



2024/1457

29.5.2024

COMMISSION IMPLEMENTING REGULATION (EU) 2024/1457

of 27 May 2024

amending Implementing Regulation (EU) 2018/2019 as regards certain plants for planting of *Prunus persica*, *Prunus dulcis*, *Prunus armeniaca* and *Prunus davidiana* originating in Türkiye and Implementing Regulation (EU) 2020/1213 as regards the phytosanitary measures for the introduction of those plants for planting into the Union territory

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 risk 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 are provisionally listed in the Annex to Implementing Regulation (EU) 2018/2019 as high risk plants. One of the listed genera is *Prunus* L.
- (3) Commission Implementing Regulation (EU) 2020/1213⁽³⁾ 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 Annex to Implementing Regulation (EU) 2018/2019, but for which phytosanitary risks are not yet fully assessed. This is because one or more pests hosted by those plants are not yet included in the list of Union quarantine pests of Commission Implementing Regulation (EU) 2019/2072⁽⁴⁾, but they may fulfil the conditions to be included following a further complete risk assessment.
- (4) On 29 January 2020, Türkiye submitted to the Commission, a request for export to the Union of the following plants for planting: up to 2-year-old, dormant, free of leaves, unrooted cuttings of *Prunus persica* and *Prunus dulcis*, up to 2-year-old, bare-rooted, dormant, free of leaves, ungrafted plants for planting of *Prunus persica* and *Prunus dulcis*, and up to 2-year-old bare-rooted, dormant, free of leaves, plants for planting of *Prunus persica* and *Prunus dulcis* grafted on *Prunus persica*, *Prunus dulcis*, *Prunus armeniaca* or *Prunus davidiana* rootstocks originating in Türkiye ('the relevant plants'). That request was supported by the relevant technical dossiers.

⁽¹⁾ OJ L 317, 23.11.2016, p. 4, ELI: <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, ELI: http://data.europa.eu/eli/reg_impl/2018/2019/oj).

⁽³⁾ 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, ELI: http://data.europa.eu/eli/reg_impl/2020/1213/oj).

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

- (5) On 1 December 2022, the European Food Safety Authority ('the Authority') adopted a scientific opinion regarding the risk assessment of the relevant plants⁽⁵⁾. The Authority identified *Anoplophora chinensis*, *Didesmococcus unifasciatus*, *Euzophera semifuneralis*, *Hoplolaimus galeatus*, *Lasiodiplodia pseudotheobromae*, *Lepidosaphes malicola*, *Lepidosaphes pistaciae*, *Maconellicoccus hirsutus*, *Malacosoma parallela*, *Neoscytalidium dimidiatum*, *Neoscytalidium novaehollandiae*, *Nipaecoccus viridis*, Peach rosette mosaic virus, *Phenacoccus solenopsis*, *Pochazia shantungensis*, *Russellaspis pustulans*, *Scirtothrips dorsalis* and Tomato ringspot virus as pests relevant for those plants.
- (6) The Authority evaluated the risk mitigation measures described in the dossiers for the identified pests and estimated the likelihood of freedom of the relevant plants from those pests.
- (7) Following official confirmation concerning the absence of *Malacosoma parallela* in Türkiye, the pest is no longer considered relevant for the *Prunus* L. commodities originating in that country.
- (8) On the basis of that opinion and the additional information from Türkiye with regards to *Malacosoma parallela*, the phytosanitary risk arising from the introduction into the Union territory of the relevant plants is considered to be reduced to an acceptable level provided that appropriate measures are applied to address the risk of pests related to those plants.
- (9) The measures described by Türkiye in the technical dossiers are considered sufficient to reduce the risk from the introduction into the Union territory of the relevant plants to an acceptable level. Those measures should therefore be adopted as phytosanitary import requirements to ensure the phytosanitary protection of the Union territory from introduction of the relevant plants into it.
- (10) As a consequence, the relevant plants should no longer be considered as high risk plants.
- (11) Implementing Regulation (EU) 2018/2019 should therefore be amended accordingly.
- (12) *Anoplophora chinensis*, Peach rosette mosaic virus, *Scirtothrips dorsalis* and Tomato ringspot virus are listed as Union quarantine pests in Annex II to Implementing Regulation (EU) 2019/2072.
- (13) By contrast, *Didesmococcus unifasciatus*, *Euzophera semifuneralis*, *Hoplolaimus galeatus*, *Lepidosaphes pistaciae*, *Maconellicoccus hirsutus*, *Nipaecoccus viridis*, *Pochazia shantungensis*, and *Russellaspis pustulans* are not yet listed as Union quarantine pests in Annex II to Implementing Regulation (EU) 2019/2072, therefore the phytosanitary measures for these pests are based on those described by Türkiye in the dossiers. Complete pest risk assessments for these pests need to become available, to determine whether they fulfil the conditions in order to be listed in Annex II to Implementing Regulation (EU) 2019/2072, and whether the relevant plants are to be listed in Annex VII to that Regulation, together with the respective specific requirements.
- (14) Implementing Regulation (EU) 2020/1213 should therefore be amended accordingly.
- (15) In addition, *Lasiodiplodia pseudotheobromae*, *Neoscytalidium dimidiatum*, and *Phenacoccus solenopsis* are not yet listed as Union quarantine pests in Annex II to Implementing Regulation (EU) 2019/2072. Nevertheless, given that no significant impact has been observed on host plants infected by those pests in the Union territory, no import requirements are necessary with respect to those pests.
- (16) *Neoscytalidium novaehollandiae* is a synonym of *Neoscytalidium dimidiatum*. Consequently, no import requirements are also necessary for that pest.

⁽⁵⁾ EFSA PLH Panel (EFSA Panel on Plant Health), 2022. Scientific Opinion on the commodity risk assessment of *Prunus persica* and *Prunus dulcis* plants from Turkey. *EFSA Journal* 2023;21(1):7735, 212 pp. <https://doi.org/10.2903/j.efsa.2023.7735>.

- (17) A scientific opinion on the pest categorisation of *Lepidosaphes malicola* ⁽⁶⁾ produced by the Authority concludes that the pest does not satisfy all the criteria to be considered as a Union quarantine pest, as a result of great uncertainty on its impact in the EU. Consequently, no import requirements are also necessary for that pest.
- (18) 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 Annex I to this Regulation.

Article 2

The Annex to Implementing Regulation (EU) 2020/1213 is amended in accordance with Annex II to this Regulation.

Article 3

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, 27 May 2024.

For the Commission
The President
Ursula VON DER LEYEN

⁽⁶⁾ EFSA PLH Panel (EFSA Panel on Plant Health), 2024. Pest categorisation of *Lepidosaphes malicola*. *EFSA Journal*, 22(3), e8665. <https://doi.org/10.2903/j.efsa.2024.8665>.

ANNEX I

In the Annex to Implementing Regulation (EU) 2018/2019, in the table in point 1, in the second column 'Description', the entry 'Prunus L., other than bare-rooted, dormant, free of leaves plants for planting of *Prunus domestica* grafted on *Prunus cerasifera* rootstocks originating in Ukraine', is replaced by the following:

'Prunus L., other than:

- bare-rooted, dormant, free of leaves plants for planting of *Prunus domestica* grafted on *Prunus cerasifera* rootstocks originating in Ukraine;
- up to 2-year-old dormant, free of leaves, unrooted cuttings of *Prunus persica* and *Prunus dulcis* originating in Türkiye; and
- up to 2-year-old bare-rooted, dormant, free of leaves plants for planting of *Prunus persica*, *Prunus dulcis*, *Prunus armeniaca* and *Prunus davidiana*, originating in Türkiye.'

ANNEX II

In the table in the Annex to Implementing Regulation (EU) 2020/1213, the following entry is inserted after '*Persea americana* Mill., unrooted cuttings of plants for planting with a maximum diameter of 2 cm.':

Plants, plant products or other objects	CN Code	Third countries of origin	Measures
<p>— <i>Prunus persica</i> and <i>Prunus dulcis</i>, up to 2-year-old dormant, free of leaves, unrooted cuttings;</p> <p>— <i>Prunus persica</i>, <i>Prunus dulcis</i>, <i>Prunus armeniaca</i> and <i>Prunus davidiana</i>, up to 2-year-old bare-rooted, dormant, free of leaves plants for planting.</p>	<p>ex 0602 10 90</p> <p>ex 0602 20 20</p>	Türkiye	<p>(a) Official statement that:</p> <p>(i) the plants are free from <i>Didesmococcus unifasciatus</i>, <i>Euzophera semifuneralis</i>, <i>Hoplolaimus galeatus</i>, <i>Lepidosaphes pistaciae</i>, <i>Maconellicoccus hirsutus</i>, <i>Nipaeococcus viridis</i>, <i>Pochazia shantungensis</i> and <i>Russellaspis pustulans</i>;</p> <p>(ii) the site of production has been found free from <i>Didesmococcus unifasciatus</i>, <i>Euzophera semifuneralis</i>, <i>Hoplolaimus galeatus</i>, <i>Lepidosaphes pistaciae</i>, <i>Maconellicoccus hirsutus</i>, <i>Nipaeococcus viridis</i>, <i>Pochazia shantungensis</i> and <i>Russellaspis pustulans</i> during official inspections carried out at appropriate times, since the beginning of the production cycle of the plants;</p> <p>(iii) immediately prior to export, consignments of the plants have been subjected to an official inspection for the presence of <i>Didesmococcus unifasciatus</i>, <i>Euzophera semifuneralis</i>, <i>Hoplolaimus galeatus</i>, <i>Lepidosaphes pistaciae</i>, <i>Maconellicoccus hirsutus</i>, <i>Nipaeococcus viridis</i>, <i>Pochazia shantungensis</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 % for each pest;</p> <p>(b) the phytosanitary certificates for those plants include under the heading 'Additional Declaration':</p> <p>(i) the following statement: 'The consignment complies with Commission Implementing Regulation (EU) 2020/1213'; and</p> <p>(ii) the specification of the registered sites of production.'</p>