Commission Implementing Regulation (EU) 2020/1361 of 30 September 2020 amending Implementing Regulation (EU) 2018/2019 as regards certain plants for planting of Malus domestica, originating in Serbia and certain plants for planting of Acer japonicum Thunberg, Acer palmatum Thunberg and Acer shirasawanum Koidzumi, originating in New Zealand

COMMISSION IMPLEMENTING REGULATION (EU) 2020/1361

of 30 September 2020

amending Implementing Regulation (EU) 2018/2019 as regards certain plants for planting of *Malus domestica*, originating in Serbia and 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 first and third subparagraphs of Article 42(4) 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) Commission Implementing Regulation (EU) 2018/2018[(3)] lays down specific rules concerning the procedure to be followed in order to carry out the risk assessment referred to in Article 42(4) of Regulation (EU) 2016/2031 for those high risk plants, plant products and other objects.

(3) Following a preliminary risk assessment, 35 plants for planting originating from all third countries were included in the Annex to Implementing Regulation (EU) 2018/2019 as high risk plants, amongst which are the genera *Malus* Mill. and *Acer* L.

(4) On 31 July 2019, Serbia submitted to the Commission a request for export to the Union of one- to two-year old bare rooted, dormant, grafted plants for planting belonging to the species *Malus domestica.* That request was supported by the respective technical dossier.

(5) On 13 May 2020, the European Food Safety Authority ('the Authority') published a scientific opinion regarding the commodity risk assessment of *Malus domestica* plants for planting from Serbia[(4)]. The Authority identified *Erwinia amylovora* as a pest relevant for those plants for planting, evaluated the risk mitigation measures described in the dossier for that pest and estimated its likelihood of pest freedom.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/1361. (See end of Document for details)*

(6) On the basis of this opinion, the phytosanitary risk from introduction into the Union of one- to two-year old bare rooted, dormant, grafted plants for planting belonging to the species *Malus domestica*, originating in Serbia is considered to be reduced to an acceptable level, provided that appropriate mitigation measures are applied to address the risk of the pest related to those plants for planting. As such appropriate measures are provided for in point 9 of Annex X to Commission Implementing Regulation (EU) 2019/2072[(5)] those plants for planting should no longer be considered high risk plants, and should be removed from the Annex to Implementing Regulation (EU) 2018/2019.

(7) 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. That request was supported by the respective technical dossier.

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

(9) On the basis of this opinion, the phytosanitary risk from introduction into 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, originating in New Zealand is considered to be reduced to an acceptable level, provided that appropriate mitigation measures are applied to address the risk of pests related to those plants for planting. As such appropriate measures are provided for by Commission Implementing Regulation (EU) 2020/1362[(7)], those plants for planting should no longer be considered high risk plants, and should be removed from the Annex to Implementing Regulation (EU) 2018/2019.

(10) In order to comply with the Union obligations deriving from the World Trade Organization agreement on the application of sanitary and phytosanitary measures[(8)], the import of those commodities should resume within the shortest possible delay. Therefore, this Regulation should enter into force on the third day following that of its publication.

(11) 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

Amendment of Implementing Regulation (EU) 2018/2019

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

Article 2

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