

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

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- (1) Council Directive 2000/29/EC⁽²⁾ has been repealed and replaced by Regulation (EU) 2016/2031, while the provisions of its Annexes have been replaced by the provisions of Commission Implementing Regulation (EU) 2019/2072⁽³⁾.
- (2) *Agrilus planipennis* Fairmaire is a pest listed in Annex II, Part A, to Regulation (EU) 2019/2072 as an organism not known to occur in the Union. It is also listed as priority pest in Commission Delegated Regulation (EU) 2019/1702⁽⁴⁾.
- (3) Following the information collected in 2018 during two Commission audits in Canada and the United States the implementation of the conditions set out under option (b) of point 2.3 of Annex IV, Part A, Section I to Directive 2000/29/EC were not sufficiently verified prior to export. Commission Implementing Decision (EU) 2018/1959⁽⁵⁾ therefore only allowed the introduction into the Union of wood of *Fraxinus* L., *Juglans ailantifolia* Carr., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch. and *Pterocarya rhoifolia* Siebold and Zucc. originating in Canada and the United States ('the specified wood') under official statements referred to in options (a) and (c) of point 2.3 of Annex IV, Part A, Section I to Directive 2000/29/EC. Implementing Decision (EU) 2018/1959 expired on 30 June 2020.
- (4) The provisions set out under point 87 of Annex VII to Regulation (EU) 2019/2072 establish special requirements to prevent the introduction into and the spread within the Union of the pest *Agrilus planipennis* Fairmaire through wood originating in certain third countries. The provisions of option (b) of point 2.3 of Annex IV, Part A, Section I to Directive 2000/29/EC are now reflected under option (b) of point 87 of Annex VII to Regulation (EU) 2019/2072.
- (5) In view of the results of the Commission audits carried out in Canada and the United States in 2018, it is still considered appropriate to only allow the introduction into the Union of wood of *Fraxinus* L., *Juglans ailantifolia* Carr., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch. and *Pterocarya rhoifolia* Siebold and Zucc. originating in those third countries under official statements referred to in options (a) and (c) of point 87 of Annex VII to Regulation (EU) 2019/2072.
- (6) This Regulation should apply until 30 June 2023, to allow for the review of point 87 of Annex VII to Regulation (EU) 2019/2072 on the basis of scientific and technical developments.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽¹⁾ OJ L 317, 23.11.2016, p. 4.

⁽²⁾ Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 169, 10.7.2000, p. 1).

⁽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 of 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).

⁽⁴⁾ Commission Delegated Regulation (EU) 2019/1702 of 1 August 2019 supplementing Regulation (EU) 2016/2031 of the European Parliament and of the Council by establishing the list of priority pests (OJ L 260, 11.10.2019, p. 8).

⁽⁵⁾ Commission Implementing Decision (EU) 2018/1959 of 10 December 2018 derogating from Council Directive 2000/29/EC as regards measures to prevent the introduction into and the spread within the Union of the harmful organism *Agrilus planipennis* (Fairmaire) through wood originating in Canada and in the United States of America (OJ L 315, 12.12.2018, p. 27).

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from the provisions set out under point 87 in Annex VII to Regulation (EU) 2019/2072, the introduction into the Union territory of wood of *Fraxinus* L., *Juglans ailantifolia* Carr., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch. and *Pterocarya rhoifolia* Siebold and Zucc. ('the specified wood'), as described in the Annex to this Regulation, originating in Canada and the United States, shall only be allowed under official statements referred to in options (a) and (c) of that point 87.

Article 2

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

It shall apply until 30 June 2023.

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

Done at Brussels, 6 August 2020.

For the Commission

The President

Ursula VON DER LEYEN

ANNEX

Specified wood as referred to in Article 1

Specified wood shall mean wood as described in the following table:

Plants, plant products and other objects	CN codes
Wood of <i>Fraxinus</i> L., <i>Juglans ailantifolia</i> Carr., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch. and <i>Pterocarya rhoifolia</i> Siebold & Zucc., other than in the form of	ex 4401 12 00 ex 4403 12 00 ex 4403 99 00
— chips, particles, sawdust, shavings, wood waste and scrap, obtained in whole or part from these trees,	ex 4404 20 00 ex 4406 12 00
— 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 4406 92 00 4407 95 10 4407 95 91 4407 95 99 ex 4407 99 27 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 4416 00 00 ex 9406 10 00