



2024/2931

28.11.2024

COMMISSION IMPLEMENTING REGULATION (EU) 2024/2931

of 27 November 2024

amending Implementing Regulation (EU) 2018/2019 as regards certain plants for planting of *Prunus avium*, *Prunus canescens*, *Prunus cerasus*, *Prunus pseudocerasus* and *Prunus spinosa* 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

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 the Annex to Implementing Regulation (EU) 2018/2019 as high-risk plants. That list includes the genus *Prunus* 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 set out in Annex II to 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/oj>.

⁽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 1-year-old budwood/graftwood of *Prunus avium* with a maximum diameter of 12 mm; up to 7-year-old plants for planting in growing medium of *Prunus avium* and *Prunus avium* grafted on *Prunus avium*, *Prunus canescens*, *Prunus cerasus* or *Prunus pseudocerasus* rootstocks, with a maximum diameter of 40 mm at the base of the stem; up to 7-year-old bare-rooted plants for planting of *Prunus avium* and *Prunus avium* grafted on *Prunus avium*, *Prunus canescens*, *Prunus cerasus* or *Prunus pseudocerasus* rootstocks, with a maximum diameter of 40 mm at the base of the stem; and up to 15-year-old plants for planting of *Prunus avium* in growing medium, with a maximum diameter of 80 mm at the base of the stem ('the plants indicated in the first request'). That request was supported by the relevant technical dossier (technical dossier of 31 March 2023).
- (5) On 23 May 2024, the European Food Safety Authority (the Authority) adopted a scientific opinion regarding the risk assessment of the plants indicated in the first request ⁽⁶⁾ (Opinion of 23 May 2024). The Authority identified *Bemisia tabaci* (European populations), *Colletotrichum aenigma*, *Eulecanium excrescens*, *Scirtothrips dorsalis*, *Takahashia japonica*, Tobacco ringspot virus and Tomato ringspot virus as pests relevant for those plants, evaluated the risk mitigation measures described in the technical dossier of 31 March 2023 and estimated the likelihood of freedom of the relevant plants from those pests.
- (6) On 9 June 2023, the United Kingdom submitted to the Commission a request for export to the Union of up to 1-year-old budwood/graftwood of *Prunus spinosa* with a maximum diameter of 12 mm; up to 7-year-old bare-rooted plants for planting of *Prunus spinosa* with a maximum diameter of 40 mm at the base of the stem; and up to 7-year-old plants for planting of *Prunus spinosa* in growing medium, with a maximum diameter of 40 mm at the base of the stem ('the plants indicated in the second request'). That request was supported by the relevant technical dossier (technical dossier of 9 June 2023).
- (7) On 19 June 2024, the Authority adopted a scientific opinion regarding the risk assessment of the plants indicated in the second request ⁽⁷⁾ (Opinion of 19 June 2024). The Authority identified *Bemisia tabaci* (European populations), *Eulecanium excrescens* 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.
- (8) On the basis of the Opinions of 23 May 2024 and 19 June 2024, the phytosanitary risk arising from the introduction into the Union territory of both the plants indicated in the first request and the plants indicated in the second request is considered to be reduced to an acceptable level, provided that appropriate measures are applied to address the risk of pests related to those plants.
- (9) For the relevant plants indicated in the first request, the Authority identified the pests known to use as hosts either *Prunus avium*, *Prunus canescens*, *Prunus cerasus* or *Prunus pseudocerasus*. As the phytosanitary risk from the introduction into the Union territory of large and older trees (80 mm and 15-year-old) is considered to be reduced to an acceptable level with the application of appropriate measures, it is therefore justified to conclude that the phytosanitary risk from the introduction of all plants for planting of *Prunus avium*, *Prunus canescens*, *Prunus cerasus* and *Prunus pseudocerasus*, irrespective of their size, age, grafted or not, or bare-rooted or in growing medium, originating in the United Kingdom, is reduced to an acceptable level with the application of appropriate measures.

⁽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. Commodity risk assessment of *Prunus avium* plants from United Kingdom. *EFSA Journal*, 22(7), e8836. <https://doi.org/10.2903/j.efsa.2024.8836>.

⁽⁷⁾ EFSA PLH Panel (EFSA Panel on Plant Health), 2024. Commodity risk assessment of *Prunus spinosa* plants from United Kingdom. *EFSA Journal*, 22(7), e8893. <https://doi.org/10.2903/j.efsa.2024.8893>.

- (10) Consequently, plants for planting of *Prunus avium*, *Prunus canescens*, *Prunus cerasus* and *Prunus pseudocerasus*, up to 1-year-old budwood/graftwood of *Prunus spinosa* with a maximum diameter of 12 mm and up to 7-year-old non-grafted plants for planting of *Prunus spinosa* with a maximum diameter of 40 mm at the base of the stem, originating in the United Kingdom ('the relevant plants'), 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.
- (11) Implementing Regulation (EU) 2018/2019 should therefore be amended accordingly.
- (12) The measures described by the United Kingdom in the technical dossiers of 31 March 2023 and 9 June 2023 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 laid down as phytosanitary import requirements in [the Annex to Implementing Regulation (EU) 2020/1213 to ensure the phytosanitary protection of the Union territory.
- (13) *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.
- (14) Tobacco ringspot virus and Tomato ringspot virus are now listed as Union Regulated non-quarantine pests in Annex IV to Implementing Regulation (EU) 2019/2072.
- (15) *Takahashia japonica* is not yet included in the list of Union quarantine pests in Annex II to Implementing Regulation (EU) 2019/2072. Nevertheless, on the basis of evidence provided by the Member States indicating that the impact of that pest on its host plants in the Union is not significant, no import requirements are necessary with respect to that pest.
- (16) *Colletotrichum aenigma* and *Eulecanium excrescens* are not yet included in the list of Union quarantine pests. A complete pest risk assessment needs to become available, to determine whether those pests should be listed in Annex II to Implementing Regulation (EU) 2019/2072, and whether as a consequence the relevant plants, together with the relevant specific requirements should be listed in Annex VII to that Regulation.
- (17) Implementing Regulation (EU) 2020/1213 should therefore be amended to include the pests *Colletotrichum aenigma* and *Eulecanium excrescens*, and their corresponding requirements.
- (18) 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 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, 27 November 2024.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

In the Annex to Implementing Regulation (EU) 2018/2019, in point 1, in the table, in the second column entitled 'Description', the entry for *Prunus* L. is replaced by the following:

'*Prunus* L., other than:

- bare-rooted, dormant, free of leaves plants for planting of *Prunus domestica* grafted on *Prunus cerasifera* rootstocks originating in Ukraine;
- up to 2-year-old dormant, free of leaves, unrooted cuttings of *Prunus persica* and *Prunus dulcis* originating in Türkiye;
- up to 2-year-old bare-rooted, dormant, free of leaves plants for planting of *Prunus persica*, *Prunus dulcis*, *Prunus armeniaca* and *Prunus davidiana*, originating in Türkiye;
- plants for planting of *Prunus avium*, *Prunus canescens*, *Prunus cerasus* and *Prunus pseudocerasus* originating in the United Kingdom;
- up to 1-year-old budwood/graftwood of *Prunus spinosa* with a maximum diameter of 12 mm originating in the United Kingdom; and
- up to 7-year-old non-grafted plants for planting of *Prunus spinosa* with a maximum diameter of 40 mm at the base of the stem, originating in the United Kingdom.'

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ANNEX II

In the Annex to Implementing Regulation (EU) 2020/1213, in the table, the following entries are inserted between the entry '*Prunus persica* and *Prunus dulcis*, up to 2-year-old dormant, free of leaves, unrooted cuttings; *Prunus persica*, *Prunus dulcis*, *Prunus armeniaca* and *Prunus davidiana*, up to 2-year-old bare-rooted, dormant, free of leaves plants for planting.' and the entry '*Quercus petraea* and *Quercus robur*, up to fifteen-year-old plants for planting with a maximum diameter of 80 mm at the base of the stem.':

Plants, plant products or other objects	CN Code	Third countries of origin	Measures
' <i>Prunus avium</i> , <i>Prunus canescens</i> , <i>Prunus cerasus</i> and <i>Prunus pseudocerasus</i> plants for planting.	ex 0602 10 90	United Kingdom	(a) Official statement that: (i) the plants are free from <i>Colletotrichum aenigma</i> and <i>Eulecanium excrescens</i> ; (ii) the site of production has been found free from <i>Colletotrichum aenigma</i> and <i>Eulecanium excrescens</i> during official inspections carried out at appropriate times, since the beginning of the last growing period; (iii) a system has been put in place to ensure that tools and machinery have been cleaned to be free from soil and plant debris, and disinfected to be free from <i>Colletotrichum aenigma</i> , before they have been introduced into the site of production; and (iv) immediately prior to export, consignments of the plants have been subjected to an official inspection for the presence of <i>Eulecanium excrescens</i> with such a sample size so as to enable at least the detection of 1 % level of infestation with a level of confidence of 99 %; and to an official inspection for the presence of <i>Colletotrichum aenigma</i> including random sampling and testing of the plants; (b) the phytosanitary certificates for those plants include under the heading "Additional Declaration": (i) the following statement: "The consignment complies with Commission Implementing Regulation (EU) 2020/1213"; and (ii) the specification of the registered sites of production.
	ex 0602 20 20		
	ex 0602 20 80		
	ex 0602 90 45		
	ex 0602 90 46		
	ex 0602 90 48		

Plants, plant products or other objects	CN Code	Third countries of origin	Measures
<p><i>Prunus spinosa</i>,</p> <p>— up to 1-year-old budwood/graftwood with a maximum diameter of 12 mm;</p> <p>— up to 7-year-old non-grafted plants for planting with a maximum diameter of 40 mm at the base of the stem.</p>	<p>ex 0602 10 90</p> <p>ex 0602 20 20</p> <p>ex 0602 20 80</p> <p>ex 0602 90 45</p> <p>ex 0602 90 46</p> <p>ex 0602 90 48</p>	<p>United Kingdom</p>	<p>(a) Official statement that:</p> <p>(i) the plants are free from <i>Eulecanium excrescens</i>;</p> <p>(ii) the site of production has been found free from <i>Eulecanium excrescens</i> during official inspections carried out at appropriate times, since the beginning of the last growing period; and</p> <p>(iii) immediately prior to export, consignments of the plants have been subjected to an official inspection for the presence of <i>Eulecanium excrescens</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 %;</p> <p>(b) the phytosanitary certificates for those plants include under the heading “Additional Declaration”:</p> <p>(i) the following statement: “The consignment complies with Commission Implementing Regulation (EU) 2020/1213”; and</p> <p>(ii) the specification of the registered sites of production.’</p>