

**COMMISSION IMPLEMENTING REGULATION (EU) 2022/1916****of 7 October 2022****amending Implementing Regulation (EU) 2018/2019 as regards certain plants for planting of *Juglans regia* L. 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<sup>(1)</sup>, and in particular Article 42(4), first subparagraph, thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2018/2019<sup>(2)</sup> 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<sup>(3)</sup> 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 risk assessment, 34 genera and one species of 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 is the genus *Juglans* L.
- (4) On 4 March 2020, Moldova submitted to the Commission a request for export to the Union of one- to two-year-old grafted plants for planting and rootstocks of *Juglans regia* L. which are bare rooted, dormant and free of leaves. The request was supported by the relevant technical dossier.
- (5) On 25 March 2021, the European Food Safety Authority ('the Authority') adopted a scientific opinion regarding the commodity risk assessment of *Juglans regia* plants for planting from Moldova<sup>(4)</sup>. The Authority did not identify any relevant pest for those plants for planting.
- (6) On 23 June 2022, the Authority amended the scientific opinion to include *Xiphinema rivesi* (non-EU populations) as a relevant pest for those plants for planting, evaluated the risk mitigation measures described in the dossier for that pest and estimated the likelihood of freedom of those plants for planting from the pest. *Xiphinema rivesi* (non-EU populations) is listed in Part A, Section 4, of Annex II to Commission Implementing Regulation (EU) 2019/2072<sup>(5)</sup>, as a Union quarantine pest not known to occur in the Union territory.

<sup>(1)</sup> OJ L 317, 23.11.2016, p. 4.

<sup>(2)</sup> 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).

<sup>(3)</sup> 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).

<sup>(4)</sup> EFSA PLH Panel (EFSA Panel on Plant Health), 2021. Scientific Opinion on the commodity risk assessment of *Juglans regia* plants from Moldova. EFSA Journal 2021;19(5):6570, 27 pp. <https://doi.org/10.2903/j.efsa.2021.6570>.

<sup>(5)</sup> 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).

- (7) On the basis of that opinion, the phytosanitary risk from the introduction into the Union of up to two-year old bare-rooted, dormant, free of leaves, grafted plants for planting and rootstocks of *Juglans regia* L. originating in Moldova is considered to be acceptable, provided the respective import requirements set out in Annex VII to Implementing Regulation (EU) 2019/2072 are complied with.
- (8) As a consequence, up to two-year old bare-rooted, dormant, free of leaves, grafted plants for planting and rootstocks of *Juglans regia* L. originating in Moldova should no longer be considered high risk plants.
- (9) The Annex to Implementing Regulation (EU) 2018/2019 should therefore be amended accordingly.
- (10) In order to comply with the Union obligations deriving from the World Trade Organization agreement on the application of sanitary and phytosanitary measures <sup>(6)</sup>, the import of those commodities should resume within the shortest possible time. Therefore, this Regulation should enter into force on the third day following that of its publication in the *Official Journal of the European Union*.
- (11) 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, 7 October 2022.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

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<sup>(6)</sup> 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](https://www.wto.org/english/tratop_e/sps_e/spsagr_e.htm).

## ANNEX

**Amendment of Implementing Regulation (EU) 2018/2019**

In point 1 of the Annex to Implementing Regulation (EU) 2018/2019, in the second column of the table 'Description', the text in the entry on *Juglans* L. is replaced by the following:

*Juglans* L., other than:

- up to two-year-old plants for planting of *Juglans regia* L. which are bare-rooted, free of leaves and with a maximum diameter of 2 cm at the base of the stem, originating in Turkey; and
  - up to two-year-old, bare-rooted, dormant, free of leaves, grafted plants for planting and rootstocks of *Juglans regia* L. originating in Moldova'.
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