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**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:

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		No	page	date
► <b><u>M1</u></b>	Commission Implementing Decision (EU) 2017/801 of 8 May 2017	L 120	26	11.5.2017
► <b><u>M2</u></b>	Commission Implementing Decision (EU) 2018/85 of 18 January 2018	L 16	11	20.1.2018

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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*.

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*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.

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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**

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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.

**▼B***Article 4***Introduction into the Union of specified fruits originating in Brazil**

Specified fruits originating in Brazil shall only be introduced into the Union if they are accompanied by a phytosanitary certificate, as referred to in the first subparagraph of point (ii) of Article 13(1) of Directive 2000/29/EC, officially stating under the heading ‘Additional declaration’ that no symptoms of *Phyllosticta citricarpa* have been observed in the place of production since the beginning of the last cycle of vegetation, and that none of the fruits harvested in the place of production has shown, in an appropriate official examination, symptoms of that harmful organism.

*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***Introduction into the Union of specified fruits originating in Argentina**

Specified fruits originating in Argentina 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:

**▼ 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.

*Article 6*

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

1. Specified fruits originating in Argentina, 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 <sup>(1)</sup>. 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*.

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- 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.

*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;

<sup>(1)</sup> 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).

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- (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;

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- (c) in the case of the specified fruits originating in Argentina, South Africa and Uruguay, in addition to points (a) and (b), detailed information on the pre- and post-harvest treatments has been kept.

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## 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.

*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 subparagraph 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.

*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 referred 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*.

*Article 20***Repeals**

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

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*Article 21*

**Date of application**

This Decision shall apply from 1 June 2016.

*Article 22*

**Date of expiration**

This Decision shall expire on 31 March 2019.

*Article 23*

**Addressees**

This Decision is addressed to the Member States.