Commission Implementing Regulation (EU) 2020/1164 of 6 August 2020 providing for a temporary derogation from certain provisions of Implementing Regulation (EU) 2019/2072 in respect of measures to prevent the introduction into and the spread within the Union of the pest Agrilus planipennis Fairmaire from Canada and the United States

COMMISSION IMPLEMENTING REGULATION (EU) 2020/1164

of 6 August 2020

providing for a temporary derogation from certain provisions of Implementing Regulation (EU) 2019/2072 in respect of measures to prevent the introduction into and the spread within the Union of the pest *Agrilus planipennis* Fairmaire from Canada and the United States

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 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 41(2) thereof,

Whereas:

(1) Council Directive 2000/29/EC[(2)] has been repealed and replaced by Regulation (EU) 2016/2031, while the provisions of its Annexes have been replaced by the provisions of Commission Implementing Regulation (EU) 2019/2072[(3)].

(2) *Agrilus planipennis* Fairmaire is a pest listed in Annex II, Part A, to Regulation (EU) 2019/2072 as an organism not known to occur in the Union. It is also listed as priority pest in Commission Delegated Regulation (EU) 2019/1702[(4)].

(3) Following the information collected in 2018 during two Commission audits in Canada and the United States the implementation of the conditions set out under option (b) of point 2.3 of Annex IV, Part A, Section I to Directive 2000/29/EC were not sufficiently verified prior to export. Commission Implementing Decision (EU) 2018/1959[(5)] therefore only allowed the introduction into the Union of wood of *Fraxinus* L., *Juglans ailantifolia* Carr., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch. and *Pterocarya rhoifolia* Siebold and Zucc. originating in Canada and the United States ('the specified wood') under official statements referred to in options (a) and (c) of point 2.3 of Annex IV, Part A, Section I to Directive 2000/29/EC. Implementing Decision (EU) 2018/1959 expired on 30 June 2020.

(4) The provisions set out under point 87 of Annex VII to Regulation (EU) 2019/2072 establish special requirements to prevent the introduction into and the spread within the Union of the pest *Agrilus planipennis* Fairmaire through wood originating in certain

Changes to legislation: *There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2020/1164. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

third countries. The provisions of option (b) of point 2.3 of Annex IV, Part A, Section I to Directive 2000/29/EC are now reflected under option (b) of point 87 of Annex VII to Regulation (EU) 2019/2072.

(5) In view of the results of the Commission audits carried out in Canada and the United States in 2018, it is still considered appropriate to only allow the introduction into the Union of wood of *Fraxinus* L., *Juglans ailantifolia* Carr., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch. and *Pterocarya rhoifolia* Siebold and Zucc. originating in those third countries under official statements referred to in options (a) and (c) of point 87 of Annex VII to Regulation (EU) 2019/2072.

(6) This Regulation should apply until 30 June 2023, to allow for the review of point 87 of Annex VII to Regulation (EU) 2019/2072 on the basis of scientific and technical developments.

(7) 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

By way of derogation from the provisions set out under point 87 in Annex VII to Regulation (EU) 2019/2072, the introduction into the Union territory of wood of *Fraxinus* L., *Juglans ailantifolia* Carr., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch. and *Pterocarya rhoifolia* Siebold and Zucc. ('the specified wood'), as described in the Annex to this Regulation, originating in Canada and the United States, shall only be allowed under official statements referred to in options (a) and (c) of that point 87.

Article 2

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

It shall apply until 30 June 2023.

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

Done at Brussels, 6 August 2020.

For the Commission

The President

Ursula VON DER LEYEN