

COMMISSION IMPLEMENTING REGULATION (EU) 2022/1404

of 16 August 2022

amending Implementing Regulation (EU) 2018/2019 as regards certain plants for planting of *Lonicera* L., originating in Turkey and certain plants for planting of *Malus domestica*, originating in Moldova

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 risk 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, 34 genera and one species of plants for planting, originating from third countries, were included in the Annex to Implementing Regulation (EU) 2018/2019 as high risk plants. Among these are also the genera *Lonicera* L. and *Malus* Mill.
- (4) On 27 November 2019, Turkey submitted to the Commission a request for export to the Union of two- to four-year-old rooted plants for planting in pots of *Lonicera x bella*, *Lonicera caprifolium*, *Lonicera caucasica*, *Lonicera etrusca*, *Lonicera fragrantissima*, *Lonicera hellenica*, *Lonicera japonica*, *Lonicera ligustrina*, *Lonicera sempervirens* and *Lonicera tatarica* (hereafter referred to as 'the specified species of *Lonicera*'). That request was supported by the relevant technical dossier.
- (5) On 25 November 2021, the European Food Safety Authority ('the Authority') adopted a scientific opinion regarding the commodity risk assessment of the specified species of *Lonicera* potted plants for planting from Turkey⁽⁴⁾. That scientific opinion covers the risk assessment of the specified species of *Lonicera* potted plants for planting that are maximum four years old. The Authority identified *Lopholeucaspis japonica*, *Meloidogyne chitwoodi* and *Bemisia tabaci* (European populations) as pests relevant for those plants for planting, evaluated the risk mitigation measures

⁽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⁾ EFSA PLH Panel (EFSA Panel on Plant Health), 2022. Scientific report on the commodity risk assessment of specified species of *Lonicera* potted plants from Turkey. *EFSA Journal* 2022;20(1):7014, 56 pp. <https://doi.org/10.2903/j.efsa.2022.7014>

described in the dossier for those pests and estimated the likelihood of freedom from those pests. *Lopholeucaspis japonica* and *Meloidogyne chitwoodi* are listed as Union quarantine pests in Annex II to Commission Implementing Regulation (EU) 2019/2072 ⁽⁵⁾, while *Bemisia tabaci* (European populations) is a protected zone quarantine pest in accordance with Annex III to that Implementing Regulation.

- (6) On 4 March 2020, Moldova submitted to the Commission a request for export to the Union of one- to three-year-old bare-rooted grafted plants for planting of *Malus domestica* that are dormant and free of leaves. That request was supported by the relevant technical dossier.
- (7) On 22 February 2022, the Authority adopted a scientific opinion regarding the commodity risk assessment of grafted plants for planting of *Malus domestica* from Moldova ⁽⁶⁾. The Authority identified *Xiphinema rivesi* (non-EU populations) as a pest relevant for those plants for planting, evaluated the risk mitigation measures described in the dossier for that pest and estimated the likelihood of freedom from that pest. *Xiphinema rivesi* (non-EU populations) is a Union quarantine pest in accordance with Annex II to Implementing Regulation (EU) 2019/2072.
- (8) On the basis of those opinions, the phytosanitary risk from the introduction into the Union of up to four-year-old rooted plants for planting in growing medium of *Lonicera x bella*, *Lonicera caprifolium*, *Lonicera caucasica*, *Lonicera etrusca*, *Lonicera fragrantissima*, *Lonicera hellenica*, *Lonicera ligustrina*, *Lonicera sempervirens* and *Lonicera tatarica*, originating in Turkey and up to three-year-old bare-rooted, dormant, free of leaves, grafted plants for planting of *Malus domestica*, originating in Moldova, is considered to be acceptable subject to compliance with the corresponding special import requirements set out in Annex VII to Implementing Regulation (EU) 2019/2072.
- (9) As a consequence, those plants for planting should no longer be considered high risk plants and they should be removed from the list of high risk plants, plant products and other objects in the Annex to Implementing Regulation (EU) 2018/2019.
- (10) Implementing Regulation (EU) 2018/2019 should therefore be amended accordingly.
- (11) Considering the invasive nature of *Lonicera japonica*, further risk assessment is required to determine its impact on biodiversity in the Union. Therefore, import of *Lonicera japonica* plants for planting into the Union from all third countries should remain prohibited until that risk assessment has been carried out.
- (12) In order to comply with the Union obligations deriving from the World Trade Organization agreement on the application of sanitary and phytosanitary measures ⁽⁷⁾, the import of the specified species of *Lonicera* L. other than *Lonicera japonica*, originating in Turkey and up to three-year-old bare-rooted, dormant, free of leaves, grafted plants for planting of *Malus domestica*, originating in Moldova, should resume as fast as possible. Therefore, this Regulation should enter into force on the third day following that of its publication.

⁽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).

⁽⁶⁾ EFSA PLH Panel (EFSA Panel on Plant Health), 2022. Scientific Opinion on the commodity risk assessment of grafted plants of *Malus domestica* from Moldova. *EFSA Journal* 2022;20 (3):7021, 39 pp. <https://doi.org/10.2903/j.efsa.2022.7201>

⁽⁷⁾ Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), (adopted on 15 April 1994, entered into force on 1 January 1995; UNTS volume 1867, p. 493) World Trade Organization, https://www.wto.org/english/tratop_e/sps_e/spsagr_e.htm

- (13) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee for Plants, Animals, Food and Feed,

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, 16 August 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

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

(1) the entry 'Lonicera L.' is replaced by the following:

'Lonicera L. other than up to four-year-old rooted plants for planting in growing medium of *Lonicera x bella*, *Lonicera caprifolium*, *Lonicera caucasica*, *Lonicera etrusca*, *Lonicera fragrantissima*, *Lonicera hellenica*, *Lonicera ligustrina*, *Lonicera sempervirens* and *Lonicera tatarica*, originating in Turkey';

(2) the entry 'Malus Mill., other than one- to two-year-old bare rooted, dormant, grafted plants for planting of *Malus domestica* originating in Serbia' 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; and
 - up to three-year-old bare-rooted, dormant, free of leaves, grafted plants for planting of *Malus domestica*, originating in Moldova'.
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