



Ad-hoc Working Group meeting of the Advisory Group on the Food Chain, Animal and Plant Health on *the Annexes of Council Directive 2000/29/EC (draft Commission Directive to amend the phytosanitary requirements for import and internal movements of plants and plant products)*, and on the state of play of *Xylella fastidiosa* in the EU, 30 September 2016

1. Technical amendments to the Annexes of Directive 2000/29/EC

The COMMISSION presented the draft Commission Directive to amend the Annexes of Directive 2000/29/EC and explained the procedures and timeframe followed for the adoption of this draft legislation. Emphasis was given to the new procedure in place for stakeholder consultation, which takes places for 4 weeks and gives the possibility to stakeholders to comment on the draft Commission proposal via the Better Regulation Portal. In addition, a 60 days consultation will follow later on an international level, via the WTO-SPS notification system. Only when those procedures are finalised and the comments are assessed, can the draft Commission Directive be presented for opinion to the Member States.

The main proposed amendments of the annexes of Directive 2000/29 were presented, namely:

- The regulation of 4 new harmful organisms, the revision of existing requirements of a number of harmful organisms, the regulation of new plant commodities and the proposed changes in the EU protected zones. The quarantine status is proposed for false codling moth, round-headed apple-tree borer, potato psyllid and tomato pinworm, all harmful organism currently not regulated in the EU.
- Specific requirements for import and need of phytosanitary certificates for the import of the main commodities affected by these pests and pausing a phytosanitary risk have been proposed: e.g. tomatoes, pomegranate from Africa, cherry wood from Canada and USA.
- Amendments of the specific import requirements for a number of citrus harmful organisms are proposed with the aim to strengthen the protection.
- For *Xylella fastidiosa*, potato spindle tuber viroid and elm necrosis mycoplasma a change in their annex listing is proposed as those harmful organisms are present in EU.
- With regard to changes related to EU protected zones, the Commission presented its updates and an alignment of the relevant annexes of Directive 2000/29/EC with the latest revision of Commission Regulation No. 690/2008, under which the protected zones are recognised and listed. In particular, the Commission informed about 'to be newly recognised' protected zones for bacterial canker of stone fruits, *Paysandisia archon*, pine processionary moth, potato cyst nematode and red palm weevil, and possible changes related to bacterial wilt of bean, canker stain of plane, chestnut gall wasp, cotton whitefly, fireblight, grapevine phylloxera, oak processionary moth, pale potato cyst nematode, spotted wilt of tomato and citrus tristeza virus.

AIPH (International Association of Horticultural Producers) requested for more regular and frequent updates of the annexes of Directive 2000/29/EC. **COMMISSION** has noted the point and intends to update more often the annexes.

COPA-COGECA (European farmers and agri-cooperatives) considers that the cold treatment for import of commodities affected by false codling moth should be added in the specific requirements, as mentioned in the EPPO pest risk analysis.

In addition they believe that the new EU trade agreement to import citrus from South Africa late in the season will increase the phytosanitary risk for the EU.

In respect of the requirement for import of citrus specifically for processing it is stated that this is not in line with the recent EFSA pest risk assessments.

It is questioned why such specific requirement for fruit for processing is foreseen only for citrus fruits.

Freshfel Europe (The forum for the fresh produce industry) considers a positive step to regulate the false codling moth but considers that the import requirement of fruits of concern should be specified (mainly the cold treatment) as it is mentioned in the EPPO pest risk analysis. Furthermore, it was mentioned that such requirement in relation to false codling moth is present for import citrus to USA.

In addition comments were made in relation to the import requirement of citrus fruit for processing and request for clarification on the way the waste will be dealt with.

In respect to the requirements for the causative agent of citrus canker, clarifications were asked for the rationale of the change of the previously defined treatment required for imported fruits to a more generic than before leaving the choice of the treatment to the third country. and with the addition of a new option for import.

The COMMISSION responded that the current text does not exclude the use of a cold treatment, for the false codling moth, and it is also giving the possibility of other validated and effective treatments to be used. Furthermore, cold treatment is not applicable to all commodities that can host the harmful organism (would damage some commodities).

The relevant references to the EFSA pest risk assessments to the risk connected to the citrus fruits for processing have been high-lightened:

- for citrus black spot: EFSA opinion 2008, page 3 and EFSA opinion 2014 page 136;
- for citrus canker: EFSA opinion 2014 pages 37 and 83.

The Commission added that, thus far, only requests to consider specific import requirements for citrus fruits for processing have been received. Whether such provisions will be considered in the future for the import of other commodities destined for processing, depends on a case by case analysis.

In respect to the treatment requirements for import of citrus fruits in connection to citrus canker it was noted that the current applicable specification with sodium orthophenylphenate treatment does not allow import of organic citrus fruits from areas where citrus canker is widespread, while the current draft Commission directive does not specify which treatment has to be used, in this case, as long as it is efficient and ensures absence of *Xanthomonas citri* pv. *citri* and *Xanthomonas citri* pv. *aurantifolii* (the causal agents of citrus canker).

AIPH (International Association of Horticultural Producers) welcomed the Commission proposal on the update in relation to protected zones and urged the Commission to progress with the update, especially with regard to Annex IV measures. In particular, they expressed their support to measures related to cotton whitefly to be applied for plants for retail sale in the relevant protected zones; and wondered about the status of canker stain of plane and the absence of specific requirements in Annex IV for its causal organism (*Candidatus Phytoplasma ulmi*).

2. Situation of *Xylella fastidiosa* in the EU

The COMMISSION presented the state of play of *Xylella fastidiosa* in the Union territory and the control measures being implemented in the respective demarcated areas located in Italy (Apulia), France (Corsica and PACA) and Germany (Saxony). The Commission also informed that based on survey activities carried out by all Member States, there are no further findings reported in the rest of the Union territory. The importance of implementing strict control measures with the aim to prevent further spread of the bacterium was stressed.

As regards the current planting prohibition of host plants in the demarcated area, the Commission highlighted that current provisions allow planting of host plants in some parts of the demarcated area of Apulia for scientific purposes. The Commission informed that EFSA has been requested to further specify and update the current EFSA database of host with the aim to identify also non-susceptible varieties of host plants if available. In this respect, the Commission reassured stakeholders that as soon as scientific evidences confirm existence of *Xylella fastidiosa* non-susceptible varieties, the planting prohibition will be reviewed.

Additionally, as far as financial support is concerned in application of Regulation (EU) No 652/2014, the Commission informed that grants can be made available for the implementation of surveillance programmes, eradication and containment if the EU emergency measures are correctly implemented. As of 1 January 2017, EU co-financing for compensation to owners for the value of destroyed plants will also be possible, under certain conditions, and respect of the EU legislation.

COPA-COGECA (European farmers and agri-cooperatives) highlighted the impact of *Xylella fastidiosa* on olive farmers in Italy (Apulia) and welcome the EU efforts to step-up research activities. They stressed the importance to prevent further spread of the bacterium in the rest of the Union territory and ensure strengthened risk based import controls. They also called for financial support for affected farmers and removal of the planting prohibition for non-susceptible varieties of host plants. Finally, they raised concerns about the import ban introduced by certain non-EU Mediterranean Member States on specified plants (Decision 2015/789/EU) from the Italian territory.

ENA (European Nurseries Association) welcomed EU control measures to prevent further natural spread of *Xylella fastidiosa* in the rest of the Union territory and highlighted difficulties faced by nurseries in order to meet current requirement for the authorisation of nurseries within the demarcated areas. More particularly, the 200 m buffer zone around the nurseries goes beyond nurseries' responsibility and the pest free status cannot be ensured by them. Furthermore, the insect proof conditions for certain specified plants is not considered to be feasible. Lastly, they expressed concerns for the financial implications of EU emergency measures and the import restrictions imposed by some non EU Member States on import of specified plants from the rest of the Italian territory still free from the bacterium.

General comments:

ENA (European Nurseries Association) raised a question regarding issues related to potato cyst nematode guarantees for consignments exported from another Member State than the one of origin. The **COMMISSION** informed about the current possibility of using the harmonised intra-EU document to facilitate proper guarantees for such export situations; and referred to a mandatory system of pre-export documents that will be introduced with the new Plant Health Regulation.

ESA (European Seed Association) asked whether it is possible to receive a list of activities related to the new plant health law where stakeholder consultation is anticipated. The **COMMISSION** explained that an intensive program of implementing/delegating acts has to be implemented, particularly within the 3 years after adoption of the new plant health regulation and before it has to be applied. Once the timing of these activities is clarified, the program can be made available. Plant health advisory meetings will be organised in relation to these activities.

Participating stakeholders:

Members of the Advisory Group

CELCAA European Liaison Committee for the Agricultural and Agri-food Trade
COPA-COGECA Comité des organisations professionnelles agricoles de l'UE
ESA European Seed Association
FOODSERVICE EUROPE Freshfel Europe The forum for the fresh produce industry
PAN Europe

Non members

AIPH International Association of Horticultural Producers
ENA European Nurserystock Association
UNION FLEURS International Flower Trade Association