Commission Implementing Regulation (EU) 2020/1362 of 30 September 2020 amending Implementing Regulation (EU) 2020/1213 concerning the phytosanitary measures for the introduction into the Union of certain plants for planting of Acer japonicum Thunberg, Acer palmatum Thunberg and Acer shirasawanum Koidzumi, originating in New Zealand

COMMISSION IMPLEMENTING REGULATION (EU) 2020/1362

of 30 September 2020

amending Implementing Regulation (EU) 2020/1213 concerning the phytosanitary measures for the introduction into the Union of certain plants for planting of *Acer japonicum* Thunberg, *Acer palmatum* Thunberg and *Acer shirasawanum* Koidzumi, originating in New Zealand

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 the third subparagraph of Article 42(4) thereof,

Whereas:

(1) Commission Implementing Regulation (EU) 2018/2019[(2)] established, on the basis of a preliminary risk assessment, a list of high risk plants, plant products and other objects.

(2) In accordance with Regulation (EU) 2016/2031, if it is concluded, on the basis of a risk assessment, that a plant, plant product or other object originating in a third country, group of third countries or a specific area of the third country concerned poses an unacceptable pest risk, but that that risk can be reduced to an acceptable level by applying certain measures, the Commission is to remove that plant, plant product or other object from the list established by Implementing Regulation (EU) 2018/2019 and add it to the list referred to in Article 41(2) of Regulation (EU) 2016/2031.

(3) In addition, Commission Implementing Regulation (EU) 2020/1213[(3)] sets out 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.

(4) The Annex to Implementing Regulation (EU) 2018/2019 includes plants of the genus *Acer* L. as high risk plants.

(5) On 29 August 2019, New Zealand submitted to the Commission a request for export to the Union of one- to three- year-old bare rooted, dormant, free of leaves grafted or budded plants for planting belonging to the species *Acer japonicum* Thunberg*, Acer*

palmatum Thunberg and *Acer shirasawanum* Koidzumi ('the specified plants'). That request was supported by the respective technical dossier.

(6) On 20 May 2020, the European Food Safety Authority ('the Authority') published a scientific opinion regarding the commodity risk assessment of *Acer* spp. plants from New Zealand[4]. The Authority identified *Eotetranychus sexmaculatus*, *Meloidogyne fallax*, *Oemona hirta* and *Platypus apicalis* ('the specified pests') as pests relevant for the specified plants, evaluated the risk mitigation measures described in the dossier for those pests and estimated the likelihood of pest freedom for each pest related to that commodity.

(7) Following that opinion, Commission Implementing Regulation (EU) 2020/1361[5] removed the specified plants from the list of high risk plants established by Implementing Regulation (EU) 2018/2019.

(8) Moreover, and on the basis of that opinion, the necessary measures to address the risk of the specified pests can be adopted as phytosanitary import requirements, to ensure the phytosanitary protection of the Union territory from introduction of the specified plants into the Union.

(9) Concerning Oemona hirta and Platypus apicalis, the measures described by New Zealand in the dossier are considered sufficient to reduce the risk from introduction into the Union of the specified plants to an acceptable level. Therefore, the measures for those two pests should be based on those described by New Zealand in the dossier.

(10) Concerning Meloidogyne fallax, the measures described by New Zealand in the dossier are in line with the existing requirements laid down in point 10 of Annex VII to Commission Implementing Regulation (EU) 2019/2072[6] for nematodes, regarding trees and shrubs, intented for planting.

(11) With regard to *Eotetranychus sexmaculatus*, it is considered that the sole application of the measures proposed by New Zealand in the dossier cannot reduce the risk from introduction into the Union of the specified plants to an acceptable level, as according to the opinion of the Authority, some uncertainties remain. Addressing the identified uncertainties, by applying additional measures as regards official statements and phytosanitary certificates for those plants, can reduce the risk from introduction into the Union of the specified plants to an acceptable level. Therefore, the measures applied by New Zealand in the dossier for *Eotetranychus sexmaculatus* should be complemented with those measures, which address the uncertainties.

(12) *Oemona hirta* and *Meloidogyne fallax* are listed as Union quarantine pests in Annex II to Implementing Regulation (EU) 2019/2072. *Eotetranychus sexmaculatus* and *Platypus apicalis* are not yet included in the list of Union quarantine pests of Implementing Regulation (EU) 2019/2072 but they may fulfil the conditions to be included following a further complete risk assessment. If it is established that those pests fulfil those conditions, they will be included in the list of Annex II to Implementing Regulation (EU) 2019/2072, and the relevant plants will be listed in Annex VII to that Regulation, together with the respective measures, based on a complete risk assessment on those pests. Implementing Regulation (EU) 2019/2072 should be then reviewed accordingly.

(13) The Annex to Implementing Regulation (EU) 2020/1213 should therefore be amended accordingly.

(14) In order to comply with the Union obligations deriving from the World Trade Organization agreement on the application of sanitary and phytosanitary measures[7], the import of the specified plants should resume within the shortest possible delay. Therefore, this Regulation should enter into force on the third day following that of its publication.

(15) 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

Subject matter

This Regulation sets out phytosanitary measures for the introduction into the Union of certain plants for planting of *Acer japonicum* Thunberg, *Acer palmatum* Thunberg and *Acer shirasawanum* Koidzumi, originating in New Zealand.

Article 2

Amendment of Implementing Regulation (EU) 2020/1213

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

Article 3

Entry into force

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, 30 September 2020.

For the Commission

The President

Ursula VON DER LEYEN

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/1362. (See end of Document for details)*

ANNEX

In the Annex to Implementing Regulation (EU) 2020/1213, the following points are added:

Plants, plant products or other objects	**CN Code**	**Third countries of origin**	**Measures**
4. Bare rooted, dormant, free of leaves, grafted or budded, one- to three-year old plants for planting of *Acer japonicum* Thunberg, *Acer palmatum* Thunberg and *Acer shirasawanum* Koidzumi	ex 0602 90 41 ex 0602 90 45 ex 0602 90 46 ex 0602 90 48 ex 0602 90 50	New Zealand	(a) Official statement that: (i) the plants are free from *Eotetranychus sexmaculatus;* (ii) the plants have been grown throughout their life in a place of production, which, together with the sites of production that form part of it, is registered and supervised by the national plant protection organisation

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/1362. (See end of Document for details)*

				of the country of origin
			(iii)	the site of production has been found free from *Eotetranychus sexmaculatus* during official inspections carried out at appropriate times, since the beginning of the complete production cycle; in case of suspicion of the presence of *Eotetranychus sexmaculatus* at the site of production, appropriate treatments have been carried out