COMMISSION IMPLEMENTING DECISION (EU) 2022/1933

of 12 October 2022

amending Council Directive 2008/90/EC as regards the extension of the derogation relating to import conditions for fruit plant propagating material and fruit plants intended for fruit production from third countries

(notified under document C(2022) 7148)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2008/90/EC of 29 September 2008 on the marketing of fruit plant propagating material and fruit plants intended for fruit production ([1]), and in particular the second subparagraph of Article 12(2) thereof,

Whereas:

(1) Article 12(1) of Directive 2008/90/EC requires the Commission to decide whether propagating material and fruit plants produced in a third country and affording the same guarantees as regards obligations on the supplier, identity, characteristics, plant health, growing medium, packaging, inspection arrangements, marking and sealing are equivalent in all these respects to propagating material and fruit plants produced in the Union and complying with the requirements and conditions of that Directive. Article 12(2) of Directive 2008/90/EC provides for a derogation allowing Member States, pending such decision, to apply to the import of propagating material and fruit plants conditions at least equivalent to those that apply to fruit plant propagating material and fruits plants produced in the Union.

(2) Such derogation has been granted until 31 December 2022. Member States may therefore apply conditions equivalent to those set out in Commission Implementing Directives 2014/96/EU ([2]), 2014/97/EU ([3]) and 2014/98/EU ([4]).

(3) A Commission Implementing Decision concerning the equivalence of fruit plant propagating material and fruit plants, intended for fruit production, produced in certain third countries is under preparation. The Commission needs to examine the relevant legislation of those third countries and decide if propagating material and fruit plants intended for fruit production produced in those countries are equivalent to propagating material and fruit plants intended for fruit production produced in the Union and complying with Directive 2008/90/EC. The Commission also needs to examine if the propagating material and fruit plants produced in those third countries afford the same guarantees as regards obligations on the supplier, identity, characteristics, plant health, growing medium, packaging, inspection arrangements, marking and sealing, as the respective material produced in the Union in compliance with that Directive.

(4) Given the time necessary for conducting such assessments and considering the high number of applications received from third countries, it is deemed that the adoption of the aforementioned Implementing Decision by 31 December 2022 is not feasible. Pending the adoption of that Implementing Decision, and in order to prevent trade patterns from being disrupted, Member States should continue to benefit from the derogation of Article 12(2) of Directive 2008/90/EC.

(5) The period of application of the derogation provided for in Article 12(2) of Directive 2008/90/EC should consequently be extended until 31 December 2025.

([1]) OJ L 267, 8.10.2008, p. 8.

([2]) Commission Implementing Directive 2014/96/EU of 15 October 2014 on the requirements for the labelling, sealing and packaging of fruit plant propagating material and fruit plants intended for fruit production, falling within the scope of Council Directive 2008/90/EC (OJ L 298, 16.10.2014, p. 12).

([3]) Commission Implementing Directive 2014/97/EU of 15 October 2014 implementing Council Directive 2008/90/EC as regards the registration of suppliers and of varieties and the common list of varieties (OJ L 298, 16.10.2014, p. 16).

([4]) Commission Implementing Directive 2014/98/EU of 15 October 2014 implementing Council Directive 2008/90/EC as regards specific requirements for the genus and species of fruit plants referred to in Annex I thereto, specific requirements to be met by suppliers and detailed rules concerning official inspections (OJ L 298, 16.10.2014, p. 22).

(6) Directive 2008/90/EC should therefore be amended accordingly.

(7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

In the first subparagraph of Article 12(2) of Directive 2008/90/EC, the date '31 December 2022' is replaced by '31 December 2025'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 12 October 2022.

For the Commission
Stella KYRIAKIDES
Member of the Commission