



2024/1436

27.5.2024

COMMISSION IMPLEMENTING REGULATION (EU) 2024/1436

of 24 May 2024

amending Implementing Regulation (EU) 2018/2019 as regards certain plants for planting of *Ligustrum ovalifolium* and *Ligustrum vulgare* originating in the United Kingdom, and Implementing Regulation (EU) 2020/1213 as regards the phytosanitary measures for the introduction of those plants for planting into the Union territory

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), third 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 *Ligustrum* L.
- (3) Commission Implementing Regulation (EU) 2020/1213 ⁽³⁾ sets out the phytosanitary measures for the introduction into the Union territory of certain plants, plant products and other objects, which have been removed from the Annex to Implementing Regulation (EU) 2018/2019, but for which phytosanitary risks are not yet fully assessed. This is because one or more pests hosted by those plants are not yet included in the list of Union quarantine pests of Commission Implementing Regulation (EU) 2019/2072 ⁽⁴⁾, but they may fulfil the conditions to be included in that list following a further complete risk assessment.

⁽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⁾ Commission Implementing Regulation (EU) 2020/1213 of 21 August 2020 concerning the phytosanitary measures for the introduction into the Union of certain plants, plant products and other objects which have been removed from the Annex to Implementing Regulation (EU) 2018/2019 (OJ L 275, 24.8.2020, p. 5, ELI: http://data.europa.eu/eli/reg_impl/2020/1213/oj).

⁽⁴⁾ 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).

- (4) On 31 March 2023, the United Kingdom ⁽⁵⁾ submitted to the Commission a request for export to the Union of up to 7-year-old non-grafted plants for planting of *Ligustrum ovalifolium* and *Ligustrum vulgare*, with a maximum diameter of 40 mm at the base of the stem, originating in the United Kingdom ('the relevant plants'). That request was supported by the relevant technical dossiers.
- (5) On 1 February 2024, the European Food Safety Authority ('the Authority') adopted a scientific opinion regarding the risk assessment of the relevant plants ⁽⁶⁾. The Authority identified *Bemisia tabaci* (European populations), *Diaprepes abbreviatus* and *Scirtothrips dorsalis* 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.
- (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 to be reduced to an acceptable level.
- (7) Consequently, up to 7-year-old non-grafted plants for planting of *Ligustrum ovalifolium* and *Ligustrum vulgare*, with a maximum diameter of 40 mm 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.
- (8) Implementing Regulation (EU) 2018/2019 should therefore be amended accordingly.
- (9) The measures described by the United Kingdom in the dossiers are considered sufficient to reduce to an acceptable level the risk arising from the introduction into the Union territory of the relevant plants. Those measures should therefore be adopted as phytosanitary import requirements to ensure the phytosanitary protection of the Union territory.
- (10) *Bemisia tabaci* (European populations) is listed as a protected zone quarantine pest in Annex III to Implementing Regulation (EU) 2019/2072, while *Scirtothrips dorsalis* is listed as a Union quarantine pest in Annex II to that Implementing Regulation.
- (11) *Diaprepes abbreviatus* is not yet included in the list of Union quarantine pests. A complete pest risk assessment needs to become available, to determine whether the pest is to be listed in Annex II to Implementing Regulation (EU) 2019/2072, and whether as a consequence the relevant plants, originating in the United Kingdom, together with the relevant specific requirements are to be listed in Annex VII to that Regulation.
- (12) Implementing Regulation (EU) 2020/1213 should therefore be amended accordingly.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee for Plants, Animals, Food and Feed,

⁽⁵⁾ 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 purposes of this Regulation, references to the United Kingdom do not include Northern Ireland.

⁽⁶⁾ EFSA PLH Panel (EFSA Panel on Plant Health), 2024. Scientific Opinion on the commodity risk assessment of *Ligustrum ovalifolium* and *Ligustrum vulgare* plants from the UK. <https://doi.org/10.2903/j.efsa.2024.8648>.

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

The Annex to Implementing Regulation (EU) 2020/1213 is amended in accordance with Annex II to this Regulation.

Article 3

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, 24 May 2024.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

In the Annex to Implementing Regulation (EU) 2018/2019, in the table of point 1, in the second column 'Description', the entry '*Ligustrum* L., other than up to 20-year-old plants for planting of *Ligustrum delavayanum* and *Ligustrum japonicum* in growing medium, with a maximum diameter of 18 cm at the base of the stem, originating in the UK' is replaced by the following:

'*Ligustrum* L., other than:

- up to 20-year-old plants for planting of *Ligustrum delavayanum* and *Ligustrum japonicum* in growing medium, with a maximum diameter of 18 cm at the base of the stem, originating in the United Kingdom; and
- up to 7-year-old non-grafted plants for planting of *Ligustrum ovalifolium* and *Ligustrum vulgare*, with a maximum diameter of 40 mm at the base of the stem, originating in the United Kingdom.'

ANNEX II

In the table of the Annex to Implementing Regulation (EU) 2020/1213, the following entry is inserted between the entry '*Ligustrum delavayanum* and *Ligustrum japonicum*, up to 20-year-old plants for planting in growing medium, with a maximum diameter of 18 cm at the base of the stem.' and the entry '*Malus sylvestris*, up to 7-year-old plants for planting with a maximum diameter of 40 mm at the base of the stem':

Plants, plant products or other objects	CN Code	Third countries of origin	Measures
' <i>Ligustrum ovalifolium</i> and <i>Ligustrum vulgare</i> , up to 7-year-old non-grafted plants for planting with a maximum diameter of 40 mm at the base of the stem.	ex 0602 90 45 ex 0602 90 46 ex 0602 90 48	United Kingdom	(a) Official statement that: <ul style="list-style-type: none"> (i) the plants are free from <i>Diaprepes abbreviatus</i>; (ii) the site of production has been found free from <i>Diaprepes abbreviatus</i> during official inspections carried out at appropriate times, since the beginning of the last growing season; and (iii) immediately prior to export, consignments of the plants have been subjected to an official inspection for the presence of <i>Diaprepes abbreviatus</i> with such a sample size as to enable at least the detection of 1 % level of infestation with a level of confidence of 99 %; (b) the phytosanitary certificates for those plants include under the heading 'Additional Declaration': <ul style="list-style-type: none"> (i) the following statement: 'The consignment complies with Commission Implementing Regulation (EU) 2020/1213'; and (ii) the specification of the registered sites of production.'