Commission Implementing Regulation (EU) 2020/1770 of 26 November 2020 on types and species of plants for planting not exempted from the traceability code requirement for plant passports under Regulation (EU) 2016/2031 of the European Parliament and of the Council and repealing Commission Directive 92/105/EEC

COMMISSION IMPLEMENTING REGULATION (EU) 2020/1770

of 26 November 2020

on types and species of plants for planting not exempted from the traceability code requirement for plant passports under Regulation (EU) 2016/2031 of the European Parliament and of the Council and repealing Commission Directive 92/105/EEC

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 83(3) thereof,

Whereas:

(1) Regulation (EU) 2016/2031 lays down rules concerning the content and the format of the plant passport required for movement within the Union territory, and into and within protected zones, of certain plants, plant products and other objects.

(2) The plant passport for movement within the Union territory includes a traceability code, except for certain plants for planting being ready for the sale to final users. That exception does not apply to types and species of plants for planting to be listed by the Commission.

(3) Certain plants for planting are subject to Union measures adopted pursuant to Article 28 or Article 30 of Regulation (EU) 2016/2031 for specific pests. Some of these plants for planting, in particular those that are known to be more likely infested or infected with those specific pests or that have been intercepted on the internal market because of their infestation or infection with those specific pests, may contribute to spreading those pests within the Union, and thus increase a potential of those pests to cause a major and long-term negative impact on those plants for planting.

(4) Certain plants for planting originating within the Union are subject to special requirements specified in respect of certain Union quarantine pests according to Article 41(2) of Regulation (EU) 2016/2031 and Article 8(2) of Commission Implementing Regulation (EU) 2019/2072[(2)]. Those plants for planting may contribute to spreading those pests within the Union, and thus increase a potential of those pests to cause a major and long-term negative impact on those plants for planting.

(5) Certain of those plants for planting have been intercepted, while moving within the Union, for hosting Union quarantine pests.

(6) It is therefore appropriate to require a traceability code for all cases of plant passports issued for those plants for planting, in order to enhance rapid traceability of those plants.

(7) Regulation (EU) 2016/2031, Commission Implementing Regulation (EU) 2017/2313[(3)] and this Regulation establish a set of new rules concerning the use and content of plant passports. For this reason, Commission Directive 92/105/EEC[(4)] becomes obsolete and should be repealed.

(8) In order for the professional operators and the competent authorities to have adequate time to adapt to those requirements, this Regulation should apply from 31 December 2021.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Types and species of plants for planting not exempted from the traceability code requirement for plant passports

The exemption from the traceability code requirement for plant passports for movement within the Union territory as provided for in the second subparagraph of Article 83(2) of Regulation (EU) 2016/2031 shall not apply to the types and species of plants for planting listed in the Annex to this Regulation.

Article 2

Repeal of Directive 92/105/EEC

Directive 92/105/EEC is repealed.

Article 3

Entry into force and date of application

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 31 December 2021.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 26 November 2020.

For the Commission

The President

Ursula VON DER LEYEN