

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)

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)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾, and in particular the fourth sentence of Article 16(3), thereof,

Whereas:

- (1) The experience gained from the implementation of Commission Decision 2008/840/EC of 7 November 2008 on emergency measures to prevent the introduction into and the spread within the Community of *Anoplophora chinensis* (Forster)⁽²⁾ in general, taking into account recent outbreaks and findings reported by Germany, Italy, the Netherlands and the United Kingdom in particular and experiences relating to their eradication, has shown a need to modify the measures provided for in that Decision. In the interest of clarity, in view of the extent of those modifications and of earlier modifications, it is appropriate to replace Decision 2008/840/EC.
- (2) In Section I of Part A of Annex I to Directive 2000/29/EC, *Anoplophora chinensis* (Thomson) and *Anoplophora malasiaca* (Forster) are listed, though both denominations cover one single species which for the purposes of this Decision is designated as *Anoplophora chinensis* (Forster), hereinafter ‘the specified organism’, as in Decision 2008/840/EC.
- (3) Taking into account the experience gained, certain plant species which were not covered by Decision 2008/840/EC should be included in the scope while others which were previously covered should be excluded. Plants and scions whose stem or root collar is below a certain diameter should fall outside the scope. Certain definitions should be included to improve clarity and readability.
- (4) As regards imports, provisions should take into account the phytosanitary status of the specified organism in the country of origin.

- (5) Given the experience with infested consignments originating in China, special provisions should govern imports from that country. As most of the interceptions on specified plants imported from China have been reported on plants of *Acer* spp., it is appropriate to maintain a ban on their import, until 30 April 2012 as previously laid down.
- (6) The movement of plants within the Union should be provided for.
- (7) Member States should conduct annual surveys and notify their results to the Commission and the other Member States. Provision should be made for notification in cases where the specified organism appears in a Member State or in a part of a Member State, in which its presence was previously unknown or it was considered to have been eradicated. A deadline of 5 days for the notification of the presence of the specified organism by the Member State should be set to allow for swift action at Union level, if appropriate.
- (8) To eradicate the specified organism and prevent its spread, Member States should establish demarcated areas and take the necessary measures. As part of their measures, Member States should carry out activities to increase public awareness to the threat posed by the specified organism. They should further set specific time periods for the implementation of these measures. In cases where eradication of the specified organism is no longer possible, Member States should take measures to contain it.
- (9) In specified circumstances, Member States should have the possibility to decide not to establish demarcated areas and to limit the measures to the destruction of the infested material, carrying out intensified monitoring and the tracing of plants associated with the case of infestation concerned.
- (10) Member States should report to the Commission and the other Member States on the measures they have taken or intend to take, as well as on the reasons for not establishing demarcated areas. They should annually communicate to the Commission and the other Member States an updated version of that report giving an effective overview of the situation.
- (11) Decision 2008/840/EC should therefore be repealed.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

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

- (1) OJ L 169, 10.7.2000, p. 1.
- (2) OJ L 300, 11.11.2008, p. 36.