Commission Implementing Regulation (EU) 2018/2019 of 18 December 2018 establishing a provisional list of high risk plants, plant products or other objects, within the meaning of Article 42 of Regulation (EU) 2016/2031 and a list of plants for which phytosanitary certificates are not required for introduction into the Union, within the meaning of Article 73 of that Regulation

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of 18 December 2018

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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 42(3) and 73 thereof,

Whereas:

(1) Pursuant to Article 42(3) of Regulation (EU) 2016/2031, on the basis of a preliminary assessment, the Commission is to adopt implementing acts provisionally listing high risk plants, plant products or other objects that present a pest risk of unacceptable level for the Union territory.

(2) Since the adoption of Regulation (EU) 2016/2031, several preliminary assessments have been carried out concerning whether plants and plant products originating in third countries present a pest risk of an unacceptable level for the Union territory. Those assessments concluded that because certain plants and plant products fulfil one or more of the criteria set out in Annex III to that Regulation, they could qualify as ‘high risk plants’ or ‘high risk plant products’ within the meaning of Article 42 of that Regulation. The same preliminary risk assessments also concluded that seeds and *in vitro* material of those ‘high risk plants’ should be excluded from the scope of this Regulation as the level of pest risk is at an acceptable level. Moreover, naturally or artificially dwarfed woody plants for planting should also be excluded from the scope of this Regulation as their import is subject to specific requirements under Council Directive 2000/29/EC[(2)] that reduce the pest risk to an acceptable level and will also be subject to the special requirements of Article 41 of Regulation (EU) 2016/2031 from 14 December 2019.

(3) Plants for planting, other than seeds, *in vitro* material and naturally or artificially dwarfed woody plants for planting, of *Acacia* Mill., *Acer* L., *Albizia* Durazz., *Alnus* Mill., *Annona* L., *Bauhinia* L., *Berberis* L., *Betula* L., *Caesalpinia* L., *Cassia* L.,

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Castanea Mill., *Cornus* L., *Corylus* L., *Crataegus* L., *Diospyros* L., *Fagus* L., *Ficus carica* L., *Fraxinus* L., Hamamelis L., *Jasminum* L., *Juglans* L., *Ligustrum* L., *Lonicera* L., *Malus* Mill., *Nerium* L., *Persea* Mill., *Populus* L., *Prunus* L., *Quercus* L., *Robinia* L., *Salix* L., *Sorbus* L., *Taxus* L., *Tilia* L., *Ulmus* L., and plants of *Ullucus tuberosus* Loz., are known to host commonly hosted pests known to have a major impact on plant species which are of major economic, social or environmental importance to the Union. Those plants are also known to commonly harbour pests without showing signs of infection, or to have a latent period for the expression of those signs. This reduces the possibility for detecting the presence of such pests during inspections carried out when those plants are introduced into the Union territory. Moreover, those plants for planting are usually introduced into the Union in the form of shrubs or trees and they are usually present in the Union in such form. In light of this, the existing measures governing the introduction of the plants for planting listed in Annex I to this Regulation and plants of *Ullucus tuberosus* Loz. originating from third countries are not considered to be sufficient to prevent the entry of pests. Therefore the plants for planting listed in Annex I and plants of *Ullucus tuberosus* Loz. should be listed as high risk plants within the meaning of Article 42(1) of Regulation (EU) 2016/2031, and their introduction into the Union territory should be provisionally prohibited.

(4) Fruits of *Momordica* L. are known to host and provide a significant pathway for the introduction and establishment of the pest *Thrips palmi* Karny, which is known to have the potential to have a major impact on plant species which are of a major economic, social or environmental importance to the Union territory. However, this pest does not occur in all third countries nor in all areas within a third country where it is known to occur. Certain third countries also have effective mitigation measures in place for that pest. In view of this, fruits of *Momordica* L. that originate in third countries or parts thereof where that pest is known to occur and which lack effective mitigation measures for that pest qualify as high risk plants, within the meaning of Article 42(1) of Regulation (EU) 2016/2031, and therefore, the introduction into the Union of those plants should be provisionally prohibited.

(5) Wood of *Ulmus* L. is known to host and provide a significant pathway for the introduction and establishment of the pest *Saperda tridentata* Olivier. That pest is known to have a major impact on plant species which are of a major economic, social or environmental importance to the Union territory. However, this pest does not occur in all third countries, nor in certain areas within a third country where it is known to occur. In view of this, wood of *Ulmus* L. originating from third countries or areas of third countries where *Saperda tridentata* Olivier is known to occur, qualifies as a high risk plant product, within the meaning of Article 42(1) of Regulation (EU) 2016/2031. Therefore the introduction into the Union of that wood should be provisionally prohibited.

(6) Those plants and plant products referred to in recitals (3), (4) and (5) are not listed in accordance with Article 40 to Regulation (EU) 2016/2031, or only listed with regard to certain third countries. Moreover, and in accordance with the respective preliminary assessments, they are not sufficiently covered by the requirements referred to in Article

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41 of that Regulation with regards to all third countries, and not subject to the temporary measures of Article 49 of that Regulation.

(7) Those plants and plant products referred to in recitals (3), (4) and (5) are not yet subject to a complete risk assessment that is required to conclude whether they pose a risk at an unacceptable level by virtue of the likelihood that they host a Union quarantine pest, or whether that risk can be reduced to an acceptable level by applying certain measures. Where demand for the importation of those plants and plant products is identified, they are to be subject to a risk assessment that will be carried out in accordance with an implementing act to be adopted pursuant to Article 42(6) of Regulation (EU) 2016/2031.

(8) According to Article 73 of Regulation (EU) 2016/2031, the Commission is to provide, by means of implementing acts, that for plants other than the plants included in the list referred to in Article 72(1), a phytosanitary certificate is required for their introduction into the Union territory.

(9) However, those implementing acts are to provide that a phytosanitary certificate is not required for those plants where an assessment which is based on evidence about pest risks and experience with trade demonstrates that such a certificate is not necessary.

(10) Since the adoption of that Regulation, various assessments have been carried out concerning the pest risk and experience with trade of several plants, other than plants for planting, originating from third countries.

(11) According to those assessments, fruits of *Ananas comosus* (L.) Merrill, *Cocos nucifera* L., *Durio zibethinus* Murray, *Musa* L. and *Phoenix dactylifera* L. do not host Union quarantine pests or pests subject to measures adopted pursuant to Article 30 of Regulation (EU) 2016/2031, or commonly hosted pests which may impact on plant species grown in the Union. Moreover, there have been no pest outbreaks linked to the introduction of those fruits from one or more third countries. Neither have those fruits been subject to repetitive interceptions due to the presence of Union quarantine pests or pests subject to the measures adopted pursuant to Article 30 of that Regulation during their introduction into the Union territory.

(12) In view of the fact that those fruits fulfil all of the criteria of Annex VI to Regulation (EU) 2016/2031, no phytosanitary certificate should be required for their introduction into the Union territory.

(13) The lists to be established under Article 42(3) and Article 73 of Regulation (EU) 2016/2031 both concern import rules which are based on similar criteria for risk assessment, as set out in Annexes III and VI to that Regulation. They are focused on the risks posed by the respective plants and plant products, instead of the risks of specific pests. They have been elaborated under a common risk assessment methodology and shall be updated under the same methodology, on the basis of the available technical and scientific evidence. It is therefore appropriate to integrate them in one Regulation.

(14) As Regulation (EU) 2016/2031 applies from 14 December 2019, and in order to ensure a consistent application of all rules concerning the introduction into the Union of plants, plant products and other objects, this Regulation should apply from the same date.

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(15) 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

High risk plants, plant products and other objects

The plants, plant products and other objects listed in Annex I are considered high risk plants, plant products and other objects within the meaning of Article 42(1) of Regulation (EU) 2016/2031, and their introduction into the Union territory shall be prohibited pending a risk assessment.

[F1 Article 2

[F1 Phytosanitary certificate for the introduction into the Union of certain plants]

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Textual Amendments

F1 Deleted by Commission Implementing Regulation (EU) 2019/2072 of 28 November 2019 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants, and repealing Commission Regulation (EC) No 690/2008 and amending Commission Implementing Regulation (EU) 2018/2019.

Article 3

Entry into force and application

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

It shall apply from 14 December 2019.

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