

行政院農業委員會動植物防疫檢疫局 函

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受文者：本局高雄分局

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附件：如文1101493180-A1~A2

主旨：有關歐盟修正Tomato brown rugose fruit virus (ToBRFV)寄主植物種植用植株及種子輸入檢疫緊急措施，並自110年1月31日起實施案，請惠轉知相關種苗輸出及生產業者配合辦理，請查照。

說明：

- 一、依據WTO秘書處110年1月5日G/SPS/N/EU/407/Add.1及110年1月29日G/SPS/N/EU/407/Add.2通知文件（如附件）辦理。
- 二、本局前以109年10月7日防檢四字第1091494840號函（諒達）通知歐盟109年8月11日修正輸歐盟供種植用番茄（*Solanum lycopersicum*）與番椒屬（*Capsicum* spp.）之植株及種子檢疫規定（(EU)2020/1191文件），合先敘明。
- 三、現歐盟依據前揭(EU)2020/1191文件實施後之實務經驗，通知修正該文件中有關番茄及番椒屬種植用種子之輸入規定（附件中(EU)2021/74文件之第9條），相關內容摘述如下：
 - (一)需檢附輸出植物檢疫證明書，並加註下列事項：
 - 1、該批次種子之母本係種植於輸出國植物檢疫機關登錄及監督之非疫生產點，並經官方在適當時間進行檢查確認無ToBRFV存在。
 - 2、該批次種子或其母本依歐盟規定方法（(EU)2020/1191文件之ANNEX）進行取樣及病毒檢測，檢測結果顯示未罹染ToBRFV。
 - 3、可確保回溯至非疫生產點生產之母本之相關資訊。
 - (二)該批次種子如係於2020年8月15日前采收，可免加註說明



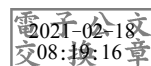
三、(一)所列規定，但須加註「該批次種子係於2020年8月15日前採收」。

(三)輸出植物檢疫證明書如係於2021年3月31日之後簽發者，應使用歐盟規定方法中ELISA以外之方式進行病毒檢測。

(四)已知對ToBRFV具有抗性的番椒屬種子，需檢附輸出植物檢疫證明書並加註品種名稱及確認其具有抗性。

正本：社團法人台灣種苗改進協會、本局基隆分局、本局新竹分局、本局臺中分局、本局高雄分局

副本：行政院農業委員會種苗改良繁殖場、本局植物檢疫組(均含附件)



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訂

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5 January 2021

(21-0127)

Page: 1/2

Committee on Sanitary and Phytosanitary Measures

Original: English

NOTIFICATION OF EMERGENCY MEASURES

Addendum

The following communication, received on 5 January 2021, is being circulated at the request of the Delegation of the European Union.

Measures to prevent the introduction into and the spread within the Union of Tomato brown rugose fruit virus (ToBRFV)

The European Union wishes to inform trade partners that the proposal notified in G/SPS/N/EU/407 (19 August 2020) will be amended to update the requirements for internal movements and import.

For practical reasons, seeds that have been harvested before 15 August 2020 cannot fulfil the requirement for their mother plants to be produced in a production site where the specified pest is known not to occur, on the basis of official inspections carried out at the appropriate time to detect the specified pest. Therefore, such seeds should be exempted from the condition under Article 7(1)(a) and from the requirement under point (a) (i) of Article 9(1) of Implementing Regulation (EU) 2020/1191.

The specified seeds originating from third countries should be tested using the sampling and testing methods as referred in the Annex of Implementing Regulation (EU) 2020/1191. To take into account that some specified seeds may have been tested months before they are actually certified for export, it is proportionate from 1 April 2021 onwards to require carrying out of mandatory molecular testing, and give third countries time to adapt to this requirement.

A new addendum will be published as soon as the draft Commission Implementing Regulation is adopted and published in the Official Journal of the European Union.

https://members.wto.org/crnattachments/2021/SPS/EEC/21_0180_00_e.pdf

This addendum concerns a:

- Modification of final date for comments
- Modification of content and/or scope of previously notified regulation
- Withdrawal of regulation
- Change in period of application of measure
- Other:

Agency or authority designated to handle comments: National Notification Authority, National Enquiry Point. Address, fax number and e-mail address (if available) of other body:

European Commission
DG Health and Food Safety, Unit D2-Multilateral International Relations
Rue Froissart 101
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Tel: +(32 2) 29 54263
Fax: +(32 2) 29 98090
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**Text(s) available from: National Notification Authority, National Enquiry Point.
Address, fax number and e-mail address (if available) of other body:**

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Rue Froissart 101
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Brussels, **XXX**
SANTE/12012/2020 Rev. 1
(POOL/G1/2020/12012/12012R1-
EN.docx)
[...](2020) **XXX** draft

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

**amending Implementing Regulation (EU) 2020/1191 on measures to prevent the
introduction into and the spread within the Union of Tomato brown rugose fruit virus
(ToBRFV)**

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of XXX

amending Implementing Regulation (EU) 2020/1191 on measures to prevent the introduction into and the spread within the Union of Tomato brown rugose fruit virus (ToBRFV)

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/EC¹, and in particular Article 30,

Having regard to Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC², and in particular Article 22(3) and Article 52 thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2020/1191³ entered into force on 15 August 2020. Since that date, certain Member States and professional operators have interpreted and applied the term ‘storage’, contained in paragraph 2 of Article 7 of that Regulation, in a diverging manner.
- (2) For practical reasons and as the seeds of *Solanum lycopersicum* L. and *Capsicum* spp. (‘the specified seeds’) that have been harvested before 15 August 2020 cannot fulfil the requirement for their mother plants to be produced in a production site where the specified pest is known not to occur, on the basis of official inspections carried out at the appropriate time to detect the specified pest, such seeds should be exempted from the condition under Article 7(1)(a) of Implementing Regulation (EU) 2020/1191.

¹ OJ L 317, 23.11.2016, p. 4.

² OJ L 95, 7.4.2017, p. 1.

³ 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 (OJ L 262, 12.8.2020, p. 6).

- (3) Paragraph 2 of Article 7 of Implementing Regulation (EU) 2020/1191 should be amended to clarify that the specified seeds that have been harvested prior to 15 August 2020 should be sampled and tested for the presence of the specified pest by the competent authority or by professional operators under official supervision of the competent authority before their first movement within the Union. Such derogation from paragraph 2 of Article 7 of that Regulation should allow seeds already accompanied by a plant passport to circulate in the Union territory without being further tested.
- (4) The specified seeds moved for the first time within the Union from 1 April 2021 onwards, and which have been tested before 30 September 2020 with the ELISA method, should be tested again with a testing method, other than ELISA, as referred to in point 3 of the Annex.
- (5) As the specified seeds, originating from third countries and harvested before 15 August 2020 cannot fulfil the condition for their mother plants to be produced in a production site where the specified pest is known not to occur, on the basis of official inspections carried out at the appropriate time to detect the specified pest, such seeds to be introduced into the Union, should be exempted from the requirement under point (a)(i) of Article 9(1).
- (6) The Commission was informed by the seed industry sector and by the Member States that the requirement to include the name of the registered production site in the phytosanitary certificate in accordance with Article 9 of Implementing Regulation (EU) 2020/1191 is causing delays and practical difficulties to the exporters, as for them it is difficult to identify the concrete production site. For the purpose of facilitating the identification of the registered production site by the competent authorities and professional operators of third countries, that requirement should be replaced by a requirement for submitting information on the traceability of the production site of the mother plants.
- (7) The specified seeds originating from third countries should be tested using the sampling and testing methods as referred in the Annex of Implementing Regulation (EU) 2020/1191. To take into account that some specified seeds may have been tested months before they are actually certified for export, it is proportionate from 1 April 2021 onwards to require carrying out of mandatory molecular testing, and give third countries time to adapt to this requirement.
- (8) In order to avoid unnecessary trade restrictions for the specified seeds harvested before 15 August 2020, this Regulation should become applicable within the shortest possible time. Therefore, this Regulation should enter into force on the third day following that of its publication.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment of Implementing Regulation (EU) 2020/1191

Implementing Regulation (EU) 2020/1191 is amended as follows:

- (1) Article 7 is amended as follows:
 - (a) in paragraph 1, the following subparagraph is added:

‘Specified seeds that have been harvested before 15 August 2020 shall be exempted from the condition under point (a).’;

(b) paragraph 2 of Article 7 is replaced by the following:

‘2. By way of derogation from point (a) and from the first subparagraph of point b) of paragraph 1, specified seeds that have been harvested prior to 15 August 2020 shall have been sampled and tested for the specified pest by the competent authority or by professional operators under official supervision of the competent authority and found free from that pest, before their first movement within the Union.

The specified seeds moved for the first time within the Union from 1 April 2021 on, and which have been tested before 30 September 2020 with Elisa method, shall be tested again with a testing method, other than ELISA, as referred to in point 3 of the Annex.’;

(2) Article 9 is amended as follows:

(a) in paragraph 1, point (a), the text of point (ii) is replaced by the following:

‘the specified seeds concerned or their mother plants have undergone official sampling and testing for the specified pest as set out in the Annex and have been found, according to those tests, to be free from the specified pest;’;

(b) in paragraph 1, point (b) is replaced by the following:

‘information ensuring the traceability of the production site of the mother plants.’;

(c) the following paragraph 3 is added:

‘3. By way of derogation from point (a)(i) of paragraph 1, for the specified seeds, which have been harvested prior to 15 August 2020, the Additional Declaration shall only state the fulfilment of the condition under point (a)(ii) of paragraph 1 and shall include the statement: “The seeds have been harvested before 15 August 2020.”’;

(d) the following paragraph 4 is added:

‘4. In phytosanitary certificates issued after 31 March 2021, the Additional Declaration shall confirm that specified seeds originating from third countries have been tested under one of the testing methods, other than ELISA, as referred to in point 3 of the Annex to Implementing Regulation (EU) 2020/1191.’

Article 2

Entry into force

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

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

Done at Brussels,

For the Commission
The President
Ursula VON DER LEYEN



29 January 2021

(21-0822)

Page: 1/2

Committee on Sanitary and Phytosanitary Measures

Original: English

NOTIFICATION

Addendum

The following communication, received on 29 January 2021, is being circulated at the request of the Delegation of the European Union.

Measures to prevent the introduction into and the spread within the Union of Tomato brown rugose fruit virus (ToBRFV)

The proposal notified in G/SPS/N/EU/407 (19 August 2020) is now amended by Commission Implementing Regulation (EU) No 2021/74 of 26 January 2021 amending Implementing Regulation (EU) 2020/1191 on measures to prevent the introduction into and the spread within the Union of Tomato brown rugose fruit virus (ToBRFV) [OJ L 27, 27 January 2021, pp. 15].

The Regulation will enter into force on 30 January 2021.

https://members.wto.org/crnattachments/2021/SPS/EEC/21_0745_00_e.pdf

https://members.wto.org/crnattachments/2021/SPS/EEC/21_0745_00_f.pdf

https://members.wto.org/crnattachments/2021/SPS/EEC/21_0745_00_s.pdf

This addendum concerns a:

- Modification of final date for comments
- Notification of adoption, publication or entry into force of regulation
- Modification of content and/or scope of previously notified draft regulation
- Withdrawal of proposed regulation
- Change in proposed date of adoption, publication or date of entry into force
- Other:

Comment period: (If the addendum extends the scope of the previously notified measure in terms of products and/or potentially affected Members, a new deadline for receipt of comments should be provided, normally of at least 60 calendar days. Under other circumstances, such as extension of originally announced final date for comments, the comment period provided in the addendum may vary.)

- Sixty days from the date of circulation of the addendum to the notification and/or (dd/mm/yy): Not applicable

Agency or authority designated to handle comments: National Notification Authority, National Enquiry Point. Address, fax number and e-mail address (if available) of other body:

European Commission
DG Health and Food Safety, Unit D2-Multilateral International Relations
Rue Froissart 101
B-1049 Brussels

Tel: +(32 2) 29 54263
Fax: +(32 2) 29 98090
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COMMISSION IMPLEMENTING REGULATION (EU) 2021/74**of 26 January 2021****amending Implementing Regulation (EU) 2020/1191 on measures to prevent the introduction into and the spread within the Union of Tomato brown rugose fruit virus (ToBRFV)**

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,

Having regard to Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC ⁽²⁾, and in particular Article 22(3) and Article 52 thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2020/1191 ⁽³⁾ entered into force on 15 August 2020. Since that date, certain Member States and professional operators have interpreted and applied the term 'storage', contained in paragraph 2 of Article 7 of that Regulation, in a diverging manner.
- (2) For practical reasons and as the seeds of *Solanum lycopersicum* L. and *Capsicum* spp. ('the specified seeds') that have been harvested before 15 August 2020 cannot fulfil the requirement for their mother plants to be produced in a production site where the specified pest is known not to occur, on the basis of official inspections carried out at the appropriate time to detect the specified pest, such seeds should be exempted from the condition under Article 7(1)(a) of Implementing Regulation (EU) 2020/1191.
- (3) Paragraph 2 of Article 7 of Implementing Regulation (EU) 2020/1191 should be amended to clarify that the specified seeds that have been harvested prior to 15 August 2020 should be sampled and tested for the presence of the specified pest by the competent authority or by professional operators under official supervision of the competent authority before their first movement within the Union. Such derogation from paragraph 2 of Article 7 of that Regulation should allow seeds already accompanied by a plant passport to circulate in the Union territory without being further tested.
- (4) The specified seeds moved for the first time within the Union from 1 April 2021 onwards, and which have been tested before 30 September 2020 with the ELISA method, should be tested again with a testing method, other than ELISA, as referred to in point 3 of the Annex.

⁽¹⁾ OJ L 317, 23.11.2016, p. 4.

⁽²⁾ OJ L 95, 7.4.2017, p. 1.

⁽³⁾ 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 (OJ L 262, 12.8.2020, p. 6).

- (5) As the specified seeds, originating from third countries and harvested before 15 August 2020 cannot fulfil the condition for their mother plants to be produced in a production site where the specified pest is known not to occur, on the basis of official inspections carried out at the appropriate time to detect the specified pest, such seeds to be introduced into the Union, should be exempted from the requirement under point (a)(i) of Article 9(1).
- (6) The Commission was informed by the seed industry sector and by the Member States that the requirement to include the name of the registered production site in the phytosanitary certificate in accordance with Article 9 of Implementing Regulation (EU) 2020/1191 is causing delays and practical difficulties to the exporters, as for them it is difficult to identify the concrete production site. For the purpose of facilitating the identification of the registered production site by the competent authorities and professional operators of third countries, that requirement should be replaced by a requirement for submitting information on the traceability of the production site of the mother plants.
- (7) The specified seeds originating from third countries should be tested using the sampling and testing methods as referred in the Annex of Implementing Regulation (EU) 2020/1191. To take into account that some specified seeds may have been tested months before they are actually certified for export, it is proportionate from 1 April 2021 onwards to require carrying out of mandatory molecular testing, and give third countries time to adapt to this requirement.
- (8) In order to avoid unnecessary trade restrictions for the specified seeds harvested before 15 August 2020, this Regulation should become applicable within the shortest possible time. Therefore, this Regulation should enter into force on the third day following that of its publication.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment of Implementing Regulation (EU) 2020/1191

Implementing Regulation (EU) 2020/1191 is amended as follows:

(1) Article 7 is amended as follows:

(a) in paragraph 1, the following subparagraph is added:

‘Specified seeds that have been harvested before 15 August 2020 shall be exempted from the condition under point (a).’;

(b) paragraph 2 of Article 7 is replaced by the following:

‘2. By way of derogation from point (a) and from the first subparagraph of point (b) of paragraph 1, specified seeds that have been harvested prior to 15 August 2020 shall have been sampled and tested for the specified pest by the competent authority or by professional operators under official supervision of the competent authority and found free from that pest, before their first movement within the Union.

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(2) Article 9 is amended as follows:

(a) in paragraph 1, point (a), the text of point (ii) is replaced by the following:

‘the specified seeds concerned or their mother plants have undergone official sampling and testing for the specified pest as set out in the Annex and have been found, according to those tests, to be free from the specified pest.’;

(b) in paragraph 1, point (b) is replaced by the following:

‘information ensuring the traceability of the production site of the mother plants.’;

(c) the following paragraph 3 is added:

‘3. By way of derogation from point (a)(i) of paragraph 1, for the specified seeds, which have been harvested prior to 15 August 2020, the Additional Declaration shall only state the fulfilment of the condition under point (a)(ii) of paragraph 1 and shall include the statement: “The seeds have been harvested before 15 August 2020.”’;

(d) the following paragraph 4 is added:

‘4. In phytosanitary certificates issued after 31 March 2021, the Additional Declaration shall confirm that specified seeds originating from third countries have been tested under one of the testing methods, other than ELISA, as referred to in point 3 of the Annex to Implementing Regulation (EU) 2020/1191.’

Article 2

Entry into force

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

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

Done at Brussels, 26 January 2021.

For the Commission
The President
Ursula VON DER LEYEN
