Commission Implementing Regulation (EU) 2020/1214 of 21 August 2020 amending Implementing Regulation (EU) 2018/2019 as regards wood of Ulmus L. and certain plants for planting of Albizia julibrissin Durazzini and Robinia pseudoacacia L. originating in Israel

COMMISSION IMPLEMENTING REGULATION (EU) 2020/1214

of 21 August 2020

amending Implementing Regulation (EU) 2018/2019 as regards wood of *Ulmus* L. and certain plants for planting of *Albizia julibrissin* Durazzini and *Robinia pseudoacacia* L. originating in Israel

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 *Albizia* Durazz. and *Robinia* L.

(4) On 24 January 2019, Israel submitted to the Commission a request for export to the Union of bare rooted dormant grafted plants for planting, with a maximum diameter of 2,5 cm belonging to the species *Albizia julibrissin* Durazzini and of bare rooted dormant grafted plants for planting, with a maximum diameter of 2,5 cm belonging to the species *Robinia pseudoacacia* L. That request was supported by the respective technical dossiers.

(5) On 13 January 2020, the European Food Safety Authority ('the Authority') published a scientific opinion regarding the commodity risk assessment of *Albizia julibrissin* plants from Israel[(4)]. The Authority identified *Aonidiella orientalis,* a species complex including *Euwallacea fornicatus sensu stricto, Euwallacea fornicatior*, *Euwallacea whitforiodendrus* and *Euwallacea Kuroshio* ('E*uwallacea fornicatus sensu lato')* and

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/1214. (See end of Document for details)*

Fusarium euwallaceae as pests relevant to the opinion, 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.

(6) On 2 March 2020, the Authority published a scientific opinion regarding the commodity risk assessment of *Robinia pseudoacacia* plants from Israel[(5)]. It identified *Euwallacea fornicatus sensu lato* and *Fusarium euwallaceae* as pests relevant to the opinion, 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) On the basis of these opinions, the phytosanitary risk from introduction into the Union of bare rooted dormant grafted plants for planting with a maximum diameter of 2,5 cm of *Albizia julibrissin* Durazzini and *Robinia pseudoacacia* L. originating in Israel is considered to be reduced to an acceptable level, provided 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) 2020/1213[(6)], 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.

(8) Following a preliminary risk assessment, wood of *Ulmus* L. was included in the list of high risk plants, plant products and other objects as a potential pathway for the introduction and establishment in the Union of the pest *Saperda tridentata* Olivier, a pest that is not listed as a Union quarantine pest. Following the inclusion of wood of *Ulmus* L. in the list of high risk plants, plant products and other objects, the Commission requested the Authority to carry out a pest risk assessment of *Saperda tridentata* Olivier, addressing entry pathways, spread, establishment and risk reduction options with particular attention to the pathway of wood of *Ulmus* L.

(9) On 10 January 2020, the Authority published a scientific opinion regarding the pest categorisation of *Saperda tridentata* Olivier[(7)]. It concluded that *Saperda tridentata* Olivier satisfies the criterion for quarantine pest regarding entry into the Union territory. However, due to insufficient data it was unable to conclude that *Saperda tridentata* Olivier meets the post-entry criteria of establishment, spread and potential impact in the Union. In this respect, it is not justified to include the pest *Saperda tridentata* Olivier in the list of Union quarantine pests. Consequently, bearing in mind the assessed risk of that pest in regard to wood of *Ulmus* L., wood of *Ulmus* L. should no longer be considered as a high-risk plant product and should therefore 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 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

Annex I 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 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, 21 August 2020.

For the Commission

The President

Ursula VON DER LEYEN