Official Journal
of the European Union

EN
L series

2024/292

19.1.2024

COMMISSION IMPLEMENTING REGULATION (EU) 2024/292

of 18 January 2024

amending Implementing Regulation (EU) 2020/1217 concerning the period of derogation and the pests of concern for the introduction into the Union territory of naturally or artificially dwarfed plants for planting of *Chamaecyparis* Spach, *Juniperus* L. and certain species of *Pinus* L., originating in Japan

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 Articles 30(1), 40(1) and 41(1) thereof,

Whereas:

(1) Commission Implementing Regulation (EU) 2019/2072 ([2]) establishes a list of plants, plant products and other objects whose introduction into the Union territory from certain third countries is prohibited. In accordance with point 1 of Annex VI to that Regulation, the introduction into the Union territory of plants for planting of *Chamaecyparis* Spach, *Juniperus* L. and *Pinus* L., other than fruit and seeds, is prohibited.

(2) Commission Implementing Regulation (EU) 2020/1217 ([3]) allows, by way of derogation from point 1 of Annex VI to Implementing Regulation (EU) 2019/2072, under certain conditions, the introduction into the Union of naturally or artificially dwarfed plants for planting of *Chamaecyparis* Spach, *Juniperus* L. and certain species of *Pinus* L., originating in Japan (the 'specified plants').

(3) In accordance with Article 3 of Implementing Regulation (EU) 2020/1217, the derogation provided for in that Implementing Regulation expires on 31 December 2023.

(4) On 13 October 2023, Japan submitted to the Commission a request to prolong the derogation provided for in Implementing Regulation (EU) 2020/1217.

(5) The introduction of the specified plants into the Union, subject to the respective requirements of Implementing Regulation (EU) 2020/1217, as effectively applied by Japan, has presented negligeable phytosanitary risk for the Union territory.

(6) The derogation provided for in Article 3 of Implementing Regulation (EU) 2020/1217 should be prolonged until 31 December 2024, to allow sufficient time to fully assess the risk of the pests not yet classified as Union quarantine pests in the lists of pests of concern. That assessment will allow the Commission to conclude whether the derogation should cease to apply or the specified plants should be subject of the requirements set out in Annex VII to Implementing Regulation (EU) 2019/2072 concerning their introduction into the Union.

([1]) OJ L 317, 23.11.2016, p. 4.4, ELI: http://data.europa.eu/eli/reg/2016/2031/oj.

([2]) 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, ELI: http://data.europa.eu/eli/reg/2016/2031/oj).

([3]) Commission Implementing Regulation (EU) 2020/1217 of 25 August 2020 on a derogation from Implementing Regulation (EU) 2019/2072 concerning the introduction into the Union of naturally or artificially dwarfed plants for planting of *Chamaecyparis* Spach, *Juniperus* L. and certain species of *Pinus* L., originating in Japan, and repealing Decision 2002/887/EC (OJ L 277, 26.8.2020, p. 6, ELI: http://data.europa.eu/eli/reg_impl/2020/1217/oj).

(7) Besides, the Opinion of the European Food Safety Authority (EFSA) of 15 March 2019 ([4]) concluded that the plants of *Chamaecyparis* Spach and *Pinus parviflora* Sieb. & Zucc. (*Pinus pentaphylla* Mayr) are also hosts to the pest *Urocerus japonicus* (F. Sm.). For this reason, that pest should be listed in the Annex to that Regulation as a pest of concern for those plants.

(8) In order to avoid import disruption and ensure continuation of trade beyond the expiry date of the derogation pursuant to Article 3 of Implementing Regulation (EU) 2020/1217, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*. For that reason, and in order to avoid any legal gaps, this Regulation should apply from 1 January 2024.

(9) 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

Amendment of Implementing Regulation (EU) 2020/1217

Implementing Regulation (EU) 2020/1217 is amended as follows:

(1) in Article 3, the text is replaced by the following:

'The derogation provided for in Article 2 applies to the specified plants imported into the Union in the following periods:

(a) *Chamaecyparis*: from 1 October 2020 to 31 December 2024;

(b) *Juniperus*: from 1 November to 31 March each year until 31 December 2024;

(c) *Pinus* L.: from 1 October 2020 to 31 December 2024.';

(2) the Annex is amended in accordance with the Annex to this Regulation.

Article 2

Entry into force and period of application

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

It shall apply from 1 January 2024.

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

Done at Brussels, 18 January 2024.

For the Commission
The President
Ursula VON DER LEYEN

([4]) EFSA Panel on Plant Health, 2019. Scientific Opinion on the commodity risk assessment of black pine (*Pinus thunbergii* Parl.) bonsai from Japan. *EFSA Journal* 2019;17(5):5667, 184 pp. https://doi.org/10.2903/j.efsa.2019.5667

ANNEX

Amendment of the Annex to Implementing Regulation (EU) 2020/1217

In point 4 of the Annex to Implementing Regulation (EU) 2020/1217, points (b) and (c) are replaced by the following:

'(b) for *Chamaecyparis* plants:

(i) *Popillia japonica* Newman,

(ii) *Urocerus japonicus* (F. Sm.),

(iii) any other quarantine pest or pest subject to the measures referred to in Article 30 of Regulation (EU) 2016/2031 which is not known to occur in the Union;

(c) for *Pinus parviflora* Sieb. & Zucc. (*Pinus pentaphylla* Mayr) plants:

(i) *Bursaphelenchus xylophilus* (Steiner and Bührer) Nickle et al.,

(ii) *Coleosporium paederiae* Dietel ex Hirats. f.,

(iii) *Crisicoccus pini* (Kuwana),

(iv) *Cronartium kurilense* (Dietel) Y. Ono,

(v) *Cronartium quercuum* (Berk.) Miyabe ex Shirai,

(vi) *Dendrolimus sibiricus* Chetverikov,

(vii) *Dendrolimus spectabilis* (Butler),

(viii) *Dendrolimus superans* Butler,

(ix) *Monochamus* spp. (non-European populations),

(x) *Pissodes nitidus* Roelofs,

(xi) *Popillia japonica* Newman,

(xii) *Pseudocercospora pini-densiflorae* (Hori & Nambu) Deighton,

(xiii) *Thecodiplosis japonensis* Uchida & Inouye,

(xiv) *Urocerus japonicus* (F. Sm.),

(xv) any other quarantine pest or pest subject to the measures referred to in Article 30 of Regulation (EU) 2016/2031 which is not known to occur in the Union;'