

Commission Implementing Decision (EU) 2015/789 of 18 May 2015 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells et al.) (notified under document C(2015) 3415) (repealed)

COMMISSION IMPLEMENTING DECISION (EU) 2015/789
of 18 May 2015

as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells et al.)

(notified under document C(2015) 3415) (repealed)

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) In view of the audits carried out by the Commission and notifications of new outbreaks by the Italian authorities the measures provided for in Commission Implementing Decision 2014/87/EU⁽²⁾ should be strengthened.
- (2) The European Food Safety Authority (hereinafter ‘the Authority’) published on 6 January 2015 a Scientific Opinion on the risk to plant health posed by *Xylella fastidiosa* (Wells et al.) (hereinafter ‘the specified organism’) in the EU territory, with the identification and evaluation of risk reduction options⁽³⁾. That Opinion identified a list of plant species susceptible to the European and non-European isolates of the specified organism. In addition, on 20 March 2015, the Authority published a scientific report on the categorisation of those plants for planting, excluding seeds, according to the risk of introduction of the specified organism. The report categorises the plant species which have been so far confirmed to be susceptible to the European and non-European isolates of the specified organism by natural infection, experimental infection via vector transmission, or unknown type of infection (hereinafter ‘specified plants’). That list is longer than the list set out in Commission Implementing Decision 2014/497/EU⁽⁴⁾. Therefore, it is appropriate that this Decision applies to a longer list of species than Implementing Decision 2014/497/EU. However, in order to ensure proportionality some measures should only apply to plant species susceptible to the European isolates of the specified organism (hereinafter ‘host plants’). In this regard, while the EFSA Opinion of 6 January 2015 points to the uncertainty as regards the range of plant species since research is still ongoing, the results of the investigations carried out by the Italian authorities have confirmed the capacity of certain specified plants to be ‘host plants’.

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Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2015/789 (repealed). (See end of Document for details)

- (3) Member States should carry out annual surveys for the presence of the specified organism in their territories and should ensure that professional operators are informed about its potential presence and the measures to be taken.
- (4) In order to eradicate the specified organism and prevent its further spread in the rest of the Union, Member States should establish demarcated areas consisting of an infected zone and a buffer zone, and apply eradication measures. In view of the current situation in the South of Italy, the infected zone of the demarcated area established by the Italian authorities should, at least, cover the entire province of Lecce. In order to minimise the risk of the specified organism spreading outside the demarcated area (infected zone), the buffer zone should be 10 km wide.
- (5) In cases of isolated occurrences of the specified organism the establishment of a demarcated area should not be required if the specified organism can be eliminated from the plants where it was found to be present. In such cases, immediate action should be taken to ascertain whether other plants have been infected.
- (6) Taking into account the epidemiology of the specified organism, and the risk of further spreading in the rest of the Union, the planting in the infected zone of the host plants should be prohibited, except in sites which are physically protected against the introduction of the specified organism by its vectors. This is important also to prevent infection of the host plants by the specified organism within the demarcated area.
- (7) In the province of Lecce, the specified organism is already widely established. Where evidence shows that in certain parts of that area the specified organism has been present for more than 2 years and it is no longer possible to eradicate it, the responsible official body should have the possibility to apply containment measures, instead of eradication measures, to protect at least production sites, plants with particular cultural, social or scientific value, as well as the border with the rest of the Union territory. The containment measures should aim to minimise the amount of bacterial inoculum in that area and keep the vector population at the lowest level possible.
- (8) In order to ensure effective protection of the rest of the Union territory from the specified organism, taking into account the possible spread of the specified organism by natural and human assisted means other than the movement of the specified plants for planting, it is appropriate to establish a surveillance zone immediately outside the buffer zone surrounding the infected zone of the province of Lecce.
- (9) Plants known to be susceptible to the specified organism which have been grown for at least part of their life in a demarcated area or which have been moved through such an area are more likely to have been infected with the specified organism. Movement of those plants should therefore be subject to specific requirements aimed at preventing the further spread of the specified organism. To facilitate the early detection of the potential presence of the specified organism outside the demarcated area, traceability requirements should be set for movement of plants known to be susceptible to the specified organism outside the demarcated areas.
- (10) In order to allow a follow up inspection at destination of plants for planting moved out of the demarcated areas, the responsible official body of the place of origin and the

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responsible official body of the place of destination should be immediately informed by the professional operators of the movement of each lot of the specified plants which have been grown at least part of their lives in a demarcated area.

- (11) In order to ensure close monitoring of the movement of plants for planting originating in the demarcated areas and to provide an effective overview of the sites where the phytosanitary risk due to the specified organism is high, the Commission and the Member States should have access to information concerning the production sites located in the demarcated areas. Therefore, Member States should establish and update a list of all sites located in the demarcated areas in their territory in which specified plants have been grown and communicate that list to the Commission and the other Member States. The Commission should make available a compilation of those lists to the Member States.
- (12) Official checks should be carried out in order to ensure that specified plants are only moved out of the demarcated areas in accordance with the requirements set out in this Decision.
- (13) Taking into account the nature of the specified organism, specified plants originating in a third country where the specified organism is not present should, when introduced into the Union, be accompanied by a phytosanitary certificate including an additional declaration stating that that country is free from the specified organism.
- (14) In order to ensure that specified plants introduced into the Union from third countries, where the specified organism is known to be present, are free from the specified organism, the requirements for their introduction into the Union should be similar to those set out for movement of specified plants originating in demarcated areas.
- (15) Since October 2014, numerous plants for planting, other than seeds, of *Coffea*, originating in Costa Rica or in Honduras, have been intercepted in the Union with the presence of the specified organism. It is therefore concluded that the phytosanitary certification procedures of Costa Rica or Honduras are insufficient to ensure that consignments of plants of *Coffea* are free from the specified organism. Consequently, given the high probability of establishment of the specified organism in the Union, the absence of any effective treatment once the specified plants are infected, as well as the major economic consequences for the Union, the introduction into the Union of plants for planting of *Coffea*, other than seeds, originating in Costa Rica or Honduras should be prohibited.
- (16) Implementing Decision 2014/497/EU should be repealed.
- (17) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

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Article 1

Definitions

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

- (a) ‘^{F1}specified organism’ means any subspecies of *Xylella fastidiosa* (Wells et al);
- (b) ‘host plants’ means plants for planting, other than seeds, belonging to the genera and species listed in the Commission database of host plants susceptible to *Xylella fastidiosa* in the Union territory, as having been found to be susceptible in the Union territory to the specified organism or, where a Member State has demarcated an area with regard to only one or more subspecies of the specified organism pursuant to the second subparagraph of Article 4(1), as having been found to be susceptible to that or those subspecies;
- (c) ‘specified plants’ means host plants and all plants for planting, other than seeds, belonging to the genera or species listed in Annex I;]
- (d) ‘professional operator’ means any person involved professionally in one or more of the following activities concerning plants:
 - (i) planting;
 - (ii) breeding;
 - (iii) production, including growing, multiplying and maintaining;
 - (iv) introduction into, and movement within, and out of the Union territory;
 - (v) making available on the market.

Textual Amendments

- F1** Substituted by [Commission Implementing Decision \(EU\) 2015/2417 of 17 December 2015 amending Implementing Decision \(EU\) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* \(Wells et al.\) \(notified under document C\(2015\) 9191\)](#).

Article 2

Detection or suspected presence of the specified organism

1 Any person who suspects or becomes aware of the presence of the specified organism shall immediately inform the responsible official body and provide it with all relevant information concerning the presence, or suspected presence, of the specified organism.

2 The responsible official body shall immediately record such information.

3 Where the responsible official body has been informed of a presence, or suspected presence, of the specified organism it shall take all necessary measures to confirm that presence, or the suspected presence.

4 Member States shall ensure that any person having under its control plants which may be infected with the specified organism is immediately informed of the presence or the suspected

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presence of the specified organism, of the possible consequences and risks and of the measures to be taken.

F2 Article 3

Surveys of the specified organism in the territories of the Member States and identification

1 Member States shall conduct annual surveys for the presence of the specified organism in their territory on the specified plants.

Those surveys shall be carried out by the responsible official body, or under official supervision of the responsible official body. They shall consist of visual examinations and, in the case of any suspicion of infection by the specified organism, collection of samples and testing. Those surveys shall be based on sound scientific and technical principles and shall be carried out at appropriate times of the year with regard to the possibility to detect the specified organism by visual inspection, sampling and testing. Those surveys shall take account of the available scientific and technical evidence, the biology of the specified organism and its vectors, the presence and biology of specified plants, and any other appropriate information, concerning the presence of the specified organism. They shall also take into account the technical guidelines for the survey of *Xylella fastidiosa* provided on the Commission website⁽⁵⁾.

2 The presence of the specified organism in areas other than demarcated areas, shall be screened by one molecular test, and in case of positive results, its presence shall be identified by carrying out, in line with international standards, at least one more positive molecular test. Those tests shall be listed in the Commission database of tests for the identification of the specified organism and its subspecies and target different parts of the genome.

The presence of the specified organism in demarcated areas shall be screened by one test, and in case of positive results, its presence shall be identified by carrying out, in line with international standards, at least one positive molecular test. Those tests shall be listed in the Commission database of tests for the identification of the specified organism and its subspecies.

3 The Commission shall manage and update the database referred to in paragraph 2 and provide public access to it.

The tests listed in that database shall be divided into two categories, depending on their appropriateness for the identification of the specified organism and its subspecies in demarcated areas and in areas other than demarcated areas.]

Textual Amendments

- F2** Substituted by [Commission Implementing Decision \(EU\) 2017/2352 of 14 December 2017 amending Implementing Decision \(EU\) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* \(Wells et al.\) \(notified under document C\(2017\) 8356\)](#).

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[^{F3}Article 3a

Contingency plans

1 By 31 December 2016, each Member State shall establish a plan setting out the actions to be taken in its territory in accordance with Articles 4 to 6a, and Articles 9 to 13a, in case of a confirmed or suspected presence of the specified organism (hereinafter ‘the contingency plan’).

2 The contingency plan shall also set out the following:

- a the roles and responsibilities of the bodies involved in those actions and the single authority;
- b one or more laboratories specifically approved for the testing of the specified organism;
- c rules on the communication of those actions between the bodies involved, the single authority, the professional operators concerned and the public;
- d protocols describing the methods of visual examinations, sampling and laboratory testing;
- e rules on training of personnel of the bodies involved in those actions;
- f minimum resources to be made available and proceedings to make available additional resources in case of a confirmed or suspected presence of the specified organism.

3 Member States shall evaluate and review their contingency plans as necessary.

[^{F24} Member States shall, on request, communicate their contingency plans to the Commission and shall inform all relevant professional operators through publication on the internet.]]

Textual Amendments

- F2** Substituted by [Commission Implementing Decision \(EU\) 2017/2352 of 14 December 2017 amending Implementing Decision \(EU\) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* \(Wells et al.\) \(notified under document C\(2017\) 8356\)](#).
- F3** Inserted by [Commission Implementing Decision \(EU\) 2015/2417 of 17 December 2015 amending Implementing Decision \(EU\) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* \(Wells et al.\) \(notified under document C\(2015\) 9191\)](#).

Article 4

Establishment of demarcated areas

[^{F21} Where the presence of the specified organism is identified, the Member State concerned shall without delay demarcate an area in accordance with paragraph 2, hereinafter ‘demarcated area’.

By way of derogation from the first subparagraph, where the presence of one particular subspecies of the specified organism is confirmed, the Member State concerned may demarcate an area with regard to that subspecies only.

Where the presence of more than one subspecies of the specified organism is identified, the Member State concerned shall demarcate that area with regard to the specified organism and all of its possible subspecies.

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Where the identification of the presence of a subspecies is pending, the Member State concerned shall demarcate that area with regard to the specified organism and all of its possible subspecies.

The identification of the presence of the subspecies shall be based on the results of tests referred to in Article 3(2).]

2 The demarcated area shall consist of an infected zone and a buffer zone.

The infected zone shall include all plants known to be infected by the specified organism, all plants showing symptoms indicating possible infection by that organism, and all other plants liable to be infected by that organism due to their close proximity to infected plants, or common source of production, if known, with infected plants, or plants grown from them.

[^{F4}]

[^{F2}The buffer zone shall be of a width of at least 5 km surrounding the infected zone. The buffer zone may be reduced to a width of no less than 1 km if there is a high degree of confidence that the initial presence of the specified organism did not result in any spread, and if all of the following conditions have been fulfilled:

- a all host plants, irrespective of their health status, have been immediately removed within a radius of 100 m around the plant found infected;
- b no other plants have been found infected by the specified organism in the infected zone since the eradication measures have been taken, on the basis of official tests carried out at least once during the course of the year, taking into account the technical guidelines for the survey of *Xylella fastidiosa* provided on the Commission website. Those tests shall be based on a sampling scheme able to identify with 99 % reliability a level of presence of infected plants of 1 % or above, and targeting symptomatic plants, as well as asymptomatic plants in the proximity of the symptomatic ones;
- c a delimiting survey has been carried out in a zone with a width of at least 5 km surrounding the infected zone, concluding that the specified organism has not been found present in that zone. That survey shall be based on a grid split into 100 m × 100 m squares within a zone of a width of at least 1 km surrounding the infected zone, and a grid split into 1 km × 1 km squares within the rest of the buffer zone. In each of those squares, the Member State concerned shall carry out visual inspections of the specified plants and sample and test symptomatic plants, as well as asymptomatic plants in the proximity of the symptomatic ones;
- d no vectors carrying the specified organism have been detected in the infected zone since the eradication measures have been taken, on the basis of tests carried out twice during the flight season of the vector, and in accordance with international standards. Those tests shall lead to the conclusion that natural spread of the specified organism is excluded.

When reducing the width of the buffer zone, the Member State concerned shall immediately notify the Commission and the other Member States of the justification for that reduction.

In the case of an infected zone for the purpose of containment measures as referred to in Article 7(1), the buffer zone shall be of a width of at least 10 km.]

The exact delimitation of the zones shall be based on sound scientific principles, the biology of the specified organism and its vectors, the level of infection, the presence of the vectors, and the distribution of specified plants in the area concerned.

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3 If the presence of the specified organism is confirmed in the buffer zone, the delimitation of the infected zone and buffer zone shall immediately be reviewed and changed accordingly.

[^{F24} Member States shall keep and update a list of the demarcated areas established in their respective territories and shall publish that list and any updates. They shall notify the Commission of their list and any updates in accordance with Commission Implementing Decision 2014/917/EU⁽⁶⁾.

On the basis of those notifications, the Commission shall update and publish its list of demarcated areas.

5 Where based on the surveys referred to in Article 3 and on the monitoring referred to in Article 6(7) the specified organism is not detected in a demarcated area for a period of 5 years, this demarcation may be lifted. In such cases, the Member State concerned shall notify the Commission and other Member States.

By way of derogation from the first subparagraph, where the Member State concerned has reduced the buffer zone to a width of no less than 1 km pursuant to the fourth subparagraph of paragraph 2, that Member State may lift that demarcated area after 12 months since its initial establishment, if both of the following conditions are fulfilled:

- a as result of the measures taken pursuant to the fourth subparagraph of paragraph 2, it is concluded with a high degree of confidence that the initial presence of the specified organism was an isolated case and no further spread occurred in the respective demarcated area;
- b as practically close to the time of lifting, official tests have been carried out within the demarcated area, taking into account the technical guidelines for the survey of *Xylella fastidiosa* provided on the Commission website, using a sampling scheme able to identify with 99 % reliability a level of presence of infected plants of 1 % in accordance with international standards, and targeting symptomatic plants, as well as asymptomatic plants in the proximity of the symptomatic ones.

Where a demarcated area is lifted pursuant to the second subparagraph, the specified plants located in the previously established demarcated area shall be subject to intensive surveys during the following two years. That survey shall be carried out using a sampling scheme able to identify with 99 % reliability a level of presence of infected plants of 1 % or above in accordance with international standards and based on scientific and technical principles related to the potential spreading of the specified organism in the immediate surroundings, and targeting symptomatic plants, as well as asymptomatic plants in the proximity of the symptomatic ones.

When lifting the demarcated area after 12 months since its initial establishment, the Member State concerned shall immediately notify the Commission and the other Member States of the justification for that lifting.]

6 By way of derogation from paragraph 1, the Member State may decide not to establish a demarcated area immediately where all of the following conditions are fulfilled:

- [^{F2a} there is evidence that the specified organism was recently introduced into the area with the plants on which it was found, or that the specified organism has been found in a site with physical protection from the vectors of that organism;]
- b there is an indication that those plants were infected before their introduction into the area concerned;

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- c no vectors carrying the specified organism have been detected, on the basis of tests carried out in accordance with internationally validated testing methods, in the vicinity of those plants.
- 7 In the case referred to in paragraph 6, the Member State shall:
- a carry out an annual survey for at least 2 years to determine whether any plants have been infected other than those on which the specified organism was first found to be present;
 - b on the basis of that survey, determine whether there is a need to establish a demarcated area;
 - c notify to the Commission and the other Member States the justification for not establishing a demarcated area, and the outcome of the survey referred to in point (a) as soon as they become available.

Textual Amendments

- F2** Substituted by Commission Implementing Decision (EU) 2017/2352 of 14 December 2017 amending Implementing Decision (EU) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells et al.) (notified under document C(2017) 8356).
- F4** Deleted by Commission Implementing Decision (EU) 2018/927 of 27 June 2018 amending Implementing Decision (EU) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells et al.) (notified under document C(2018) 3972).

[^{F1} Article 5

Prohibition concerning the planting of host plants in infected zones

1 The planting of host plants in infected zones shall be prohibited, except in sites which are physically protected against the introduction of the specified organism by its vectors.

[^{F2} By way of derogation from paragraph 1, the Member State concerned may grant authorisations for the planting of the host plants within the infected zones listed in Annex II where containment measures pursuant to Article 7 are applied, except in the 20 km area referred to in Article 7(7)(c). When granting those authorisations, the Member State concerned shall give preference to host plants belonging to varieties assessed as being resistant or tolerant to the specified organism.]]

Textual Amendments

- F1** Substituted by Commission Implementing Decision (EU) 2015/2417 of 17 December 2015 amending Implementing Decision (EU) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells et al.) (notified under document C(2015) 9191).
- F2** Substituted by Commission Implementing Decision (EU) 2017/2352 of 14 December 2017 amending Implementing Decision (EU) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells et al.) (notified under document C(2017) 8356).

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Article 6

Eradication measures

1 The Member State having established the demarcated area referred to in Article 4 shall take in that area the measures as set out in paragraphs 2 to 11.

2 The Member State concerned shall, within a radius of 100 m around the plants which have been tested and found to be infected by the specified organism, immediately remove:

- a host plants, regardless of their health status;
- b plants known to be infected by the specified organism;
- c plants showing symptoms indicating possible infection by that organism or suspected to be infected by that organism.

[^{F5}2a By way of derogation from point (a) of paragraph 2, Member States may decide that individual host plants officially designated as plants with historic value do not need to be removed, provided that all of the following conditions have been fulfilled:

- a the host plants concerned have been sampled and tested in accordance with Article 3(2) and have been confirmed not to be infected by the specified organism;
- b the individual host plants or the area concerned have been appropriately physically isolated from the vectors in such a way that those plants do not contribute to the further spread of the specified organism;
- c appropriate agricultural practices for the management of the specified organism and its vectors have been applied.

Before a derogation is granted, the Member State concerned shall notify the Commission with the outcome of the sampling and testing referred to in point (a), the description of the measures referred to in points (b) and (c) which are intended to be taken, the justification for them, and the location of the individual plants. The Commission shall publish the list and the location of the host plants for which such derogation is granted.

Each of those plants shall be officially inspected, during the flight season of the vector, for symptoms of the specified organism and for checking the appropriateness of the physical isolation. When symptoms are present, the plant shall be subject to sampling and testing for the presence of the specified organism.]

3 The Member State concerned shall sample and test the specified plants within a radius of 100 m around each of the infected plants, in accordance with the International Standard for Phytosanitary Measures ISPM No 31⁽⁷⁾.

4 The Member State concerned shall carry out appropriate phytosanitary treatments prior to the removal of plants referred to in paragraph 2 against the vectors of the specified organism and plants that may host those vectors. Those treatments may include, as appropriate, removal of plants.

5 The Member State concerned shall, *in situ* or in a nearby location designated for this purpose within the infected zone, destroy the plants and parts of plants referred to in paragraph 2, in a manner ensuring that the specified organism is not spread.

6 The Member State concerned shall carry out appropriate investigations to identify the origin of the infection. It shall trace the specified plants associated with the case of infection concerned, including those which were moved before a demarcated area was established. The results of such investigations shall be communicated to Member States in which those plants

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concerned originate, to the Member States through which those plants have moved and to the Member States where those plants have moved into.

[^{F27} The Member State concerned shall monitor the presence of the specified organism by annual surveys, taking into account the technical guidelines for the survey of *Xylella fastidiosa* provided on the Commission website. It shall carry out visual inspections of the specified plants and sample and test symptomatic plants, as well as asymptomatic plants in the proximity of the symptomatic ones, in accordance with the respective provisions of Article 3(1) and (2).

In buffer zones, the surveyed area shall be based on a grid split into 100 m × 100 m squares within a zone of a width of at least 1 km surrounding the infected zone, and a grid split into 1 km × 1 km squares within the rest of the buffer zone. In each of those squares, the Member State concerned shall carry out visual inspections of the specified plants and sample and test symptomatic plants, as well as asymptomatic plants in the proximity of the symptomatic ones.]

8 The Member State concerned shall raise public awareness concerning the threat of the specified organism and concerning the measures adopted to prevent its introduction into and spread within the Union. It shall set up road signs indicating the delimitation of the respective demarcated area.

9 The Member State concerned shall, where necessary, take measures addressing any particularity or complication that could reasonably be expected to prevent, hinder or delay eradication, in particular those related to the accessibility and adequate destruction of all plants that are infected or suspected of infection, irrespective of their location, public or private ownership or the person or entity responsible for them.

10 The Member State concerned shall take any other measure, which may contribute to the eradication of the specified organism, in accordance with ISPM No 9⁽⁸⁾ and applying an integrated approach in accordance with the principles set out in ISPM No 14⁽⁹⁾.

11 The Member State concerned shall apply appropriate agricultural practices for the management of the specified organism and its vectors.

Textual Amendments

- F2** Substituted by [Commission Implementing Decision \(EU\) 2017/2352 of 14 December 2017 amending Implementing Decision \(EU\) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* \(Wells et al.\) \(notified under document C\(2017\) 8356\)](#).
- F5** Inserted by [Commission Implementing Decision \(EU\) 2017/2352 of 14 December 2017 amending Implementing Decision \(EU\) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* \(Wells et al.\) \(notified under document C\(2017\) 8356\)](#).

Article 7

Containment measures

[^{F21} By way of derogation from Article 6, only in an infected zone listed in Annex II the responsible official body of the Member State concerned may decide to apply the containment measures set out in paragraphs 2 to 7 (hereinafter: ‘containment area’).

2 The Member State concerned shall remove all plants which have been found to be infected by the specified organism on the basis of the official surveys referred to in paragraph 7.

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That removal shall take place immediately after the official identification of the presence of the specified organism.

All necessary precautions shall be taken to avoid spreading of the specified organism during and after removal.]

3 The Member State concerned shall, within a radius of 100 m around the plants referred to in paragraph 2 and which have been found to be infected by the specified organism, sample and test the host plants, in accordance with the International Standard for Phytosanitary Measures ISPM No 31. That testing shall be carried out at regular intervals and, at least, twice a year.

4 The Member State concerned shall apply appropriate phytosanitary treatments prior to the removal of plants referred to in paragraph 2 against the vectors of the specified organism and plants that may host those vectors. Those treatments may include, as appropriate, removal of plants.

5 The Member State concerned shall, *in situ* or in a nearby location designated for this purpose within the containment area, destroy the plants and parts of plants referred to in paragraph 2, in a manner ensuring that the specified organism is not spread.

6 The Member State concerned shall apply appropriate agricultural practices for the management of the specified organism and its vectors.

[^{F27} The Member State concerned shall monitor the presence of the specified organism by annual official surveys, taking into account the technical guidelines for the survey of *Xylella fastidiosa* provided on the Commission website, at least in the following locations:

- a in the proximity of the sites referred to in Article 9(2);
- b in the proximity of the sites of plants with particular cultural, social or scientific value;
- c within an infected zone listed in Annex II and situated within an area measuring at least 20 km from the border of that infected zone with the rest of the Union territory.

Those surveys shall be based on a grid split into 100 m × 100 m squares. In each of those squares, the Member State concerned shall carry out visual inspections of the specified plants and sample and test symptomatic plants, as well as asymptomatic plants in the proximity of the symptomatic ones, in accordance with the respective provisions of Article 3(1) and (2).

The Member State concerned shall immediately notify the Commission and the other Member States of any official identification of the presence of the specified organism in the locations referred to in point (c).

Point (c) of the first subparagraph shall not apply in the case of islands which are entirely containment areas and are situated more than 10 km to the nearest Union land territory.]

Textual Amendments

- F2** Substituted by [Commission Implementing Decision \(EU\) 2017/2352 of 14 December 2017 amending Implementing Decision \(EU\) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* \(Wells et al.\) \(notified under document C\(2017\) 8356\)](#).

Status: Point in time view as at 29/06/2018.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2015/789 (repealed). (See end of Document for details)

^{F6}Article 8

[^{F6}Establishment of a surveillance zone in Italy]

Textual Amendments

- F6** Deleted by [Commission Implementing Decision \(EU\) 2016/764 of 12 May 2016 amending Implementing Decision \(EU\) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* \(Wells et al.\) \(notified under document C\(2016\) 2731\)](#).

Article 9

Movement of specified plants within the Union

[^{F7}]^{F2}1 This Article shall only apply to the movement of specified plants other than:

- a plants which have been grown for the entire production cycle *in vitro*; or
- b plants belonging to varieties of specified plants listed in Annex III.]

The movement out of the demarcated areas, and from the infected zones into the respective buffer zones, of specified plants which have been grown for at least part of their life in a demarcated area established in accordance with Article 4, shall be prohibited.]

2 By way of derogation of paragraph 1, such movement can take place if the specified plants have been grown in a site where all of the following conditions are fulfilled:

- a it is registered in accordance with Commission Directive 92/90/EEC⁽¹⁰⁾;
- b it is authorised by the responsible official body as a site free from the specified organism and its vectors, taking into account the relevant International Standards for Phytosanitary Measures;
- c it is physically protected against the introduction of the specified organism by its vectors;
- [^{F2}d it is surrounded by a zone with a width of 100 meters which has been subject to official inspections twice per year and where all the plants found to be infected with the specified organism or to have symptoms, have been immediately removed and appropriate phytosanitary treatments against the vectors of the specified organism have been applied before that removal;
- e it is subject to phytosanitary treatments at appropriate times of the year to maintain freedom from vectors of the specified organism; those treatments may include, as appropriate, removal of plants;
- f it is subjected annually, together with the zone referred to in point (d), to at least two official inspections, taking into account the technical guidelines for the survey of *Xylella fastidiosa* provided on the Commission website;]
- g throughout the time of growth of the specified plants, neither symptoms of the specified organism nor its vectors were found in the site or, if suspect symptoms were observed, tests carried out confirmed the absence of the specified organism;
- h throughout the time of growth of the specified plants, no symptoms of the specified organism were found in the zone referred to in point (d) or, if suspect symptoms were

Status: Point in time view as at 29/06/2018.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2015/789 (repealed). (See end of Document for details)

observed, testing has been undertaken and absence of the specified organism has been confirmed.

3 Representative samples of each species of specified plants from each site have been subject to annual testing, at the most appropriate time, and the absence of the specified organism has been confirmed on the basis of tests carried out in accordance with internationally validated testing methods.

4 As practically close to the time of movement as possible the lots of the specified plants were subjected to official visual inspection, sampling and molecular testing carried out in accordance with internationally validated testing methods, using a sampling scheme able to identify with 99 % reliability a level of presence of infected plants of 1 % or above and targeted especially at plants displaying suspect symptoms of the specified organism, in accordance with ISPM No 31.

[^{F3}4a By way of derogation from paragraphs 1 and 4, the movement within the Union, within or out of the demarcated areas, of dormant plants of *Vitis* intended for planting, other than seeds, may take place if both of the following conditions are fulfilled:

- a the plants have been grown in a site registered in accordance with Directive 92/90/EEC;
- b as practically close to the time of movement as possible, the plants have undergone an appropriate thermotherapy treatment in a treatment facility authorised and supervised by the responsible official body for that purpose, whereby the dormant plants are submerged for 45 minutes in water heated to 50 °C, in accordance with the relevant EPPO Standard⁽¹¹⁾.]

5 Prior to movement, the lots of the specified plants were subjected to phytosanitary treatments against any of the vectors of the specified organism.

6 Specified plants moving through or within demarcated areas shall be transported in closed containers or packaging, ensuring that infection with the specified organism or any of its vectors cannot occur.

[^{F2}7 Specified plants which have been grown for at least part of their life in a demarcated area shall only be moved to and within the Union territory, if they are accompanied by a plant passport prepared and issued in accordance with Commission Directive 92/105/EEC⁽¹²⁾.

8 Host plants which have never been grown inside the demarcated areas shall only be moved within the Union if the following conditions have been fulfilled:

- a they have been grown in a site that is subject to annual official inspection, and, in the case of symptoms of the specified organism, sampling, taking into account the technical guidelines for the survey of *Xylella fastidiosa* provided on the Commission website, as well as testing in line with international standards for the presence of the specified organism;
- b they are accompanied by a plant passport prepared and issued in accordance with Directive 92/105/EEC.

[^{F5}However, plants for planting, other than seeds, of *Coffea*, *Lavandula dentata* L., *Nerium oleander* L., *Olea europaea* L., *Polygala myrtifolia* L. and *Prunus dulcis* (Mill.) D.A. Webb, shall only be moved within the Union if they have been grown in a site that is subject to annual official inspection, sampling, taking into account the technical guidelines for the survey of *Xylella fastidiosa* provided on the Commission website, as well as testing in line with international standards for the presence of the specified organism, confirming the absence of the specified organism, using a sampling scheme able to identify with 99 % reliability the level of presence of infected plants of 5 %. By way of derogation from the first subparagraph of Article 3(2), the presence of the

Status: Point in time view as at 29/06/2018.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2015/789 (repealed). (See end of Document for details)

specified organism shall be screened by one test, and in case of positive results, its presence shall be identified by carrying out, in line with international standards, at least one positive molecular test. Those tests shall be listed in the Commission database of tests for the identification of the specified organism and its subspecies. Sampling shall target symptomatic plants, as well as asymptomatic plants in the proximity of the symptomatic ones.]

Without prejudice to Part A of Annex V to Directive 2000/29/EC, no plant passport shall be required for the movement of the host plants referred to in this paragraph to any person acting for purposes which are outside his trade, business or profession, and who acquires those plants for his own use.]

[^{F59} Without prejudice to paragraph 8, pre-basic mother plants as defined in Article 1(3) of Commission Implementing Directive 2014/98/EU⁽¹³⁾ or pre-basic material as defined in Article 2(5) of Council Directive 2008/90/EC⁽¹⁴⁾ which belong to the species *Juglans regia* L., *Olea europaea* L., *Prunus amygdalus* Batsch, *P. amygdalus* × *P. persica*, *P. armeniaca* L., *P. avium* (L.) L., *P. cerasus* L., *P. domestica* L., *P. domestica* × *P. salicina*, *P. dulcis* (Mill.) D.A. Webb, *P. persica* (L.) Batsch, and *P. salicina* Lindley and which have been grown outside the demarcated areas and spent at least part of their life outside insect proof facilities, shall only be moved within the Union if they are accompanied by a plant passport prepared and issued in accordance with Directive 92/105/EEC and if the following conditions have been fulfilled:

- a they are subject to the authorisation provided for in Commission Implementing Decision (EU) 2017/167⁽¹⁵⁾;
- b within the shortest possible time prior to their movement, they have been subjected to visual inspection, sampling and molecular testing for the presence of the specified organism carried out in accordance with international standards.

Without prejudice to Part A of Annex V to Directive 2000/29/EC, no plant passport shall be required for the movement of the pre-basic mother plants and pre-basic material referred to in this paragraph to any person acting for purposes which are outside his trade, business or profession, and who acquires those plants for its own use.]

Textual Amendments

- F2** Substituted by Commission Implementing Decision (EU) 2017/2352 of 14 December 2017 amending Implementing Decision (EU) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells et al.) (notified under document C(2017) 8356).
- F3** Inserted by Commission Implementing Decision (EU) 2015/2417 of 17 December 2015 amending Implementing Decision (EU) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells et al.) (notified under document C(2015) 9191).
- F5** Inserted by Commission Implementing Decision (EU) 2017/2352 of 14 December 2017 amending Implementing Decision (EU) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells et al.) (notified under document C(2017) 8356).
- F7** Substituted by Commission Implementing Decision (EU) 2016/764 of 12 May 2016 amending Implementing Decision (EU) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells et al.) (notified under document C(2016) 2731).

Status: Point in time view as at 29/06/2018.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2015/789 (repealed). (See end of Document for details)

[^{F8} Article 9a

Movement within the Union of specified plants which have been grown *in vitro*

1 Specified plants which have been grown for the entire production cycle *in vitro*, and for at least part of their life in a demarcated area established in accordance with Article 4, may only be moved out of the demarcated areas, and from the infected zones into the respective buffer zones, if the conditions set out in paragraphs 2 to 5 are fulfilled.

2 The specified plants referred to in paragraph 1 have been grown in a site where all of the following conditions are fulfilled:

- a it is registered in accordance with Directive 92/90/EEC;
- b it is authorised by the responsible official body as a site free from the specified organism and its vectors, taking into account the relevant International Standards for Phytosanitary Measures;
- c it is physically protected against the introduction of the specified organism by its vectors;
- d it is subjected annually to at least two official inspections carried out at appropriate times;
- e throughout the time of growth of the specified plants, neither symptoms of the specified organism nor its vectors were found in the site or, if suspect symptoms were observed, tests carried out confirmed the absence of the specified organism.

3 The specified plants referred to in paragraph 1 have been grown in a transparent container under sterile conditions and fulfil one of the following conditions:

- a they have been grown from seeds;
- b they have been propagated, under sterile conditions, from mother plants which have spent their entire lives in an area of the Union territory free from the specified organism and which have been tested and found free from the specified organism;
- c they have been propagated, under sterile conditions, from mother plants which have been grown in a site fulfilling the conditions set out in paragraph 2 and which have been tested and found free from the specified organism.

4 The specified plants referred to in paragraph 1 shall be transported in a transparent container under sterile conditions that precludes the possibility of infection by the specified organism through its vectors.

5 They shall be accompanied by a plant passport prepared and issued in accordance with Directive 92/105/EEC.]

Textual Amendments

- F8** Inserted by [Commission Implementing Decision \(EU\) 2016/764 of 12 May 2016 amending Implementing Decision \(EU\) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* \(Wells et al.\) \(notified under document C\(2016\) 2731\)](#).

Status: Point in time view as at 29/06/2018.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2015/789 (repealed). (See end of Document for details)

Article 10

Traceability

1 Professional operators supplying specified plants which have been grown for at least part of their lives in a demarcated area, or which have been moved through such an area, shall keep a record of each lot supplied and of the professional operator who received it.

2 Professional operators being supplied with specified plants which have been grown for at least part of their life in a demarcated area, or which have been moved through such an area, shall keep a record of each lot received and of the supplier.

[^{F52a} Paragraphs 1 and 2 shall also apply to the supply of plants for planting of *Coffea*, *Lavandula dentata* L., *Nerium oleander* L., *Olea europaea* L., *Polygala myrtifolia* L. and *Prunus dulcis* (Mill.) D.A. Webb which have never been grown within a demarcated area.]

[^{F23} Professional operators shall keep the records referred to in paragraphs 1, 2 and 2a for 3 years from the date on which the respective lot was supplied to or by them.]

4 The professional operators referred to in paragraphs 1 and 2 shall immediately inform their respective responsible official bodies of each lot supplied or received by them. That information shall include the origin, consigner, consignee, place of destination, individual serial, week or batch number of the plant passport and identity and quantity of the lot concerned.

5 A responsible official body receiving information pursuant to paragraph 4 shall immediately inform the responsible official body of the place of destination of the lot concerned.

6 The Member States shall, upon request, make available the information referred to in paragraph 4 to the Commission.

Textual Amendments

F2 Substituted by [Commission Implementing Decision \(EU\) 2017/2352 of 14 December 2017 amending Implementing Decision \(EU\) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* \(Wells et al.\) \(notified under document C\(2017\) 8356\)](#).

F5 Inserted by [Commission Implementing Decision \(EU\) 2017/2352 of 14 December 2017 amending Implementing Decision \(EU\) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* \(Wells et al.\) \(notified under document C\(2017\) 8356\)](#).

Article 11

Official checks on movements of specified plants

1 Member States shall carry out regular official checks on specified plants being moved out of a demarcated area, or from an infected zone to a buffer zone.

Such checks shall be performed at least in:

- a the points where the specified plants are moved from infected zones into buffer zones;
- b the points where the specified plants are moved from buffer zones into non-demarcated areas;
- c the place of destination of the specified plants in the buffer zone;
- d the place of destination in the non-demarcated areas.

Status: Point in time view as at 29/06/2018.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2015/789 (repealed). (See end of Document for details)

2 The checks as referred to in paragraph 1 shall include a documentary check, and an identity check of the specified plants.

The checks as referred to in paragraph 1 shall be carried out irrespective of the location of the specified plants, ownership or the person or entity responsible for them.

3 The intensity of the checks referred to in paragraph 2 shall be based on the risk that the plants carry the specified organism or the known or potential vectors, taking into account the provenance of the lots, the degree of susceptibility of the plants, and the compliance by the professional operator responsible for the movement with this Decision and with any other measure taken to contain or eradicate the specified organism.

Article 12

List of authorised sites

Member States shall establish and update a list of all sites authorised in accordance with Article 9(2).

The Member States shall submit that list to the Commission.

On the basis of the information received from the Member States, the Commission shall establish and update a list of all sites authorised in the Member States.

The Commission shall transmit that list to any Member State.

Article 13

Measures in case of non-compliance with Article 9

Where the checks referred to in Article 11(2) show that the conditions laid down in Article 9 are not satisfied, the Member State which carried out those checks shall immediately destroy the non-compliant plant *in situ* or in a nearby location. That action shall be carried out taking all necessary precautions to avoid spreading of the specified organism, and any vectors carried by that plant, during and after removal.

f³ Article 13a

Awareness campaigns

Member States shall make information available to the general public, travellers, professional and international transport operators concerning the threat of the specified organism for the Union territory. They shall make that information publicly available, in the form of targeted awareness campaigns on the respective websites of the responsible official bodies or other websites designated by those bodies.]

Textual Amendments

F3 Inserted by Commission Implementing Decision (EU) 2015/2417 of 17 December 2015 amending Implementing Decision (EU) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells et al.) (notified under document C(2015) 9191).

Status: Point in time view as at 29/06/2018.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2015/789 (repealed). (See end of Document for details)

Article 14

Reporting on measures

Member States shall by 31 December of each year communicate to the Commission and to the other Member States:

- (a) a report on the measures taken pursuant to Articles 3, 4, 6, 7, 8 and 11 and on the results of those measures;
- (b) a plan about the measures, including the scheduled time period of each measure, to be taken pursuant to Articles 3, 4, 6, 7, 8 and 11 in the following year.

In case the Member State concerned decides to apply containment measures pursuant to Article 7, it shall immediately communicate to the Commission the reasons to apply containment measures, and measures taken or intended to be taken.

Where justified by the development of the respective phytosanitary risk, Member States shall adapt the respective measures and accordingly update the plan referred to point (b). They shall immediately communicate to the Commission and the other Member States the update of the plan.

Article 15

Prohibition of the introduction of plants for planting, other than seeds, of *Coffea* originating in Costa Rica or Honduras

The introduction into the Union of plants for planting, other than seeds, of *Coffea* originating in Costa Rica or Honduras shall be prohibited.

Plants for planting, other than seeds, of *Coffea* originating in Costa Rica or Honduras which have been introduced into the Union before the application of this Decision, shall only be moved within the Union by professional operators after they have informed the responsible official body.

Article 16

Introduction into the Union of specified plants originating in a third country where the specified organism is not present

Specified plants originating in a third country where the specified organism is not present may be introduced into the Union if the following conditions are fulfilled:

- (a) the national plant protection organisation of the third country concerned has communicated in writing to the Commission that the specified organism is not present in the country;
- (b) the specified plants are accompanied by a phytosanitary certificate, as referred to in Article 13(1)(ii) of Directive 2000/29/EC, stating under the rubric 'Additional Declaration' that the specified organism is not present in the country;

Status: Point in time view as at 29/06/2018.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2015/789 (repealed). (See end of Document for details)

- (c) on entry into the Union the specified plants have been checked by the responsible official body in accordance with Article 18(2) and neither presence nor symptoms of the specified organism have been found.

[^{F5}Plants for planting, other than seeds, of *Coffea*, *Lavandula dentata* L., *Nerium oleander* L., *Olea europaea* L., *Polygala myrtifolia* L., and *Prunus dulcis* (Mill.) D.A. Webb shall only be introduced into the Union if they have been grown in a site that is subject to annual official inspection, with sampling and testing carried out at the appropriate times on those plants for the presence of the specified organism and in accordance with international standards, confirming the absence of the specified organism, using a sampling scheme able to identify with 99 % reliability the level of presence of infected plants of 5 %, and targeting symptomatic plants, as well as asymptomatic plants in the proximity of the symptomatic ones.]

Textual Amendments

- F5** Inserted by Commission Implementing Decision (EU) 2017/2352 of 14 December 2017 amending Implementing Decision (EU) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells et al.) (notified under document C(2017) 8356).

Article 17

Introduction into the Union of specified plants originating in a third country where the specified organism is known to be present

- 1 Specified plants originating in a third country where the specified organism is known to be present may be introduced into the Union where the following conditions are fulfilled:
- a they are accompanied by a phytosanitary certificate, as referred to in Article 13(1)(ii) of Directive 2000/29/EC;
 - b they comply with paragraph 2 or with paragraphs 3 and 4;
 - c on entry into the Union they have been checked by the responsible official body in accordance with Article 18 and neither presence nor symptoms of the specified organism have been found.
- 2 Where specified plants originate in an area free from the specified organism, as established by the national plant protection organisation concerned in accordance with relevant International Standards for Phytosanitary Measures, the following conditions shall be fulfilled:
- a the national plant protection organisation of the third country concerned has communicated in writing to the Commission the name of that area;
 - b the name of that area is stated in the phytosanitary certificate under the rubric ‘place of origin’.
- 3 [^{F7}Where specified plants, other than plants which have been grown for the entire production cycle *in vitro* originate in an area where the specified organism is known to be present, the phytosanitary certificate shall state under the rubric ‘Additional Declaration’ that:]
- a the specified plants have been produced in one or more sites fulfilling the conditions set out in paragraph 4;
 - b the national plant protection organisation of the third country concerned has communicated in writing to the Commission the list of those sites, including their location within the country;

Status: Point in time view as at 29/06/2018.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2015/789 (repealed). (See end of Document for details)

- c phytosanitary treatments against the vectors of the specified organism are applied in the site and its zone as referred to in paragraph 4(c);
- d representative samples of each species of specified plants from each site have been subject to annual testing, at the most appropriate time, and the absence of the specified organism has been confirmed on the basis of tests carried out in accordance with internationally validated testing methods;
- e the specified plants have been transported in closed containers or packaging, ensuring that infection with the specified organism or any of its known vectors cannot occur;
- f as practically close to the time of export as possible, the lots of the specified plants were subjected to official visual inspection, sampling and molecular testing, carried out in accordance with internationally validated testing methods, confirming the absence of the specified organism, using a sampling scheme able to identify with 99 % reliability a level of presence of infected plants of 1 % or above and targeted especially at plants displaying suspect symptoms of the specified organism;
- g immediately prior to export, the lots of the specified plants were subjected to phytosanitary treatments against any of the known vectors of the specified organism.

In addition, the phytosanitary certificate referred to in point (a) of paragraph 1 shall indicate under the rubric 'Place of origin' the identification of the site referred to in point (a).

[^{F83a} Where specified plants, which have been grown for the entire production cycle *in vitro*, originate in an area where the specified organism is known to be present, the phytosanitary certificate shall state under the rubric 'Additional Declaration' that:

- a the specified plants have been grown in one or more sites fulfilling the conditions set out in paragraph 4a;
- b the national plant protection organisation of the third country concerned has communicated in writing to the Commission the list of those sites, including their location within the country;
- c the specified plants have been transported under sterile conditions in a transparent container that precludes the possibility of infection by the specified organism through its vectors;
- d the specified plants meet one of the following conditions:
 - (i) they have been grown from seeds;
 - (ii) they have been propagated, under sterile conditions, from mother plants which have spent their entire lives in an area free from the specified organism and which have been tested and found free from the specified organism;
 - (iii) they have been propagated, under sterile conditions, from mother plants which have been grown in a site fulfilling the conditions of paragraph 4 and which have been tested and found free from the specified organism.

The phytosanitary certificate referred to in point (a) of paragraph 1 shall indicate under the rubric 'place of origin' the site referred to in point (a) of this paragraph.]

- 4 The site referred to in point (a) of paragraph 3 shall fulfil the following conditions:
 - a it is authorised by the national plant protection organisation as free from the specified organism and its vectors, in accordance with the relevant International Standards for Phytosanitary Measures;
 - b it is physically protected against the introduction of the specified organism by its vectors;

Status: Point in time view as at 29/06/2018.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2015/789 (repealed). (See end of Document for details)

- [^{F2}c it is surrounded by a zone with a width of 100 meters which has been subject to official inspections twice per year and where all of the plants found to be infected with the specified organism or to have symptoms have been immediately removed, and appropriate phytosanitary treatments against the vectors of the specified organism have been applied before that removal;
- d at appropriate times throughout the year, it is subject to phytosanitary treatments to maintain freedom from vectors of the specified organism; those treatments may include, as appropriate, removal of plants;
- e it is subjected annually, together with the zone referred to in point (c), to at least two official inspections during the flight season of the vector;]
- f throughout the production time of the specified plants, neither symptoms of the specified organism nor its vectors were found in the site, or, if suspect symptoms were observed, testing has been undertaken and absence of the specified organism has been confirmed;
- g throughout the production time of the specified plants, no symptoms of the specified organism were found in the zone referred to in point (c) or, if suspect symptoms were observed, testing has been undertaken and absence of the specified organism has been confirmed.
- [^{F8}4a The site referred to in point (a) of paragraph 3a shall fulfil all of the following conditions:
- a it is authorised by the national plant protection organisation as free from the specified organism and its vectors, in accordance with the relevant International Standards for Phytosanitary Measures;
- b it is physically protected against the introduction of the specified organism by its vectors;
- c it is subjected annually to at least two official inspections carried out at appropriate times;
- d throughout the production time of the specified plants, neither symptoms of the specified organism nor its vectors were found in the site, or, if suspect symptoms were observed, testing has been undertaken and absence of the specified organism has been confirmed.]

Textual Amendments

- F2** Substituted by [Commission Implementing Decision \(EU\) 2017/2352 of 14 December 2017 amending Implementing Decision \(EU\) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* \(Wells et al.\) \(notified under document C\(2017\) 8356\)](#).
- F7** Substituted by [Commission Implementing Decision \(EU\) 2016/764 of 12 May 2016 amending Implementing Decision \(EU\) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* \(Wells et al.\) \(notified under document C\(2016\) 2731\)](#).
- F8** Inserted by [Commission Implementing Decision \(EU\) 2016/764 of 12 May 2016 amending Implementing Decision \(EU\) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* \(Wells et al.\) \(notified under document C\(2016\) 2731\)](#).

Status: Point in time view as at 29/06/2018.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2015/789 (repealed). (See end of Document for details)

Article 18

Official checks at introduction into the Union

1 All consignments of specified plants introduced into the Union from a third country shall be officially checked at the point of entry into the Union or at the place of destination established in accordance with Article 1 of Commission Directive 2004/103/EC⁽¹⁶⁾, and, as applicable, pursuant to paragraph 2 or 3, and paragraph 4.

[^{F72} In the case of specified plants originating in a third country, where the specified organism is not present or in an area referred to in Article 17(2), the responsible official body shall carry out the following checks:

- a a visual inspection; and
- b in the case of suspicion of the presence of the specified organism, sampling and testing of the lot of the specified plants to confirm the absence of the specified organism or its symptoms.

3 In the case of specified plants, originating in an area where the specified organism is known to be present the responsible official body shall carry out the following checks:

- a a visual inspection; and
- b sampling and testing of the lot of the specified plants to confirm the absence of the specified organism or its symptoms.

4 The samples referred to in paragraphs 2(b) and 3(b) shall be of a size that allows identifying with 99 % reliability a level of infected plants of 1 % or above, taking account of ISPM No 31.

The first subparagraph shall not apply to specified plants which have been grown for the entire production cycle *in vitro* and are transported in transparent containers under sterile conditions.]

Textual Amendments

- F7** Substituted by [Commission Implementing Decision \(EU\) 2016/764 of 12 May 2016 amending Implementing Decision \(EU\) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* \(Wells et al.\) \(notified under document C\(2016\) 2731\)](#).

Article 19

Compliance

Member States shall repeal or amend the measures which they have adopted to protect themselves against the introduction and spread of the specified organism in order to comply with this Decision. They shall immediately inform the Commission of those measures.

Status: Point in time view as at 29/06/2018.

Changes to legislation: There are currently no known outstanding effects for the Commission
Implementing Decision (EU) 2015/789 (repealed). (See end of Document for details)

Article 20

Repeal

Implementing Decision 2014/497/EU is repealed.

Article 21

Addressees

This Decision is addressed to the Member States.

Status: Point in time view as at 29/06/2018.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2015/789 (repealed). (See end of Document for details)

ANNEX I

List of plants known to be susceptible to the European and non-European isolates of the specified organism ('specified plants')

[^{F5} *Acacia dealbata* Link]

Acacia longifolia (Andrews) Willd.

Acacia saligna (Labill.) H. L. Wendl.

Acer

Aesculus

Agrostis gigantea Roth

Albizia julibrissin Durazz.

Alnus rhombifolia Nutt.

Alternanthera tenella Colla

Amaranthus blitoides S. Watson

[^{F8} *Ambrosia*]

Ampelopsis arborea (L.) Koehne

Ampelopsis cordata Michx.

[^{F5} *Anthyllis hermanniae* L.]

[^{F8} *Artemisia arborescens* L.]

Artemisia douglasiana Hook.

Artemisia vulgaris var. *heterophylla* (H.M. Hall & Clements) Jepson

[^{F3} *Asparagus acutifolius* L.]

Avena fatua L.

Baccharis halimifolia L.

Baccharis pilularis DC.

Baccharis salicifolia (Ruiz & Pav.)

Bidens pilosa L.

Brachiaria decumbens (Stapf)

Brachiaria plantaginea (Link) Hitchc.

Brassica

Bromus diandrus Roth

[^{F5} *Calicotome villosa* (Poiret) Link]

Callicarpa americana L.

Capsella bursa-pastoris (L.) Medik.

Carex

Carya illinoensis (Wangenh.) K. Koch

Cassia tora (L.) Roxb.

Catharanthus

Celastrus orbiculata Thunb.

Celtis occidentalis L.

Cenchrus echinatus L.

Cercis canadensis L.

Cercis occidentalis Torr.

[^{F5} *Cercis siliquastrum* L.]

Chamaecrista fasciculata (Michx.) Greene

Status: Point in time view as at 29/06/2018.

Changes to legislation: There are currently no known outstanding effects for the Commission
Implementing Decision (EU) 2015/789 (repealed). (See end of Document for details)

[^{F5}Chenopodium album L.]
Chenopodium quinoa Willd.
Chionanthus
[^{F5}Chitalpa tashkentensis T. S. Elias & Wisura]
[^{F3}Cistus creticus L.]
Cistus monspeliensis L.
Cistus salviifolius L.]
Citrus
Coelorachis cylindrica (Michx.) Nash
Coffea
Commelina benghalensis L.
Conium maculatum L.
Convolvulus arvensis L.
Conyza canadensis (L.) Cronquist
[^{F8}Coprosma repens A. Rich.]
Cornus florida L.
[^{F8}Coronilla valentina L.]
Coronopus didymus (L.) Sm.
Cynodon dactylon (L.) Pers.
Cyperus eragrostis Lam.
Cyperus esculentus L.
Cytisus scoparius (L.) Link
[^{F5}Cytisus villosus Pourr.]
Datura wrightii Regel
Digitaria horizontalis Willd.
Digitaria insularis (L.) Ekman
Digitaria sanguinalis (L.) Scop.
Disphania ambrosioides (L.) Mosyakin & Clemants
[^{F3}Dodonaea viscosa Jacq.]
Duranta erecta L.
Echinochloa crus-galli (L.) P. Beauv.
Encelia farinosa A. Gray ex Torr.
[^{F5}Eremophila maculata F. Muell.]
Erigeron bonariensis L.
Erigeron sumatrensis Retz.]
Eriochloa contracta Hitchc.
Erodium
[^{F5}Erysimum]
Escallonia montevidensis Link & Otto
Eucalyptus camaldulensis Dehnh.
Eucalyptus globulus Labill.
Eugenia myrtifolia Sims
Euphorbia hirta L.
[^{F3}Euphorbia terracina L.]

Status: Point in time view as at 29/06/2018.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2015/789 (repealed). (See end of Document for details)

[^{F8}*Fagopyrum esculentum* Moench]
Fagus crenata Blume
Ficus carica L.
Fragaria vesca L.
[^{F5}*Fraxinus*]
Fuchsia magellanica Lam.
[^{F5}*Genista corsica* (Loisel.) DC.]
[^{F3}*Genista ephedroides* DC.]
Genista monspessulana (L.) L. A. S. Johnson
[^{F8}*Genista* x *spachiana* (syn. *Cytisus racemosus* Broom)]
Geranium dissectum L.
Ginkgo biloba L.
Gleditsia triacanthos L.
[^{F3}*Grevillea juniperina* L.
Hebe]
Hedera helix L.
Helianthus annuus L.
[^{F5}*Helichrysum italicum* (Roth) G. Don
Heliotropium europaeum L.]
Hemerocallis
Heteromeles arbutifolia (Lindl.) M. Roem.
Hibiscus schizopetalus (Masters) J.D. Hooker
Hibiscus syriacus L.
Hordeum murinum L.
Hydrangea paniculata Siebold
Ilex vomitoria Sol. ex Aiton
Ipomoea purpurea (L.) Roth
Iva annua L.
Jacaranda mimosifolia D. Don
Juglans
Juniperus ashei J. Buchholz
Koelreuteria bipinnata Franch.
Lactuca serriola L.
Lagerstroemia indica L.
[^{F3}*Laurus nobilis* L.
[^{F5}*Lavandula* × *allardi* (syn. *Lavandula* × *heterophylla*)]
Lavandula angustifolia Mill.]
Lavandula dentata L.
[^{F5}*Lavandula* × *intermedia*]
[^{F8}*Lavandula stoechas* L.]
Ligustrum lucidum L.
Lippia nodiflora (L.) Greene
Liquidambar styraciflua L.
Liriodendron tulipifera L.

Status: Point in time view as at 29/06/2018.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2015/789 (repealed). (See end of Document for details)

Lolium perenne L.
Lonicera japonica (L.) Thunb.
Ludwigia grandiflora (Michx.) Greuter & Burdet
Lupinus aridorum McFarlin ex Beckner
Lupinus villosus Willd.
Magnolia grandiflora L.
Malva
Marrubium vulgare L.
Medicago polymorpha L.
Medicago sativa L.
Melilotus
Melissa officinalis L.
Metrosideros
Modiola caroliniana (L.) G. Don
Montia linearis (Hook.) Greene
Morus
[^{F3}*Myoporum insulare* R. Br.]
Myrtus communis L.
Nandina domestica Murray
Neptunia lutea (Leavenw.) Benth.
Nerium oleander L.
Nicotiana glauca Graham
Olea europaea L.
Origanum majorana L.
[^{F8}*Parthenocissus quinquefolia* (L.) Planch.]
Paspalum dilatatum Poir.
[^{F5}*Pelargonium*]
Persea americana Mill.
[^{F5}*Phagnalon saxatile* (L.) Cass.
Phillyrea latifolia L.]
Phoenix reclinata Jacq.
Phoenix roebelenii O'Brien
Pinus taeda L.
Pistacia vera L.
Plantago lanceolata L.
Platanus
Pluchea odorata (L.) Cass.
Poa annua L.
Polygala myrtifolia L.
[^{F8}*Polygala x grandiflora nana*]
Polygonum arenastrum Boreau
Polygonum lapathifolium (L.) Delarbre
Polygonum persicaria Gray
Populus fremontii S. Watson
Portulaca

Status: Point in time view as at 29/06/2018.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2015/789 (repealed). (See end of Document for details)

Prunus
Pyrus pyrifolia (Burm. f.) Nakai
Quercus
Ranunculus repens L.
Ratibida columnifera (Nutt.) Wooton & Standl.
Rhamnus alaternus L.
[^{F8}*Rhus*]
Rosa californica Cham. & Schldl.
[^{F5}*Rosa canina* L.]
[^{F8}*Rosa x floribunda*]
Rosmarinus officinalis L.
Rubus
Rumex crispus L.
Salix
Salsola tragus L.
[^{F8}*Salvia apiana* Jeps.]
Salvia mellifera Greene
Sambucus
Sapindus saponaria L.
Schinus molle L.
Senecio vulgaris L.
Setaria magna Griseb.
Silybum marianum (L.) Gaertn.
Simmondsia chinensis (Link) C. K. Schneid.
Sisymbrium irio L.
Solanum americanum Mill.
Solanum elaeagnifolium Cav.
[^{F8}*Solanum lycopersicum* L.]
Solanum melongena L.
Solidago fistulosa Mill.]
Solidago virgaurea L.
Sonchus
Sorghum
Spartium junceum L.
Spermacoce latifolia Aubl.
Stellaria media (L.) Vill.
[^{F5}*Streptocarpus*]
Tillandsia usneoides (L.) L.
Toxicodendron diversilobum (Torr. & A. Gray) Greene
Trifolium repens L.
[^{F8}*Ulmus*]
Umbellularia californica (Hook. & Arn.) Nutt.
Urtica dioica L.
Urtica urens L.
Vaccinium

Status: Point in time view as at 29/06/2018.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2015/789 (repealed). (See end of Document for details)

Verbena litoralis Kunth
Veronica
Vicia faba L.
^{F8}*Vicia sativa* L.]
Vinca
Vitis
Westringia fruticosa (Willd.) Druce
^{F3}*Westringia glabra* L.]
Xanthium spinosum L.
Xanthium strumarium L.

Textual Amendments

- F9** Deleted by Commission Implementing Decision (EU) 2017/2352 of 14 December 2017 amending Implementing Decision (EU) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells et al.) (notified under document C(2017) 8356).

^{F10}ANNEX II

^{F10}List of plants known to be susceptible to the European isolates of the specified organism ('host plants')

Textual Amendments

- F10** Deleted by Commission Implementing Decision (EU) 2015/2417 of 17 December 2015 amending Implementing Decision (EU) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells et al.) (notified under document C(2015) 9191).

^{F10}.....]

^{F2}ANNEX II

Infected zones referred to in Article 4(2) which are containment areas within the meaning of Article 7(1)

^{F11}PART A

Infected zone in Italy

The infected zone of Italy includes the following areas:

1. The province of Lecce
2. The province of Brindisi

Status: Point in time view as at 29/06/2018.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2015/789 (repealed). (See end of Document for details)

3. Municipalities located in the province of Taranto:

Avetrana
Carosino
Crispiano
Faggiano
Fragagnano
Grottaglie
Leporano
Lizzano
Manduria
Martina Franca
Maruggio
Monteiasi
Montemesola
Monteparano
Pulsano
Roccaforzata
San Giorgio Ionico
San Marzano di San Giuseppe
Sava
Statte
Taranto
Torricella

4. Municipality located in the province of Bari:

Locorotondo]

PART B

Infected zone in France

The infected zone in France includes the following area:

The region of Corsica

PART C

Infected zone in Spain

The infected zone in Spain includes the following area:

The Autonomous Community of Balearic Islands]

Status: Point in time view as at 29/06/2018.**Changes to legislation:** There are currently no known outstanding effects for the Commission
Implementing Decision (EU) 2015/789 (repealed). (See end of Document for details)

[^{F5} ANNEX III**Varieties of specified plants which are non-susceptible to the
respective strain of the subspecies of the specified organism, as
referred to in point (b) of the first subparagraph of Article 9(1)**

Varieties	Species of varieties	Subspecies of specified organism
Cabernet Sauvignon	<i>Vitis vinifera</i> L.	<i>Xylella fastidiosa</i> subsp. <i>pauca</i> ST 53
Negroamaro	<i>Vitis vinifera</i> L.	<i>Xylella fastidiosa</i> subsp. <i>pauca</i> ST 53
Primitivo	<i>Vitis vinifera</i> L.	<i>Xylella fastidiosa</i> subsp. <i>pauca</i> ST 53]

Status: Point in time view as at 29/06/2018.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2015/789 (repealed). (See end of Document for details)

- (1) [OJ L 169, 10.7.2000, p. 1.](#)
- (2) Commission Implementing Decision 2014/87/EU of 13 February 2014 as regards measures to prevent the spread within the Union of *Xylella fastidiosa* (Well and Raju) ([OJ L 45, 15.2.2014, p. 29.](#))
- (3) EFSA PLH Panel (EFSA Panel on Plant Health), 2015. Scientific Opinion on the risks to plant health posed by *Xylella fastidiosa* in the EU territory, with the identification and evaluation of risk reduction options. *EFSA Journal* 2015;13(1):3989, 262 pp.
- (4) Commission Implementing Decision 2014/497/EU of 23 July 2014 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Well and Raju) ([OJ L 219, 25.7.2014, p. 56.](#))
- (5) [^{F2}Guidelines for the survey of *Xylella fastidiosa* (Wells et al.) in the Union territory' http://ec.europa.eu/food/sites/food/files/plant/docs/ph_biosec_legis_guidelines_xylella-survey.pdf]
- (6) [^{F2}Commission Implementing Decision 2014/917/EU of 15 December 2014 setting out detailed rules for the implementation of Council Directive 2000/29/EC as regards the notification of the presence of harmful organisms and of measures taken or intended to be taken by the Member States ([OJ L 360, 17.12.2014, p. 59.](#))]
- (7) Methodologies for sampling of consignments — Reference Standard ISPM No 31 by the Secretariat of the International Plant Protection Convention, Rome. Published 2008.
- (8) Guidelines for pest eradication programmes — Reference Standard ISPM No 9 by the Secretariat of the International Plant Protection Convention, Rome. Published 15 December 2011.
- (9) The use of integrated measures in a systems approach for pest risk management — Reference Standard ISPM No 14 by the Secretariat of the International Plant Protection Convention, Rome. Published 8 January 2014.
- (10) Commission Directive 92/90/EEC of 3 November 1992 establishing obligations to which producers and importers of plants, plant products or other objects are subject and establishing details for their registration ([OJ L 344, 26.11.1992, p. 38.](#))
- (11) [^{F3}EPPO (European and Mediterranean Plant Protection Organisation), 2012. Hot water treatment of grapevine to control *Grapevine flavescence dorée* phytoplasma. *Bulletin OEPP/EPPO Bulletin*, 42(3), 490–492.]
- (12) [^{F2}Commission Directive 92/105/EEC of 3 December 1992 establishing a degree of standardization for plant passports to be used for the movement of certain plants, plant products or other objects within the Community, and establishing the detailed procedures related to the issuing of such plant passports and the conditions and detailed procedures for their replacement ([OJ L 4, 8.1.1993, p. 22.](#))]
- (13) [^{F5}Commission Implementing Directive 2014/98/EU of 15 October 2014 implementing Council Directive 2008/90/EC as regards specific requirements for the genus and species of fruit plants referred to in Annex I thereto, specific requirements to be met by suppliers and detailed rules concerning official inspections ([OJ L 298, 16.10.2014, p. 22.](#))
- (14) Council Directive 2008/90/EC of 29 September 2008 on the marketing of fruit plant propagating material and fruit plants intended for fruit production ([OJ L 267, 8.10.2008, p. 8.](#))
- (15) Commission Implementing Decision (EU) 2017/167 of 30 January 2017 temporarily authorising Belgium, the Czech Republic, France and Spain to certify pre-basic mother plants and pre-basic material of specific species of fruit plants referred to in Annex I to Council Directive 2008/90/EC, produced in the field under non-insect-proof conditions ([OJ L 27, 1.2.2017, p. 143.](#))]
- (16) 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.](#))

Status: Point in time view as at 29/06/2018.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2015/789 (repealed). (See end of Document for details)

Textual Amendments

- F2** Substituted by Commission Implementing Decision (EU) 2017/2352 of 14 December 2017 amending Implementing Decision (EU) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells et al.) (notified under document C(2017) 8356).
- F3** Inserted by Commission Implementing Decision (EU) 2015/2417 of 17 December 2015 amending Implementing Decision (EU) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells et al.) (notified under document C(2015) 9191).
- F5** Inserted by Commission Implementing Decision (EU) 2017/2352 of 14 December 2017 amending Implementing Decision (EU) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells et al.) (notified under document C(2017) 8356).

Status:

Point in time view as at 29/06/2018.

Changes to legislation:

There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2015/789 (repealed).