

COMMISSION IMPLEMENTING REGULATION (EU) 2021/1936**of 9 November 2021****amending Implementing Regulation (EU) 2018/2019 as regards certain plants for planting of *Ficus carica* L. and *Persea americana* Mill. originating in Israel, amending Implementing Regulation (EU) 2020/1213 as regards the phytosanitary measures for the introduction of those plants for planting into the Union territory and correcting the latter Implementing Regulation**

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), third 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) 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 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 are the species *Ficus carica* L. and the genus *Persea* Mill.
- (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 the Annex to Implementing Regulation (EU) 2018/2019 and add it to the list referred to in Article 41(2) of Regulation (EU) 2016/2031.
- (5) 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 list established by the Annex to Implementing Regulation (EU) 2018/2019.

⁽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).

- (6) On 18 September 2019, Israel submitted to the Commission a request for export to the Union of bare-rooted, dormant, without leaves, one-year-old plants for planting with a maximum diameter of 2 cm at the base of the stem and one-year-old rooted cuttings without leaves of plants for planting with growing medium and with a maximum diameter of 1 cm at the base of the stem of *Ficus carica* L. That request was supported by the respective technical dossier.
- (7) On 26 November 2020, the European Food Safety Authority ('the Authority') adopted a scientific opinion regarding the commodity risk assessment of *Ficus carica* L. plants for planting from Israel ⁽⁵⁾. The Authority identified *Aonidiella orientalis*, *Colletotrichum siamense*, *Euwallacea fornicatus sensu lato*, *Hypothenemus lepriuri*, *Icerya aegyptiaca*, *Neocosmospora euwallaceae*, *Neoscytalidium dimidiatum*, *Nipaecoccus viridis*, *Oligonychus mangiferus*, *Phenacoccus solenopsis*, *Plicosepalus acaciae*, *Retithrips syriacus*, *Russellaspis pustulans*, *Scirtothrips dorsalis* and *Spodoptera frugiperda* 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 1 September 2019, Israel submitted to the Commission a request for export to the Union of rooted, with leaves, grafted plants for planting with growing medium and a maximum diameter of 1 cm at the base of the stem and unrooted cuttings of plants for planting of *Persea americana* Mill. That request was accompanied by the respective technical dossier.
- (9) On 26 November 2020, the Authority adopted a scientific opinion regarding the commodity risk assessment of *Persea americana* Mill. plants for planting from Israel ⁽⁶⁾. The Authority identified *Aonidiella orientalis*, *Aulacaspis tubercularis*, *Avocado sunblotch viroid*, *Bemisia tabaci*, *Colletotrichum aenigma*, *Colletotrichum alienum*, *Colletotrichum fructicola*, *Colletotrichum perseae*, *Colletotrichum siamense*, *Colletotrichum theobromicola*, *Euwallacea fornicatus*, *Icerya aegyptiaca*, *Lasiodiplodia pseudotheobromae*, *Maconellicoccus hirsutus*, *Milviscutulus mangiferae*, *Neocosmospora euwallaceae*, *Neoscytalidium dimidiatum*, *Nipaecoccus viridis*, *Oligonychus perseae*, *Paracoccus marginatus*, *Penthimiola bella*, *Pseudococcus cryptus*, *Pulvinaria psidii*, *Retithrips syriacus*, *Scirtothrips dorsalis* and *Tetraleurodes perseae* 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.
- (10) On the basis of those opinions, the necessary measures to address the risk of the specified pests should be adopted as phytosanitary import requirements, in order to ensure that the phytosanitary risk from introduction of the specified plants into the Union is reduced to an acceptable level. Therefore, bare-rooted, dormant, without leaves, one-year-old plants for planting with a maximum diameter of 2 cm at the base of the stem of *Ficus carica* L. and one-year-old rooted cuttings without leaves of plants for planting with growing medium and with a maximum diameter of 1 cm at the base of the stem of *Ficus carica* L., originating in Israel, and rooted, with leaves, grafted plants for planting with growing medium and a maximum diameter of 1 cm at the base of the stem of *Persea americana* Mill. and unrooted cuttings of plants for planting of *Persea americana* Mill., originating in Israel, should be removed from the Annex to Implementing Regulation (EU) 2018/2019 and the necessary phytosanitary import measures should be added to the Annex to Implementing Regulation (EU) 2020/1213.
- (11) Given the large number of pests identified for each of the specified plants and the uncertainties identified by the Authority, it is considered that the sole application of the measures proposed by Israel in the dossiers cannot reduce the risk from the introduction of the specified plants into the Union to an acceptable level. In order to reduce the phytosanitary risk to an acceptable level, and without prejudice to the import requirements set out in Annex VII to Commission Implementing Regulation (EU) 2019/2072 ⁽⁷⁾, those plants should be required to be grown in pest-free sites of production with physical protection against the introduction of the specified insect pests and be officially

⁽⁵⁾ EFSA PLH Panel (European Food Safety Authority Panel on Plant Health), Scientific Opinion on the commodity risk assessment of *Ficus carica* plants from Israel, EFSA Journal 2021;19(1):6353, <https://doi.org/10.2903/j.efsa.2021.6353>

⁽⁶⁾ EFSA PLH Panel, Scientific Opinion on the commodity risk assessment of *Persea americana* from Israel, EFSA Journal 2021;19(2):6354, <https://doi.org/10.2903/j.efsa.2021.6354>

⁽⁷⁾ 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).

inspected to detect those pests. In addition, with regard to unrooted cuttings of plants for planting of *Persea americana* Mill. originating in Israel, for which the maximum diameter at the base of the stem is not specified in the dossier, a maximum diameter of 2 cm at the base of the stem should be accepted for such plants presented for import into the Union. The inspection of consignments of the specified plants immediately prior to export should also be strengthened compared to the inspection indicated by the dossiers submitted by Israel.

- (12) *Bemisia tabaci*, *Euwallacea fornicatus sensu lato* (belongs to the family of Scolytidae (non-European)), *Hypothenemus leprieuri* (belongs to the family of Scolytidae (non-European)), *Scirtothrips dorsalis* and *Spodoptera frugiperda* are listed as Union quarantine pests in Annex II to Implementing Regulation (EU) 2019/2072. *Aonidiella orientalis*, *Aulacaspis tubercularis*, *Avocado sunblotch viroid*, *Colletotrichum aenigma*, *Colletotrichum alienum*, *Colletotrichum fructicola*, *Colletotrichum perseae*, *Colletotrichum siamense*, *Colletotrichum theobromicola*, *Icerya aegyptiaca*, *Lasiodiplodia pseudotheobromae*, *Maconellicoccus hirsutus*, *Milviscutulus mangiferae*, *Neocosmospora euwallaceae*, *Neoscytalidium dimidiatum*, *Nipaecoccus viridis*, *Oligonychus mangiferus*, *Oligonychus perseae*, *Paracoccus marginatus*, *Penthimiola bella*, *Phenacoccus solenopsis*, *Plicosepalus acaciae*, *Pseudococcus cryptus*, *Pulvinaria psidii*, *Retithrips syriacus*, *Russellaspis pustulans* and *Tetraleurodes perseae* are not yet included in the list of Union quarantine pests in Annex II to Implementing Regulation (EU) 2019/2072, but they may fulfil the conditions to be included once a complete risk assessment is carried out. For this reason, the above phytosanitary measures are also necessary concerning those pests until a complete risk assessment is carried out.
- (13) Implementing Regulations (EU) 2018/2019 and (EU) 2020/1213 should therefore be amended accordingly.
- (14) The Annex to Implementing Regulation (EU) 2020/1213 contains several errors when referring to other Union plant health legislation.
- (15) Implementing Regulation (EU) 2020/1213 should therefore be corrected accordingly.
- (16) In order to comply with 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. Therefore, this Regulation should enter into force on the third day following that of its publication in the *Official Journal of the European Union*.
- (17) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to 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

Amendments and corrections to Implementing Regulation (EU) 2020/1213

The Annex to Implementing Regulation (EU) 2020/1213 is amended and corrected 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 November 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

Point 1, table, second column 'Description', of the Annex to Implementing Regulation (EU) 2018/2019 is amended as follows:

- (1) the entry for '*Ficus carica* L.' is replaced by the following:

'*Ficus carica* L., other than bare-rooted, dormant, without leaves, one-year-old plants for planting with a maximum diameter of 2 cm at the base of the stem of *Ficus carica* L., and one-year-old rooted cuttings without leaves of plants for planting with growing medium and with a maximum diameter of 1 cm at the base of the stem of *Ficus carica* L., originating in Israel';

- (2) the entry for '*Persea* Mill.' is replaced by the following:

'*Persea* Mill., other than rooted, with leaves, grafted plants for planting with growing medium and a maximum diameter of 1 cm at the base of the stem of *Persea americana* Mill., and unrooted cuttings of plants for planting with a maximum diameter of 2 cm of *Persea americana* Mill., originating in Israel'.

ANNEX II

PART A

The table in the Annex to Implementing Regulation (EU) 2020/1213 is amended as follows:

- (1) the following entry is inserted after the second entry for *Albizia julibrissin* Durazzini, bare rooted, dormant grafted plants for planting with a maximum diameter of 2,5 cm:

Plants, plant products or other objects	CN Code	Third countries of origin	Measures
' <i>Ficus carica</i> L, bare-rooted, dormant, without leaves, one-year-old plants for planting with a maximum diameter of 2 cm at the base of the stem, and one-year-old rooted cuttings without leaves of plants for planting with growing medium and with a maximum diameter of 1 cm at the base of the stem	ex 0602 20 20 ex 0602 20 80 ex 0602 90 45 ex 0602 90 46 ex 0602 90 48 ex 0602 90 50 ex 0602 90 70	Israel	(a) Official statement that: (i) the plants are free from <i>Aonidiella orientalis</i> , <i>Colletotrichum siamense</i> , <i>Euwallacea fornicatus sensu lato</i> , <i>Hypothenemus leprieuri</i> , <i>Icerya aegyptiaca</i> , <i>Neocosmospora euwallaceae</i> , <i>Neoscytalidium dimidiatum</i> , <i>Nipaecoccus viridis</i> , <i>Oligonychus mangiferus</i> , <i>Phenacoccus solenopsis</i> , <i>Plicosepalus acaciae</i> , <i>Retithrips syriacus</i> , <i>Russellaspis pustulans</i> , <i>Scirtothrips dorsalis</i> and <i>Spodoptera frugiperda</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 plants have been grown throughout their life in a site with physical protection against the introduction of <i>Aonidiella orientalis</i> , <i>Icerya aegyptiaca</i> , <i>Nipaecoccus viridis</i> , <i>Oligonychus mangiferus</i> , <i>Phenacoccus solenopsis</i> , <i>Retithrips syriacus</i> and <i>Russellaspis pustulans</i> , which has been subjected to official inspections every 45 days and has been found free from all the pests listed in point (i); in case of suspicion of the presence of any pest listed in point (i) at the site of production, appropriate treatments have been carried out to ensure the absence of the pests; and (iv) immediately prior to export, consignments of the plants have been subjected to an official inspection for the presence of <i>Aonidiella orientalis</i> , <i>Icerya aegyptiaca</i> , <i>Nipaecoccus viridis</i> , <i>Oligonychus mangiferus</i> , <i>Phenacoccus solenopsis</i> , <i>Plicosepalus acaciae</i> , <i>Retithrips syriacus</i> and <i>Russellaspis pustulans</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> and <i>Neoscytalidium dimidiatum</i> including random sampling and testing of the plants;

			<p>(b) the phytosanitary certificates for those plants shall include under the heading “Additional Declaration”:</p> <p>(i) the following statement: “The consignment complies with Commission Implementing Regulation (EU) 2020/1213”;</p> <p>(ii) the specification of the registered production site(s).’</p>
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- (2) the following entries are inserted after the entry for *Jasminum polyanthum* Franchet, unrooted cuttings of plants for planting:

Plants, plant products or other objects	CN Code	Third countries of origin	Measures
‘ <i>Persea americana</i> Mill., rooted, with leaves, grafted plants for planting with growing medium and with a maximum diameter of 1 cm at the base of the stem	ex 0602 90 41 ex 0602 90 45 ex 0602 90 48 ex 0602 90 50	Israel	<p>(a) Official statement that:</p> <p>(i) the plants are free from <i>Aonidiella orientalis</i>, <i>Aulacaspis tubercularis</i>, <i>Avocado sunblotch viroid</i>, <i>Bemisia tabaci</i>, <i>Colletotrichum aenigma</i>, <i>Colletotrichum alienum</i>, <i>Colletotrichum fruticola</i>, <i>Colletotrichum perseae</i>, <i>Colletotrichum siamense</i>, <i>Colletotrichum theobromicola</i>, <i>Euwallacea fornicatus sensu lato</i>, <i>Icerya aegyptiaca</i>, <i>Lasiodiplodia pseudotheobromae</i>, <i>Maconellicoccus hirsutus</i>, <i>Milviscutulus mangiferae</i>, <i>Neocosmospora euwallaceae</i>, <i>Neoscytalidium dimidiatum</i>, <i>Nipaecoccus viridis</i>, <i>Oligonychus perseae</i>, <i>Paracoccus marginatus</i>, <i>Penthimiola bella</i>, <i>Pseudococcus cryptus</i>, <i>Pulvinaria psidii</i>, <i>Retithrips syriacus</i>, <i>Scirtothrips dorsalis</i> and <i>Tetraleurodes perseae</i>;</p> <p>(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;</p> <p>(iii) the plants have been grown throughout their life in a site with physical protection against the introduction of <i>Aonidiella orientalis</i>, <i>Aulacaspis tubercularis</i>, <i>Icerya aegyptiaca</i>, <i>Maconellicoccus hirsutus</i>, <i>Milviscutulus mangiferae</i>, <i>Nipaecoccus viridis</i>, <i>Oligonychus perseae</i>, <i>Paracoccus marginatus</i>, <i>Penthimiola bella</i>, <i>Pseudococcus cryptus</i>, <i>Pulvinaria psidii</i>, <i>Retithrips syriacus</i> and <i>Tetraleurodes perseae</i>, which has been subjected to official inspections every 45 days and has been found free from all the pests listed in point (i); in case of suspicion of the presence of any pest listed in point (i) at the site of production, appropriate treatments have been carried out to ensure the absence of the pests; and</p> <p>(iv) immediately prior to export, consignments of the plants have been subjected to an official inspection for the presence of <i>Aonidiella orientalis</i>, <i>Aulacaspis tubercularis</i>, <i>Icerya aegyptiaca</i>, <i>Maconellicoccus</i></p>

			<p><i>hirsutus</i>, <i>Milviscutulus mangiferae</i>, <i>Nipaecoccus viridis</i>, <i>Oligonychus perseae</i>, <i>Paracoccus marginatus</i>, <i>Penthimiola bella</i>, <i>Pseudococcus cryptus</i>, <i>Pulvinaria psidii</i>, <i>Retithrips syriacus</i> and <i>Tetraleurodes perseae</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 Avocado sunblotch viroid, <i>Colletotrichum aenigma</i>, <i>Colletotrichum alienum</i>, <i>Colletotrichum fructicola</i>, <i>Colletotrichum perseae</i>, <i>Colletotrichum siamense</i>, <i>Colletotrichum theobromicola</i>, <i>Lasiodiplodia pseudotheobromae</i>, <i>Neoscytalidium dimidiatum</i> including random sampling and testing of the plants;</p> <p>(b) the phytosanitary certificates for those plants shall include under the heading "Additional Declaration":</p> <p>(i) the following statement: "The consignment complies with Commission Implementing Regulation (EU) 2020/1213";</p> <p>(ii) the specification of the registered production sites(s).</p>
<i>Persea americana</i> Mill., unrooted cuttings of plants for planting with a maximum diameter of 2 cm	ex 0602 10 90	Israel	<p>(a) Official statement that:</p> <p>(i) the plants are free from <i>Aonidiella orientalis</i>, <i>Aulacaspis tubercularis</i>, Avocado sunblotch viroid, <i>Colletotrichum aenigma</i>, <i>Colletotrichum alienum</i>, <i>Colletotrichum fructicola</i>, <i>Colletotrichum perseae</i>, <i>Colletotrichum siamense</i>, <i>Colletotrichum theobromicola</i>, <i>Euiwallacea fornicatus sensu lato</i>, <i>Icerya aegyptiaca</i>, <i>Lasiodiplodia pseudotheobromae</i>, <i>Maconellicoccus hirsutus</i>, <i>Milviscutulus mangiferae</i>, <i>Neocosmospora euwallaceae</i>, <i>Neoscytalidium dimidiatum</i>, <i>Nipaecoccus viridis</i>, <i>Oligonychus perseae</i>, <i>Paracoccus marginatus</i>, <i>Pseudococcus cryptus</i>, <i>Pulvinaria psidii</i>, <i>Retithrips syriacus</i> and <i>Scirtothrips dorsalis</i>;</p> <p>(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;</p> <p>(iii) the plants have been grown throughout their life in a site with physical protection against the introduction of <i>Aonidiella orientalis</i>, <i>Aulacaspis tubercularis</i>, <i>Icerya aegyptiaca</i>, <i>Maconellicoccus hirsutus</i>, <i>Milviscutulus mangiferae</i>, <i>Nipaecoccus viridis</i>, <i>Oligonychus perseae</i>, <i>Paracoccus marginatus</i>, <i>Pseudococcus cryptus</i>, <i>Pulvinaria psidii</i> and <i>Retithrips syriacus</i>, which has been subjected to official inspections every 45 days and has been found free from all the pests listed in point (i); in case of suspicion of the presence of any pest listed in point (i) at the</p>

			<p>site of production, appropriate treatments have been carried out to ensure the absence of the pests; and</p> <p>(iv) immediately prior to export, consignments of the plants have been subjected to an official inspection for the presence of <i>Aonidiella orientalis</i>, <i>Aulacaspis tubercularis</i>, <i>Icerya aegyptiaca</i>, <i>Maconellicoccus hirsutus</i>, <i>Milviscutulus mangiferae</i>, <i>Nipaecoccus viridis</i>, <i>Oligonychus perseae</i>, <i>Paracoccus marginatus</i>, <i>Pseudococcus cryptus</i>, <i>Pulvinaria psidii</i> and <i>Retithrips syriacus</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>Avocado sunblotch viroid</i>, <i>Colletotrichum aenigma</i>, <i>Colletotrichum alienum</i>, <i>Colletotrichum fructicola</i>, <i>Colletotrichum perseae</i>, <i>Colletotrichum siamense</i>, <i>Colletotrichum theobromicola</i>, <i>Lasiodiplodia pseudotheobromae</i>, <i>Neoscytalidium dimidiatum</i> including random sampling and testing of the plants;</p> <p>(b) the phytosanitary certificates for those plants shall include under the heading "Additional Declaration":</p> <p>(i) the following statement: "The consignment complies with Commission Implementing Regulation (EU) 2020/1213";</p> <p>(ii) the specification of the registered production site(s).'</p>
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PART B

The table in the Annex to Implementing Regulation (EU) 2020/1213 is corrected as follows:

- (1) in the two entries for *Acer japonicum* Thunberg, *Acer palmatum* Thunberg and *Acer shirasawanum* Koidzumi, bare rooted, dormant, free of leaves, grafted or budded, one- to three- year old plants for planting, in the fourth column 'Measures', in point(b)(i), the reference 'Commission Implementing Regulation (EU) 2020/1362' is replaced by 'Commission Implementing Regulation (EU) 2020/1213';
- (2) in the entry for *Jasminum polyanthum* Franchet, unrooted cuttings of plants for planting, in the fourth column 'Measures', in point(b)(i), the reference 'Commission Implementing Regulation (EU) 2021/419' is replaced by 'Commission Implementing Regulation (EU) 2020/1213'.