

COMMISSION IMPLEMENTING REGULATION (EU) 2022/1942**of 13 October 2022**

amending Implementing Regulation (EU) 2018/2019 as regards certain plants for planting of *Jasminum polyanthum* Franchet originating in Uganda, amending Implementing Regulation (EU) 2020/1213 as regards the phytosanitary measures for the introduction of those plants for planting into the Union territory and correcting Implementing Regulation (EU) 2020/1213 as regards the phytosanitary measures for the introduction of certain plants for planting of *Jasminum polyanthum* Franchet originating in Israel, 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) 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 all third countries were included in the Annex to Implementing Regulation (EU) 2018/2019 as high risk plants. That Annex includes the genus *Jasminum* L.
- (4) The list of plants, plant products or other objects, removed from the Annex to Implementing Regulation (EU) 2018/2019 and that may only be introduced into, or moved within, the Union territory if special requirements are fulfilled is provided for in Commission Implementing Regulation (EU) 2020/1213⁽⁴⁾.
- (5) On 4 December 2019, Uganda submitted to the Commission a request for export to the Union of unrooted cuttings of *Jasminum polyanthum* Franchet. That request was supported by the relevant technical dossier.

⁽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⁾ 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).

- (6) On 31 March 2022, the European Food Safety Authority ('the Authority') adopted a scientific opinion regarding the commodity risk assessment of unrooted cuttings of *Jasminum polyanthum* Franchet from Uganda ⁽⁵⁾. The Authority identified *Bemisia tabaci* (non-European populations), *Coccus viridis*, *Diaphania indica*, *Pulvinaria psidii*, *Scirtothrips dorsalis* and *Selenaspidus articulatus* as pests relevant for those plants for planting.
- (7) The Authority evaluated the risk mitigation measures described in the dossier for *Bemisia tabaci* (non-European populations), *Coccus viridis*, *Diaphania indica*, *Pulvinaria psidii*, *Scirtothrips dorsalis* and *Selenaspidus articulatus* and estimated the likelihood of freedom of the commodity from those pests.
- (8) On the basis of that opinion, the phytosanitary risk from introduction into the Union territory of unrooted cuttings of *Jasminum polyanthum* Franchet originating in Uganda is considered to be reduced to an acceptable level, provided that appropriate mitigation measures are applied to address the risk of pests related to those plants for planting. As a consequence, unrooted cuttings of *Jasminum polyanthum* Franchet originating in Uganda should no longer be considered high risk plants.
- (9) The Annex to Implementing Regulation (EU) 2018/2019 should therefore be amended accordingly.
- (10) The measures described by Uganda in the dossier are considered sufficient to reduce to an acceptable level the risk from introduction into the Union territory of the commodity. Those measures should therefore be adopted as phytosanitary import requirements to ensure the phytosanitary protection of the Union territory from introduction of that commodity into it.
- (11) *Bemisia tabaci* (non-European populations) and *Scirtothrips dorsalis* are listed as Union quarantine pests in Annex II to Commission Implementing Regulation (EU) 2019/2072 ⁽⁶⁾. *Coccus viridis*, *Pulvinaria psidii* and *Selenaspidus articulatus* are not yet included in the list of Union quarantine pests, but may fulfil the conditions to be included once a complete risk assessment has been carried out.
- (12) The Annex to Implementing Regulation (EU) 2020/1213 should therefore be amended accordingly.
- (13) The Authority's opinion indicates that, no records of *Diaphania indica* associated with *Jasminum polyanthum* Franchet as host are available so far. For this reason, no import requirements are necessary with respect to that pest.
- (14) Implementing Regulation (EU) 2021/419 ⁽⁷⁾ amended Implementing Regulation (EU) 2018/2019 by specifying that it is prohibited to introduce into the Union plants for planting of *Jasminum* L., other than unrooted cuttings of plants for planting of *Jasminum polyanthum* Franchet originating in Israel. The Annex to Implementing Regulation (EU) 2020/1213 was amended to include the phytosanitary import requirements necessary to ensure that the risk from introduction of those plants for planting into the Union from Israel is acceptable. Those phytosanitary requirements erroneously included measures regarding a Union quarantine pest *Scirtothrips dorsalis*. Since pursuant to Article 5(1) of Regulation (EU) 2016/2031 Union quarantine pests are prohibited from introduction into, movement within, or holding, multiplication or release in, the Union territory, it was unnecessary to include any measures for *Scirtothrips dorsalis* in the Annex to Implementing Regulation (EU) 2020/1213.

⁽⁵⁾ EFSA PLH Panel (EFSA Panel on Plant Health), 2022. Scientific Opinion on the commodity risk assessment of *Jasminum polyanthum* unrooted cuttings from Uganda. EFSA Journal 2022;20(5):7300, 83 pp. <https://doi.org/10.2903/j.efsa.2022.7300>.

⁽⁶⁾ 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⁾ Commission Implementing Regulation (EU) 2021/419 of 9 March 2021 amending Implementing Regulation (EU) 2018/2019 as regards certain plants for planting of *Jasminum polyanthum* Franchet originating in Israel and adapting Combined Nomenclature codes for *Ullucus tuberosus* and amending Implementing Regulation (EU) 2020/1213 as regards the phytosanitary measures for the introduction of those plants for planting into the Union territory (OJ L 83, 10.3.2021, p. 6).

- (15) The Annex to Implementing Regulation (EU) 2020/1213 should therefore be corrected accordingly.
- (16) In order to comply with the Union obligations deriving from the World Trade Organization agreement on the application of sanitary and phytosanitary measures ⁽⁸⁾, the import of unrooted cuttings of *Jasminum polyanthum* Franchet from Uganda 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*.
- (17) 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

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

Article 4

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, 13 October 2022.

For the Commission
The President
Ursula VON DER LEYEN

⁽⁸⁾ The World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), https://www.wto.org/english/tratop_e/sps_e/spsagr_e.htm.

ANNEX I

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 entry '*Jasminum* L., other than unrooted cuttings of plants for planting of *Jasminum polyanthum* Franchet originating in Israel' is replaced by the following:

'*Jasminum* L., other than unrooted cuttings of plants for planting of *Jasminum polyanthum* Franchet originating in Israel and Uganda'.

ANNEX II

Amendment of Implementing Regulation (EU) 2020/1213

In the table in the Annex to Implementing Regulation (EU) 2020/1213, the following entry is inserted after '*Jasminum polyanthum* Franchet, unrooted cuttings of plants for planting' originating in Israel:

Plants, plant products or other objects	CN Code	Third countries of origin	Measures
' <i>Jasminum polyanthum</i> Franchet, unrooted cuttings of plants for planting	ex 0602 10 90	Uganda	(a) Official statement that: <ul style="list-style-type: none"> (i) the plants are free from <i>Coccus viridis</i>, <i>Pulvinaria psidii</i> and <i>Selenaspidus articulatus</i>; (ii) the plants have been grown in a site with physical protection against the introduction of <i>Coccus viridis</i>, <i>Pulvinaria psidii</i> and <i>Selenaspidus articulatus</i>; (iii) the production site has been subject to at least once a month official inspection for the presence of <i>Coccus viridis</i>, <i>Pulvinaria psidii</i> and <i>Selenaspidus articulatus</i>, and found free from those pests; (iv) immediately prior to export, consignments of the plants have been subjected to an official inspection for the presence of <i>Coccus viridis</i>, <i>Pulvinaria psidii</i> and <i>Selenaspidus articulatus</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; (b) the phytosanitary certificates for those plants include under the heading 'Additional Declaration': <ul style="list-style-type: none"> (i) the following statement: 'The consignment complies with Commission Implementing Regulation (EU) 2020/1213'; and (ii) the specification of the registered sites of production.'

ANNEX III

Correction of Implementing Regulation (EU) 2020/1213

In the table in the Annex to Implementing Regulation (EU) 2020/1213, the entry '*Jasminum polyanthum* Franchet, unrooted cuttings of plants for planting' originating in Israel, is replaced by the following:

Plants, plant products or other objects	CN Code	Third countries of origin	Measures
' <i>Jasminum polyanthum</i> Franchet, unrooted cuttings of plants for planting	ex 0602 10 90	Israel	<p>(a) Official statement that:</p> <ul style="list-style-type: none"> (i) the plants are free from <i>Aonidiella orientalis</i>, <i>Milviscutulus mangiferae</i>, <i>Paracoccus marginatus</i>, <i>Pulvinaria psidii</i> and <i>Colletotrichum siamense</i>; (ii) the plants have been grown throughout their life in a place of production, which, together with the sites of production that form part of it, is registered and supervised by the national plant protection organisation of the country of origin; (iii) the plants have been grown in a site with physical protection against the introduction of <i>Aonidiella orientalis</i>, <i>Milviscutulus mangiferae</i>, <i>Paracoccus marginatus</i>, <i>Pulvinaria psidii</i>; (iv) the production site has been subject to official inspections for the presence of <i>Aonidiella orientalis</i>, <i>Milviscutulus mangiferae</i>, <i>Paracoccus marginatus</i>, <i>Pulvinaria psidii</i>, and <i>Colletotrichum siamense</i> every three weeks and found free from those pests; (v) immediately prior to export, consignments of the plants have been subjected to an official inspection for the presence of <i>Aonidiella orientalis</i>, <i>Milviscutulus mangiferae</i>, <i>Paracoccus marginatus</i>, and <i>Pulvinaria psidii</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 %, and to an official inspection for the presence of <i>Colletotrichum siamense</i> including testing of symptomatic plants; <p>(b) the phytosanitary certificates for those plants include under the heading 'Additional Declaration':</p> <ul style="list-style-type: none"> (i) the following statement: 'The consignment complies with Commission Implementing Regulation (EU) 2020/1213'; and (ii) the specification of the registered sites of production.'