

COMMISSION IMPLEMENTING REGULATION (EU) 2021/419**of 9 March 2021**

amending Implementing Regulation (EU) 2018/2019 as regards certain plants for planting of *Jasminum polyanthum* Franchet originating in Israel and adapting Combined Nomenclature codes for *Ullucus tuberosus* and amending Implementing Regulation (EU) 2020/1213 as regards the phytosanitary measures for the introduction of those plants for planting into the Union territory

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(3) and the first and the third subparagraphs of Article 42(4) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2018/2019 ⁽²⁾ establishes a list of high risk plants, plant products and other objects within the meaning of Article 42 of Regulation (EU) 2016/2031.
- (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 those high risk plants, plant products and other objects.
- (3) Following a preliminary assessment, 35 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 is the genus *Jasminum* L.
- (4) In accordance with Regulation (EU) 2016/2031, if it is concluded, on the basis of a risk assessment, that a plant, plant product or other object originating in a third country, group of third countries or a specific area of the third country concerned poses an unacceptable pest risk, but that that risk can be reduced to an acceptable level by applying certain measures, the Commission is to remove that plant, plant product or other object from the list established by Implementing Regulation (EU) 2018/2019 and add it to the list referred to in Article 41(2) of Regulation (EU) 2016/2031.
- (5) In addition, Commission Implementing Regulation (EU) 2020/1213 ⁽⁴⁾ sets out the phytosanitary measures for the introduction into the Union territory of certain plants, plant products and other objects, which have been removed from the Annex to Implementing Regulation (EU) 2018/2019.
- (6) On 25 September 2019, Israel submitted to the Commission a request for export to the Union of unrooted cuttings of plants for planting of *Jasminum polyanthum* Franchet ('the specified plants'). That request was supported by the respective technical dossier.

⁽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⁾ Commission Implementing Regulation (EU) 2020/1213 of 21 August 2020 concerning the phytosanitary measures for the introduction into the Union of certain plants, plant products and other objects which have been removed from the Annex to Implementing Regulation (EU) 2018/2019 (OJ L 275, 24.8.2020, p. 5).

- (7) On 12 August 2020, the European Food Safety Authority ('the Authority') published a scientific opinion regarding the commodity risk assessment of *Jasminum polyanthum* plants for planting from Israel ⁽⁵⁾. The Authority identified *Scirtothrips dorsalis*, *Aonidiella orientalis*, *Milviscutulus mangiferae*, *Paracoccus marginatus*, *Pulvinaria psidii* and *Colletotrichum siamense* ('the specified pests') as pests relevant for those plants for planting, evaluated the risk mitigation measures described in the dossier for those pests and estimated their likelihood of pest freedom.
- (8) On the basis of that opinion, the phytosanitary risk from introduction into the Union territory of unrooted cutting of plants for planting of *Jasminum polyanthum* Franchet, originating in Israel is considered to be reduced to an acceptable level, provided that appropriate mitigation measures are applied to address the risk of pests related to those plants for planting.
- (9) Those measures, adopted as phytosanitary import requirements, ensure the phytosanitary protection of the Union territory from introduction of the specified plants into it. Therefore, the unrooted cuttings of plants for planting of *Jasminum polyanthum* originating in Israel should no longer be considered high risk plants, and should be removed from the Annex to Implementing Regulation (EU) 2018/2019.
- (10) The measures described by Israel in the dossier are considered sufficient to reduce the risk from introduction into the Union territory of the specified plants to an acceptable level. Therefore, the measures adopted by this Regulation should be based on those described by Israel in the dossier.
- (11) *Scirtothrips dorsalis* is listed as a Union quarantine pest in Annex II to Commission Implementing Regulation (EU) 2019/2072 ⁽⁶⁾. *Aonidiella orientalis*, *Milviscutulus mangiferae*, *Paracoccus marginatus*, *Pulvinaria psidii* and *Colletotrichum siamense* are not yet included in the list of Union quarantine pests of Implementing Regulation (EU) 2019/2072, but they may fulfil the conditions to be included following a further complete risk assessment. For this reason, phytosanitary measures are necessary concerning those pests, until a full risk assessment is carried out.
- (12) The Annex to Implementing Regulation (EU) 2020/1213 should therefore be replaced by a new one, in order to include those phytosanitary measures.
- (13) It should also include the relisting of the respective plants, plant products and other objects in alphabetical order, in order to facilitate the readability of that list.
- (14) Experience gained from import controls after the application date of Regulation (EU) 2018/2019 has shown that some additional Combined Nomenclature (CN) codes laid down in Annex I to Council Regulation (EEC) No 2658/87 ⁽⁷⁾ need to be included in point 2 of the Annex to that Regulation in order to cover all the commodities traded as plants of *Ullucus tuberosus*. Therefore, the Annex to Implementing Regulation (EU) 2018/2019 should be amended accordingly.
- (15) In order to comply with the Union obligations deriving from the World Trade Organization Agreement on the application of sanitary and phytosanitary measures, the import of those commodities should resume within the shortest possible delay.
- (16) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee for Plants, Animals, Food and Feed,

⁽⁵⁾ EFSA PLH Panel (EFSA Panel on Plant Health), Scientific Opinion on the commodity risk assessment of *Jasminum polyanthum* plants from Israel. EFSA Journal 2020;18(8):6225, 78 pp. <https://doi.org/10.2903/j.efsa.2020.6225>.

⁽⁶⁾ 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).

⁽⁷⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

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 Annex I to this Regulation.

Article 2

Amendment of Implementing Regulation (EU) 2020/1213

The Annex to Implementing Regulation (EU) 2020/1213 is amended in accordance with Annex II to this Regulation.

Article 3

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, 9 March 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

The Annex to Implementing Regulation (EU) 2018/2019 is amended as follows:

- (a) in point 1, in the second column 'Description', the word '*Jasminum* L.' is replaced by '*Jasminum* L., other than unrooted cuttings of plants for planting of *Jasminum polyanthum* Franchet originating in Israel;'
- (b) in point 2, the table is replaced by the following:

'CN code	Description
ex 0601 10 90	<i>Ullucus tuberosus</i> Loz.'
ex 0601 20 90	
ex 0604 20 90	
ex 0714 90 20	
ex 1209 91 80	
ex 1404 90 00	

ANNEX II

The Annex to Implementing Regulation (EU) 2020/1213 is replaced by the following:

'ANNEX

List of plants, plant products and other objects, originating from third countries, and the corresponding measures for their introduction into the Union territory, as referred to in Article 2

Plants, plant products or other objects	CN Code	Third countries of origin	Measures
<i>Acer japonicum</i> Thunberg, <i>Acer palmatum</i> Thunberg and <i>Acer shirasawanum</i> Koidzumi, bare rooted, dormant, free of leaves, grafted or budded, one- to three- year old plants for planting	ex 0602 90 41 ex 0602 90 45 ex 0602 90 46 ex 0602 90 48 ex 0602 90 50	New Zealand	(a) Official statement that: (i) the plants are free from <i>Eotetranychus sexmaculatus</i> ; (ii) the plants have been grown throughout their life in a place of production, which, together with the sites of production that form part of it, is registered and supervised by the national plant protection organisation of the country of origin; (iii) the site of production has been found free from <i>Eotetranychus sexmaculatus</i> during official inspections carried out at appropriate times, since the beginning of the production cycle of the plants; in case of suspicion of the presence of <i>Eotetranychus sexmaculatus</i> at the site of production, appropriate treatments have been carried out to ensure the absence of the pest; a surrounding zone of 100 m has been established, which is subject to specific surveys at appropriate times to detect <i>Eotetranychus sexmaculatus</i> and where the pest has been found on any host plants, those plants have been rogued out and destroyed immediately; (iv) a system has been put in place to ensure that tools and machinery have been cleaned to be free from soil and plant debris and disinfected to be free from the <i>Eotetranychus sexmaculatus</i> , before they have been introduced into the site of production; (v) at harvest, the plants have been cleaned and trimmed and the plants have undergone an official phytosanitary inspection, consisting at least of a detailed visual examination, in particular of stems and branches of the plants to confirm the absence of the <i>Eotetranychus sexmaculatus</i> ; (vi) immediately prior to export, consignments of the plants have been subjected to an official inspection for the presence of <i>Eotetranychus sexmaculatus</i> , in particular of stems and branches of the plants, and the size of the sample for inspection has been such as to enable at least the detection of 1 % level of infestation with a level of confidence of 99 %;

			<ul style="list-style-type: none"> (b) the phytosanitary certificates for those plants include under the heading "Additional Declaration": <ul style="list-style-type: none"> (i) the following statement: "The consignment complies with Commission Implementing Regulation (EU) 2020/1362"; (ii) the specification of the registered sites of production.
<p><i>Acer japonicum</i> Thunberg, <i>Acer palmatum</i> Thunberg and <i>Acer shirasawanum</i> Koidzumi, bare rooted, dormant, free of leaves, grafted or budded, one- to three- year old plants for planting</p>	<p>ex 0602 90 41 ex 0602 90 45 ex 0602 90 46 ex 0602 90 48 ex 0602 90 50</p>	New Zealand	<ul style="list-style-type: none"> (a) Official statement that: <ul style="list-style-type: none"> (i) the plants are free from <i>Oemona hirta</i> and <i>Platypus apicalis</i>; (ii) the plants have been grown throughout their life in a place of production, which, together with the sites of production that form part of it is registered and supervised by the national plant protection organisation of the country of origin; (iii) the site of production has been found free from <i>Oemona hirta</i> and <i>Platypus apicalis</i> during official inspections carried out at appropriate times, since the beginning of the production cycle of the plants; in case of suspicion of the presence of <i>Oemona hirta</i> or <i>Platypus apicalis</i> at the site of production, appropriate treatments have been carried out to ensure the absence of the pests; (iv) at harvest, the plants have been cleaned and have undergone an official inspection to confirm the absence of <i>Oemona hirta</i> and <i>Platypus apicalis</i>; (v) immediately prior to export, consignments of the plants have been subjected to an official inspection for the presence of <i>Oemona hirta</i> and <i>Platypus apicalis</i> and the size of the sample for inspection has been such as to enable at least the detection of 1 % level of infestation with a level of confidence of 99 %; (b) the phytosanitary certificates for those plants include under the heading "Additional Declaration": <ul style="list-style-type: none"> (i) the following statement: "The consignment complies with Commission Implementing Regulation (EU) 2020/1362"; (ii) the specification of the registered sites of production.
<p><i>Albizia julibrissin</i> Durazzini, bare rooted, dormant grafted plants for planting with a maximum diameter of 2,5 cm</p>	<p>ex 0602 90 41 ex 0602 90 45 ex 0602 90 46 ex 0602 90 48</p>	Israel	<ul style="list-style-type: none"> (a) Official statement that: <ul style="list-style-type: none"> (i) the plants are free from <i>Euwallacea fornicatus sensu lato</i> and <i>Fusarium euwallaceae</i>; (ii) the plants have been grown throughout their life in a place of production, which is registered and supervised by the national plant protection organisation of the country of origin. That registration has included the respective production sites within the place of production; (iii) the plants fulfil one of the following requirements: <ol style="list-style-type: none"> 1. the plants have a diameter of less than 2 cm at the base of the stem or

			<p>2. the plants have been grown in a site with complete physical protection against the introduction of <i>Euwallacea fornicatus sensu lato</i> at least during six months prior to export, which is subject to official inspections at appropriate times and has been found free from the pest, confirmed at least with traps which are checked at least every four weeks, including immediately prior to movement, or</p> <p>3. the plants have been grown in a site of production which has been found free from <i>Euwallacea fornicatus sensu lato</i> and <i>Fusarium euwallaceae</i> since the beginning of the last complete cycle of vegetation, confirmed for <i>Euwallacea fornicatus sensu lato</i>, at least with traps, during official inspections carried out at least every four weeks; in case of suspicion of the presence of either of the two pests at the site of production, appropriate treatments against the pests have been carried out to ensure the absence of the pests; a surrounding zone of 1 km is established, which is monitored at appropriate times for <i>Euwallacea fornicatus sensu lato</i> and <i>Fusarium euwallaceae</i> and in case either of the two pests are found on any host plants, those plants should be immediately rogued out and destroyed;</p> <p>(iv) immediately prior to export, consignments of plants with a diameter of 2 cm or wider at the base of the stem have been subjected to an official inspection for the presence of the pest, in particular in stems and branches of the plants, including by destructive sampling. The size of the sample for inspection shall be such as to enable at least the detection of 1 % level of infestation with a level of confidence of 99 %;</p> <p>(b) the phytosanitary certificates for those plants include, under the heading "Additional Declaration":</p> <p>(i) the following statement: "The consignment complies with the provisions of Commission Implementing Regulation (EU) 2020/1213";</p> <p>(ii) the specification of:</p> <p>— which requirement of point (a) (iii) in this entry has been fulfilled, and</p> <p>— the registered production site(s).</p>
<p><i>Albizia julibrissin</i> Durazzini, bare rooted, dormant grafted plants for planting with a maximum diameter of 2,5 cm</p>	<p>ex 0602 90 41 ex 0602 90 45 ex 0602 90 46 ex 0602 90 48</p>	Israel	<p>(a) Official statement that:</p> <p>(i) the plants are free from <i>Aonidiella orientalis</i>;</p> <p>(ii) the plants have been grown throughout their life in a place of production, which is registered and supervised by the national plant protection organisation of the country of origin. That</p>

			<p>registration has included the respective productions sites within the place of production. That place of production has also fulfilled one of the following requirements:</p> <ol style="list-style-type: none"> 1. the plants have been grown in a site with complete physical protection against the introduction of <i>Aonidiella orientalis</i> at least during six months prior to export, which is subject to official inspections every three weeks and found free from the pest, including immediately prior to movement, or 2. the site of production has been found free from <i>Aonidiella orientalis</i> since the beginning of the last complete cycle of vegetation during official inspections carried out every three weeks; in case of suspicion of the presence of the pest at the site of production, appropriate treatments against the pest have been carried out to ensure the absence of the pest; a surrounding zone of 100m is established, which is monitored at appropriate times for <i>Aonidiella orientalis</i>, and where the pest is found on any plant, those plants should be immediately rogued out and destroyed; <p>(iii) immediately prior to export, consignments of the plants have been subjected to an official inspection for the presence of <i>Aonidiella orientalis</i>, in particular in stems and branches of the plants. The size of the sample for inspection shall be such as to enable at least the detection of 1 % level of infestation with a level of confidence of 99 %;</p> <p>(b) the phytosanitary certificates for those plants include under the heading "Additional Declaration":</p> <ol style="list-style-type: none"> (i) the following statement: "The consignment complies with the provisions of Commission Implementing Regulation (EU) 2020/1213"; (ii) the specification of: <ul style="list-style-type: none"> — which requirement of point (a) (ii) in this entry has been fulfilled, and — the registered production site(s).
<i>Jasminum polyanthum</i> Franchet, unrooted cuttings of plants for planting	ex 0602 10 90	Israel	<p>(a) Official statement that:</p> <ol style="list-style-type: none"> (i) the plants are free from <i>Scirtothrips dorsalis</i>, <i>Aonidiella orientalis</i>, <i>Milviscutulus mangiferae</i>, <i>Paracoccus marginatus</i>, <i>Pulvinaria psidii</i> and <i>Colletotrichum siamense</i>;

			<ul style="list-style-type: none"> (ii) the plants have been grown throughout their life in a place of production, which, together with the sites of production that form part of it, is registered and supervised by the national plant protection organisation of the country of origin; (iii) the plants have been grown in a site with physical protection against the introduction of <i>Scirtothrips dorsalis</i>, <i>Aonidiella orientalis</i>, <i>Milviscutulus mangiferae</i>, <i>Paracoccus marginatus</i>, <i>Pulvinaria psidii</i>; (iv) the production site has been subject to official inspections for the presence of <i>Scirtothrips dorsalis</i>, <i>Aonidiella orientalis</i>, <i>Milviscutulus mangiferae</i>, <i>Paracoccus marginatus</i>, <i>Pulvinaria psidii</i>, and <i>Colletotrichum siamense</i> every three weeks and found free from those pests; (v) immediately prior to export, consignments of the plants have been subjected to an official inspection for the presence of <i>Scirtothrips dorsalis</i>, <i>Aonidiella orientalis</i>, <i>Milviscutulus mangiferae</i>, <i>Paracoccus marginatus</i>, and <i>Pulvinaria psidii</i> with such a sample size as to enable at least the detection of 1 % level of infestation with a level of confidence of 99 %, and to an official inspection for the presence of <i>Colletotrichum siamense</i> including testing of symptomatic plants; (b) the phytosanitary certificates for those plants include under the heading "Additional Declaration": <ul style="list-style-type: none"> (i) the following statement: "The consignment complies with Commission Implementing Regulation (EU) 2021/419"; and (ii) the specification of the registered sites of production.
<i>Robinia pseudoacacia</i> , bare rooted, dormant grafted plants for planting with a maximum diameter of 2,5 cm	ex 0602 90 41 ex 0602 90 45 ex 0602 90 46 ex 0602 90 48	Israel	<ul style="list-style-type: none"> (a) Official statement that: <ul style="list-style-type: none"> (i) the plants are free from <i>Euiwallacea fornicatus sensu lato</i> and <i>Fusarium euwallaceae</i>; (ii) the plants have been grown throughout their life in a place of production which is registered and supervised by the national plant protection organisation of the country of origin. That registration has included the respective productions sites within the place of production; (iii) the plants fulfil one of the following requirements: <ol style="list-style-type: none"> 1. the plants have a diameter of less than 2 cm at the base of the stem or 2. the plants have been grown in a site with complete physical protection against the introduction of <i>Euiwallacea fornicatus sensu lato</i> at least during six months prior to export, which is subject to official inspections at appropriate

			<p>times and has been found free from the pest, confirmed at least with traps which are checked at least every four weeks, including immediately prior to movement,</p> <p>or</p> <p>3. the plants have been grown in a site of production which has been found free from <i>Euwallacea fornicatus sensu lato</i> and <i>Fusarium euwallaceae</i> since the beginning of the last complete cycle of vegetation, confirmed for <i>Euwallacea fornicatus sensu lato</i>, at least with traps, during official inspections carried out at least every four weeks; in case of suspicion of the presence of either of the two pests at the site of production, appropriate treatments against the pests have been carried out to ensure the absence of the pests; a surrounding zone of 1 km is established, which is monitored at appropriate times for <i>Euwallacea fornicatus sensu lato</i> and <i>Fusarium euwallaceae</i> and where either of the two pests are found on any host plants, those plants should be immediately rogued out and destroyed;</p> <p>(iv) immediately prior to export, consignments of plants with a diameter of 2 cm or wider at the base of the stem have been subjected to an official inspection for the presence of the pest, in particular in stems and branches of the plants, including destructive sampling. The size of the sample for inspection shall be such as to enable at least the detection of 1 % level of infestation with a level of confidence of 99 %;</p> <p>(b) the phytosanitary certificates for those plants include, under the heading "Additional Declaration":</p> <p>(i) the following statement: "The consignment complies with the provisions of Commission Implementing Regulation (EU) 2020/1213";</p> <p>(ii) the specification of:</p> <ul style="list-style-type: none"> — which requirement of point (a) (iii) in this entry has been fulfilled, and — the registered production site(s).'
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