuum*;

Article 2
Prohibition of introduction and movement within the Union

The introduction into, and movement within, the Union of the specified organism shall be prohibited.

Article 3
Detection or suspected presence of the specified organism

Member States shall ensure that any person having under its control plants which may be infected with the specified organism is immediately informed of the presence or the suspected presence of the specified organism, of the possible consequences and risks, and of the measures to be taken to prevent the establishment and spread of the specified organism.

Article 4
Surveys of the specified organism in the territories of the Member States and identification

1. Member States shall conduct annual surveys for the presence of the specified organism on host plants in their territory.
2. Those surveys shall be carried out by the responsible official body, or under official supervision of the responsible official body. Those surveys shall include laboratory testing and shall be based on sound scientific and technical principles with regard to the possibility to detect the specified organism.
3. Member States shall notify the Commission and the other Member States, by 31 January of each year, of the results of the surveys that were carried out in the preceding calendar year.

Article 5
Movement of the specified plants for planting within the Union

The specified plants for planting, originating within the Union territory, may only be moved within the Union if they are accompanied by a plant passport prepared and issued in

accordance with Commission Directive 92/105/EEC² and if they fulfil one of the following requirements:

- (a) they originate in areas where the specified organism is known not to occur;
- (b) in the case of plants for planting, other than seeds:
 - (i) they originate in a production site where the specified organism is known not to occur on the basis of official inspections; and
 - (ii) they derive from seeds which either originate in areas free from the specified organism or have undergone official testing for the specified organism on a representative sample using appropriate methods, and have been found, in these tests, to be free of the specified organism;
- (c) in the case of seeds, official testing for the specified organism has been carried out, on a representative sample using appropriate methods, and they have been found, in these tests, to be free of the specified organism.

Article 6

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

Specified plants for planting shall only be introduced into the Union if they are accompanied by a phytosanitary certificate referred to in Article 13(1)(ii) of Directive 2000/29/EC and if they fulfil the following requirements, as applicable:

1. The specified plants for planting shall originate in a third country free from the specified organism, as established by the national plant protection organisation concerned, in accordance with the relevant International Standards for Phytosanitary Measures. That information shall be stated in the phytosanitary certificate under 'Additional Declaration'.
2. The specified plants for planting shall originate in an area free from the specified organism, as established by the national plant protection organisation concerned, in accordance with the relevant International Standards for Phytosanitary Measures. The name of that area shall be stated in the phytosanitary certificate under 'place of origin'.
3. Where the specified plants for planting originate in third countries or areas other than those referred to in paragraphs 1 and 2, they shall fulfil the following requirements:
 - (a) in the case of specified plants for planting, other than seeds:
 - (i) they have been produced in a production site which is registered and supervised by the national plant protection organisation in the country of origin and known to be free from the specified organism on the basis of official inspections; and

² Commission Directive 92/105/EEC of 3 December 1992 establishing a degree of standardization for plant passports to be used for the movement of certain plants, plant products or other objects within the Community, and establishing the detailed procedures related to the issuing of such plant passports and the conditions and detailed procedures for their replacement ([OJ L 4, 8.1.1993, p. 22](#)).

- (ii) they derive from seeds which either originate in areas free from the specified organism or have undergone official testing for the specified organism on a representative sample using appropriate methods, and have been found, in these tests, to be free of the specified organism. Reference to the testing shall be included under ‘Additional Declaration’ of the phytosanitary certificate.

Information ensuring the traceability of the specified plants for planting to their site of production shall be available.

- (b) in the case of seeds, official sampling and testing for the specified organism has been carried out, on a representative sample using appropriate methods, and they have been found, in these tests, to be free of the specified organism. Reference to the testing shall be included under ‘Additional Declaration’ of the phytosanitary certificate.

Article 7

Official checks at introduction into the Union

All consignments of specified plants for planting introduced into the Union shall be officially checked at the point of entry into the Union or at the place of destination as provided for in accordance with Commission Directive 2004/103/EC³.

Article 8

Date of application

This Decision shall apply from 1 November 2019.

Article 9

Date of expiration

This Decision shall apply until 31 March 2022.

Article 10

Addressees

Done at Brussels,

For the Commission

Vytenis ANDRIUKAITIS

Member of the Commission

³ Commission Directive 2004/103/EC of 7 October 2004 on identity and plant health checks of plants, plant products or other objects, listed in Part B of Annex V to Council Directive 2000/29/EC, which may be carried out at a place other than the point of entry into the Community or at a place close by and specifying the conditions related to these checks (OJ L 313, 12.10.2004, p. 16).