COMMISSION IMPLEMENTING DECISION (EU) 2021/682

of 26 April 2021

amending Implementing Decision (EU) 2016/715 as regards specified fruits originating in Argentina

(notified under document C(2021) 2744)

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 Decision (EU) 2016/715 [2] lays down measures in respect of fruits of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., and their hybrids, other than fruits of *Citrus aurantium* L. and *Citrus latifolia* Tanaka ('the specified fruits'), originating in Argentina, Brazil, South Africa or Uruguay, to prevent the introduction into and the spread within the Union territory of *Phyllosticta citricarpa* (McAlpine) Van der Aa.

(2) In 2020, Member States, based on their import inspections, notified a total of 90 interceptions of *Phyllosticta citricarpa* on fruits of *Citrus limon* (L.) N. Burm.f. and *Citrus sinensis* (L.) Osbeck originating in Argentina. That unprecedented number of non-compliances casts doubt on the reliability of Argentina's export certification system.

(3) As a result, Commission Implementing Regulation (EU) 2020/1199 [3] was adopted, prohibiting the introduction into the Union territory of *Citrus limon* (L.) N. Burm.f. and *Citrus sinensis* (L.) Osbeck originating in Argentina until 30 April 2021.

(4) During an audit carried out in February 2021, Argentina provided the Commission with detailed information on the reasons for the failure of its citrus export certification system in the 2020 export season, and on its actions to reinforce it for the 2021 growing and export season.

(5) Given that Argentina has taken actions to reinforce its system, communicated during the audit, the temporary prohibition of the introduction into the Union territory of *Citrus limon* (L.) N. Burm.f. and *Citrus sinensis* (L.) Osbeck originating in Argentina should not be prolonged. At the same time, as Argentina has not yet fully implemented all of those actions throughout the growing and export season, they may be subject to revision for future seasons, and the risk of introduction into the Union territory of *Phyllosticta citricarpa* from specified fruits originating in Argentina cannot be fully assessed yet. Consequently, detailed and risk-based measures should be set out for the introduction of the specified fruits originating in Argentina into the Union territory.

(6) Such measures should consist in requiring the registration of the fields of production, and production units thereof, in Argentina where the specified fruits are produced, in the assignment of unique identification codes ('traceability codes') to those fields of production and production units, in official inspections to confirm the absence of *Phyllosticta citricarpa* in those fields of production and production units, in increased sampling procedures and in the prior communication of the list of approved fields of production with their approved production units to ensure traceability.

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[1] OJ L 317, 23.11.2016, p. 4.

[2] 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 (OJ L 125, 13.5.2016, p. 16).

[3] Commission Implementing Regulation (EU) 2020/1199 of 13 August 2020 amending Annex VI to Implementing Regulation (EU) 2019/2072 to temporarily prohibit the introduction into the Union of certain fruits originating in Argentina to prevent the introduction into and the spread within the Union of *Phyllosticta citricarpa* (McAlpine) Van der Aa (OJ L 267, 14.8.2020, p. 3).

(7) Such measures should also take into account the results of the official controls on consignments at the points of entry into the Union, during the export season of the respective year, and should allow the introduction into the Union territory of the specified fruits only when they originate in a production unit where *Phyllosticta citricarpa* has not been found, based on those official controls. Such a measure will be in line with the established practice of Argentina, which has officially informed the Commission that it suspends any production unit where the presence of *Phyllosticta citricarpa* on specified fruits is confirmed on the basis of controls carried out at the points of entry into the Union.

(8) Those measures should also take into account the results of the investigations carried out by Argentina in the approved production units that belong to the same field of production as the production unit where the presence of *Phyllosticta citricarpa* has been confirmed during inspections carried out by Argentina in the packing facilities, and prior to export, and during the official controls carried out on consignments at the points of entry into the Union. The introduction into the Union territory of the specified fruits originating from those production units should only be allowed after those investigations are finalised and *Phyllosticta citricarpa* is not found. Such measures will be in line with the established practice of Argentina, which has officially informed the Commission that it suspends, as a preventive measure, exports to the Union of specified fruits originating from the production units that belong to the same field of production as the production unit where the presence of *Phyllosticta citricarpa* on specified fruits has been confirmed on the basis of inspections it carried out at the packing facilities, and prior to export, and on the basis of the official controls carried out at the points of entry into the Union, and that it carries out investigations in those production units and allows exports to resume from them only when they have confirmed the absence of *Phyllosticta citricarpa*.

(9) The measures should also take into account the results of the inspections carried out in Argentina and the results of the official controls carried out on consignments at the points of entry into the Union during the preceding growing and export season and allow the introduction into the Union territory of the specified fruits originating in production units where *Phyllosticta citricarpa* has not been found during that preceding growing and export season. Such measures are expected to be effective, as Argentina has officially informed the Commission that it suspends a production unit, when during the preceding growing and export season the presence of *Phyllosticta citricarpa* on specified fruits coming from it has been confirmed in controls carried out at the points of entry into the Union.

(10) In order to identify the source of infected specified fruits, Member States should provide the traceability code of the production unit when notifying the respective non-compliances.

(11) In order to allow the competent authorities and the professional operators of Argentina to adapt to the new requirements, this Decision should apply from 1 May 2021.

(12) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee for Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

Amendments to Implementing Decision (EU) 2016/715

Implementing Decision (EU) 2016/715 is amended as follows:

(a) Article 5a is amended as follows:

(i) the heading is replaced by the following:

'**Introduction into the Union of specified fruits originating in Brazil**';

(ii) the introductory phrase is replaced by the following:

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

(b) the following Article 5b is inserted:

'*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;

(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;

(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.';

(c) in Article 6, the following paragraph 4 is added:

'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).';

(d) in Article 19, the following paragraph is added:

'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).'

Article 2

Date of application

This Decision shall apply from 1 May 2021.

Article 3

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 26 April 2021.

For the Commission
Stella KYRIAKIDES
Member of the Commission