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►**B**

COMMISSION IMPLEMENTING DECISION (EU) 2016/715

of 11 May 2016

setting out measures in respect of certain fruits originating in certain third countries to prevent the introduction into and the spread within the Union of the harmful organism *Phyllosticta citricarpa* (McAlpine) Van der Aa

(notified under document C(2016) 2684)

(OJ L 125, 13.5.2016, p. 16)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Commission Implementing Decision (EU) 2017/801 of 8 May 2017	L 120	26	11.5.2017
►**M2**	Commission Implementing Decision (EU) 2018/85 of 18 January 2018	L 16	11	20.1.2018
►**M3**	Commission Implementing Decision (EU) 2019/449 of 18 March 2019	L 77	76	20.3.2019
►**M4**	Commission Implementing Decision (EU) 2021/682 of 26 April 2021	L 144	31	27.4.2021

▼B

COMMISSION IMPLEMENTING DECISION (EU) 2016/715

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(notified under document C(2016) 2684)

CHAPTER I

GENERAL PROVISIONS

▼M1

Article 1

Subject matter

This Decision lays down measures in respect of certain fruits originating in Argentina, Brazil, South Africa and Uruguay to prevent the introduction into and the spread within the Union of *Phyllosticta citricarpa*.

▼B

Article 2

Definitions

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

(a) '*Phyllosticta citricarpa*' means *Phyllosticta citricarpa* (McAlpine) Van der Aa, also named *Guignardia citricarpa* Kiely under Directive 2000/29/EC;

▼M1

(b) 'specified fruits' means fruits of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., and their hybrids, other than fruits of *Citrus aurantium* L. and *Citrus latifolia* Tanaka.

▼B

CHAPTER II

MEASURES ON SPECIFIED FRUITS OTHER THAN FRUITS DESTINED EXCLUSIVELY FOR INDUSTRIAL PROCESSING INTO JUICE

Article 3

Introduction into the Union of specified fruits, other than fruits destined exclusively for industrial processing into juice

▼M1

1. By way of derogation from point 16.4(c) and (d) of Section I of Part A of Annex IV to Directive 2000/29/EC, specified fruits originating in Argentina, Brazil, South Africa or Uruguay, other than fruits destined exclusively for industrial processing into juice, shall be introduced into the Union in accordance with Articles 4 to 7 of this Decision.

▼M2

2. Paragraph 1 of this Article shall apply without prejudice to the requirements laid down in points 16.1, 16.2, 16.3, 16.5 and 16.6 of Section I of Part A of Annex IV to Directive 2000/29/EC.

▼M3

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▼B

Article 5

Introduction into the Union of specified fruits originating in South Africa and Uruguay

Specified fruits originating in South Africa and Uruguay shall be accompanied by a phytosanitary certificate, as referred to in the first subparagraph of point (ii) of Article 13(1) of Directive 2000/29/EC, including under the heading 'Additional declaration' the following elements:

(a) a statement that the specified fruits originate in a field of production which has been subjected to treatments against *Phyllosticta citricarpa* carried out at the appropriate time since the beginning of the last cycle of vegetation;

(b) a statement that an appropriate official inspection has been carried out in the field of production during the growing season, and no symptoms of *Phyllosticta citricarpa* have been detected in the specified fruit since the beginning of the last cycle of vegetation;

(c) a statement that a sample has been taken along the line between arrival and packaging in the packing facilities of at least 600 fruits of each species per 30 tonnes, or part thereof, selected as much as possible on the basis of any possible symptom of *Phyllosticta citricarpa*, and all sampled fruits showing symptoms have been tested and found free of that harmful organism;

(d) in the case of *Citrus sinensis* (L.) Osbeck 'Valencia', in addition to the statements referred to in (a), (b) and (c): a statement that a sample per 30 tonnes, or part thereof, has been tested for latent infection and found free of *Phyllosticta citricarpa*.

▼M1

Article 5a

▼M4

Introduction into the Union of specified fruits originating in Brazil

Specified fruits originating in Brazil shall be accompanied by a phytosanitary certificate, which shall include, under the heading 'Additional declaration', the following elements:

▼M1

(a) a statement that the specified fruits originate in a field of production which has been subjected to treatments against *Phyllosticta citricarpa* carried out at the appropriate time since the beginning of the last cycle of vegetation;

(b) a statement that an appropriate official inspection has been carried out in the field of production during the growing season, and no symptoms of *Phyllosticta citricarpa* have been detected in the specified fruit since the beginning of the last cycle of vegetation;

(c) a statement that a sample has been taken along the line between arrival and packaging in the packing facilities of at least 600 fruits of each species per 30 tonnes, or part thereof, selected as much as possible on the basis of any possible symptom of *Phyllosticta citricarpa,* and all sampled fruits showing symptoms have been tested and found free of that harmful organism.

▼M4

Article 5b

Introduction into the Union of specified fruits originating in Argentina

1. Specified fruits originating in Argentina shall be introduced into the Union only if all of the following conditions are fulfilled:

(a) the specified fruits have been produced in fields of production, consisting of one or more production units, which have been identified as unique and physically distinct parts of a field of production, and both the field of production and its production units have been officially approved by the National Plant Protection Organisation of Argentina for the purpose of export to the Union;

(b) the approved fields of production and the production units thereof have been registered by the National Plant Protection Organisation of Argentina under respective unique identification codes ('traceability codes');

(c) the specified fruits have been produced in an approved production unit, which has undergone treatments and cultural measures, effective against *Phyllosticta citricarpa*, at the appropriate time since the beginning of the last cycle of vegetation and their application has been verified under the official supervision of the National Plant Protection Organisation of Argentina;

(d) official inspections, consisting in visual observations and, if symptoms are detected, sampling to test for the presence of *Phyllosticta citricarpa*, have been carried out in the approved production units during the growing season, and no symptoms of *Phyllosticta citricarpa* have been detected on the specified fruits since the beginning of the last cycle of vegetation;

(e) a sample has been taken:

(i) upon arrival to the packing facilities, prior to processing, of 200-400 fruits per lot of specified fruits, defined upon arrival in the packing facility;

(ii) along the line between arrival and packing in the packing facilities, of at least 1 % per lot of specified fruits defined in the packing line;

▼M4

(iii) before departure from the packaging facility, of at least 1% per lot of specified fruits, defined after packing;

(iv) prior to export, as part of the final official inspection to issue the phytosanitary certificate, of at least 1 % per lot of specified fruits prepared for export;

(f) all of the specified fruits referred to in point (e) have been sampled, as far as possible, on the basis of any apparent symptom of *Phyllosticta citricarpa*, and all of the sampled fruits referred to in point (e)(i) have been found free from *Phyllosticta citricarpa* on the basis of visual inspections, whereas all of the sampled fruits referred to in point (e)(ii), (iii) and (iv) which showed symptoms of *Phyllosticta citricarpa*, have been tested and found free from *Phyllosticta citricarpa*;

(g) the specified fruits have been transported in packages with each package bearing a label with the traceability code of the production unit from which they originate;

(h) before the start of the export season of the specified fruits, the National Plant Protection Organisation of Argentina has communicated to the Commission the list of approved production units per field of production, as well as the names of professional operators responsible for each approved field of production, and any updates related to the changes to that list, including the reason for those changes, have been immediately communicated to the Commission;

(i) the specified fruits are accompanied by a phytosanitary certificate, which includes the number of packages from each production unit and, under the heading 'Additional Declaration', the relevant traceability codes and the following statement: 'The consignment complies with Article 5b of Commission Implementing Decision (EU) 2016/715'.

2. In addition to paragraph 1, specified fruits originating in Argentina shall be introduced into the Union if all of the following conditions are fulfilled:

(a) they originate from an approved production unit where *Phyllosticta citricarpa* has not been found on the specified fruits during official inspections carried out in Argentina in the approved production units as referred to in paragraph 1, point (d), or on the specified fruits as referred to in paragraph 1, point (e), and during the official controls carried out on consignments at the points of entry into the Union during the growing and export season;

(b) they originate from production units where *Phyllosticta citricarpa* has not been found during investigations carried out by Argentina after the presence of *Phyllosticta citricarpa* has been confirmed in a production unit which belongs to the same field of production as those production units, during official inspections carried out in Argentina on the specified fruits as referred to in paragraph 1, point (e), or during the official controls carried out on consignments at the points of entry into the Union during the growing and export season;

▼M4

(c) they originate from production units where *Phyllosticta citricarpa* has not been found during the preceding growing and export season, during official inspections carried out in Argentina, or during official controls carried out on consignments in the Union.

▼M1

Article 6

▼M3

Requirements concerning inspection of the specified fruits originating in Argentina, Brazil, South Africa and Uruguay within the Union

1. Specified fruits originating in Argentina, Brazil, South Africa and Uruguay shall be visually inspected at the point of entry or at the place of destination established in accordance with Commission Directive 2004/103/EC ([1]). Those inspections shall be carried out on samples of at least 200 fruits of each species of the specified fruits by batch of 30 tonnes, or part thereof, selected on the basis of any possible symptom of *Phyllosticta citricarpa*.

▼B

2. If symptoms of *Phyllosticta citricarpa* are detected during the inspections referred to in paragraph 1, the presence of that harmful organism shall be confirmed or refuted by testing of the fruits showing symptoms.

3. If the presence of *Phyllosticta citricarpa* is confirmed, the batch from which the sample has been taken shall be subjected to refusal of entry into the Union.

▼M4

4. In case of specified fruits originating in Argentina, Member States shall consult the respective notified non-compliances as a result of the official controls carried out on consignments at the points of entry into the Union and the updated list referred to in Article 5b, paragraph 1, point (h), to identify the production units referred to in Article 5b, paragraph 2, points (a) and (b).

▼B

Article 7

Traceability requirements

For traceability purposes, the specified fruits shall be introduced into the Union only if they fulfil the following conditions:

(a) the field of production, the packing facilities, exporters and any other operator involved in the handling of the specified fruits have been officially registered for that purpose;

([1]) 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).

▼B

(b) throughout their movement, from the field of production to the point of entry to the Union, the specified fruits have been accompanied by documents issued under the supervision of the National Plant Protection Organisation;

▼M3

(c) detailed information on the pre- and post-harvest treatments has been kept.

▼B

CHAPTER III

MEASURES ON SPECIFIED FRUITS DESTINED EXCLUSIVELY FOR INDUSTRIAL PROCESSING INTO JUICE

▼M2

Article 8

Introduction into, and movement within, the Union of specified fruits destined exclusively for industrial processing into juice

1. By way of derogation from point 16.4(e) of Section I of Part A of Annex IV to Directive 2000/29/EC, specified fruits originating in Argentina, Brazil, South Africa or Uruguay, destined exclusively for industrial processing into juice, shall only be introduced into, and moved within, the Union in accordance with Articles 9 to 17 of this Decision.

2. Paragraph 1 of this Article shall apply without prejudice to the requirements laid down in points 16.1, 16.2, 16.3, 16.5 and 16.6 of Section I of Part A of Annex IV to Directive 2000/29/EC.

▼B

Article 9

Phytosanitary certificates

1. The specified fruits shall be accompanied by a phytosanitary certificate, as referred to in the first subparagraph of point (ii) of Article 13(1) of Directive 2000/29/EC. The phytosanitary certificate shall include the following elements under the heading ‘Additional Declaration’:

(a) a statement that the specified fruits originate in a field of production subjected to appropriate treatments against *Phyllosticta citricarpa* carried out at the appropriate time;

(b) a statement that an appropriate official visual inspection has been carried out during packaging and no symptoms of *Phyllosticta citricarpa* have been detected in the specified fruits harvested in the field of production in that inspection;

(c) the words ‘Fruit destined exclusively for industrial processing into juice’.

2. The phytosanitary certificate shall include the identification numbers of the containers and the unique numbers of the labels on the individual packages as referred to in Article 17.

▼B

Article 10

Traceability requirements and movement of the specified fruits within the third country of origin

For traceability purposes, the specified fruits shall only be introduced into the Union if they originate in an officially registered place of production, and there has been an official registration of the movement of those fruits from the place of production to the point of export into the Union. The registered production unit code shall be mentioned on the phytosanitary certificate referred to in the first sub-paragraph of point (ii) of Article 13(1) of Directive 2000/29/EC under the heading ‘Additional declaration’.

Article 11

Points of entry of the specified fruits

1. The specified fruits shall be introduced through points of entry, designated by the Member State in which those points of entry are situated.

2. Member States shall notify the designated points of entry and the name and address of the official body of each point of entry sufficiently in advance to the other Member States, the Commission and the third countries concerned.

Article 12

Inspections at the points of entry of the specified fruits

1. The specified fruits shall be visually inspected by the responsible official body at the point of entry.

2. If symptoms of *Phyllosticta citricarpa* are detected during the inspections, the presence of that harmful organism shall be confirmed or refuted by testing. If the presence of the harmful organism is confirmed, the batch from which the sample has been taken shall be subjected to refusal of entry into the Union.

Article 13

Requirements for importers

1. The importers of the specified fruits shall notify details of each container prior to its arrival at the point of entry to the responsible official body in the Member State in which the point of entry is situated, and where applicable, to the responsible official body of the Member State where the processing will take place.

That notification shall provide the following information:

(a) the volume of the specified citrus fruits;

(b) the identification numbers of the containers;

(c) the expected date of introduction and point of entry into the Union;

(d) the names, addresses and the locations of the premises referred to in Article 15.

2. The importers shall inform the responsible official bodies referred to in paragraph 1 of any changes to the information listed in that paragraph, as soon as they are known and, in any case, prior to the arrival of the consignment at the point of entry.

▼B

Article 14

Movement of the specified fruits within the Union

1. Specified fruits shall not be moved to a Member State other than the Member State through which they were introduced into the Union unless the responsible official bodies of the Member States concerned agree that such movement takes place.

2. After the inspections referred to in Article 12 are carried out, the specified fruits shall be directly and without delay transported into the processing premises referred to in Article 15 or to a storage facility. Any movement of the specified fruits shall be under the supervision of the responsible official body of the Member State where the point of entry is situated and, where appropriate, of the Member State where the processing will take place.

3. The Member States concerned shall cooperate to ensure that this Article is complied with.

Article 15

Requirements concerning processing of the specified fruits

1. The specified fruits shall be processed into juice at premises situated in an area where no citrus fruit is produced. The premises shall be officially registered and approved for that purpose by the responsible official body of the Member State in which the premises are situated.

2. Waste and by-products of the specified fruits shall be used or destroyed in the territory of the Member State where those fruits have been processed in an area where no citrus fruit is produced.

3. The waste and by-products shall be destroyed by deep burial or used by a method approved by the responsible official body of the Member State where the specified fruits have been processed and under the supervision of that official body, in a way to prevent any potential risk for spreading of *Phyllosticta citricarpa*.

4. The processor shall keep records of the specified fruits that are processed and make them available to the responsible official body of the Member State where the specified fruits have been processed. Those records shall indicate the numbers and distinguishing marks of containers, the volumes of the specified fruits imported, the volumes of waste and by-products used or destroyed and detailed information on their use or destruction.

Article 16

Requirements concerning storage of the specified fruits

1. Where the specified fruits are not processed immediately, they shall be stored at a facility registered and approved for that purpose by the responsible official body of the Member State where the facility is situated.

2. The batches of specified fruits shall remain separately identifiable.

3. The specified fruits shall be stored in a way which prevents any potential risk of spreading of *Phyllosticta citricarpa*.

▼B

Article 17

Containers, packages and labelling

The specified fruits shall be introduced into, and moved within, the Union if the following conditions have been fulfilled:

(a) they are included in individual packages in a container;

(b) a label is attached to each container and individual package referred to in point (a), bearing the following information:

(i) a unique number on each individual package;

(ii) the declared net weight of the fruit;

(iii) a mark stating: ‘Fruit destined exclusively for industrial processing into juice.’.

CHAPTER IV

FINAL PROVISIONS

Article 18

Reporting obligations

1. The importing Member States shall submit to the Commission and the other Member States, each year before 31 December, a report with information on the amounts of the specified fruits introduced into the Union under this Decision during the previous import season.

2. Member States in whose territory the specified fruit are processed into juice shall submit to the Commission and the other Member States, each year before 31 December, a report with all the following elements:

(a) the amounts of the specified fruits processed in their territory under this Decision during the previous import season;

(b) the volumes of waste and by-products destroyed and detailed information on the method of their use or destruction as refer to in Article 15(3).

3. The report referred to in the paragraph 1 shall also include the results of the plant health checks of the specified fruits carried out in accordance with Article 13(1) of Directive 2000/29/EC and this Decision.

Article 19

Notifications

Member States shall immediately notify the Commission, the other Member States and the third country concerned of a confirmed finding of *Phyllosticta citricarpa*.

▼M4

In the case of non-compliance of specified fruits originating in Argentina with Article 5b, Member States shall provide in the notification of non-compliances the traceability code of the respective production unit referred to in Article 5b(1)(b).

▼B

Article 20

Repeals

Decision 2004/416/EC and Implementing Decision 2014/422/EU are repealed.

Article 21

Date of application

This Decision shall apply from 1 June 2016.

▼M3

Article 22

Date of expiration

This Decision shall expire on 31 March 2022.

▼B

Article 23

Addressees

This Decision is addressed to the Member States.