



24.10.2012

## NOTICE TO MEMBERS

**Subject: Petition 0230/2009 by Spiridon Andriopoulos (Greek), on the Greek authorities' failure to take account of Commission Decision 2007/365/EC on emergency measures to prevent the introduction into and the spread within the Community of *Rhynchophorus ferrugineus* (Olivier),**

**Petition 0614/2010 by Gabriele Wesenauer (Austrian), on urgent measures to combat the introduction and spread of the red palm weevil (*Rhynchophorus ferrugineus*) in Spain**

### 1. Summary of petition 0230/2009

The petitioner complains of the failure by the Greek authorities to take account of Commission Decision 2007/365/EC on emergency measures to prevent the introduction into and the spread within the Community of *Rhynchophorus ferrugineus* (Olivier) and the resulting catastrophic effects on palm trees in Greece, especially in Ilia and Amaliada. As the petitioner's approaches to the competent Greek authorities have been unsuccessful, he calls on the European Parliament to take up the matter in order to ensure that Greece's protective measures are brought immediately in line with the Commission decision.

### Summary of petition 0614/2010

The petitioner complains about the failure of the Spanish authorities to take urgent measures to combat the introduction and spread of the red palm weevil (*Rhynchophorus ferrugineus*) in Spain, and the resulting disastrous effects on palm trees in Spain, especially in the city of Orihuela where she lives. She notes that the red palm weevil, which has the distinctive feature of spending part of its life cycle in the leaves and trunks of palm trees, has become a permanent problem in recent years on the Spanish Mediterranean coasts, where palm trees form part of the common natural heritage and are an invaluable element of the region's

ecology and economy. Since the petitioner's applications to the relevant local authorities have been unsuccessful, she calls on the European Parliament to intervene with a view to ensuring that the necessary measures are taken to combat this scourge.

## **2. Admissibility**

Petition 0230/2009 declared admissible on 26 May 2009 and petition 0614/2010 declared admissible on 7 October 2010. Information requested from Commission under Rule 202(6).

## **3. Commission reply, received on 7 July 2009.**

### For petition 0230/2009

The Commission would like to inform the petitioner that it is aware of the consequences of the outbreaks of *Rhynchophorus ferrugineus* (red palm weevil) in Ilia Greece as well as in other Member States of the Community where palm trees are grown.

The Food and Veterinary Office of the European Commission carried out an inspection in East Attica, Greece, between 26/01/2009 and 06/02/2009, to evaluate amongst other matters the situation for *Rhynchophorus ferrugineus*.

The Commission has already received and registered a complaint from the petitioner on the same issue.

The Commission will proceed to a complete factual and legal assessment of the situation as regards the implementation of the Council Directive 2000/29/EC and of Commission Decisions 2007/365/EC and 2008/776/EC in Greece. A letter has already been addressed to H.E. Mr. Vassilis Kaskarelis Ambassador of the Permanent Representation of Greece to the EU highlighting the problem in Ilia. The petitioner was informed of this in a letter dated 29 May 2009.

Greece has submitted on 15 April 2009 the 2008 annual survey report of *Rhynchophorus ferrugineus* as required by Commission Decision 2007/365/EC indicating that the pest apart from being present in certain regions of Ilia it is also present in East Attica and Heraklion.

The Commission is very concerned about this complaint and is currently investigating whether the provisions of Decision 2007/365/EC are correctly implemented in Greece. For this reason it has already requested the Greek authorities to explain by the end of June why *Rhynchophorus ferrugineus* continues to be spread throughout Greece and to inform the Commission of the measures that have been taken to eliminate this harmful organism.

In addition, the Commission considers these circumstances involving containment of further outbreaks as a high priority and foresees to take further action towards the strict implementation of the applicable legislation. To this effect, the Commission is planning to carry out inspections in several Member States where red palm weevil is present, including Greece. The petitioner will be informed of the outcome of these investigations.

## **4. REV Commission reply, received on 25 March 2010.**

For petition 0230/2009

As a follow-up to its communication of July 2009, the Commission wishes to inform the Parliament about the following developments:

On 31 July 2009, the Greek authorities replied to the Commission's letter dated 3 June 2009 regarding the problem in Ilia. In order to verify the Greek reply, and as a result of the continuous emails received from the complainant, the Food and Veterinary Office (FVO) carried out an emergency inspection on 14-17/07/2009 to evaluate the controls of *Rhynchophorus ferrugineus* specifically in the prefecture of Ilia. The report of the inspection and the response of the Competent Authorities of Greece to the recommendations made in the report are available on the website of the Commission at [http://ec.europa.eu/food/fvo/rep\\_details\\_en.cfm?rep\\_id=2336](http://ec.europa.eu/food/fvo/rep_details_en.cfm?rep_id=2336).<sup>1</sup>

In the light of the outcome of the FVO inspection in Ilia, the Commission sent a further letter to the Greek authorities urging Greece to take corrective actions necessary to comply with the EU legislation. The Commission received a reply on 24 September 2009.

Following (i) the outcome of the FVO inspections in Greece, and (ii) the information received from the Greek authorities, the Commission has proceeded with a factual and legal assessment of the situation in Greece as regards the implementation of the Council Directive 2000/29/EC and of Commission Decision 2007/365/EC as amended by Commission Decision 2008/776/EC. In this respect, the Commission is considering launching infringement proceedings against Greece for failure to fulfil its obligations under the abovementioned Directive and Decision.

Furthermore, the Commission would like the Parliament to be informed that, in the framework of the ongoing review of the latest scientific knowledge on *Rhynchophorus ferrugineus*, the Commission is in the process of collecting and analysing information about the control and information strategies of Greece and other Member States. The Commission recently held a meeting with technical experts from all Member States (including Greece) affected by the pest, to develop best practices for its control and to consider a revision of applicable legislation. The Commission aims to organise, together with the Spanish Presidency, a conference on *Rhynchophorus ferrugineus* in April/May 2010, where a harmonised control strategy on how to sanitize infested areas should be presented.

**5. REV II Commission reply**, received on 24 June 2010.

For petition 0230/2009

As a follow-up to its earlier communications of July 2009 and March 2010, the Commission wishes to inform the Parliament about the following developments:

Following a factual and legal assessment of the situation in Greece as regards the implementation of the Council Directive 2000/29/EC and of Commission Decision 2007/365/EC as amended by Commission Decision 2008/776/EC, the Commission has

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<sup>1</sup> The report of the earlier inspection in Greece (26/01-06/02/2009) referred to in our previous comments on the petition is now also available at [http://ec.europa.eu/food/fvo/rep\\_details\\_en.cfm?rep\\_id=2320](http://ec.europa.eu/food/fvo/rep_details_en.cfm?rep_id=2320).

initiated infringement proceedings by sending a letter of formal notice under Article 258 of the Treaty to Greece on 18/03/2010. The complainant was informed of this by a letter dated 30/03/10. The Greek authorities are expected to reply by the end of June 2010.

**6. REV III Commission reply**, received on 27 January 2012.

For petitions 230/2009 and 614/2010

Since its previous communication, the Commission has assessed the reply of the Greek authorities to its letter of formal notice and has also carried out an additional FVO mission to Greece between 2 and 10 February 2010. The Commission has since been closely monitoring the situation of *Rhynchophorus ferrugineus* in Greece, through quarterly meetings held with the Greek authorities in a wider context and in relation to various issues, one of these being *Rhynchophorus ferrugineus*. In the context of these meetings, the Greek authorities submitted, in July 2011 an Action Plan for measures to be taken as regards the harmful organism in question. Based on the timeframe submitted, the Greek authorities duly adopted, in September 2011, detailed guidelines and generalised Action Plans for combating *Rhynchophorus ferrugineus* in accordance with the pest distribution. These have been assessed by the Commission and appear to be satisfactory. The Commission is also expecting to receive the specialised Action Plans for specific regions which are currently in progress. As can be seen, the Commission is in close contact with the Greek authorities and will continue to monitor the situation.

In a wider context, the Commission would also like to inform the Petitions Committee that the harmful organism in question is rather widespread throughout the southern Member States and that its biology is such that eradication and/or containment are not always easy.

However, since the amendment to Commission Decision in August 2010, the legal requirement to submit Action Plans allows the Commission to better establish a co-operative relationship with Member States and have a better overview of the situation.

Conclusion

In light of the above, the Commission is of the opinion that a close collaboration with Member States affected by this harmful organism serves as better means of ensuring compliance. In view of this, a pre-closure letter was sent to the complainant in the context of the infringement on 9/12/2011. Should the complainant not object or bring new evidence to the contrary, the Commission will consider closing the case. However, the Commission will continue to closely monitor Greece and if needed will re-open the case.

**7. REV IV Commission reply**, received on 24 October 2012.

For petition 614/2010

Commission Decision 2007/365/EC on emergency measures to prevent the introduction and spread within the Community of *Rhynchophorus ferrugineus*, (Olivier)<sup>1</sup> lays down rules aimed

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<sup>1</sup> OJ L 139, 31.5.2007, p.24, as last amended by Commission Decision 2010/467/EU of 17 August 2010, OJ L 226, 28.8.2010, p.42.

at combatting the said harmful organism. More specifically, Article 5 of the Decision requires Member States to conduct annual surveys for the presence of the organism or evidence of infestation by the organism on plants of *Palmae*. The results of the surveys shall be notified to the Commission and to the other Member States by 28 February each year. In accordance with Article 6, once the actual or suspected presence of the organism is confirmed, the Member State shall establish demarcated areas in accordance with point 1 of Annex II, unless there is a good reason to deviate from this obligation in accordance with article 6.4. In addition, Member States shall establish and implement an action plan in accordance with point 2 of Annex II. The action plan must include, and therefore the Member State shall take, the official measures laid down in point 2 of the Annex to the Decision. Demarcated areas and action plans shall be notified to the Commission in accordance with paragraph 2 of Article 6.

The official measures to be taken in demarcated areas as required by Article 6(1) (b), shall include appropriate measures aiming at eradicating the specified organism. These include, *inter alia*, destruction or complete mechanical sanitation of the infested plant, measures to prevent any spread of the organism during destruction or sanitation actions by the application of chemical treatments in the immediate vicinity, appropriate treatment of the infested plants, pheromone traps, and other measures that may contribute to the eradication of the specified organism, and intensive monitoring. Where, for over 3 years, surveys show that eradication of the pest can no longer be achieved, the measures contained in the action plan shall aim at containing and suppressing the pest in the infested zone while keeping eradication in the longer term objective. According to paragraph 3 of Article 6 the action plans and technical measures shall be carried out by technically qualified and duly authorised public servants or qualified agents, or at least under the supervision of responsible official bodies.

The Commission's Food and Veterinary Office has, as required by the abovementioned legislation, been receiving action plans from Spain. Therefore the situation is being monitored. The Commission services are also in the process of addressing a letter to Spain reminding the Member State to ensure that appropriate measures must be taken to combat the harmful organism and also requesting for an update of the measures taken in the particular area. It must however be stressed that the harmful organism in question is rather widespread throughout the southern Member States and its biology is such that eradication and/or containment is not always easy. Nevertheless, the Commission continues to monitor the situation through the provision of action plans.

As regards the use of Fosmet, the Commission would like to inform the Petitions Committee that this substance is an EU approved active substance and it has been authorised for use on ornamentals (i.e. palm trees) in Spain.

### Conclusion

The Commission will continue to monitor, in Spain and other Member States, the measures taken against this harmful organism through the provision of action plans. The Commission is of the opinion that a close collaboration with Member States affected with this harmful organism serves as a good means of ensuring compliance.