



2024/879

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COMMISSION IMPLEMENTING REGULATION (EU) 2024/879

of 21 March 2024

amending Implementing Regulation (EU) 2018/2019 as regards certain plants for planting of *Corylus avellana*, originating in the United Kingdom

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 42(4), first subparagraph, thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2018/2019⁽²⁾ establishes, on the basis of a preliminary risk assessment, a list of high risk plants, plant products and other objects.
- (2) Following a preliminary assessment, 34 genera and one species of plants for planting originating from third countries were provisionally listed in Implementing Regulation (EU) 2018/2019 as high risk plants. That list includes the genus *Corylus* L.
- (3) On 31 March 2023, the United Kingdom⁽³⁾ submitted to the Commission a request for export to the Union of the following plants for planting: up to 2-year-old plants for planting of *Corylus avellana* L. with a maximum diameter of 10 mm at the base of the stem, up to 7-year-old bare rooted plants for planting of *Corylus avellana* L. with a maximum diameter of 40 mm at the base of the stem, and up to 15-year-old plants for planting of *Corylus avellana* L. in growing medium with a maximum diameter of 20 cm at the base of the stem originating in the United Kingdom ('the relevant plants'). That request was supported by the relevant technical dossier.
- (4) On 30 November 2023, the European Food Safety Authority ('the Authority') adopted a scientific opinion regarding the risk assessment of the relevant plants⁽⁴⁾. The Authority identified *Phytophthora ramorum* (non-EU isolates) and *Thaumetopoea processionea* as pests relevant for those plants, evaluated the risk mitigation measures described in the dossier and estimated the likelihood of freedom of the relevant plants from those pests.
- (5) *Phytophthora ramorum* (non-EU isolates) and *Thaumetopoea processionea* are listed as Union quarantine pest and protected zone quarantine pest in Annexes II and III to Commission Implementing Regulation (EU) 2019/2072⁽⁵⁾, respectively.

⁽¹⁾ OJ L 317, 23.11.2016, p. 4, ELI: <http://data.europa.eu/eli/reg/2016/2031/2019-12-14>.

⁽²⁾ Commission Implementing Regulation (EU) 2018/2019 of 18 December 2018 establishing a provisional list of high risk plants, plant products or other objects, within the meaning of Article 42 of Regulation (EU) 2016/2031 and a list of plants for which phytosanitary certificates are not required for introduction into the Union, within the meaning of Article 73 of that Regulation (OJ L 323, 19.12.2018, p. 10, ELI: http://data.europa.eu/eli/reg_impl/2018/2019/oj).

⁽³⁾ In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and in particular Article 5(4) of the Windsor Framework (See Joint Declaration No 1/2023 of the Union and the United Kingdom in the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ L 102, 17.4.2023, p. 87)) in conjunction with Annex 2 to that Framework, for the purpose of this act, references to the United Kingdom do not include Northern Ireland.

⁽⁴⁾ EFSA PLH Panel (EFSA Panel on Plant Health), 2024. Scientific Opinion on the commodity risk assessment of *Corylus avellana* plants from the UK. <https://doi.org/10.2903/j.efsa.2024.8495>

⁽⁵⁾ 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, ELI: http://data.europa.eu/eli/reg_impl/2019/2072/oj).

- (6) On the basis of the opinion of the Authority, the phytosanitary risk arising from the introduction into the Union territory of the relevant plants is considered acceptable.
- (7) In addition to the relevant plants, it is appropriate to include all up to 15-year-old bare rooted plants for planting of *Corylus avellana* L. with a maximum diameter of 20 cm at the base of the stem, despite the fact that the United Kingdom submitted a request for only up to 7-year-old bare rooted plants. This is because those plants, due to their bare-rooted nature, present a lower phytosanitary risk than the 15-year-old plants for planting in growing media, which are included in that request and have been subject to the Authority's scientific opinion.
- (8) Consequently, up to 15-year-old plants for planting of *Corylus avellana* L., with a maximum diameter of 20 cm at the base of the stem, originating in the United Kingdom, should no longer be considered high-risk plants. They should therefore be removed from the list of high-risk plants, plant products and other objects in the Annex to Implementing Regulation (EU) 2018/2019.
- (9) Implementing Regulation (EU) 2018/2019 should therefore be amended accordingly.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee for Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Implementing Regulation (EU) 2018/2019 is amended in accordance with the Annex to this Regulation.

Article 2

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, 21 March 2024.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

In the Annex to Implementing Regulation (EU) 2018/2019, in the table of point 1, in the second column 'Description', the entry 'Corylus L., other than plants for planting of *Corylus avellana* L. or *Corylus colurna* L. originating in Serbia' is replaced by the following:

'Corylus L., other than:

- plants for planting of *Corylus avellana* L. or *Corylus colurna* L. originating in Serbia; and
 - up to 15-year-old plants for planting of *Corylus avellana* L., with a maximum diameter of 20 cm at the base of the stem, originating in the United Kingdom.'
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