COMMISSION IMPLEMENTING REGULATION (EU) 2022/1927

of 11 October 2022

establishing measures for the containment of *Aleurocanthus spiniferus* (Quaintance) within certain demarcated areas

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/2031 of the European Parliament and of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC ([1]), and in particular Article 28(1), points (d) and (e), and Article 28(2) thereof,

Whereas:

(1) Commission Implementing Regulation (EU) 2019/2072 ([2]) lays down, in Part B of Annex II, the list of Union quarantine pests known to occur in the Union territory.

(2) *Aleurocanthus spiniferus* (Quaintance) ('the specified pest') is included in that list, as it is known to occur in certain parts of the Union territory. It is a polyphagous pest reported to have impact on several crops and ornamental plants in the Union territory ('the specified plants').

(3) The surveys carried out pursuant to Article 19(1) of Regulation (EU) 2016/2031 show that the eradication of the specified pest in certain demarcated areas is no longer possible.

(4) Therefore, measures should be established for the containment of the specified pest within those areas, consisting of infested zones and buffer zones. Those measures are in line with the available technical and scientific evidence with regard to the specified plants.

(5) The competent authorities should raise public awareness to ensure that the general public and professional operators, concerned by the containment measures in the demarcated areas, are aware of the applied measures and the delimitation of the demarcated areas for that purpose.

(6) Nevertheless, if the specified pest is found in a buffer zone surrounding an infested zone subject to measures for the containment of the specified pest, that new finding should result in the establishment of a new demarcated area by the competent authority, where eradication is pursued.

(7) Annual surveys for the presence of the specified pest as set out in Article 22 of Regulation (EU) 2016/2031 and Commission Implementing Regulation (EU) 2020/1231 ([3]) should be carried out to ensure the early detection of the specified pest in areas of the Union territory where the specified pest is not known to be present.

(8) Those surveys should be based on the pest survey card on the specified pest published by the European Food Safety Authority, as it takes into account the latest scientific and technical developments.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

([1]) OJ L 317, 23.11.2016, p. 4.

([2]) Commission Implementing Regulation (EU) 2019/2072 of 28 November 2019 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants, and repealing Commission Regulation (EC) No 690/2008 and amending Commission Implementing Regulation (EU) 2018/2019 (OJ L 319, 10.12.2019, p. 1).

([3]) Commission Implementing Regulation (EU) 2020/1231 of 27 August 2020 on the format and instructions for the annual reports on the results of the surveys and on the format of the multiannual survey programmes and the practical arrangements, respectively provided for in Articles 22 and 23 of Regulation (EU) 2016/2031 of the European Parliament and the Council (OJ L 280, 28.8.2020, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation establishes measures for the containment of *Aleurocanthus spiniferus* (Quaintance) within the demarcated areas where its eradication is not possible.

Article 2

Definitions

For the purposes of this Regulation, the following definitions apply:

(1) 'the specified pest' means *Aleurocanthus spiniferus* (Quaintance);

(2) 'the specified plants' means plants for planting of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., and their hybrids, *Ceratonia siliqua* L., *Cercis siliquastrum* L., *Clematis vitalba* L., *Cotoneaster* Medik., *Crategus* L., *Cydonia oblonga* L., *Diospyros kaki* L., *Eriobotrya japonica* (Thunb.) Lindl., *Ficus carica* L., *Hedera* L., *Magnolia* L., *Malus* Mill., *Melia* L., *Mespilus germanica* L., *Myrtus communis* L., *Parthenocissus* Planch., *Photinia* Lindley., *Prunus cerasus* L., *Prunus laurocerasus* L., *Psidium guajava* L., *Punica granatum* L., *Pyracantha* M. Roem., *Pyrus* L., *Rosa* L., *Vitis* L., *Wisteria* Nutt., other than seeds, pollen and plants in tissue culture;

(3) 'the demarcated area for containment' means an area listed in Annex I, where the specified pest cannot be eradicated;

(4) 'the pest survey card' means the publication 'Pest survey card on *Aleurocanthus spiniferus* and *Aleurocanthus woglumi*' of the European Food Safety Authority ([4]).

Article 3

Establishment of demarcated areas for containment

The competent authorities shall establish the demarcated areas for containment of the specified pest consisting of an infested zone and a buffer zone, of a width of at least 2 km, surrounding the infested zone.

Article 4

Measures within the demarcated areas for containment

1. In the infested zones, the competent authorities shall ensure that one or more of the following measures are taken:

(a) biological control, such as parasitoids, of the specified pest;

(b) appropriate treatments against the specified pest;

(c) pruning and destruction of the parts of the specified plants infested with the specified pest, after the application of the treatments provided for in point (b);

(d) trapping of the specified pest, and, if the specified pest is detected, application of appropriate treatments.

2. Where the presence of the specified pest has been officially confirmed in the buffer zone, Articles 17 and 18 of Regulation (EU) 2016/2031 shall apply.

3. Within the demarcated areas for containment, the competent authorities shall raise public awareness concerning the threat of the specified pest and the measures adopted to prevent its further spread outside of those areas.

The competent authorities shall inform the general public and the professional operators of the delimitation of the demarcated area for containment.

([4]) EFSA (European Food Safety Authority), 2019. Pest survey card on *Aleurocanthus spiniferus* and *Aleurocanthus woglumi*. EFSA supporting publication 2019:EN-1565. 17pp. doi:10.2903/sp.efsa.2019.EN-1565. Available online: https://arcg.is/u5DTL

Article 5

Surveys

1. The competent authorities shall carry out the surveys as provided for in paragraphs 2 and 3, taking into account the information referred to in the pest survey card.

2. They shall carry out annual risk based surveys for the presence of the specified pest in the areas of the Union territory, where the specified pest is not known to be present but could become established.

3. In the buffer zones of the demarcated areas for containment, they shall carry out annual surveys, as referred to in Article 19(1) of Regulation (EU) 2016/2031, to detect the presence of the specified pest.

Those surveys shall include:

(a) visual examinations, at appropriate times, to detect the specified pest or its symptoms;

(b) trapping;

(c) sampling and testing, in the case of plants showing symptoms of, or suspected infestation by, the specified pest.

Those surveys shall be more intensive than the surveys referred to in paragraph 2, with a higher number of visual examinations and traps and, where appropriate, sampling and testing.

Article 6

Reporting

By 30 April of each year, Member States shall submit to the Commission and to the other Member States the results of the surveys carried out, in the preceding calendar year, pursuant to:

(a) Article 5(2) of this Regulation, using one of the templates set out in Annex I to Implementing Regulation (EU) 2020/1231;

(b) Article 5(3) of this Regulation, using one of the templates set out in Annex II to this Regulation.

Article 7

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 11 October 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

List of demarcated areas for containment as referred to in Article 2

1. **Croatia**

Number of demarcated area (DA)	Zone of DA	Region	Municipalities or other administrative/geographic delimitations	
			Municipality	*Cadastral municipality*
1.	Infested zone	Dubrovnik Neretva County	Konavle	Vitaljina, Ljuta, Đurinići
	Buffer zone	Dubrovnik Neretva County	Konavle	Pločice, Pavlje Brdo, Vodovađa, Dubravka, Dunave, Popovići, Gruda, Lovorno, Pridvorje, Zastolje, Radovčići, Kuna Konavoska
2.	Infested zone	Split Dalmatia County	Jelsa	Vrisnik
			Milna	Milna
	Buffer zone	Split Dalmatia County	Jelsa	Jelsa, Pitve, Vrbanj, Dol, Stari Grad, Svirče, Vrbovska
			Šolta	Gornje Selo
			Milna	Bobovišća
			Nerežišća	Nerežišća, Dračevica
			Sutivan	Sutivan

2. **Greece**

Number of demarcated area (DA)	Zone of DA	Region	Municipalities or other administrative/geographic delimitations
1.	Infested zone	Ionian Islands	Corfu ([1])

([1]) No buffer zone since the entire island is infested zone.

ANNEX II

Templates for the reporting of the results of the surveys carried out pursuant to Article 5(3)

PART A

1. **Template for the reporting of results of annual surveys**

1. Description of the Demarcated Area (DA)		2. Initial size of DA (ha)	3. Updated size of DA (ha)	4. Approach	5. Zone	6. Survey sites		7. Risk areas identified	8. Risk areas inspected	9. Plant material/Commodity	10. List of host plant species	11. Timing	12. Survey details									13. Nº of symptomatic samples analysed: i: Total ii: Positive iii: Negative iv: Undetermined				14. Nº of asymptomatic samples analysed: i: Total ii: Positive iii: Negative iv: Undetermined				15. Notification number of the outbreaks notified, as applicable, in accordance with Implementing Regulation (EU) 2019/1715		16. Comments
													A) Number of visual examinations	B) Total number of samples taken	C) Type of traps (or other alternative method (e.g. sweep nets))	D) Number of traps (or other capturing method)	E) Number of trapping sites, when different from data reported in (D)	F) Type of tests (e.g. microscopic identification, PCR, ELISA, etc.)	G) Total number of tests	H) Other measures (e.g. sniffer dogs, drones, helicopters, awareness raising campaigns etc.)	I) Number of other measures														
Name	Date of establishment					Description	Number						A	B	C	D	E	F	G	H	I	i	ii	iii	iv	i	ii	iii	iv	Number	Date	

2. **Instructions how to fill in the template**

If this template is filled, the template in Part B of this Annex is not to be filled.

For column 1: Indicate the name of the geographical area, outbreak number or any information that allows identification of this demarcated area (DA) and the date when it was established.

For column 2: Indicate the size of the DA before the start of the survey.

For column 3: Indicate the size of the DA after the survey.

For column 4: Indicate the approach: Containment. Please, include as many rows as necessary, depending on the number of DA per pest and the approaches these areas are subject to.

For column 5: Indicate the zone of the DA where the survey was carried out, including as many rows as necessary: Infested zone (IZ) or buffer zone (BZ), using separate rows. When applicable, indicate the area of the BZ where the survey was carried out (e.g. last 20 km adjacent to the IZ, around nurseries, etc.) in different rows.

For column 6: Indicate the number and the description of the survey sites, by choosing one of the following entries for the description:

1. Open air (production area): 1.1. field (arable, pasture); 1.2. orchard/vineyard; 1.3. nursery; 1.4. forest;
2. Open air (other): 2.1. private garden; 2.2. public sites; 2.3. conservation area; 2.4. wild plants in areas other than conservation areas; 2.5. other, with specification of the particular case (e.g. garden centre, commercial sites that uses wood packaging material, wood industry, wetlands, irrigation and drainage network, etc.);
3. Physically closed conditions: 3.1. greenhouse; 3.2. private site, other than greenhouse; 3.3. public site, other than greenhouse; 3.4. other, with specification of the particular case (e.g. garden centre, commercial sites that uses wood packaging material, wood industry).

For column 7: Indicate which are the risk areas identified based on the biology of the pest, presence of host plants, eco-climatic conditions and risk locations.

For column 8: Indicate the risk areas included in the survey, from those identified in column 7.

For column 9: Indicate plants, fruits, seeds, soil, packaging material, wood, machinery, vehicles, water, other, specifying the specific case.

For column 10: Indicate the list of plant species/genera surveyed, using one row per plant species/genera.

For column 11: Indicate the months of the year when the survey was carried out.

For column 12: Indicate the details of the survey, depending on the specific legal requirements of each pest. Indicate with N/A when the information of certain column is not applicable.

For columns 13 and 14: Indicate the results, if applicable, providing the information available in the corresponding columns. 'Undetermined' are those analysed samples for which no result was obtained due to different factors (e.g. below detection level, unprocessed sample-not identified, old).

For column 15: Indicate the outbreak notifications of the year when the survey took place for findings in the BZ. The outbreak notification number does not need to be included when the competent authority has decided that the finding is one of the cases referred to in Article 14(2), Article 15(2) or Article 16 of Regulation (EU) 2016/2031. In that case, indicate the reason for not providing this information in column 16 ('Comments').

PART B

1. **Template for the reporting of the results of statistically based annual surveys**

1. Description of the Demarcated Area (DA)	Name						
	Date of establishment						
2. Initial size of DA (ha)							
3. Updated size of DA (ha)							
4. Approach							
5. Zone							
6. Survey sites	Description						
	Number						
7. Timing							
A. Survey definition (input parameters for RiBESS+)	8. Target population	Host species					
		Area (ha or other more relevant unit)					
		Inspection units					
	9. Epidemiological units	Description					
		Units					
	10. Detection methods	Visual examinations					
		Trapping					
		Testing					
		Other methods					
	11. Sampling effectiveness						
	12. Method sensitivity						
	13. Risk factors (activities, locations and areas)	Risk factor					
		Risk levels					
		N° of locations					
		Relative risks					
		Proportion of the host population					
B. Sampling effort	14. N° of epidemiological units inspected						
	15. N° of visual examinations						
	16. N° samples						
	17. N° of traps						
	18. N° of trapping sites						
	19. N° of tests						
	20. N° of other measures						
C. Survey results	21. Results	Positive					
		Negative					
		Undetermined					
	22. Notification number of the outbreaks notified, as applicable, in accordance with Implementing Regulation (EU) 2019/1715	Number					
		Date					
	23 Achieved Confidence level						
	24. Design prevalence						
25. Comments							

2. **Instructions how to fill in the template**

If this template is filled, the template in Part A of this Annex is not to be filled.

Explain the underlying assumptions for the survey design per pest. Summarise and justify:

— the target population, epidemiological unit and inspection units,

— the detection method and method sensitivity,

— the risk factor(s), indicating the risk levels and corresponding relative risks and proportions of host plant population.

For column 1: Indicate the name of the geographical area, outbreak number or any information that allows identification of this demarcated area (DA) and the date when it was established.

For column 2: Indicate the size of the DA before the start of the survey.

For column 3: Indicate the size of the DA after the survey.

For column 4: Indicate the approach: Containment. Please, include as many rows as necessary, depending on the number of DA per pest and the approaches these areas are subject to.

For column 5: Indicate the zone of the DA where the survey was carried out, including as many rows as necessary: Infested zone (IZ) or buffer zone (BZ), using separate rows. When applicable, indicate the area of the BZ where the survey was carried out (e.g. last 20 km adjacent to the IZ, around nurseries, etc.) in different rows.

For column 6: Indicate the number and the description of the survey sites, by choosing one of the following entries for the description:
1. Open air (production area): 1.1 field (arable, pasture); 1.2. orchard/vineyard; 1.3. nursery; 1.4. forest;
2. Open air (other): 2.1. private gardens; 2.2. public sites; 2.3. conservation area; 2.4. wild plants in areas other than conservation areas; 2.5. other, with specification of the particular case (e.g. garden centre, commercial sites that uses wood packaging material, wood industry, wetlands, irrigation and drainage network, etc.);
3. Physically closed conditions: 3.1. greenhouse; 3.2. private site, other than greenhouse; 3.3. public site, other than greenhouse; 3.4. other, with specification of the particular case (e.g. garden centre, commercial sites that uses wood packaging material, wood industry).

For column 7: Indicate the months of the year when the surveys were carried out.

For column 8: Indicate the chosen target population providing accordingly the list of host species/genera and area covered. The target population is defined as the ensemble of inspection units. Its size is defined typically for agricultural areas as hectares, but could be lots, fields, greenhouses, etc. Please justify the choice made in the underlying assumptions. Indicate the inspection units surveyed. 'Inspection unit' means plants, plant parts, commodities, materials, pest vectors that had been scrutinised for identifying and detecting the pests.

For column 9: Indicate the epidemiological units surveyed, indicating their description and unit of measurement. 'Epidemiological unit' means a homogeneous area where the interactions between the pest, the host plants and the abiotic and biotic factors and conditions would result into the same epidemiology, should the pest be present. The epidemiological units are a subdivision of the target population that are homogenous in terms of epidemiology with at least one host plant. In some cases the whole host population in a region/area/country may be defined as epidemiological unit. They could be Nomenclature of territorial units for statistics (NUTS) regions, urban areas, forests, rose gardens or farms, or hectares. The choice shall be justified in the underlying assumptions.

For column 10: Indicate the methods used during the survey including the number of activities in each case, depending on the specific legal requirements of each pest. Indicate with N/A when the information of certain column is not available.

For column 11: Indicate an estimation of the sampling effectiveness. Sampling effectiveness means the probability of selecting infected plant parts from an infected plant. For vectors, it is the effectiveness of the method to capture a positive vector when it is present in the survey area. For soil, it is the effectiveness of selecting a soil sample containing the pest when the pest is present in the survey area.

For column 12: 'Method sensitivity' means the probability of a method to correctly detect pest presence. The method sensitivity is defined as the probability that a truly positive host tests positive. It is the multiplication of the sampling effectiveness (i.e. probability of selecting infected plant parts from an infected plant) by the diagnostic sensitivity (characterised by the visual inspection and/or laboratory test used in the identification process).

For column 13: Provide the risk factors in different rows, using as many rows as necessary. For each risk factor indicate the risk level and corresponding relative risk and proportion of host population.

For column B: Indicate the details of the survey, depending on the specific legal requirements for each pest. Indicate with N/A when the information of certain column is not applicable. The information to be provided in these columns is related to the information included in the column 10 'Detection methods'.

For column 18: Indicate the number of trapping sites in case this number differs from the number of traps (Column 17) (e.g. the same trap is used in different places).

For column 21: Indicate the number of samples found positive, negative or undetermined. 'Undetermined' are those analysed samples for which no result was obtained due to different factors (e.g. below detection level, unprocessed sample-not identified, old, etc.).

For column 22: Indicate the outbreak notifications of the year when the survey took place for findings in the buffer zone. The outbreak notification number does not need to be included when the competent authority has decided that the finding is one of the cases referred to in Articles 14(2), 15(2) or 16 of Regulation (EU) 2016/2031. In this case, please indicate the reason for not providing this information in column 25 ('Comments').

For column 23: Indicate the sensitivity of the survey, as defined in International Standard for Phytosanitary Measures (ISPM 31). This value of the achieved confidence level of pest freedom is calculated based on the examinations (and/or samples) performed given the method sensitivity and the design prevalence.

For column 24: Indicate the design prevalence based on a pre-survey estimate of the likely actual prevalence of the pest in the field. The design prevalence is set as a goal of the survey and corresponds to the compromise the risk managers are making between the risk of having the pest and the resources available for the survey. Typically, for a detection survey a value of 1 % is set