

Commission Implementing Decision of 1 March 2012 as regards emergency measures to prevent the introduction into and the spread within the Union of *Anoplophora chinensis* (Forster) (notified under document C(2012) 1310) (2012/138/EU)

Article 1

Definitions

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

- (a) ‘specified plants’ means plants for planting that have a stem or root collar diameter of 1 cm or more at their thickest point, other than seeds, of *Acer* spp., *Aesculus hippocastanum*, *Alnus* spp., *Betula* spp., *Carpinus* spp., *Citrus* spp., *Cornus* spp., *Corylus* spp., *Cotoneaster* spp., *Crataegus* spp., *Fagus* spp., *Lagerstroemia* spp., *Malus* spp., *Platanus* spp., *Populus* spp., *Prunus laurocerasus*, *Pyrus* spp., *Rosa* spp., *Salix* spp. and *Ulmus* spp.;
- (b) ‘place of production’ means the place of production as defined in the FAO International Standard for Phytosanitary Measures (hereinafter ‘ISPM’) No 5⁽¹⁾;
- (c) ‘specified organism’ means *Anoplophora chinensis* (Forster).

Article 2

Import of the specified plants originating in third countries except China

As regards imports originating in third countries where the specified organism is known to be present, other than China, specified plants may only be introduced into the Union if they fulfil the following conditions:

- (a) they comply with the specific import requirements, as set out in point 1 of Section 1(A) of Annex I;
- (b) on entry into the Union they are inspected by the responsible official body in accordance with point 2 of Section 1(A) of Annex I for the presence of the specified organism, and no signs of that organism have been found.

Article 3

Import of the specified plants originating in China

1 As regards imports originating in China, specified plants may only be introduced into the Union if they fulfil the following conditions:

- a they comply with the specific import requirements as set out in point 1 of Section 1(B) of Annex I;
- b on entry into the Union they are inspected by the responsible official body in accordance with point 2 of Section 1(B) of Annex I for the presence of the specified organism, and no signs of that organism have been found;
- c the place of production of those plants:

- (i) is designated by a unique registration number assigned by the national plant protection organisation of China;
- (ii) is included in the most recent version of the register communicated by the Commission to the Member States in accordance with paragraph 3;
- (iii) has not, within the previous 2 years, been the subject of a communication by the Commission to the Member States of the removal from the register in accordance with paragraph 3; and
- (iv) has not, within the previous 2 years, been the subject of a communication by the Commission to the Member States as referred to in paragraph 4 or paragraph 5.

2 However, plants of *Acer* spp. shall not be introduced into the Union until 30 April 2012.

From 1 May 2012, paragraph 1 shall apply to plants of *Acer* spp.

3 The Commission shall communicate to the Member States the register of places of production in China which its national plant protection organisation has established as in compliance with point 1(b) of Section 1(B) of Annex I.

Where that organisation updates the register by removing a place of production either because that organisation has found that that place of production no longer complies with point 1(b) of Section 1(B) of Annex I or because the Commission has informed China of evidence of the presence of the specified organism at import of specified plants from that place of production, and China makes the updated version of the register available to the Commission, the Commission shall communicate the updated version of the register to the Member States.

Where that organisation updates the register by including a place of production because that organisation has found that that place of production complies with point 1(b) of Section 1(B) of Annex I and China makes the updated version of the register available to the Commission as well as the necessary explanatory information, the Commission shall communicate that updated version and, where appropriate, that explanatory information to the Member States.

Through Internet based information pages, the Commission shall make the register and its updates available to the public.

4 Where during an inspection at a registered place of production, as set out in points (ii), (iii) and (iv) of point 1(b) of Section 1(B) of Annex I, the Chinese plant protection organisation finds evidence of the presence of the specified organism and the Commission is notified of that finding by China, the Commission shall immediately communicate that finding to the Member States.

Through Internet based information pages, the Commission shall also make this information available to the public.

5 Where the Commission has evidence from sources other than those referred to in paragraphs 3 and 4 that a place of production listed in the register does not comply with point 1(b) of Section 1(B) of Annex I or that the specified organism has been found on specified plants imported from such a place of production, it shall communicate the information concerning that place of production to the Member States.

Through Internet based information pages, the Commission shall also make this information available to the public.

Article 4

Movement of specified plants within the Union

Specified plants originating in demarcated areas within the Union established in accordance with Article 6 may be moved within the Union only if they meet the conditions set out in point 1 of Section 2 of Annex I.

Specified plants which have not been grown in demarcated areas but are introduced into such areas may be moved within the Union only if they meet the conditions set out in point 2 of Section 2 of Annex I.

Specified plants imported in accordance with Articles 2 and 3 from third countries where the specified organism is known to be present may be moved within the Union only if they meet the conditions set out in point 3 of Section 2 of Annex I.

Article 5

Surveys and notifications of the specified organism

1 Member States shall conduct official annual surveys for the presence of the specified organism and for evidence of infestation by that organism on host plants in their territory.

Without prejudice to Article 16(1) of Directive 2000/29/EC, Member States shall notify the results of those surveys to the Commission and the other Member States by 30 April of each year.

2 Without prejudice to Article 16(1) of Directive 2000/29/EC, Member States shall, within 5 days and in writing, notify the Commission and the other Member States of the presence of the specified organism in an area within their territory where that presence was previously unknown or the specified organism was considered to have been eradicated or where the infestation was detected on a plant species previously not known to be a host plant.

Article 6

Demarcated areas

1 Where the results of the surveys referred to in Article 5(1) confirm the presence of the specified organism in an area, or there is evidence of the presence of that organism by other means, the Member State concerned shall without delay establish a demarcated area, which shall consist of an infested zone and a buffer zone, in accordance with Section 1 of Annex II.

2 Member States need not establish demarcated areas, as provided for in paragraph 1, if the conditions, as set out in point 1 of Section 2 of Annex II are satisfied. In such a case, Member States shall take the measures as set out in point 2 of that Section.

3 Member States shall take measures in the demarcated areas, as set out in Section 3 of Annex II.

4 Member States shall set time periods for the implementation of the measures provided for in paragraphs 2 and 3.

Article 7

Reporting on measures

1 Member States shall, within 30 days of the notification referred to in Article 5(2), report to the Commission and the other Member States on the measures they have taken or intend to take in accordance with Article 6.

The report shall also include the description of a demarcated area, where established, and information on its location with a map showing its delimitation and information on the current pest status as well as measures to comply with the requirements concerning the movement of specified plants within the Union set out in Article 4.

It shall describe the evidence and criteria on which the measures are based.

In cases where Member States decide not to establish a demarcated area under Article 6(2), the report shall include justifying data and reasons.

2 Member States shall by 30 April of each year communicate to the Commission and the other Member States a report including an up-to-date list of all demarcated areas established under Article 6, including information on their description and location with maps showing their delimitation, and measures that Member States have taken or intend to take.

Article 8

Compliance

Member States shall take all measures to comply with this Decision and, if necessary, amend the measures which they have adopted to protect themselves against the introduction and spread of the specified organism in such a manner that those measures comply with this Decision. They shall immediately inform the Commission of those measures.

Article 9

Repeal

Decision 2008/840/EC is repealed.

Article 10

Review

This Decision shall be reviewed by 31 May 2013 at the latest.

Article 11

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 1 March 2012.

For the Commission

John DALLI

Member of the Commission

Status: This is the original version (as it was originally adopted).

- (1) Glossary of Phytosanitary Terms — Reference Standard ISPM No 5 by the Secretariat of the International Plant Protection Convention, Rome.