



2024/2852

12.11.2024

COMMISSION IMPLEMENTING REGULATION (EU) 2024/2852

of 11 November 2024

establishing a derogation from Implementing Regulation (EU) 2019/2072 as regards the requirements for the introduction into the Union territory of naturally or artificially dwarfed plants for planting of *Chamaecyparis* Spach, *Juniperus* L. and certain species of *Pinus* L., originating in Japan and repealing Implementing Regulation (EU) 2020/1217

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 Articles 40(2) and 41(2) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2019/2072⁽²⁾ establishes a list of plants, plant products and other objects whose introduction into the Union territory from certain third countries is prohibited. In accordance with point 1 of Annex VI to that Regulation, the introduction into the Union territory of plants for planting of *Chamaecyparis* Spach, *Juniperus* L. and *Pinus* L., other than fruit and seeds, is prohibited.
- (2) Commission Implementing Regulation (EU) 2020/1217⁽³⁾ allows, by way of derogation from point 1 of Annex VI to Implementing Regulation (EU) 2019/2072, under certain conditions, the introduction into the Union of naturally or artificially dwarfed plants for planting of *Chamaecyparis* Spach, *Juniperus* L. and certain species of *Pinus* L., originating in Japan (the 'specified plants').
- (3) Certain Union quarantine pests like *Gymnosporangium* spp. have two taxonomically different hosts for their different spore stages. Therefore, in order to ensure that the pests of concern are absent from the area, in the case of export of *Juniperus* plants, it is appropriate to introduce requirements for inspections also for *Chaenomeles* Lindl., *Crataegus* L., *Cydonia* Mill., *Juniperus* L., *Malus* Mill., *Photinia* Ldl. and *Pyrus* L. plants, originating in the same place of production but not necessarily destined for export to the Union.
- (4) In accordance with Article 3 of Implementing Regulation (EU) 2020/1217, the derogation provided for in that Implementing Regulation expires on 31 December 2024.
- (5) On 29 March 2024, Japan requested an extension for the derogation provided for in Implementing Regulation (EU) 2020/1217.
- (6) Following the recent interceptions of *Matsucoccus matsumurae* (Kuwana) and *Homona magnanima* Dyakonov on dwarfed *Pinus* plants from Japan, these pests should also be considered pests of concern, pending their evaluation as potential Union quarantine pests.

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

⁽²⁾ 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, ELI: http://data.europa.eu/eli/reg_impl/2019/2072/oj).

⁽³⁾ Commission Implementing Regulation (EU) 2020/1217 of 25 August 2020 on a derogation from Implementing Regulation (EU) 2019/2072 concerning the introduction into the Union of naturally or artificially dwarfed plants for planting of *Chamaecyparis* Spach, *Juniperus* L. and certain species of *Pinus* L., originating in Japan, and repealing Decision 2002/887/EC (OJ L 277, 26.8.2020, p. 6, ELI: http://data.europa.eu/eli/reg_impl/2020/1217/oj).

- (7) Moreover, the Opinion of the European Food Safety Authority (EFSA) of 15 March 2019 ⁽⁴⁾ concluded that the plants of *Chamaecyparis* Spach and *Pinus parviflora* Sieb. & Zucc. (*Pinus pentaphylla* Mayr) are also hosts to the pest *Urocerus japonicus* (F. Sm.). For this reason, that pest should also be considered a pest of concern for those plants and be subject to appropriate measures.
- (8) The introduction of the specified plants into the Union, subject to the requirements of Implementing Regulation (EU) 2020/1217, as effectively applied by Japan, has presented an acceptable phytosanitary risk for the Union territory. Therefore, the derogation should be granted again.
- (9) That derogation should be subject to similar requirements as those that were set out in Implementing Regulation (EU) 2020/1217. Those requirements should apply without prejudice to point 30 of Annex VII to Implementing Regulation (EU) 2019/2072, concerning the introduction into the Union territory of naturally or artificially dwarfed plants for planting other than seeds.
- (10) Several of the pests hosted by the specified plants, and in particular the pests *Coleosporium asterum* (Dietel) Sydow & P. Sydow, *Coleosporium paederiae* Dietel ex Hirats. f., *Coleosporium phellodendri* Komarov, *Crisicoccus pini* (Kuwana), *Dendrolimus spectabilis* (Butler), *Dendrolimus superans* Butler, *Matsucoccus matsumurae* (Kuwana), *Sirex nitobei* Mats., *Thecodiplosis japonensis* Uchida & Inouye and *Urocerus japonicus* (F. Sm.), are not yet listed as Union quarantine pests, because their phytosanitary risk has not yet been fully assessed. Therefore, as this Regulation addresses a particular phytosanitary risk which is not yet fully assessed, the requirements it provides should be of a temporary nature pursuant to Article 7 of Implementing Regulation (EU) 2019/2072, in order to allow for a full review of that risk.
- (11) *Homona magnanima* is hosted by the specified plants. In accordance with Commission Implementing Regulation (EU) 2022/1941 ⁽⁵⁾, it is not to be introduced into, moved within, or held, multiplied or released in the Union territory as a pest subject to measures referred to in Article 30 of Regulation (EU) 2016/2031.
- (12) For reasons of legal certainty, Implementing Regulation (EU) 2020/1217 should be repealed and replaced by the provisions of this Regulation.
- (13) 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

Definitions

For the purposes of this Regulation, the following definitions apply:

- (1) 'specified plants' means naturally or artificially dwarfed plants for planting, originating in Japan, of the following species:
 - (a) *Chamaecyparis* sp. Spach;
 - (b) *Juniperus* L.;
 - (c) *Pinus parviflora* Sieb. & Zucc. (*Pinus pentaphylla* Mayr);
 - (d) *Pinus thunbergii* Parl.;

⁽⁴⁾ EFSA Panel on Plant Health, 2019. Scientific Opinion on the commodity risk assessment of black pine (*Pinus thunbergii* Parl.) bonsai from Japan. *EFSA Journal* 2019;17(5):5667, 184 pp. <https://doi.org/10.2903/j.efsa.2019.5667>.

⁽⁵⁾ Commission Implementing Regulation (EU) 2022/1941 of 13 October 2022 on the prohibition of introduction, movement, holding, multiplication or release of certain pests pursuant to Article 30(1) of Regulation (EU) 2016/2031 of the European Parliament and of the Council (OJ L 268, 14.10.2022, p. 13; ELI: http://data.europa.eu/eli/reg_impl/2022/1941/oj).

- (e) *Pinus parviflora* Sieb. & Zucc. grafted on a rootstock of another *Pinus* species, originating in Japan;
 - (f) *Pinus thunbergii* Parl. grafted on a rootstock of another *Pinus* species, originating in Japan;
- (2) 'pest of concern' means:
- (a) for all specified plants:
 - any Union quarantine pest, protected zone quarantine pest or pest subject to the measures referred to in Article 30 of Regulation (EU) 2016/2031;
 - (b) for *Pinus parviflora* Sieb. & Zucc. (*Pinus pentaphylla* Mayr) plants, the pests referred to in point (a) and any of the following pests:
 - (i) *Coleosporium paederiae* Dietel ex Hirats. f.;
 - (ii) *Crisicoccus pini* (Kuwana);
 - (iii) *Dendrolimus spectabilis* (Butler);
 - (iv) *Dendrolimus superans* Butler;
 - (v) *Matsucoccus matsumurae* (Kuwana);
 - (vi) *Thecodiplosis japonensis* Uchida & Inouye;
 - (vii) *Urocerus japonicus* (F. Sm.);
 - (c) for *Pinus thunbergii* Parl. plants, the pests referred to in point (a) and any of the following pests:
 - (i) *Coleosporium asterum* (Dietel) Sydow & P. Sydow;
 - (ii) *Coleosporium phellodendri* Komarov;
 - (iii) *Crisicoccus pini* (Kuwana);
 - (iv) *Dendrolimus spectabilis* (Butler);
 - (v) *Dendrolimus superans* Butler;
 - (vi) *Matsucoccus matsumurae* (Kuwana);
 - (vii) *Sirex nitobei* Mats.;
 - (viii) *Thecodiplosis japonensis* Uchida & Inouye;
 - (ix) *Urocerus japonicus* (F. Sm.);
 - (d) for *Chamaecyparis* sp. Spach, plants, the pests referred to in point (a) and *Urocerus japonicus* (F. Sm.).

Article 2

Derogation from the prohibition to introduce the specified plants into the Union territory

1. By way of derogation from point 1 of Annex VI to Implementing Regulation (EU) 2019/2072, the specified plants shall be allowed to be introduced into the Union territory if they comply with the requirements set out in the Annex to this Regulation.
2. Paragraph 1 shall apply to the specified plants introduced into the Union territory in the following periods:
 - (a) for *Chamaecyparis*: from 1 January 2025 to 31 December 2028;
 - (b) for *Juniperus*: from 1 November to 31 March of each year until 31 December 2028;
 - (c) for *Pinus parviflora* Sieb. & Zucc. (*Pinus pentaphylla* Mayr) and *Pinus parviflora* Sieb. & Zucc. grafted on a rootstock of another *Pinus* species, originating in Japan: from 1 January 2025 to 31 December 2028;
 - (d) for *Pinus thunbergii* Parl. and *Pinus thunbergii* Parl. grafted on a rootstock of another *Pinus* species, originating in Japan: from 1 January 2025 to 31 December 2028.

*Article 3***Confirmed presence of a pest of concern during the post-entry detention period**

Member States shall notify the Commission, the other Member States and Japan of any pest of concern confirmed during entry or during the post-entry detention period referred to in point 2.1 of the Annex.

Where a pest of concern is detected, all specified plants from the nursery from which the infected/infested plant originated, shall not be allowed to be introduced into the Union territory until the renewal of nursery authorisation referred to in point 1.5 of the Annex.

*Article 4***Repeal of Implementing Regulation (EU) 2020/1217**

Implementing Regulation (EU) 2020/1217 is repealed.

*Article 5***Entry into force**

This Regulation shall enter into force on the twentieth 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, 11 November 2024.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

REQUIREMENTS FOR THE INTRODUCTION INTO THE UNION TERRITORY OF THE SPECIFIED PLANTS AS REFERRED TO IN ARTICLE 2**1. Requirements for Japan**

- 1.1. In the case where the specified plants are *Pinus parviflora* Sieb. & Zucc. or *Pinus thunbergii* Parl. grafted on a rootstock of another *Pinus* species, the rootstock shall not bear any shoots.
- 1.2. Prior to export to the Union, the specified plants shall have been grown, held and trained for at least two consecutive years in authorised nurseries, which are subject to a control regime by the National Plant Protection Organisation of Japan ('NPPO') and specifically authorised by the NPPO for the purpose of export to the Union. The annual lists of the authorised nurseries shall be made available to the Commission by 31 October of each year. Those lists shall include the number of plants grown in each of these nurseries, as far as they are deemed suitable for introduction into the Union territory.
- 1.3. In the case of export of *Juniperus* plants, also the plants of the genera *Chaenomeles* Lindl., *Crataegus* L., *Cydonia* Mill., *Juniperus* L., *Malus* Mill., *Photinia* Ldl. and *Pyrus* L. which have been grown in the last two years prior to export in the authorised nurseries mentioned in point 1.2 and in their immediate vicinity, shall have been officially inspected at least six times a year at appropriate intervals for the presence of the pests of concern. In the case of *Chamaecyparis* and *Pinus* plants, the plants of the genus *Chamaecyparis* Spach and of the genus *Pinus* L. which have been grown in those authorised nurseries and in their immediate vicinity, shall have been officially inspected at least six times a year at appropriate intervals, for the presence of the respective pests of concern.
- 1.4. The specified plants shall have been found free, in those inspections, from the pests of concern.

Infested plants shall be removed by the NPPO, or the competent national bodies or professional operators under the official supervision of the NPPO. The remaining specified plants shall be effectively treated and held for an appropriate period and inspected to ensure freedom from those pests.

Any detection of pests of concern, during the inspections carried out pursuant to point 1.3, shall be officially recorded, and the records shall be made available to the Commission, upon request. The NPPO shall inform immediately the Commission of the detection of the pests of concern.

Any detection of the pests of concern, during the inspections carried out pursuant to point 1.3 and point 2.1, shall lead to immediate removal by the NPPO of the nursery from the list of authorised nurseries as referred to in point 1.2.

- 1.5. The NPPO may only renew the authorisation of a nurseries removed from the list of authorized nurseries at the earliest in the following year.
- 1.6. The specified plants intended for export to the Union, shall, at least during the period of two consecutive years referred to in point 1.2:
 - (a) be potted in pots which are placed either on shelves at least 50 cm above ground, or onto concrete flooring, impenetrable for nematodes, which is well maintained and free from debris;
 - (b) be found free, in the inspections referred to in point 1.3, from the pests of concern;
 - (c) be made recognisable with a marking or a traceability code, exclusive for each individual plant and notified to the NPPO, enabling the identification of the officially authorised nursery and the year of potting; and
 - (d) if they belong to the genus *Pinus* L. and in the case of grafting on a rootstock of a *Pinus* species other than *Pinus parviflora* Sieb. & Zucc. or *Pinus thunbergii* Parl., have a rootstock derived from sources officially approved as healthy.

- 1.7. The specified plants shall be traceable from the time of their removal from the nursery until the time of loading for export, through sealing of transport vehicles or appropriate alternatives.
- 1.8. The specified plants and the adhering or associated growing medium ('the material') shall be accompanied by a phytosanitary certificate, issued by the NPPO, attesting compliance with the requirements specified in points 1.1 to 1.7 of this Annex, and in point 30 of Annex VII to Implementing Regulation (EU) 2019/2072.

That certificate shall indicate:

- (a) the name or the names of the authorised nursery or authorised nurseries;
- (b) the markings or traceability codes referred to in point 1.6 (c), as far as they enable identification of the authorised nursery and the year of potting;
- (c) the specification of the last treatment applied, prior to dispatch, if any;
- (d) under 'Additional Declaration', the statement 'This consignment meets the requirements laid down in Commission Implementing Regulation (EU) 2024/2852'.

2. Requirements for the Member States

- 2.1. Following their entry into the Union territory, the specified plants shall be subject to official post-entry detention in a confinement facility or quarantine station for a period of not less than three months of active growth.

In the case of *Juniperus* plants, the detention period shall cover the period from 1 April until 30 June.

The material shall also be found free, during and at the end of that detention period, from any pests of concern. Particular attention shall be given by the competent authority or the professional operators to preserve the marking or traceability code, referred to in point 1.6 (c), for each plant.

- 2.2. Any lot containing material which has not been found free from the pests of concern during the post-entry detention period referred to in point 2.1, shall immediately be destroyed by the competent authority or the professional operator under the official supervision of the competent authority.