Measures to prevent the introduction of Tomato brown rugose fruit virus (ToBRFV)

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Adapted measures to prevent the introduction of Tomato brown rugose fruit virus (ToBRFV)

Commission Implementing Regulation (EU) 2023/1032 of 25 May 2023 establishing measures to prevent the introduction into and the spread within the Union territory of *Tomato brown rugose fruit virus* (ToBRFV) and amending Implementing Regulation (EU) 2020/1191

Update

Adapted measures to prevent the introduction of *Tomato brown rugose fruit virus* (ToBRFV) for seeds and plants for planting of tomato and various types of peppers.

Impacted products

Seeds and plants for planting of Solanum lycopersicum (tomato) and its hybrids, as well as seeds of Capsicum spp. (various types of peppers including sweet peppers and chillies) except seeds and plants belonging to varieties which are known to be resistant to ToBRFV.

What is changing?

Currently, ToBRFV is not currently officially classified as a quarantine pest within the Union. It is also not considered a regulated non-quarantine pest (see IPPC Glossary of Phytosanitary Terms).

However, it meets the criteria that could potentially qualify it as a Union quarantine pest, which necessitates the implementation of temporary measures. Consignments of affected products must therefore be accompanied by a phytosanitary certificate (PC) with a specific "Additional declaration". The information required varies according to the product. There are three different scenarios:

1 Plants for planting (excluding varieties resistant to ToBRFV) from non-EU countries - these can only be brought into the Union if they are accompanied by a phytosanitary certificate. The certificate should include the following under the "Additional declaration" section.

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(a) an official statement that the specified plants for planting derive from seeds that comply with the requirements laid down in Article 10;

(b) an official statement that the specified plants for planting have been produced in a production site that is registered and supervised by the national plant protection organisation (NPPO) in the country of origin, and known to be free from the specified pest on the basis of official inspections, sampling and testing carried out at the appropriate time to detect that pest;

(c) the name of the registered production site.

1 Specified plants for planting of varieties that are known to be resistant to ToBRFV originating from non-EU countries - these may only be introduced into the Union if they are accompanied by a phytosanitary certificate that, under the heading “Additional declaration”, confirms that resistance.

2 By way of derogation from paragraph 1, point (a), specified seeds that have been harvested prior to 31 August 2023 and before their introduction within the Union have been found to comply with the requirements of Implementing Regulation (EU) 2020/1191 - these may be introduced into the Union territory accompanied by a phytosanitary certificate that includes, under the heading “Additional declaration”, the following statement: “These seeds have been harvested before 31 August 2023 and have been found to comply with Regulation (EU) 2020/1191”.

In order to ensure effective controls against the entry of this virus into the Union, at least 20% of the consignments of specified seeds and plants for planting should be sampled and tested by the competent authority in the importing EU Member State.

For consignments of specified seeds and specified plants for planting originating in Israel and China, this sampling and testing rate should be 50% and 100%, respectively, due to the higher number of interceptions for these two countries.

Why?

Regulation (EU) 2020/1191, which aimed to prevent the introduction of ToBRFV, expired on 31 May 2023. New scientific information and feedback from audits have highlighted the need for a new regulation with more detailed measures to address the spread of this pest and enhance disease protection.

Timeline

Applies from 1 September 2023 until 31 December 2024.

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What are the major implications for exporting countries?

Impacted products must be accompanied by a phytosanitary certificate containing a specific "Additional declaration". Failure to complete this declaration correctly will result in refusal of the consignment at the point of import.

During import controls at the EU border, at least 20% of consignments will be sampled and tested by the competent authority. For consignments originating in Israel and China, that sampling and testing rate shall be 50% and 100%, respectively.

If a batch of seeds/plants for planting is selected for sampling and testing, all other batches exported under the same phytosanitary certificate will be retained to await the test results before they can be imported. The turnaround time for testing is in the order of 3 weeks.

The cost of sampling and laboratory analysis may be charged all or in part to the importer. In the event of a positive test result, the turnaround time will increase as the competent authority will require a second test to confirm the results.

Recommended Actions

Exporting countries must ensure that consignments are free of ToBRFV. To avoid delays at the point of import in the EU, and to keep costs to a minimum, it is important to ensure that all consignments of affected products are accompanied by a correctly completed phytosanitary certificate.

Background

In the context of growing global trade and climate change, the EU faces new threats from harmful organisms. The new Plant Health Law [Regulation (EU) 2016/2031] was introduced to address these increasing risks from imported pests.

All plants and plant products, except for a small number of exceptions, must be accompanied by a phytosanitary certificate that confirms their compliance with EU legislation referred to in Article 71 of Regulation (EU) No 2016/2031 (for more details see EU Plant Health Law explained).

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Resources

Commission Implementing Regulation (EU) 2020/1191 of 11 August 2020 establishing measures to prevent the introduction into and the spread within the Union of *Tomato brown rugose fruit virus* (ToBRFV) and repealing Implementing Decision (EU) 2019/1615

Zhang S, Griffiths JS, Marchand G, Bernards MA, Wang A, 2022. Tomato brown rugose fruit virus: An emerging and rapidly spreading plant RNA virus that threatens tomato production worldwide. *Molecular Plant Pathology* 23(9):1262-1277.

CABI, 2020. Tomato brown rugose fruit virus. *CABI Compendium*. Wallingford: CABI.

Sources

Commission Implementing Regulation (EU) 2023/1032 of 25 May 2023 establishing measures to prevent the introduction into and the spread within the Union territory of *Tomato brown rugose fruit virus* (ToBRFV) and amending Implementing Regulation (EU) 2020/1191

Regulation (EU) 2016/2031 of the European Parliament 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

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