

COMMISSION IMPLEMENTING REGULATION (EU) 2022/1941**of 13 October 2022****on the prohibition of introduction, movement, holding, multiplication or release of certain pests pursuant to Article 30(1) of Regulation (EU) 2016/2031 of the European Parliament and of the Council**

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 30(1) thereof,

Whereas:

- (1) In 2021, several Member States notified the Commission of the officially confirmed presence, in consignments of plants, plant products and other objects originating from third countries, of pests which are not listed as a Union quarantine pest, as a protected zone quarantine pest or as a Union regulated non-quarantine pest in accordance with Commission Implementing Regulation (EU) 2019/2072⁽²⁾ and are not regulated under Article 30(1) of Regulation (EU) 2016/2031.
- (2) On the basis of data from preliminary risk assessments or risk analyses carried out so far by competent authorities and organisations, the Commission concludes that those pests fulfil the criteria set out in Subsection 2 of Section 3 of Annex I to Regulation (EU) 2016/2031.
- (3) *Chloridea virescens*, *Leucinodes orbonalis*, *Leucinodes pseudorbonalis*, *Resseliella citrifrugis* and *Spodoptera ornithogalli* are amongst the pests for which actions under Article 29(1) of Regulation (EU) 2016/2031 have been taken by competent authorities. Those pests have been intercepted several times at Union borders and they are not known to be present in the Union territory.
- (4) A preliminary risk assessment for *Chloridea virescens*⁽³⁾ and a pest risk analysis for American *Spodoptera* species, which includes *Spodoptera ornithogalli*⁽⁴⁾, have been performed by the Netherlands for the Union territory. Both conclude that those pests fulfill the criteria for quarantine pests set out in Section 1 of Annex I to Regulation (EU) 2016/2031, as regards the Union territory. However, further risk assessment is required to support their inclusion in Annex II to Implementing Regulation (EU) 2019/2072.
- (5) On the basis of pest categorizations performed by the European Food Safety Authority ('the Authority') for *Leucinodes orbonalis*⁽⁵⁾ and *Leucinodes pseudorbonalis*⁽⁶⁾, those pests fulfill the criteria for quarantine pests set out in Section 1 of Annex I to Regulation (EU) 2016/2031, as regards the Union territory. However, uncertainties concerning their impact due to climatic suitability have been pointed out. Further assessment of the climatic suitability, the assessment of the effect of climate change on the establishment of those pests in the Union and their subsequent impact is ongoing.

⁽¹⁾ 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 (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⁾ Quicksan *Chloridea virescens* | Publication | NVWA-English

⁽⁴⁾ American *Spodoptera* species risk assessment | Publication | NVWA-English

⁽⁵⁾ EFSA PLH Panel (EFSA Panel on Plant Health). Scientific Opinion on the pest categorisation of *Leucinodes orbonalis*. EFSA Journal 2021;19(11):6890, 28 pp. <https://doi.org/10.2903/j.efsa.2021.6890>.

⁽⁶⁾ EFSA PLH Panel (EFSA Panel on Plant Health). Scientific Opinion on the pest categorisation of *Leucinodes pseudorbonalis*. EFSA Journal 2021;19(11):6889, 21 pp. <https://doi.org/10.2903/j.efsa.2021.6889>.

- (6) On the basis of pest categorisation performed by the Authority, *Resseliella citrifrugis* (7) fulfills the criteria for quarantine pests set out in Section 1 of Annex I to Regulation (EU) 2016/2031, as regards the Union territory. Currently, further risk assessment is ongoing regarding the entry and spread pathways of this pest.
- (7) Those pests have been intercepted multiple times at the Union borders and large volumes of their host plants continue to be imported from countries where those pests are known to be present, while they present a high phytosanitary risk for the Union territory. It is therefore considered that there exists an imminent danger of entry of those pests into the Union territory. It is thus appropriate to take the measure of temporary prohibition of their entry into the Union until their full risk analyses have been carried out. Those pests should also be subject to risk-based surveys concerning their signs or symptoms as set out in Article 22(1) of Regulation (EU) 2016/2031.
- (8) This Regulation should apply for a sufficient length of time to allow for the completion of those risk assessments and analyses.
- (9) The provisions of this Regulation are in accordance with the opinion of the Standing Committee for Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Prohibition of pests

The pests listed in the Annex shall not be introduced into, moved within, or held, multiplied or released in the Union territory.

Article 2

Entry into force and application

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

It shall apply until 31 May 2027.

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

Done at Brussels, 13 October 2022.

For the Commission
The President
Ursula VON DER LEYEN

(7) EFSA PLH Panel (EFSA Panel on Plant Health). Scientific Opinion on the pestcategorisation of *Resseliella citrifrugis*. EFSA Journal 2021;19(8):6802, 19 pp.<https://doi.org/10.2903/j.efsa.2021.6802>.

ANNEX

List of pests and their codes assigned by the European and Mediterranean Plant Protection Organisation

1.	<i>Chloridea virescens</i> Fabricius [HELIVI]
2.	<i>Leucinodes orbonalis</i> Guenée [LEUIOR]
3.	<i>Leucinodes pseudorbonalis</i> Mally <i>et al.</i> [LEUIPS]
4.	<i>Resseliella citrifrugis</i> Jiang [RESSCI]
5.	<i>Spodoptera ornithogalli</i> Guenée [PRODOR]