



2024/377

26.1.2024

COMMISSION IMPLEMENTING REGULATION (EU) 2024/377

of 25 January 2024

amending Implementing Regulation (EU) 2018/2019 as regards certain plants for planting of *Malus domestica* originating in Bosnia and Herzegovina

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(4), first subparagraph, thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2018/2019⁽²⁾ establishes, on the basis of a preliminary assessment, a list of high risk plants, plant products and other objects.
- (2) Following a preliminary assessment, 34 genera and one species of plants for planting originating from third countries were provisionally listed in Implementing Regulation (EU) 2018/2019 as high risk plants. One of the listed genera is *Malus* Mill.
- (3) On 13 January 2022, Bosnia and Herzegovina submitted to the Commission a request for export to the Union of up to two-year-old bare-rooted, dormant, free of leaves, grafted, plants for planting of *Malus domestica*. That request was supported by the relevant technical dossier.
- (4) On 19 September 2023, the European Food Safety Authority ('the Authority') adopted a scientific opinion regarding the commodity risk assessment of *Malus domestica* plants for planting from Bosnia and Herzegovina⁽³⁾. The Authority identified *Erwinia amylovora* as the pest relevant for those plants for planting. *Erwinia amylovora* is listed as a protected zone quarantine pest and a Union regulated non-quarantine pest in Annexes III and IV to Commission Implementing Regulation (EU) 2019/2072⁽⁴⁾.
- (5) On the basis of the Authority's scientific opinion, up to two-year-old bare-rooted, dormant, free of leaves, grafted plants for planting of *Malus domestica* originating in Bosnia and Herzegovina do not pose a risk of an unacceptable level by their likelihood to host a Union quarantine pest.
- (6) Therefore, those plants for planting should no longer be considered high-risk plants.
- (7) Implementing Regulation (EU) 2018/2019 should therefore be amended accordingly.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee for Plants, Animals, Food and Feed,

⁽¹⁾ OJ L 317, 23.11.2016, p. 4, <http://data.europa.eu/eli/reg/2016/2031/oj>.

⁽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, http://data.europa.eu/eli/reg_impl/2018/2019/oj).

⁽³⁾ EFSA PLH Panel (EFSA Panel on Plant Health), 2023. Commodity risk assessment of *Malus domestica* plants from Bosnia and Herzegovina. EFSA Journal, 21(10), 1–34. <https://doi.org/10.2903/j.efsa.2023.8315>

⁽⁴⁾ 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, http://data.europa.eu/eli/reg_impl/2019/2072/oj).

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Implementing Regulation (EU) 2018/2019 is amended in accordance with the Annex to this Regulation.

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 all Member States.

Done at Brussels, 25 January 2024.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

In the Annex to Implementing Regulation (EU) 2018/2019, in the table of point 1, in the second column 'Description', the entry for 'Malus Mill.' is replaced by the following:

'Malus Mill., other than:

- one- to two-year-old bare rooted, dormant, free of leaves, grafted plants for planting of *Malus domestica* originating in Serbia;
 - up to three-year-old bare-rooted, dormant, free of leaves, grafted plants for planting of *Malus domestica* originating in Moldova;
 - up to three-year-old bare-rooted, dormant, free of leaves, rootstocks of *Malus domestica* originating in Ukraine;
 - up to three-year-old bare-rooted, dormant, free of leaves, grafted plants for planting of *Malus domestica* originating in Ukraine;
 - up to one-year-old free of leaves, cuttings of *Malus domestica* originating in the United Kingdom;
 - up to seven-year-old plants for planting of *Malus domestica* originating in the United Kingdom;
 - up to seven-year-old plants for planting of *Malus sylvestris* with a maximum diameter of 40 mm at the base of the stem, originating in the United Kingdom; and
 - up to two-year-old bare-rooted, dormant, free of leaves, grafted, plants for planting of *Malus domestica*, originating in Bosnia and Herzegovina.'
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