

COMMISSION IMPLEMENTING REGULATION (EU) 2023/1174**of 15 June 2023****amending Implementing Regulation (EU) 2018/2019 as regards certain plants for planting of *Crataegus monogyna*, 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 *Crataegus* L.
- (3) On 3 May 2022, the United Kingdom ⁽³⁾ submitted to the Commission, a request for export to the Union of dormant, bare-rooted, free of leaves plants for planting of *Crataegus monogyna* that are up to 7 years old and have a maximum diameter of 6,5 cm at the base of the stem, and of plants for planting of *Crataegus monogyna* in growing medium that are up to 15 years old and have a maximum diameter of 13 cm at the base of the stem ('the relevant plants'). That request was supported by the relevant technical dossier.
- (4) On 30 March 2023, the European Food Safety Authority ('the Authority') adopted a scientific opinion regarding the risk assessment of the relevant plants, originating in the United Kingdom ⁽⁴⁾. It identified *Erwinia amylovora* as the pest relevant for those plants.
- (5) The Authority evaluated whether, regarding *Erwinia amylovora*, the special requirements for the introduction into and movement within the specified protected zones, listed in point 9 of Annex X to Commission Implementing Regulation (EU) 2019/2072 ⁽⁵⁾, of plants of *Crataegus* L., other than fruits and seeds, are fulfilled.
- (6) On the basis of that opinion, the phytosanitary risk arising from the introduction into the Union territory of the relevant plants from the United Kingdom is considered to be reduced to an acceptable level.

⁽¹⁾ OJ L 317, 23.11.2016, p. 4.

⁽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).

⁽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 Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, for the purposes of this act, references to the United Kingdom do not include Northern Ireland.

⁽⁴⁾ EFSA PLH Panel (EFSA Panel on Plant Health), 2023. Scientific Opinion on the commodity risk assessment of *Crataegus monogyna* plants from the UK. *EFSA Journal* 2023;21(4):8003.

⁽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).

- (7) The relevant plants which are up to 7 years old and bare-rooted, as included in the dossier submitted by the United Kingdom, present a lower phytosanitary risk due to their characteristics. Consequently, all relevant plants that are up to 15 years old and with a maximum diameter of 13 cm at the base of the stem, originating in the United Kingdom, should no longer be considered high risk plants.
- (8) Therefore, all relevant plants that are up to 15 years old and with a maximum diameter of 13 cm at the base of the stem, originating in the United Kingdom should 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, 15 June 2023.

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 'Crataegus L.' is replaced by the following:

'Crataegus L., other than up to 15-year-old plants for planting of *Crataegus monogyna* with a maximum diameter of 13 cm at the base of the stem, originating in the United Kingdom'.
