



COMMISSION IMPLEMENTING REGULATION (EU) 2024/1957
of 17 July 2024

amending Implementing Regulation (EU) 2022/1941 as regards the prohibition of introduction, movement, holding, multiplication or release of certain pests

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 30(1) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2022/1941⁽²⁾ lists the pests which, pursuant to Article 30(1) of Regulation (EU) 2016/2031, are temporarily prohibited to be introduced into, moved within, or held, multiplied or released in the Union territory.
- (2) From June 2021 to December 2023, several Member States notified the Commission of the officially confirmed presence, in consignments of plants, plant products and other objects originating from third countries, of pests which are not listed as Union quarantine pests, protected zone quarantine pests or Union regulated non-quarantine pests, in Commission Implementing Regulation (EU) 2019/2072⁽³⁾, and are not regulated under Article 30(1) of Regulation (EU) 2016/2031.
- (3) *Homona magnanima* is amongst the pests for which measures have been taken by Germany, pursuant to Article 29(1) of Regulation (EU) 2016/2031. It has been intercepted a couple of times at Union borders and is not known to be present in the Union territory.
- (4) A preliminary risk assessment for *Homona magnanima*⁽⁴⁾ has been performed by Germany for the Union territory. It concludes that the pest fulfills the criteria for Union quarantine pests set out in Section 3, Subsection 2 of Annex I to Regulation (EU) 2016/2031 and should therefore be subject to temporary measures in accordance with Article 30(1) of Regulation (EU) 2016/2031. As the host plants of that pest continue to be imported from countries where it is known to be present, it presents a phytosanitary risk for the Union territory. However, further risk assessment is required to determine whether *Homona magnanima* qualifies as a Union quarantine pest and is to be listed in Annex II to Implementing Regulation (EU) 2019/2072. It is thus appropriate to temporarily prohibit its introduction into, movement within, and holding, multiplication and release in the Union, until a full risk analysis has been carried out.

⁽¹⁾ OJ L 317, 23.11.2016, p. 4, ELI: <http://data.europa.eu/eli/reg/2016/2031/2019-12-14>.

⁽²⁾ Commission Implementing Regulation (EU) 2022/1941 of 13 October 2022 on the prohibition of introduction, movement, holding, multiplication or release of certain pests pursuant to Article 30(1) of Regulation (EU) 2016/2031 of the European Parliament and of the Council (OJ L 268, 14.10.2022, p. 13, ELI: http://data.europa.eu/eli/reg_impl/2022/1941/oj).

⁽³⁾ 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, ELI: http://data.europa.eu/eli/reg_impl/2019/2072/oj).

⁽⁴⁾ *Homona magnanima* Express PRA notification (julius-kuehn.de)

(5) Besides, the pest *Leucinodes orbonalis* was initially included in the Annex to Implementing Regulation (EU) 2022/1941, on the basis of a pest categorization performed by the European Food Safety Authority ('the Authority'). The Authority delivered a scientific opinion on a full pest risk assessment of *Leucinodes orbonalis* (5) in 2024. The Authority concluded that the probability of establishment and the expected impact of the pest in the Union, were very low. In view of the opinion of the Authority, it is appropriate to conclude that the pest *Leucinodes orbonalis* does not pose an unacceptable phytosanitary risk to the Union territory and therefore it does not fulfill the criteria for Union quarantine pests set out in Section 1, nor in Section 3, Subsection 2 of Annex I to Regulation (EU) 2016/2031, as regards the Union territory. Therefore, it should no longer be subject to the temporary measures adopted pursuant to Article 30 of Regulation (EU) 2016/2031.

(6) The Annex to Implementing Regulation (EU) 2022/1941 should therefore be amended accordingly.

(7) The provisions of this Regulation are in accordance with the opinion of the Standing Committee for Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Implementing Regulation (EU) 2022/1941 is replaced by the text set out in the Annex to this Regulation.

Article 2

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, 17 July 2024.

*For the Commission
The President
Ursula VON DER LEYEN*

(5) EFSA Panel on Plant Health (PLH), 2024. Scientific Opinion on Pest risk assessment of *Leucinodes orbonalis* for the European Union.
<https://doi.org/10.2903/j.efsa.2024.8498>

ANNEX

The Annex to Implementing Regulation (EU) 2022/1941 is replaced by the following:

'ANNEX

List of pests and their codes assigned by the European and Mediterranean Plant Protection Organisation

1.	<i>Chloridea virescens</i> Fabricius [HELIVI]
2.	<i>Homona magnanima</i> Dyakonov [HOMOMA]
3.	<i>Leucinodes pseudorbonalis</i> Mally <i>et al.</i> [LEUIPS]
4.	<i>Resseliella citrifugris</i> Jiang [RESSCI]
5.	<i>Spodoptera ornithogalli</i> Guenée [PRODOR]'