

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2022/1166

of 6 July 2022

amending Regulation (EC) No 1480/2004 laying down specific rules concerning goods arriving from the areas not under the effective control of the Government of Cyprus in the areas in which the Government exercises effective control

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 866/2004 of 29 April 2004 on a regime under Article 2 of Protocol No 10 of the Act of Accession ⁽¹⁾, and in particular Article 4(12) thereof,

After consulting the Line Regulation Committee,

Whereas:

- (1) Commission Regulation (EC) No 1480/2004 ⁽²⁾ provides for specific rules concerning goods arriving from the areas not under the effective control of the Government of Cyprus in the areas in which the Government exercises effective control, including with respect to phytosanitary inspections of and reporting on plants, plant products and other objects listed in Annex V, Part B, to Council Directive 2000/29/EC ⁽³⁾. For that purpose, Article 3 of that Regulation contains references to that Directive.
- (2) Regulation (EU) 2016/2031 of the European Parliament and of the Council ⁽⁴⁾, which provides the basis for Union rules on protective measures against pests of plants, repealed Directive 2000/29/EC. That Regulation empowers the Commission to establish a list of the plants, plant products and other objects for which a phytosanitary certificate for introduction into the Union territory is necessary.
- (3) Commission Implementing Regulation (EU) 2019/2072 ⁽⁵⁾ lists plants, plant products and other objects for which a phytosanitary certificate for introduction into the Union territory is necessary, amongst which those previously listed in Annex V, part B, to Directive 2000/29/EC.

⁽¹⁾ OJ L 161, 30.4.2004, p. 128.

⁽²⁾ Commission Regulation (EC) No 1480/2004 of 10 August 2004 laying down specific rules concerning goods arriving from the areas not under the effective control of the Government of Cyprus in the areas in which the Government exercises effective control (OJ L 272, 20.8.2004, p. 3).

⁽³⁾ 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).

⁽⁴⁾ 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 (OJ L 317, 23.11.2016, p. 4).

⁽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).

- (4) It is therefore appropriate to amend Regulation (EC) No 1480/2004 in order to replace the references to Directive 2000/29/EC by references to Implementing Regulation (EU) 2019/2072.
- (5) It is also necessary to update all references to the provisions concerning the plant passports.
- (6) As, according to Article 4(4) of Regulation (EC) No 866/2004, the goods crossing the line are to be subject to the requirements and undergo the checks as required by the Union phytosanitary legislation as set out in Annex II to that Regulation, the inspections should aim to ascertain that the respective goods are free from the Union quarantine pests listed in Annex II to Implementing Regulation (EU) 2019/2072, comply with the thresholds for the presence of Union regulated non-quarantine pests listed in Annex IV to that Regulation, and comply with the requirements for introduction into the Union set out in Annex VII to that Regulation.
- (7) Regulation (EC) No 1480/2004 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1480/2004 is amended as follows:

- (1) Article 3 is replaced by the following:

'Article 3

Phytosanitary inspection and reporting

1. Independent phytosanitary experts appointed by the Commission, deployed under the Technical Assistance and Information Exchange instrument (TAIEX), and operating in coordination with the Turkish Cypriot Chamber of Commerce for the implementation of Regulation (EC) No 866/2004 ("the experts"), shall inspect all goods consisting of plants, plant products and other objects listed in Part A and Part B of Annex XI to Commission Implementing Regulation (EU) 2019/2072 (*) at the stages of production, of harvest and of marketing, to ascertain that they:

- (a) are free from the Union quarantine pests listed in Annex II to Regulation (EU) 2019/2072;
- (b) comply with the thresholds for the presence of Union regulated non-quarantine pests listed in Annex IV to Regulation (EU) 2019/2072;
- (c) comply with the requirements for introduction into the Union set out in Annex VII to that Regulation; and
- (d) comply with the measures to prevent the presence of regulated non-quarantine pests on specific plants for planting set out in Annex V to Regulation (EU) 2019/2072.

Where relevant, they shall also inspect all plants, plant products and other objects listed in Annex XII to Implementing Regulation (EU) 2019/2072, to ascertain that they are free from the respective protected zone quarantine pests listed in Annex III to that Regulation.

2. In the case of potatoes, the above experts shall verify that the potatoes in the consignment were grown directly from seed potatoes certified in one of the Member States or from seed potatoes certified in any other country for which the entry into the Union of potatoes intended for planting is not prohibited pursuant to Annex VI of Implementing Regulation (EU) 2019/2072.

3. If the experts, to the best of their knowledge and as far as can be determined, establish that the relevant plants, plant products or other objects in the consignment comply with the requirements of paragraphs 1 and 2 and with the relevant requirements and checks as set out in Annex II to Regulation (EC) No 866/2004, they shall:

- (a) establish a report of their findings, filled in completely and duly signed by at least one of the experts, using the form provided for in Annex III to this Regulation; and

(b) add that report, as a supplement, to the accompanying document referred to in Article 2 of this Regulation.

The experts shall not issue “Reports of Phytosanitary inspection” in respect of plants intended for planting, including tubers of *Solanum tuberosum* L intended for planting.

4. The experts shall consequently seal the lorries or other means of transport in such a way as to prevent any opening of the consignment until it crosses the line.

Commodities covered by this Article may only be moved across the line if points (a) and (b) of paragraph 3 are fulfilled.

5. Upon arrival in the areas in which the Government of the Republic of Cyprus exercises effective control, the competent authorities shall examine the consignment. Where applicable, the “Report of phytosanitary inspection” shall be replaced by a plant passport provided for Article 79(1) or Article 80(1) of Regulation (EU) 2016/2031 of the European Parliament and of the Council (**).

(*) 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).

(**) 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 (OJ L 317, 23.11.2016, p. 4).;

- (2) the fourth, fifth and sixth indents under point 10 of the model provided for in Annex III are replaced by the following:
- are considered to be free from Union quarantine pests listed in Annex II and, where appropriate, protected zone quarantine pests listed in Annex III, and comply with the thresholds concerning the presence of Union regulated non-quarantine pests listed in Annex IV to Regulation (EU) 2019/2072.
 - In the case of potatoes, that the potatoes in the consignment were grown directly from seed potatoes certified in one of the Member States or from seed potatoes certified in any other country for which the entry into the Union of potatoes intended for planting is not prohibited pursuant to Annex VI of Implementing Regulation (EU) 2019/2072.”

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*.

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

Done at Brussels, 6 July 2022.

For the Commission
The President
Ursula VON DER LEYEN