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COMMISSION IMPLEMENTING DECISION

of **XXX**

on measures in respect of certain citrus fruits originating in South Africa

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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 Community¹, and in particular the third sentence of Article 16(3), thereof,

Whereas:

HAS ADOPTED THIS DECISION:

Article 1

Introduction into the Union of citrus fruits

Fruits of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., and their hybrids other than fruits of *Citrus aurantium* L. and *Citrus latifolia* originating in South Africa (hereinafter referred to as the specified citrus fruits), shall only be introduced into the Union if they comply with one of the following conditions:

- (a) they originate in an area recognised as being free from *Phyllosticta citricarpa* (McAlpine) Van der As (all strains pathogenic to Citrus) (hereinafter referred to as the specified organism), in accordance with the procedure referred to in Article 18(2) of Directive 2000/29/EC, and mentioned on the certificate; or
- (b) they comply with the requirements laid down in Annex I to this Decision;

Article 2

Authorisation of introduction into the Union for processing into juice

By way of derogation from Article 5(1) of Directive 2000/29/EC in conjunction with point 16.4 of Section I of Part A of Annex IV to Directive 2000/29/EC Member States may authorize the introduction of the specified citrus fruits originating in South Africa destined exclusively for processing into juice, if complying with the conditions set out in Annex II to this Decision.

¹ OJ L 169, 10.7.2000, p. 1.

Article 3

Reporting obligations

The importing Member States shall submit to the Commission and the other Member States, each year before 1 February, a report with information on the amounts of the specified citrus fruits introduced into the Union under this Decision during the previous import season. That report shall also include:

- (a) in the case of the specified citrus fruits referred to point (b) of Article 1, Member States shall notify the results of the inspections referred to in point 2 of the Annex I.
- (b) in the case of the specified citrus fruits referred to Article 2 Member States shall notify the information referred to in point 5 of Annex II;

Article 4

Clause in the case of interceptions of specified organism and insufficient official monitoring

The provisions of point (b) of Article 1 shall no longer apply as soon as the Commission has received notification of the sixth interception of the specified organism on specified citrus fruits within the same import season, and that it has been concluded that the procedures for official monitoring in South Africa have not been sufficient to prevent the risk of introduction of the specified organism into the Union.

Article 5

Entry into force

This Decision shall enter into force on the twentieth day following its publication in the Official Journal.

Article 6

Addressees

This Decision is addressed to the Member States

Done at Brussels,

For the Commission
Tonio BORG
Member of the Commission

ANNEX I
INTRODUCTION OF THE SPECIFIED CITRUS FRUITS

1. Requirements concerning the specified citrus fruits to be imported

The specified citrus fruits originating in South Africa are accompanied by a phytosanitary certificate, as referred to in the first subparagraph of point (ii) of Article 13(1) of that Directive, stating all of the following elements:

:

- a) in accordance with an appropriate official examination carried out at the appropriate time, the specified organism has not been detected in the place of production since the beginning of the last cycle of vegetation; and
- b) appropriate treatments against the specified organism have been carried out at the appropriate time;; and
- c) a visual examination has been carried out as close as possible to the harvest, concluding that the specified organism has not been detected in the specified citrus fruits harvested in the place of production; and
- d) a targeted sample has been taken of 200 fruits per 30 tonnes during packing, as close as possible to export, for laboratory examination and testing and found free from the specified organism; and
- e) the place of production, the packing facilities, exporters and any other operator involved in the handling of the specified citrus fruits are officially registered for this purpose and a detailed information of the pre and post-harvest treatments are kept ensuring a complete traceability.

The movement of the specified citrus fruits, from their place of production to the point of export to the Union, is accompanied by documents issued under the official supervision of the National Plant Protection Organisation of South Africa. Those documents are part of a documentary system on which information is made available to the Commission by South Africa.

2. Requirements concerning inspections

- 2.1 The specified citrus fruits have been inspected at the point of entry or the place of destination, established in accordance with Commission Directive 2004/103/EC. Those inspections have been carried out on samples of the specified citrus fruits of at least 200 fruits each. Those samples have been taken from each batch of 30 tonnes or part thereof in a consignment.
- 2.2 All such batches of the said consignment shall remain under official control. They maynot be marketed or used until it has been established that the presence of the specified organism was not suspected or confirmed by those examinations. In

addition, in cases where typical or suspect symptoms of the specified organism are detected in such a batch, the remaining part of the said consignment and other consignments which contain the specified citrus fruits originating from the same place of production shall be held under official control until the presence of the specified organism has been confirmed or refuted.

2.3 If symptoms of the specified organism are detected in the said examinations, the presence of the specified organism shall be determined by official testing. If the presence of the specified organism is officially confirmed the batch from which the sample has been taken has been subject to one of the following measures, either:

(i) refusal of entry to the European Union or permission to send products to a destination outside the Union; or

(ii) destruction,

and all remaining batches in the consignment shall be tested.

3. Requirements concerning notifications

In the case of findings of the specified organism, confirmed by official testing, Member States shall notify immediately the Commission and South Africa thereof. This information shall be included in the report referred to in point (a) of Article 3.

ANNEX II **INTRODUCTION OF THE SPECIFIED CITRUS FRUITS FOR PROCESSING INTO** **JUICE**

1. Requirements concerning the origin of specified citrus fruits

The specified citrus fruits originating in South Africa destined exclusively for processing at premises within the Union. They have been accompanied by a phytosanitary certificate, as referred to in the first subparagraph of point (ii) of Article 13(1) of that Directive stating that ‘This consignment meets the conditions laid down in Decision .../.../EU EU [*Office of Publications, please insert number of this Decision*]. Destined exclusively for processing into juice’; and under "Distinguishing marks" the identification numbers of the containers or other appropriate packaging covered by that certificate.

The specified citrus fruits:

- a) originate in a field of production subjected to appropriate treatments against the specified organism and none of the specified citrus fruits harvested in the field of production has shown, in appropriate official examinations symptoms of the specified organism
- b) are free from symptoms of the specified organism at the time of export;
- c) are transported in sealed shipping containers or appropriate bulk storage from the packaging site in South Africa to the processing premises referred to in point 4 ; and a

label shall be attached to each container, or other appropriate packaging, bearing the following information:

- i. name of the organisation issuing the label;
- ii. name of the exporter;
- iii. name of the importer;
- iv. declared net weight of the fruit;
- v. statement: 'In accordance with EU requirements laid down in Decision/.../EU.';
- vi. mark stating: 'Fruit destined exclusively for processing into juice.';

The movement of the specified citrus fruits, from their place of production to the point of export to the Union, is accompanied by documents issued under the official supervision of the National Plant Protection Organisation of South Africa. Those documents are part of a documentary system on which information is made available to the Commission by South Africa.

2. Requirements concerning points of entry

2.1 The specified citrus fruits is only introduced into the Union through the following points of entry:

Felixstowe

Thamesport

Tilbury

Sheerness

Bristol

Southampton

Liverpool.

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2.2 If the specified citrus fruits are going to be processed in a Member State other than that in which they were introduced, the responsible official bodies of the Member States concerned shall agree to this movement taking place and shall cooperate to ensure that the provisions of this Decision are complied with.

2.3 Prior to introduction into the Union, the importer shall be officially informed by the responsible official bodies of the Member State making use of the derogation of the conditions laid down in this Decision.

- 2.4 The said importer has notified details of each introduction in advance to the responsible official bodies in the Member State of introduction, and where appropriate, to the Member State where the processing will take place, providing the following information:
- the volume;
 - the identification numbers of containers;
 - the date of introduction and the point of entry into the Union;
 - the names, addresses and the locations of the premises referred to in point 4.
- 2.5 The importer has informed the responsible official bodies concerned of any changes to the above information as soon as they are known and in any case prior to the introduction of the specified citrus fruits. Copies of the information provided by the importer have been conveyed by the responsible official body of the Member State concerned to the competent authority of the port of unloading.

3. Requirements concerning inspections

- 3.1 At the point of entry or the place of destination established in accordance with Commission Directive 2004/103/EC². The specified citrus fruits have been inspected at the point of entry or the place of destination, established in accordance with Commission Directive 2004/103/EC. Those inspections have been made by the responsible official body of the Member State making use of the derogation, and where appropriate, in cooperation with the responsible official body of the Member State of introduction.
- 3.2 If suspect symptoms of the specified organism are detected in the said examinations, they should be confirmed or refuted by appropriate testing. If the specified organism is confirmed, the batch from which the sample has been taken shall be subjected to one of the following measures, either:
- (a) refusal of entry to the European Union, or permission to send products to a destination outside the Union; or
 - (b) destruction,
- and all remaining batches in the consignment shall be tested.
- 3.3 After the inspections, the consignments shall be directly and without delay transported to the premises referred to in point 4 under the supervision of the responsible official body.

4. Requirements concerning premises for processing

- 4.1 The specified citrus fruits are processed only at premises officially registered and approved for this purpose by the responsible official body. Where the specified citrus

² OJ L 313, 12.10.2004, p. 16.

fruits are not to be processed immediately, it may be stored at a facility registered and approved for that purpose. The specified citrus fruits shall remain separately identifiable and shall be stored securely in a way which prevents any risk of harmful organisms spreading spread the specified organism. The maximum temperature of the storage facility shall be 8°C and the maximum period of storage shall be 3 months. Subsequent transport to the processing plant shall be in such a way as to prevent any risk of the spread of the specified organism.

4.2 At the processing premises:

- (a) the specified citrus fruits shall immediately be processed; if this is not possible at arrival, the specified citrus fruits shall be stored until processing at places and in a way that shall prevent any risk of harmful organisms spreading;
- (b) when unloaded, the containers used for the transportation of the specified citrus fruits shall be subject to an appropriate disinfection treatment, prior to the following use thereof in trade;
- (c) after sorting, the specified citrus fruits shall be subject to a surface disinfection heat treatment in which the surface temperature of the specified citrus fruits shall achieve a temperature of 85°C for at least 30 seconds;
- (d) waste and by-products or any remaining of the specified citrus fruits shall be used and destroyed on the territory of the Member State making use of the derogation by officially approved method and under the supervision of the responsible official body:
 - (i) by composting at sites officially approved for that purpose, and for end use within the Member State concerned, or
 - (ii) by feeding to livestock within the Member State concerned, or
 - (iii) for catering fru within the Member State concerned, or
 - (iv) for energy use within the Member State concerned, or
 - (v) some other disposal method within the Member State concerned, provided it is established that there is no risk of harmful organisms spreading and subject to approval by the responsible official bodies.

Any waste associated with and arising from the above options shall be disposed of by officially methods approved by the responsible official body within the Member State concerned.

- (e) Officially approved hygiene protocols shall be in place at the processing premises, to prevent the risk of the specified citrus fruits subject to the derogation being moved by people or vehicles to other Member States.

4.3 Records of the specified fruits that are processed shall be kept by the processor, and made available to the responsible official body. These should include numbers and distinguishing marks of containers, volumes of the specified citrus fruits imported, volumes of waste and by-products destroyed and details of destruction thereof.

5. Requirements concerning notifications

In the case of findings of the specified organism, as confirmed by testing, Member States shall notify immediately the Commission and South Africa thereof. This information together with the information referred in point 4.3, point 2.4, the results of monitoring referred to in point 4.2 (c), and the information of all consignments introduced into their territory, which were subsequently found not to comply with this Annex shall be included in the detailed technical report referred to in point (b) Article 3.