Commission Implementing Regulation (EU) 2020/1292 of 15 September 2020 as regards measures to prevent the entry into the Union of Agrilus planipennis Fairmaire from Ukraine and amending Annex XI to Implementing Regulation (EU) 2019/2072

COMMISSION IMPLEMENTING REGULATION (EU) 2020/1292

of 15 September 2020

as regards measures to prevent the entry into the Union of *Agrilus planipennis* Fairmaire from Ukraine and amending Annex XI to Implementing Regulation (EU) 2019/2072

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 Articles 41(2) and 72(1) thereof,

Whereas:

(1) *Agrilus planipennis* Fairmaire ('the specified pest') is listed as a Union quarantine pest in Annex II to Commission Implementing Regulation (EU) 2019/2072[(2)]. It is also listed as a priority pest in Commission Delegated Regulation (EU) 2019/1702[(3)].

(2) Import requirements for certain types of plants, wood and isolated bark as regards the specified pest have been established in Annex VII to Implementing Regulation (EU) 2019/2072 for the third countries where the pest is present. According to Part A of Annex XI to that Regulation phytosanitary certificates are required for the introduction into the Union of such plants or plant products from the respective third countries of origin.

(3) In November 2019, Ukraine confirmed the first official findings of the specified pest on its territory.

(4) That country is not listed among the third countries the import from which into the Union territory is allowed pursuant to Annex VII to Implementing Regulation (EU) 2019/2072. Therefore, specific measures should be adopted to prevent the possible introduction into the Union of the specified pest present on certain types of plants, wood and isolated bark from Ukraine.

(5) Taking into account the phytosanitary risk of specified pest, the respective plants, wood and bark known to be hosts of it and originating from Ukraine, when introduced into the Union, should be accompanied by a phytosanitary certificate including an additional declaration stating that they originate from an area free from the specified organism. Such additional declaration should be established in accordance with the relevant International Standards for Phytosanitary Measures and communicated to the

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Commission in advance. Certain types of wood should only be imported if appropriate treatment or removal of the bark and part of the outer sapwood has been performed, in order to ensure a higher level of phytosanitary protection.

(6) As the status of the specified pest in Ukraine needs further confirmation, additional technical and scientific evidence should be obtained to assess the phytosanitary risk that it poses to the Union. Such evidence also needs to be obtained concerning its presence in other third countries, in order to update the respective measures listed in Annex VII to Implementing Regulation (EU) 2019/2072. The measures set out in this Regulation should therefore be reviewed as soon as possible.

(7) Annex XI to Implementing Regulation (EU) 2019/2072 should also be amended, in order to require that the respective plants and plant products are introduced from Ukraine into the Union with a phytosanitary certificate.

(8) 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

Subject matter

This Regulation sets out measures to prevent the entry into the Union of *Agrilus planipennis* Fairmaire from Ukraine.

Article 2

Introduction into the Union of plants, wood and isolated bark originating from Ukraine

The plants, wood and isolated bark originating from Ukraine shall only be introduced into the Union if they comply with the respective measures listed in the Annex.

Article 3

Amendment of Annex XI to Implementing Regulation (EU) 2019/2072

Part A of Annex XI to Implementing Regulation (EU) 2019/2072 is amended as follows:

(a) in point 3, in the entry '*Fraxinus* L., *Juglans* L., *Pterocarya* Kunth and *Ulmus davidiana* Planch.', the text in the third column is replaced by 'Canada, China, Democratic People's Republic of Korea, Japan, Mongolia, Republic of Korea, Russia, Taiwan, Ukraine and the United States';

(b) in point 11, in the entry '*Fraxinus* L., *Juglans* L., *Pterocarya* Kunth and *Ulmus davidiana* Planch.', the text in the third column is replaced by 'Canada, China, Democratic People's Republic of Korea, Japan, Mongolia, Republic of Korea, Russia, Taiwan, Ukraine and the United States';

(c) in point 12, in the entry '*Fraxinus* L., *Juglans* L., *Pterocarya* Kunth and *Ulmus davidiana* Planch., and including wood which has not kept its natural round surface'

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the text in the third column is replaced by ‘Canada, China, Democratic People’s Republic of Korea, Japan, Mongolia, Republic of Korea, Russia, Taiwan, Ukraine and the United States’.

Article 4

Review of the provisional measures

The measures set out in this Regulation are aimed to address phytosanitary risks which are not fully assessed and have a temporary character.

These measures shall be reviewed as soon as possible, and no later than one year after the day of adoption of this Regulation.

Article 5

Entry into force

This Regulation shall enter into force on the twentieth 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 September 2020.

For the Commission

The President

Ursula VON DER LEYEN

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ANNEX

List of plants, plant products and other objects originating from Ukraine, and the corresponding measures for their introduction into the Union territory, as referred to in Article 2

Plants, plant products or other objects	CN Code	Measures
1. Plants of *Fraxinus* L., *Juglans ailantifolia* Carr., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch. and *Pterocarya rhoifolia* Siebold & Zucc., other than fruit and seeds	ex 0602 10 90 ex 0602 20 20 ex 0602 20 80 ex 0602 90 41 ex 0602 90 45 ex 0602 90 46 ex 0602 90 48 ex 0602 90 50 ex 0602 90 70 ex 0602 90 99 ex 0604 20 90 ex 1404 90 00	The plants shall fulfill both of the following conditions: (a) they are accompanied by a phytosanitary certificate, stating under the rubric 'Additional declaration' that the plants originate in an area recognised as being free from *Agrilus planipennis* Fairmaire, established by the national plant protection organisation in Ukraine, in accordance with the relevant International Standards for Phytosanitary Measures, and located at a minimum distance of 100 km to the closest known area, where the presence of the specified pest has been officially confirmed; (b) the freedom status of that area has been communicated in advance in writing to the Commission by the national plant protection organisation of Ukraine.

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2.1. Wood of *Fraxinus* L., *Juglans ailantifolia* Carr., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch. and *Pterocarya rhoifolia* Siebold & Zucc., other than in the form of: — chips, particles, sawdust, shavings, wood waste and scrap, obtained in whole or part from these trees, — wood packaging material, in the form of packing cases, boxes, crates, drums and similar packings, pallets, box pallets and other load boards, pallet collars, dunnage, whether or not actually in use in the transport of objects of all kinds, except dunnage supporting consignments of wood, which is constructed from wood of the same type and quality as the wood in the consignment and which meets the same Union phytosanitary requirements as the wood in the consignment, — but including wood which has not kept its natural round surface, and furniture and other objects made of untreated wood.	ex 4401 12 00 ex 4403 12 00 ex 4403 99 00 ex 4404 20 00 ex 4406 12 00 ex 4406 92 00 4407 95 10 4407 95 91 4407 95 99 ex 4407 99 27 ex 4407 99 40 ex 4407 99 90 ex 4408 90 15 ex 4408 90 35 ex 4408 90 85 ex 4408 90 95 ex 4416 00 00 ex 9406 10 00	The wood fulfils one of the following conditions: (a) it is accompanied by a phytosanitary certificate, stating under the rubric ‘Additional declaration’ that the wood originates in a specifically indicated area recognised as being free from *Agrilus planipennis* Fairmaire, established by the national plant protection organisation of Ukraine, in accordance with the relevant International Standards for Phytosanitary Measures, located at a minimum distance of 100 km to the closest known area, where the presence of the specified pest has been officially confirmed, and the freedom status of that area has been communicated in advance in writing to the Commission by the national plant protection organisation of Ukraine; (b) it is accompanied by a phytosanitary certificate, stating under the rubric ‘Additional declaration’ that the bark and at least 2,5 cm of the outer sapwood have been removed in a facility authorised