

COMMISSION IMPLEMENTING DECISION (EU) 2021/869**of 27 May 2021****amending Implementing Decision (EU) 2018/638 as regards its date of expiration in order to prolong the measures to prevent the introduction into and the spread within the Union territory of the pest *Spodoptera frugiperda* (Smith)***(notified under document C(2021) 3576)*

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 28(1), points (g) and (h), and Article 41(2) thereof,

Whereas:

- (1) Commission Implementing Decision (EU) 2018/638 ⁽²⁾ establishes emergency measures to prevent the introduction into and the spread within the Union territory of the pest *Spodoptera frugiperda* (Smith) ('the specified pest').
- (2) The specified pest is listed in Part A of Annex II to Commission Implementing Regulation (EU) 2019/2072 ⁽³⁾ as a pest not known to occur in the Union territory. It is also listed as a priority pest in the Annex to Commission Delegated Regulation (EU) 2019/1702 ⁽⁴⁾.
- (3) Since the adoption of Implementing Decision (EU) 2018/638, the specified pest has continued to spread fast worldwide and towards the Union territory, accentuating the need for vigilance and for the specific measures for territory surveys provided for in that Decision.
- (4) Furthermore, the number of interceptions of the specified pest on imported commodities remains high and the plant species on which the specified pest is intercepted are altering. Therefore, the phytosanitary risks of the specified pest require a further assessment.
- (5) Consequently, it is important to prolong the measures provided for in Implementing Decision (EU) 2018/638 to ensure a continued protection of the Union territory from the introduction and spread of the specified pest.
- (6) Therefore, the date of expiration of Implementing Decision (EU) 2018/638 should be extended until 30 June 2023, in order to allow for its review before that time.
- (7) Implementing Decision (EU) 2018/638 should therefore be amended accordingly.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽¹⁾ OJ L 317, 23.11.2016, p. 4.

⁽²⁾ Commission Implementing Decision (EU) 2018/638 of 23 April 2018 establishing emergency measures to prevent the introduction into and the spread within the Union of the harmful organism *Spodoptera frugiperda* (Smith) (OJ L 105, 25.4.2018, p. 31).

⁽³⁾ Commission Implementing Regulation (EU) 2019/2072 of 28 November 2019 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants, and repealing Commission Regulation (EC) No 690/2008 and amending Commission Implementing Regulation (EU) 2018/2019 (OJ L 319, 10.12.2019, p. 1).

⁽⁴⁾ Commission Delegated Regulation (EU) 2019/1702 of 1 August 2019 supplementing Regulation (EU) 2016/2031 of the European Parliament and of the Council by establishing the list of priority pests (OJ L 260, 11.10.2019, p. 8).

HAS ADOPTED THIS DECISION:

Article 1

Article 8 of Implementing Decision (EU) 2018/638 is replaced by the following:

'Article 8

This Decision shall apply until 30 June 2023.'

Article 2

This Decision shall apply from 1 July 2021.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 27 May 2021.

For the Commission
Stella KYRIAKIDES
Member of the Commission
