COMMISSION IMPLEMENTING REGULATION (EU) 2023/1492

of 19 July 2023

amending Annex VII to Implementing Regulation (EU) 2019/2072 as regards the introduction into the Union territory of certain forms of wood originating in 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 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 41(2) thereof,

Whereas:

(1) Certain forms of wood of *Chionanthus virginicus* L., *Fraxinus* L., *Juglans ailantifolia* Carr., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch. and *Pterocarya rhoifolia* Siebold & Zucc., originating from Belarus, Canada, China, the Democratic People's Republic of Korea, Japan, Mongolia, the Republic of Korea, Russia, Taiwan, Ukraine and the United States, may only be introduced into the Union territory if they comply with the requirements set out in point 87 of Annex VII to Commission Implementing Regulation (EU) 2019/2072 ([2]).

(2) Those requirements aim to protect the Union from *Agrilus planipennis* Fairmaire ('the specified pest').

(3) By way of derogation from point 87(a) and (b) of Annex VII to Implementing Regulation (EU) 2019/2072, wood of *Fraxinus* L. ('ash wood') may be introduced into the Union territory from Canada in accordance with the special requirements set out in Commission Implementing Regulation (EU) 2020/918 ([3]). Those requirements are similar to the requirements established for the same wood from the same origin by Commission Implementing Decision (EU) 2016/412 ([4]). That Regulation expires on 30 June 2023.

(4) By way of derogation from point 87(a) and (b) of Annex VII to Implementing Regulation (EU) 2019/2072, ash wood may be introduced into the Union territory from the United States in accordance with the special requirements set out in Commission Implementing Regulation (EU) 2020/1002 ([5]). Those requirements are similar to the requirements established by Commission Implementing Decision (EU) 2018/1203 ([6]) for the same wood with the same origin. That Regulation also expires on 30 June 2023.

([1]) OJ L 317, 23.11.2016, p. 4.

([2]) 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).

([3]) Commission Implementing Regulation (EU) 2020/918 of 1 July 2020 establishing a derogation from Implementing Regulation (EU) 2019/2072 as regards the requirements for the introduction into the Union of ash wood originating or processed in Canada (OJ L 209, 2.7.2020, p. 14).

([4]) Commission Implementing Decision 2016/412 of 17 March 2016 authorising Member States to provide for a temporary derogation from certain provisions of Council Directive 2000/29/EC in respect of ash wood originating or processed in Canada (OJ L 74 19.3.2016, p. 41).

([5]) Commission Implementing Regulation (EU) 2020/1002 of 9 July 2020 establishing a derogation from Implementing Regulation (EU) 2019/2072 as regards the requirements for introduction into the Union of ash wood originating or processed in the United States (OJ L 221, 10.7.2020, p. 122).

([6]) Commission Implementing Decision (EU) 2018/1203 of 21 August 2018 authorising Member States to provide for a temporary derogation from certain provisions of Council Directive 2000/29/EC in respect of ash wood originating or processed in the United States of America and repealing Commission Implementing Decision (EU) 2017/204 (OJ L 217, 27.8.2018, p. 7).

(5) Those special requirements have proven effective, during the application of Implementing Regulations (EU) 2020/918 and (EU) No 2020/1002, to protect the Union territory from the specified pest. Moreover, similar requirements have proven effective during the application of Implementing Decisions (EU) 2016/412 and 2018/1203.

(6) On the basis of the evidence collected, it is concluded that the phytosanitary risk from the introduction of ash wood into the Union territory from Canada and the United States is reduced to an acceptable level and that appropriate mitigation measures are put in place in those third countries.

(7) It appears that the special requirements set out in Implementing Regulations (EU) 2020/918 and (EU) No 2020/1002 are appropriate mitigation measures. It is therefore appropriate to include them in point 87 of Annex VII to Implementing Regulation 2019/2072.

(8) Annex VII should provide that one of the following special requirements for the introduction into the Union territory of ash wood must be fulfilled: ash wood should either undergo ionizing irradiation or originate in a pest free area subject to certain conditions or undergo a process of debarking, sawing, heat treatment and drying, subject to specific conditions and in combination with specific requirements regarding the facilities where the wood is produced, handled or stored. In the last option, and in order to ensure effective controls and transparency, each bundle of the wood should visibly display both a number and a label with the words 'HT-KD' or 'Heat Treated – Kiln Dried'.

(9) Commission Implementing Regulation (EU) 2020/1164 ([7]) provides that, by way of derogation from point 87 to Annex VII to Implementing Regulation (EU) 2019/2072, certain forms of wood of *Fraxinus* L., *Juglans ailantifolia* Carr., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch. and *Pterocarya rhoifolia* Siebold and Zucc. ('the specified wood'), originating in Canada and the United States, may be introduced into the Union territory under official statements referred to in options (a) and (b) of that point 87. That Regulation expires on 30 June 2023. It provides for the following two options as requirements for the introduction into the Union territory: the specified wood was to originate in a pest free area subject to certain conditions or to undergo ionizing irradiation under specific conditions.

(10) Those special requirements have proven effective, during the application of Implementing Regulation (EU) 2020/1164, to protect the Union territory from the specified pest. Moreover, similar requirements have proven effective during the application of Implementing Decisions (EU) 2016/412 and 2018/1203.

(11) Therefore, it is concluded that the phytosanitary risk from the introduction of ash wood into the Union territory from Canada and the United States is fully assessed and appropriate mitigation measures are put in place in those third countries.

(12) It is therefore appropriate to include in Annex VII to Implementing Regulation 2019/2072 the special requirements that are provided for in Implementing Regulation (EU) 2020/1164 concerning the introduction into the Union territory of ash wood from Canada and the United States.

(13) Canada and the United States should thus be removed from the fourth column of point 87 of Annex VII to Implementing Regulation (EU) 2019/2072, and a new point should be added to that Annex, providing for the same two options as those provided for by Implementing Regulation (EU) 2020/1164.

(14) Annex VII to Implementing Regulation (EU) 2019/2072 should thus be amended accordingly.

([7]) 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 (OJ L 258, 7.8.2020, p. 6).

(15) 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

Amendment of Implementing Regulation (EU) 2019/2072

Annex VII to Implementing Regulation (EU) 2019/2072 is amended in accordance with the Annex to this Regulation.

Article 2

Entry into force

This Regulation shall enter into force on the twentieth 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, 19 July 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annex VII to Implementing Regulation (EU) 2019/2072 is amended as follows:

1. In Point 87, the list of countries in column 'Origin' is replaced by the following:

   'Belarus, China, Japan, Mongolia, North Korea, Russia, South Korea, Taiwan and Ukraine'

2. The following points 87.1 and 87.2 are added after point 87:

'87.1	Wood of *Fraxinus* L. other than in the form of — chips, particles, sawdust, shavings, wood waste and scrap, obtained in whole or part from these trees, — wood packaging material, in the form of packing cases, boxes, crates, drums and similar packings, pallets, box pallets and other load boards, pallet collars, dunnage, whether or not actually in use in the transport of objects of all kinds, except dunnage supporting consignments of wood, which is constructed from wood of the same type and quality as the wood in the consignment and which meets the same Union phytosanitary requirements as the wood in the consignment, but including wood which has not kept its natural round surface, and furniture and other objects made of untreated wood.	ex 4401 12 00 ex 4403 12 00 ex 4403 99 00 ex 4404 20 00 ex 4406 12 00 ex 4406 92 00 4407 95 10 4407 95 91 4407 95 99 ex 4408 90 15 ex 4408 90 35 ex 4408 90 85 ex 4408 90 95 ex 4409 29 10 ex 4409 29 91 ex 4409 29 99 ex 4416 00 00 ex 9406 10 00	Canada and United States	Official statement that: (a) the wood has undergone ionizing irradiation to achieve a minimum absorbed dose of 1 kGy throughout the wood; or (b) the wood originates in an area recognised as being free from *Agrilus planipennis* Fairmaire, established by the national plant protection organisation in the country of origin, in accordance with the relevant International Standards for Phytosanitary Measures, and located at a minimum distance of 100 km to the closest known area, where the presence of that pest has been officially confirmed; the area is mentioned on the phytosanitary certificate, and the pest freedom status of that area has been communicated in advance in writing to the Commission by the national plant protection organisation in the third country, or (c) (i) the wood has undergone all of the following steps: — debarking, i.e. the wood is either completely debarked or only contain visually separate and clearly distinct pieces of bark. Each of the pieces is less than 3 cm in width or, if they are larger than 3 cm in width, has a surface of less than 50 cm^2; — sawing; — heat treatment, i.e. the wood is heated through its profile to at least 71 °C for 1 200 minutes in a heat chamber approved by the national plant protection organization in the third country or an agency approved by that organization; and

				— drying, i.e. the wood is dried following industrial drying schedules of at least two-week duration, recognised by the national plant protection organization in the third country, and the final moisture content of the wood does not exceed 10 % expressed as a percentage of dry matter; and (ii) the wood has been produced, handled or stored in a facility which fulfils all of the following requirements: — it is officially approved by the national plant protection organization in the third country or by an agency approved by that organisation, pursuant to its certification programme concerning *Agrilus planipennis* Fairmaire; — it is registered in a database published on the website of the national plant protection organization in the third country; — it is audited by the national plant protection organisation in the third country or an agency approved by that organisation, at least once per month and it has been concluded that it complies with the requirements of this Annex point. In case the audits have been performed by an agency other than the national plant protection organization in the third country, that organisation has carried out audits of this work at least every six months. Those audits have included the verification of the procedures and documentation of the agency, and audits at approved facilities; — it uses equipment for the treatment of wood which has been calibrated consistently with the equipment's manual of operation;

				— it keeps record of its procedures for verification by the national plant protection organization in that country or an agency approved by that organisation, including the duration of treatment, temperatures during treatment and for each specific bundle to be exported, the compliance check and final moisture content. and (iii) each bundle of the wood visibly displays both a number and a label with the words 'HT-KD' or 'Heat Treated – Kiln Dried'. That label has been issued by, or under the supervision of, a designated officer of the approved facility after verifying that the processing requirements set out in point (i) and the requirements for facilities set out in point (ii) have been complied with. and The wood destined for the Union has been inspected by the national plant protection organisation in that country, or an agency officially approved by that authority, to ensure that the requirements laid down in points (i) and (iii) of this point are met. The bundle number(s) corresponding to each specific bundle being exported and the name of the approved facility(ies) in the country of origin shall be mentioned on the phytosanitary certificate referred to under the rubric 'Additional declaration'.
87.2	Wood of *Chionanthus virginicus* L., *Juglans ailantifolia* Carr., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch. and *Pterocarya rhoifolia* Siebold & Zucc., other than in the form of	ex 4401 12 00 ex 4403 12 00 ex 4403 99 00 ex 4404 20 00 ex 4406 12 00 ex 4406 92 00 ex 4407 99 27	Canada and United States	Official statement that: (a) the wood originates in an area recognised as being free from *Agrilus planipennis* Fairmaire, established by the national plant protection organisation in the country of origin, in accordance with the relevant International Standards for Phytosanitary Measures, and located

	— chips, particles, sawdust, shavings, wood waste and scrap, obtained in whole or part from these trees, — wood packaging material, in the form of packing cases, boxes, crates, drums and similar packings, pallets, box pallets and other load boards, pallet collars, dunnage, whether or not actually in use in the transport of objects of all kinds, except dunnage supporting consignments of wood, which is constructed from wood of the same type and quality as the wood in the consignment and which meets the same Union phytosanitary requirements as the wood in the consignment, but including wood which has not kept its natural round surface, and furniture and other objects made of untreated wood.	ex 4407 99 40 ex 4407 99 90 ex 4408 90 15 ex 4408 90 35 ex 4408 90 85 ex 4408 90 95 ex 4409 29 10 ex 4409 29 91 ex 4409 29 99 ex 4416 00 00 ex 9406 10 00		at a minimum distance of 100 km to the closest known area, where the presence of that pest has been officially confirmed; the area is mentioned on the phytosanitary certificate and pest freedom status of that area has been communicated in advance in writing to the Commission by the National Plant Protection Organisation of the country concerned, or (b) the wood has undergone ionizing irradiation to achieve a minimum absorbed dose of 1 kGy throughout the wood.’