Commission Implementing Regulation (EU) 2019/2148 of 13 December 2019 on specific rules concerning the release of plants, plant products and other objects from quarantine stations and confinement facilities pursuant to Regulation (EU) 2016/2031 of the European Parliament and of the Council

COMMISSION IMPLEMENTING REGULATION (EU) 2019/2148

of 13 December 2019

on specific rules concerning the release of plants, plant products and other objects from quarantine stations and confinement facilities pursuant to Regulation (EU) 2016/2031 of the European Parliament and of the Council

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 Article 64(3) thereof,

Whereas:

(1) Article 64 of Regulation (EU) 2016/2031 sets out general rules for the release of plants, plant products and other objects from quarantine stations and confinement facilities, and empowers the Commission to lay down specific rules in this regard.

(2) In accordance with that Regulation, plants, plant products or other objects subject to measures adopted pursuant to Article 30(1) or listed pursuant to Articles 40(2) and (3), 41(2) and (3), 42(2) and (3), 48(1), 49(1), 53(2) and (3), and 54(2) and (3) of that Regulation (the 'specified material') might present a phytosanitary risk in the Union. This Implementing Regulation should therefore establish the requirements for the safe release of the specified material from quarantine stations and confinement facilities.

(3) It should be ensured that the specified material may only be released from quarantine stations and confinement facilities if it has been kept, without any interruption, at the approved quarantine stations or confinement facilities under the requirements laid down in Articles 61 and 62 of Regulation (EU) 2016/2031, and it has been found free from Union quarantine pests, protected zone quarantine pests and pests subject to the measures adopted pursuant to Article 30(1) of that Regulation. It should also be specified that, to that purpose, the appropriate methods within the meaning of Article 34 of Regulation (EU) 2017/625 of the European Parliament and of the Council[(2)] have been applied, to ensure the most effective implementation of that requirement.

(4) As Regulation (EU) 2016/2031 applies from 14 December 2019, and in order to ensure a consistent application of all rules concerning pests of plants, this Regulation should

Changes to legislation: Commission Implementing Regulation (EU) 2019/2148 is up to date with all changes known to be in force on or before 09 November 2021. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

apply from the same date. Therefore, it should enter into force on the third day following that of its publication in the *Official Journal of the European Union.*

(5) 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

Scope

This Regulation sets out specific rules concerning the release from quarantine stations and confinement facilities of the specified material.

Article 2

Definitions

For the purpose of this Regulation, the following definitions shall apply:

(a) 'specified material' means the plants, plant products or other objects subject to measures adopted pursuant to Article 30(1) of Regulation (EU) 2016/2031, or listed pursuant to Article 40(2) and (3), Article 41(2) and (3), Article 42(2) and (3), Article 48(1), Article 49(1), Article 53(2) and (3), and Article 54(2) and (3) thereof;

(b) 'specified pests' means pests to which the specified material is known to be susceptible and which belong to one of the following categories:

  (i) Union quarantine pests, listed pursuant to Article 5 of Regulation (EU) 2016/2031;

  (ii) pests subject to measures adopted pursuant to Article 30(1) of that Regulation;

  (iii) protected zone quarantine pests, listed pursuant to Article 32(3) of that Regulation;

(c) 'methods' shall mean all methods within the meaning of Article 34 of Regulation (EU) 2017/625.

Article 3

Requirements for the release of the specified material

The specified material may only be released from quarantine stations and confinement facilities designated by the Member States pursuant to Article 60 of Regulation (EU) 2016/2031, if it fulfils the following conditions:

(a) it has only been kept at the approved quarantine stations or confinement facilities under the requirements laid down in Articles 61 and 62 of Regulation (EU) 2016/2031;

(b) it has been found free from specified pests in accordance with Article 4 of this Regulation.