

COMMISSION IMPLEMENTING REGULATION (EU) 2022/230**of 18 February 2022****amending Implementing Regulation (EU) 2018/2019 as regards plants for planting of *Corylus avellana* L. and *Corylus colurna* L., originating in Serbia**

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 42(4), first subparagraph, 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 high risk plants, plant products and other objects.
- (3) Following a preliminary risk assessment, 34 genera and one species of 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 the genus *Corylus* L.
- (4) On 29 May 2020, Serbia submitted to the Commission a request for export to the Union of one- to three-year-old bare-rooted plants for planting of *Corylus avellana* L. and *Corylus avellana* L. grafted on *Corylus colurna* L., and two-year-old plants for planting of *Corylus avellana* L. with growing medium, which are dormant and free of leaves. That request was supported by the respective technical dossier.
- (5) On 25 March 2021, the European Food Safety Authority ('the Authority') adopted a scientific opinion regarding the commodity risk assessment of *Corylus avellana* and *Corylus colurna* plants for planting from Serbia ⁽⁴⁾. The Authority identified Grapevine flavescence dorée phytoplasma as a pest relevant for those plants for planting. This pest is listed in Part B, section F, of Annex II to Commission Implementing Regulation (EU) 2019/2072 ⁽⁵⁾, as a Union quarantine pest known to occur in the Union territory.

⁽¹⁾ OJ L 317, 23.11.2016, p. 4.

⁽²⁾ 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 (OJ L 323, 19.12.2018, p. 10).

⁽³⁾ Commission Implementing Regulation (EU) 2018/2018 of 18 December 2018 laying down specific rules concerning the procedure to be followed in order to carry out the risk assessment of high risk plants, plant products and other objects within the meaning of Article 42(1) of Regulation (EU) 2016/2031 of the European Parliament and of the Council (OJ L 323, 19.12.2018, p. 7).

⁽⁴⁾ EFSA PLH Panel (EFSA Panel on Plant Health), 2021. Scientific Opinion on the commodity risk assessment of *Corylus avellana* and *Corylus colurna* plants from Serbia. *EFSA Journal* 2021;19(5):6571, 55 pp. <https://doi.org/10.2903/j.efsa.2021.6571>

⁽⁵⁾ 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 (OJ L 319, 10.12.2019, p. 1).

- (6) Based on that opinion, the Commission considers that the phytosanitary risk of the introduction into the Union of plants for planting of *Corylus avellana* L. and *Corylus colurna* L. originating in Serbia, is acceptable, provided that the respective special import requirements set out in Annex VII to Implementing Regulation (EU) 2019/2072 are complied with. This consideration applies to all plants for planting of those species, regardless of their age or whether they are bare-rooted, dormant or free of leaves.
- (7) As a consequence, those plants for planting should no longer be considered high risk plants. The Annex to Implementing Regulation (EU) 2018/2019 should therefore be amended accordingly.
- (8) In order to comply with the Union obligations deriving from the World Trade Organization agreement on the application of sanitary and phytosanitary measures ⁽⁶⁾, the import of those commodities should resume within the shortest possible delay. Therefore, this Regulation should enter into force on the third day following that of its publication.
- (9) 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

The Annex 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 on 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, 18 February 2022.

For the Commission
The President
Ursula VON DER LEYEN

⁽⁶⁾ The World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), https://www.wto.org/english/tratop_e/sps_e/spsagr_e.htm

ANNEX

In the table in point 1 of the Annex to Implementing Regulation (EU) 2018/2019, second column, 'Description', the entry for 'Corylus L.' is replaced by the following:

'Corylus L., other than plants for planting of *Corylus avellana* L. or *Corylus colurna* L. originating in Serbia'.
