COMMISSION IMPLEMENTING REGULATION (EU) …/…

of XXX


THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,


Whereas:

(1) Regulation (EU) 2016/2031 is to apply from 14 December 2019. In order for its provisions to become fully effective, implementing rules are to be adopted regulating the pests, plants, plant products and other objects, as well as respective requirements needed to protect the Union territory from phytosanitary risks.

(2) In view of this, specific rules should be set out in order to list the Union quarantine pests, the protected zone quarantine pests and the Union regulated non-quarantine pests, as well as measures to prevent their presence in the respective territories of the Union or on plants for planting.

(3) The pests listed in Part A of Annex I to Council Directive 2000/29/EC\(^2\) and Section I of Part A of Annex II to that Directive have been reassessed by the European Food Safety Authority (EFSA) in order to set up the list of Union quarantine pests pursuant to Article 5 of Regulation (EU) 2016/2031. The reassessment was necessary to update

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\(^1\) OJ L 317, 23.11.2016, p. 4.

the phytosanitary status of those pests in accordance with the most recent technical and scientific developments, and also to assess their compliance with the criteria of Article 3 of that Regulation in respect of the Union territory and Section 1 of Annex I thereto.

(4) As a result of that reassessment, some pests listed in Annexes I and II to Directive 2000/29/EC should not be included in the list of Union quarantine pests because they do not fulfil the conditions provided for in Article 3 of Regulation (EU) 2016/2031 in respect of the Union territory.

(5) Certain other pests, some of which are listed in Annexes I and II to Directive 2000/29/EC, have been found to fulfil the conditions provided for in Article 3 of Regulation (EU) 2016/2031 in respect of the Union territory, therefore they should be included in the list of Union quarantine pests.

(6) As a result of the reassessment, some of the pests listed in Annexes I and II to Directive 2000/29/EC as pests not known to occur in the Union territory, should be included in the list of Union quarantine pests as pests known to occur in the Union territory, due to their established presence in certain parts of it.

(7) The names of certain pests should be updated to reflect the latest developments of the international nomenclature. Those pests are to be listed together with the respective codes assigned by the European and Mediterranean Plant Protection Organisation (‘EPPO’). This is necessary to ensure the identification of those pests, even in case of potential change of their names in the future.

(8) The protected zones recognised in accordance with Commission Regulation (EC) No 690/2008 and the respective pests listed in Part B of Annex I and Part B of Annex II to Directive 2000/29/EC have been reassessed by the Commission. The purpose of that reassessment was to conclude whether the respective pests correspond to the description of protected zone quarantine pest in Article 32(1) of Regulation (EU) 2016/2031.

(9) That reassessment has been based on the respective applications by Member States to recognise, amend or revoke protected zones, regular survey reports submitted by the Member States, Commission inspections and several other scientific and technical data.

(10) Certain pests, some of which are listed in Annexes I and II to Directive 2000/29/EC, have been found to fulfil the conditions provided for in Article 32(1) of Regulation (EU) 2016/2031, therefore they should be included in the list of protected zone quarantine pests. Those pests should be listed together with the respective codes assigned by EPPO, in order to ensure the identification of those pests, even in case of potential change of their names in the future.

(11) Regulation (EC) No 690/2008 should be repealed to avoid overlaps with the listing of protected zones in this Regulation.

(12) EPPO has made a reassessment of the pests listed in Section II of Part A of Annex II to Directive 2000/29/EC, the crops under point 3 and the pests under point 6 of Annex

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(13) That reassessment was necessary to update the phytosanitary status of those pests in accordance with the most recent technical and scientific developments, and also to assess their compliance with the respective criteria of Article 36 of Regulation (EU) 2016/2031, in respect of the Union territory, and Section 4 of Annex I thereto.

(14) Certain pests, some of which are listed in those Directives, have been found to fulfil the conditions provided for in Article 36 of Regulation (EU) 2016/2031 in respect of the Union territory, and should therefore be included in the list of Union regulated non-quarantine pests (‘RNQPs’). In accordance with Article 37(7) of that Regulation, that list is to provide for specific categories of relevant plants for planting referred to in Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 2002/55/EC, 2002/56/EC, 2002/57/EC, 2008/72/EC and 2008/90/EC.

(15) In certain cases, the respective plants for planting should not be introduced into, or moved within, the Union territory if the presence of the RNQPs or symptoms caused by RNQPs on them is above a certain threshold, as set out in Article 37(8) of Regulation (EU) 2016/2031. As set out further by that Article, that threshold is only to be set where it is possible for professional operators to ensure that the incidence of that RNQP on those plants for planting does not exceed that threshold and it is possible to verify whether that threshold is not exceeded in lots of those plants for planting.

(16) In accordance with Article 37(4) of Regulation (EU) 2016/2031, measures to prevent the presence of RNQPs on the plants for planting concerned, are to apply without prejudice to the measures adopted pursuant to Directives 66/401/EEC, 66/402/EEC, 98/56/EEC, 1999/105/EC, 2002/54/EC, 2002/55/EC, 2002/56/EC, 2002/57/EC, 2008/72/EC and 2008/90/EC. Therefore, this Regulation should not affect the

measures, adopted pursuant to those Directives, concerning inspections, sampling and testing of the plants for planting concerned, or the plants from which they originate, the origin of the plants for planting concerned from areas or sites free from, or with physical protection from, the RNQPs concerned, treatments of the plants for planting concerned, or the plants from which they originate, or the production of the plants for planting.

(17) Moreover, the provisions of this Regulation concerning RNQPs should not affect the exceptions for plants for planting, adopted pursuant to those Directives, from marketing requirements set out by those Directives concerning the supply of seed to official testing and inspection bodies, the supply of plants to providers of certain services, the movement of plants intended for scientific purposes, selection work, other tests or trial purposes, seed not finally certified, seeds subject to the exceptions of the provisions of Implementing Decision (EU) 2017/478 and plants shown to be intended for export.

(18) The introduction into the Union of the plants, plant products and other objects, from all or certain third countries, as listed in Part A of Annex III to Directive 2000/29/EC is prohibited.

(19) Those plants, plants products and other objects have been reviewed on the basis of any new evidence, their pest risk for the Union territory and the update of the list of Union quarantine pests.

(20) On the basis of that review, certain of those plants, plant products and other objects are therefore to be listed pursuant to Article 40(2) of Regulation (EU) 2016/2031, together with the third countries, groups of third countries or specific areas of third countries to which that prohibition applies. Such prohibition is necessary because the phytosanitary protection of the Union cannot be guaranteed by applying less stringent measures in this regard.

(21) In view of the reassessment of Union quarantine pests, new provisions for the introduction into the Union of certain plants, plant products and other objects, and the respective special requirements, and provisions for the movement within the Union of certain plants, plant products and other objects, and the respective special requirements should be adopted pursuant to Article 41(2) of Regulation (EU) 2016/2031.

(22) The indication of CN codes should not be obligatory for the listing of the plants, plant products and other objects subject to special requirements for movement within the Union territory. This would be a proportionate approach because the CN codes are only necessary for the identification of those plants, plant products or other objects when they are introduced into the Union from a third country. Such approach would be also be in line with Article 80 of Regulation (EU) 2016/2031 pursuant to which no such codes are provided for the listing of those plants, plant products and other objects, for which a plant passport is required.

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The introduction of plants, plant products and other objects is prohibited in their respective protected zones and, where applicable, with regard to their third country of origin, as listed in Part B of Annex III to Directive 2000/29/EC. Moreover, the plants, plant products and other objects, as listed in Part B of Annex IV to Directive 2000/29/EC, may only be introduced into the respective protected zones if they fulfil the respective special requirements.

Those plants, plant products and other objects have been reviewed on the basis of any new evidence, their pest risk for the respective protected zones and the update of the list of the protected zones quarantine pests and the protected zones.

On the basis of that review, certain of those plants, plant products and other objects, and the respective protected zones, should be listed in this Regulation as provided for in Article 53(2) of Regulation (EU) 2016/2031, together with the third countries and groups of third countries of origin to which that prohibition applies.

Moreover, certain of those plants, plant products and other objects, and the respective protected zones and special requirements, should be listed in this Regulation as provided for in Article 54(2) of Regulation (EU) 2016/2031.

A list of plants, plant products and other objects for which a phytosanitary certificate is required for introduction into the Union territory, and the respective third countries of origin or dispatch, is to be established pursuant to Article 72(1) of Regulation (EU) 2016/2031.

Implementing Regulation (EU) 2018/2019 requires a phytosanitary certificate for the introduction into the Union territory of plants, other than the plants included in the list referred to in Article 72(1), pursuant to the first subparagraph of Article 73 of Regulation (EU) 2016/2031. However, certain fruits have been found to fulfil the criteria set out in Annex VI to Regulation (EU) 2016/2031 and identified as plants which do not require a phytosanitary certificate. A phytosanitary certificate should therefore not be required for the introduction into the Union of the fruits listed in Annex II of Implementing Regulation (EU) 2018/2019.

For reasons of clarity, Article 2 and Annex II of that Regulation should be deleted, in order to avoid overlaps with this Regulation.

A list of plants, plant products and other objects for which a phytosanitary certificate is required for introduction into the respective protected zones and the respective third countries of origin or dispatch, is to be established pursuant to Article 74(1) of Regulation (EU) 2016/2031. Such a list will help to ensure clarity for the professional operators, competent authorities and all other users of those plants, plant products and other objects.

A list of plants, plant products and other objects for which a plant passport is required for movement within the Union territory is to be established pursuant to Article 79(1) of Regulation (EU) 2016/2031. Such a list will help to ensure clarity for the professional operators, competent authorities and all other users of those plants, plant products and other objects.

In order to refrain from imposing requirements on professional operators, those plant passports should not be required for the movement of seeds which are subject to derogations from the requirements of the respective Directives on the marketing of seeds. This is appropriate as this Regulation applies without prejudice to the measures adopted pursuant to those Directives and should not introduce for the professional
operators additional certification burdens than the ones currently laid down in those Directives obligations.

(33) A list of plants, plant products and other objects for which a plant passport is required for being introduced into, or moved within, certain protected zones is to be established pursuant to Article 80(1) of Regulation (EU) 2016/2031. Those plant passports should bear the designation ‘PZ’ to be distinguished from the plant passports required for the movement within the entire Union territory. Such a list will help to ensure clarity for the professional operators, competent authorities and all other users of those plants, plant products and other objects.

(34) In order to avoid the disruption of trade by changes in the requirements regarding RNQPs, a limited transitional period should be granted for seeds and other plants for planting that have already been produced in the Union, introduced into the Union or moved within the Union in accordance with the requirements concerning the presence of RNQPs applicable before 14 December 2019, the date of application of this Regulation. Those seeds and other plants for planting may continue to be introduced into, or moved within, the Union in accordance with those requirements for a limited period of time. It would also be proportionate to require that plant passports would only attest the compliance of those seeds and other plants for planting with the applicable requirements on Union quarantine pests, protected zone quarantine pests and measures adopted pursuant to Article 30 of Regulation (EU) 2016/2031. Such an approach would be necessary given the big amounts of seeds and other plants for planting which are in the course of production, or have been produced, before 14 December 2019, under the rules of the Directives on the marketing of seeds and other propagating material applicable before that date and when no plant passports were required concerning the presence of RNQPs. Those plants for planting have already been certified and it would be disproportionate to require their further certification under the new rules. A transitional period of one year would thus be necessary to ensure the smooth uptake of those plants for planting by the market and to facilitate the competent authorities and the professional operators to adapt to the new rules.

(35) This Regulation should enter into force on the third day following that of its publication in the Official Journal of the European Union, to allow for the competent authorities and the professional operators the longest possible time to prepare for its application.

(36) For reasons of legal certainty, this Regulation should apply from the same date as Regulation (EU) 2016/2031, which is 14 December 2019.

(37) 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
Subject matter

This Regulation implements Regulation (EU) 2016/2031, as regards the listing of Union quarantine pests, protected zone quarantine pests and Union regulated non-quarantine pests, and the measures on plants, plant products and other objects to reduce the risks of those pests to an acceptable level.
**Article 2**

**Definitions**

1. For the purposes of this Regulation, the definitions provided for in Annex I shall apply.

2. In addition, the following definitions shall apply:

   (a) ‘practically free from pests’ means the extent of presence of pests, other than Union quarantine pests or protected zone quarantine pests, on the plants for planting or fruit plants, which is sufficiently low to ensure acceptable quality and usefulness of those plants;

   (b) ‘official statement’ means a phytosanitary certificate, as provided for in Article 71 of Regulation (EU) 2016/2031, a plant passport, as provided for in Article 78 of that Regulation, the mark on wood packaging material, wood or other objects, as referred to in Article 96 of that Regulation, or the official attestations as referred to in Article 99 of that Regulation;

   (c) ‘systems approach’ means the integration of different risk management measures, at least two of which act independently, and which, when applied together, achieve the appropriate level of protection against Union quarantine pests, protected zone quarantine pests and pests subject to the measures adopted pursuant to Article 30 of Regulation (EU) 2016/2031.

**Article 3**

**List of Union quarantine pests**

The list of Union quarantine pests, as referred to in Article 5 of Regulation (EU) 2016/2031, is set out in Annex I to this Regulation.

The list of Union quarantine pests not known to occur in the Union territory is set out in Part A of Annex I and the list of Union quarantine pests known to occur in the Union territory is set out in Part B of Annex I.

**Article 4**

**List of protected zones and the respective protected zone quarantine pests**

The list of the protected zones and the respective protected zone quarantine pests, as referred to in Article 32(3) of Regulation (EU) 2016/2031, is set out in Annex II to this Regulation.

**Article 5**

**List of Union regulated non-quarantine pests and specific plants for planting, with categories and thresholds**

The list of Union regulated non-quarantine pests (‘RNQPs’) and specific plants for planting with categories and thresholds, as referred to in Article 37(2) of Regulation (EU) 2016/2031, are set out in Annex IV to this Regulation. Those plants for planting shall not be introduced into, or moved within, the Union if the presence of the RNQPs, or symptoms caused by RNQPs, on those plants for planting is above those thresholds.

The prohibition of introduction and movement provided for in the first paragraph shall apply only to the categories of plants for planting as provided for in Annex IV.
Article 6

Measures to prevent the presence of RNQPs on specific plants for planting

1. The measures to prevent the presence of RNQPs concerning the movement within and introduction into the Union of specific plants for planting, as referred to in Article 37(4) of Regulation (EU) 2016/2031, are set out in Annex V to this Regulation.


   (a) inspections, sampling and testing of the plants for planting concerned or the plants from which they originate;

   (b) the origin of the respective plants for planting from the areas or sites, which are free from, or with physical protection from, the RNQPs concerned;

   (c) treatments of the plants for planting concerned, or the plants from which they originate;

   (d) the production of the plants for planting.


   (a) exceptions concerning the supply of plants for planting to official testing and inspection bodies;

   (b) exceptions concerning the supply of plants for planting as grown to providers of services for processing or packaging, under the condition that the provider of services does not acquire title to the plants thus supplied and the identity of the plants is ensured;

   (c) exceptions concerning the supply of plants for planting under certain conditions to providers of services for the production of certain agricultural raw materials, intended for industrial purposes, or seed propagation for that purpose;

   (d) exceptions for plants for planting intended for scientific purposes, selection work, other test or trial purposes;

   (e) exceptions from marketing requirements concerning plants for planting not finally certified;

   (f) exceptions from marketing requirements set out in the provisions of Implementing Decision (EU) 2017/478;

   (g) exceptions from marketing requirements for plants for planting shown to be intended for export to third countries.
Article 7
List of plants, plant products and other objects whose introduction into the Union from certain third countries is prohibited

The list of plants, plant products and other objects whose introduction into the Union territory is prohibited, together with the third countries, groups of third countries or specific areas of third countries to which the prohibition applies, as referred to in Article 40(2) of Regulation (EU) 2016/2031, is set out in Annex VI to this Regulation.

Article 8
List of plants, plant products and other objects originating from third countries, or in the Union territory and the corresponding special requirements for their introduction into or movement within the Union territory

1. The list of plants, plant products and other objects, originating from third countries, and the corresponding special requirements for their introduction into the Union territory, as referred to in Article 41(2) of Regulation (EU) 2016/2031, is set out in Annex VII to this Regulation.

2. The list of plants, plant products and other objects, originating in the Union territory, and the corresponding special requirements for their movement within the Union territory, as referred to in Article 41(2) of Regulation (EU) 2016/2031, is set out in Annex VIII to this Regulation.

Article 9
List of plants, plant products and other objects, whose introduction into certain protected zones is prohibited

The list of plants, plant products and other objects, originating from third countries or within the Union territory, whose introduction into certain protected zones is prohibited, as referred to in Article 53(2) of Regulation (EU) 2016/2031, is set out in Annex IX to this Regulation.

Article 10
List of plants, plant products and other objects to be introduced into, or moved within protected zones and corresponding special requirements for protected zones

The list of plants, plant products and other objects, the respective protected zones and the corresponding special requirements for protected zones, as referred to in Article 54(2) of Regulation (EU) 2016/2031, are set out in Annex X to this Regulation.

Article 11
List of plants, plant products and other objects, as well as the respective third countries of origin or dispatch, for which phytosanitary certificates are required

1. The list of plants, plant products and other objects, as well as the respective third countries of origin or dispatch, whose introduction into the Union territory requires a phytosanitary certificate, as referred to in Article 72(1) of Regulation (EU) 2016/2031, is set out in Part A of Annex XI to this Regulation.

2. The list of plants, subject to the exception from a phytosanitary certificate as provided for in the second subparagraph of Article 73 of Regulation (EU) 2016/2031, is set out in Part C of Annex XI to this Regulation.
3. All plants, other than the plants referred to in paragraphs 1 and 2, shall only be
introduced into the Union, if they are accompanied by a phytosanitary certificate in
accordance with the first subparagraph of Article 73 of Regulation (EU) 2016/2031.
The available CN codes of those plants are listed in Part B of Annex XI to this
Regulation.

Article 12
List of plants, plant products and other objects for which a phytosanitary certificate is
required for their introduction into a protected zone from certain third countries of
origin or dispatch
The list of plants, plant products and other objects, whose introduction into certain protected
zones from certain third countries of origin or dispatch requires a phytosanitary certificate, as
referred to in Article 74(1) of Regulation (EU) 2016/2031, is set out in Annex XII to this
Regulation.

Article 13
List of plants, plant products and other objects for which a plant passport is required
for their movement within the Union territory
1. The list of plants, plant products and other objects for which a plant passport is
required for their movement within the Union territory, as referred to in Article 79(1)
of Regulation (EU) 2016/2031, is set out in Annex XIII to this Regulation.
2. By way of derogation from paragraph 1, a plant passport shall not be required for the
movement within the Union of seeds, which fulfil both of the following conditions:
(a) they are subject to the exceptions referred to in Article 6(3); and
(b) they are not subject to the special requirements of Annex VIII or Annex X.

Article 14
List of plants, plant products and other objects for which a plant passport with the
designation ‘PZ’ is required for introduction into, and movement within certain
protected zones
The list of plants, plant products and other objects for which a plant passport is required for
their introduction into, or movement within certain protected zones, as referred to in Article
80(1) of Regulation (EU) 2016/2031, is set out in Annex XIV to this Regulation.
Plant passports referred to in the first paragraph shall bear the designation ‘PZ’.

Article 15
Repeal of Regulation (EC) No 690/2008
Regulation (EC) No 690/2008 is repealed.

Article 16
Amendment of Implementing Regulation (EU) 2018/2019
Implementing Regulation (EU) 2018/2019 is amended as follows:
(1) Article 2 is deleted;
(2) Annex II is deleted.
Article 17

Transitional measures

Seeds and other plants for planting introduced into the Union territory, moved within the Union territory or produced, before 14 December 2019, pursuant to the applicable requirements of Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 98/56/EC, 2002/55/EC, 2002/56/EC, 2002/57/EC, 2008/72/EC, 2008/90/EC concerning the presence of RNQPs before that date, may, until 14 December 2020, be introduced into, or moved within, the Union territory if they comply with those requirements. As of 14 December 2020, Articles 5 and 6 shall apply to all plants for planting covered by this Regulation.

Plant passports, required by this Regulation for the movement of seeds and other plants for planting within the Union territory benefiting from the transitional period laid down in paragraph 1 of this Article, shall until 14 December 2020 only be required to attest their compliance with the rules concerning Union quarantine pests, protected zone quarantine pests or measures adopted pursuant to Article 30 of Regulation (EU) 2016/2031.

Article 18

Entry into force and application

This Regulation shall enter into force on the third day following that of its publication in the Official Journal of the European Union.

It shall apply from 14 December 2019.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President