

Preventing introduction of fall armyworm into the EU

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Extended measures against introduction of fall armyworm into the EU

Commission Implementing Regulation (EU) [2023/1134](#) of 8 June 2023 on measures to prevent the introduction into, establishment and spread within the Union territory of *Spodoptera frugiperda* (Smith), amending Implementing Regulation (EU) 2019/2072 and repealing Implementing Decision (EU) 2018/638

Update

The European Commission has extended measures to prevent the introduction of fall armyworm (*Spodoptera frugiperda*) into the EU, including new measures for asparagus

Impacted products

asparagus, corn, maize, eggplant, African eggplant, Ethiopian eggplant, aubergine, Capsicum, bell peppers, chilli peppers, paprika, bitter gourd, bitter melon, Momordica

What is changing?

Plants specified in Regulation [2023/1134](#) must now be accompanied by a phytosanitary certificate that includes an Additional Declaration. The impacted products are listed in Art. 2(2).

In the phytosanitary certificate, under the heading "Additional Declaration", the option selected for management of this pest must be specified. This must be done by copying into the Additional Declaration the full wording for that option as given in Art. 10 of the Regulation [for details of these options, see "Implications" section below].

There are some additional minor differences compared to the previous legislation (Implementing Decision (EU) [2018/638](#)) that are relevant to non-EU agribusinesses:

- Asparagus is now included as a specified plant.
- Some texts for the Additional Declaration have been slightly modified, for example "the relevant ISPM" is now worded as "International Standard for Phytosanitary Measures (ISPM) No 4".

- There is now an additional option (Art. 10(e)) – according to which plants can undergo an effective post-harvest treatment (as a stand-alone option).

Why?

Fall armyworm (FAW) has rapidly expanded, globally and within the European Union territory, since the adoption of Implementing Decision (EU) 2018/638. Its presence in Cyprus was officially confirmed in January 2023. Due to persistently high non-compliance with EU legislation on the presence of FAW in imported commodities, robust measures and regulations are necessary to protect against its further introduction and spread within the EU.

Timeline

The Regulation has been in force since **12 June 2023** and applies until 31 December 2025.

Art. 10 (“Introduction into the Union of the specified plants”) applies from **1 July 2023**, except for the requirements concerning asparagus, which will apply from **1 September 2023**.

Specific requirements under the new Regulation

Plants listed in Regulation [2023/1134](#) are subject to specific requirements before they can be imported into the EU to reduce the risk of introduction and spread of FAW. Non-EU countries that export the specified plants to the EU must ensure that they are free from FAW.

Art. 10 of the Regulation gives 5 options (a-e), one of which must be selected and complied with for the management of FAW in export crops. The options are as follows:

(a) they originate from a country where the pest is not known to occur;

(b) they originate from an area free from the specified pest, as established by the National Plant Protection Organisation (NPPO) concerned, in accordance with the International Standard for Phytosanitary Measures No 4; the name of that area shall be stated in the phytosanitary certificate under the rubric ‘place of origin’;

(c) prior to export they have been subject to an official inspection and found free from the specified pest, and originate from a site of production complying with the following conditions:

(i) it is registered and supervised by the NPPO in the country of origin;

(ii) official inspections have been carried out during the last three months prior to export, and no presence of the specified pest has been detected on the specified plants;

- (iii) it has physical isolation against the introduction of the specified pest;
- (iv) information ensuring traceability of the specified plants to that site of production has been ensured during their movement prior to export;
- (d)** prior to their export they have been subject to an official inspection and found free from the specified pest, and they originate from a site of production complying with the following conditions:
 - (i) it is registered and supervised by the NPPO in the country of origin;
 - (ii) official inspections have been carried out during the three months prior to export, and no presence of the specified pest has been detected on the specified plants;
 - (iii) the specified plants have been subjected to an effective treatment to ensure freedom from the specified pest;
 - (iv) information ensuring the traceability of the specified plants to that site of production has been ensured during their movement prior to export;
- (e)** they have been subjected to an effective post-harvest treatment to ensure freedom from the specified pest, and that treatment is indicated on the phytosanitary certificate.

Action Needed

Non-EU countries that export the specified plants to the EU must select an option, and meet the requirements of this option to ensure plants are free from FAW. Depending on the option selected, this may necessitate official field inspections; the application of treatments to ensure freedom from the pest; and traceability of the plants from the site of production to export. Both operators and government authorities (National Plant Protection Organisations) are implicated.

The plants specified in this Regulation must be accompanied by a phytosanitary certificate, and under the heading 'Additional Declaration', a reference to Regulation [2023/1134](#) needs to be made: text must be introduced indicating which option has been used to manage FAW, using the exact same words given in Art. 10.

Exporters of asparagus to the EU are affected by these emergency measures for the first time. They should evaluate these new requirements, and select the FAW management option that is most appropriate to their circumstances in order to start implementing the necessary measures as soon as possible.

Recommended Actions

The phytosanitary certificate must be completed accurately and thoroughly. Failure to do so may result in refusal of the shipment.

- In the Treatment box/section, if options d or e have been selected, give details of the treatment applied.
- In the Additional Declaration box, write: “The consignment / product complies with Option [...select from options a-e, whichever is relevant...] of Article 10 of Regulation (EU) 2023/1134 and [...here copy and paste the text for the selected option, using the exact wording given in Art 10...].”
- Where options c or d have been selected, information on traceability must be provided. The phytosanitary certificate must state the unique identification number, or name of the approved production site, from which the produce was sourced, alongside the description of the product.

Exporters and competent authorities must also ensure that the phytosanitary certificate includes information about other relevant pests, in accordance with Regulation (EU) [2019/2072](#).

Background

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

All plants and plant products (with a few exceptions) must be accompanied by a phytosanitary certificate that confirms compliance with EU legislation (Regulation 2016/2031, Art. 71). See [EU Plant Health Law explained](#) and [Provisional listing of pests, commodities and additional plant health requirements](#).

Commission Implementing Decision (EU) [2018/638](#) established emergency measures to prevent the introduction into and the spread of FAW within the EU. This decision is now repealed and replaced by this new Regulation.

FAW is listed as a priority pest in the Annex to Commission Delegated Regulation (EU) [2019/1702](#).

Implementing Regulation (EU) [2019/2072](#) specifies additional measures that must be applied to certain plants and plant products originating in certain countries (listed in Annex VII) before they can be imported into the EU. In these cases, special requirements apply for introduction into the EU, and an Additional Declaration is needed in the phytosanitary certificate.

Resources

EFSA (2020) [Pest survey card on *Spodoptera frugiperda*](#).

IPPC (2021) [Requirements for the establishment of pest free areas](#). International Standard for Phytosanitary Measures (ISPM) 4.

Commission Implementing Regulation (EU) [2019/2072](#)

Commission Implementing Decision (EU) [2018/638](#)

Sources

Commission Implementing Regulation (EU) [2023/1134](#)

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