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COMMISSION DELEGATED REGULATION (EU) 2026/59

of 6 January 2026

establishing a derogation from Article 43(1) of Regulation (EU) 2016/2031 of the European Parliament and of the Council as regards the import conditions for introduction into the Union of wood packaging material in the form of ammunition boxes, originating in the United States of America, under the control of the United States Department of Defense, and manufactured before 1 September 2007

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 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 43(2),

Whereas:

(1) Regulation (EU) 2016/2031 aims at providing protection in the territory of the Union against the spread of organisms harmful to plants, establishing measures to prevent their introduction and dissemination. Article 43(1) of that Regulation provides for specific requirements for the introduction of wood packaging material into the Union territory. Such wood packaging material is to comply with the International Standard for Phytosanitary Measures No 15 (ISPM 15): *Regulation of Wood Packaging Material in International Trade* ([2]), guaranteeing that the wood packaging material has been subjected to approved phytosanitary treatment.

(2) Commission Delegated Regulation (EU) 2022/1456 ([3]) authorised Member States to provide for a temporary derogation from certain provisions of Article 43(1) of Regulation (EU) 2016/2031, in respect of special conditions concerning the introduction into the Union territory of wood packaging material in the form of ammunition boxes originating in the United States of America, under the control of the United States Department of Defense, and manufactured before 1 September 2007. Delegated Regulation (EU) 2022/1456 expired on 31 July 2025.

(3) Article 6 of Delegated Regulation (EU) 2022/1456 provided that the Member State of the first place of storage is to provide, on an annual basis, the Commission and the other Member States with information on the number of consignments introduced into their territories and with a report on the checks referred to in Article 3 of that Regulation.

(4) Since the validity of Delegated Regulation (EU) 2022/1456 has expired, new rules should be adopted in order to allow the introduction of such ammunition boxes under certain conditions also in the future.

(5) On 31 July 2024, the United States of America requested an extension of the derogation set out in Delegated Regulation (EU) 2022/1456. The United States of America have justified the request explaining that the programme provided an effective option for moving stockpiled ammunitions from 8 major depots.

([1]) OJ L 317, 23.11.2016, p. 4, ELI: http://data.europa.eu/eli/reg/2016/2031/oj.
([2]) Adopted Standards (ISPMs) – International Plant Protection Convention.
([3]) Commission Delegated Regulation (EU) 2022/1456 of 10 June 2022 establishing a derogation from Article 43(1) of Regulation (EU) 2016/2031 of the European Parliament and of the Council as regards the import conditions for introduction into the Union of wood packaging material in the form of ammunition boxes, originating in the United States of America, under the control of the United States Department of Defence, and manufactured before 1 September 2007 (OJ L 229, 5.9.2022, p. 5, ELI: http://data.europa.eu/eli/reg_del/2022/1456/oj).

(6) The Commission has concluded, on the basis of the information supplied by the United States of America, the reporting on imports submitted by the Member States, pursuant to Article 6 of Delegated Regulation (EU) 2022/1456, and the views expressed by the Commission Expert Group on Plant Health, consulted on 21 January 2025, that the application of the conditions laid down in Article 1 of Delegated Regulation (EU) 2022/1456 to the introduction into the Union territory of wood packaging material in the form of ammunition boxes originating in the United States of America is sufficient to ensure the reduction of the phytosanitary risk for the Union territory to an acceptable level.

(7) The conditions established in Delegated Regulation (EU) 2022/1456 should therefore be maintained in this Regulation. Therefore, such wood packaging material in the form of ammunition boxes originating in the United States of America, should be allowed to be introduced into, as well as stored and moved within, the Union territory, as long as it fulfils the conditions set out in this Regulation.

(8) In order to ensure effective controls and overview of the potential phytosanitary risks, any operator moving or storing wood packaging material in the form of ammunition boxes originating in the United States of America, after the respective relevant checks, should notify the respective competent authority concerning the movement or storage of the boxes concerned.

(9) In order to ensure a swift response to any potential phytosanitary risk from wood packaging material in the form of ammunition boxes originating in the United States of America, Member States should immediately inform each other and the Commission when they become aware of a consignment not complying with the requirements concerning the conditions for introduction into the Union set out in this Regulation. In addition, they should, on an annual basis, provide the Commission and the other Member States with information on the imports made, in order to assess the application of this Regulation.

(10) The conditions for the derogation introduced by this Regulation should apply until 31 December 2030 to allow for the review of the implementation of its measures, and to examine whether they effectively address the phytosanitary risk of the import of that wood packaging material,

HAS ADOPTED THIS REGULATION:

Article 1

Object of the derogation

Wood packaging material in the form of boxes in use in the transport of ammunition, manufactured before 1 September 2007, and originating from the United States of America, under the control of the United States Department of Defense ('the boxes'), is exempted from the requirements of Article 43(1) of Regulation (EU) 2016/2031, where it fulfils the requirements provided for in this Regulation.

Article 2

Notification obligation

1. At least five working days before the intended introduction into the Union territory of a consignment as referred to in Article 1, the importer shall notify the competent authorities of the Member State of the point of entry of its intention to introduce such a consignment. Within the same period, the importer shall also provide the same notification to the competent authorities of the Member State of the first place of storage, where that place differs from the point of entry.

2. The notification referred to in paragraph 1 shall include the following elements:

(a) date of intended introduction;

(b) an inventory of the consignment concerned identifying the boxes forming part of it;

(c) name and address of importer;

(d) address of the point of entry of intended introduction;

(e) address of the first place of storage, where that differs from the point of entry.

Article 3

Checks by the competent authorities

1. The competent authorities of the Member State of the point of entry of a consignment as referred to in Article 1 shall check the presence and completeness of the document described in point (7) of the Annex. They shall also check compliance of a representative sample of each consignment with the following points of the Annex:

(a) points (1) and (2) concerning the display of the respective marks;

(b) point (3) concerning repaired boxes;

(c) point (4) concerning the absence of bark;

(d) point (5) concerning the moisture content level.

2. By derogation from paragraph 1, where the first place of storage differs from the point of entry, the competent authorities of the Member State of the first place of storage shall carry out the check described in that paragraph.

Article 4

Storage and movement of the boxes

1. Prior to and after the conduct of the checks referred to in Article 3, the boxes shall remain stored in closed buildings.

2. Any movement of the boxes may only take place in closed containers, or under full protective cover.

Article 5

Notification of non-compliance

Member States shall notify the Commission and the other Member States of each consignment not complying with the conditions set out in the Annex. That notification shall take place no later than three working days after the date when the competent authority becomes aware of such non-compliance.

Article 6

Reporting on imports

By 31 January of each year, the Member State of the first place of storage shall provide the Commission and the other Member States with information on the number of consignments introduced into their territories and with a report on the checks referred to in Article 3 carried out between 1 January and 31 December of the preceding year.

Article 7

Expiry date

This Regulation shall expire on 31 December 2030.

Article 8

Entry into force

This Regulation shall enter into force on the twentieth 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, 6 January 2026.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Conditions for the introduction of ammunition boxes as referred to in Article 1

The boxes referred to in Article 1 shall satisfy the following conditions:

(1) they display a mark confirming that they have been manufactured by 31 August 2007;

(2) they display a mark indicating that they have been treated with a wood preservative approved by the Environmental Protection Agency of the United States of America;

(3) in case the boxes have been repaired since manufacture, the wood used for that purpose fulfils the conditions set out in Article 43(1) of Regulation (EU) 2016/2031;

(4) the boxes are made of wood. That wood must either be completely debarked or only contain visually separate and clearly distinct small pieces of bark. Those pieces of bark must comply with either of the following requirements:

  (a) they are less than 3 cm in width (regardless of the length);

  (b) when they are bigger than 3 cm in width, the total surface area of each individual piece of bark is less than 50 cm^2;

(5) their moisture content level is not more than 20 %;

(6) they have been stored in closed buildings and transported in closed containers, or under full protective cover;

(7) they are accompanied by a document issued by the United States Department of Defence confirming compliance with the conditions set out in points (4), (5) and (6).