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COMMISSION

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COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

**amending Implementing Regulation (EU) 2019/2072 as regards the listing and the
measures for regulated non-quarantine pests**

This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

amending Implementing Regulation (EU) 2019/2072 as regards the listing and the measures for regulated non-quarantine pests

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/EC¹, and in particular Article 37(2) and (4) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2019/2072² establishes a list of Union regulated non-quarantine pests (RNQPs). It also lays down protective measures to prevent the presence of those pests on specific plants for planting.
- (2) Annex IV to Implementing Regulation (EU) 2019/2072 sets out the list of RNQPs and specific plants for planting. Annex V to that Implementing Regulation sets out the measures to prevent the presence of RNQPs on specific plants for planting.
- (3) In order to reflect the latest updated version of the international nomenclature established by the List of Prokaryotic names with Standing in Nomenclature³ and the Index Fungorum⁴, the names of the pests *Clavibacter michiganensis* ssp. *insidiosus* (McCulloch 1925) Davis *et al.*, *Clavibacter michiganensis* ssp. *michiganensis* (Smith) Davis *et al.*, *Diaporthe phaseolorum* var. *sojae* Lehman, *Gibberella fujikuroi* Sawada, *Xanthomonas axonopodis* pv. *phaseoli* (Smith) Vauterin *et al.*, *Xanthomonas euvesicatoria* Jones *et al.*, *Xanthomonas fuscans* subsp. *fuscans* Schaad *et al.*, *Xanthomonas gardneri* (ex Šutič) Jones *et al.* and *Xanthomonas perforans* Jones *et al.* should be respectively replaced in Annexes IV and V to Implementing Regulation (EU) 2019/2072 by *Clavibacter insidiosus* (McCulloch) Li *et al.*⁵, *Clavibacter*

¹ OJ L 317, 23.11.2016, p. 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_impl/2019/2072/oj)

³ Parte, A.C., Sardà Carbasse, J., Meier-Kolthoff, J.P., Reimer, L.C. and Göker, M. (2020). List of Prokaryotic names with Standing in Nomenclature (LPSN) moves to the DSMZ. International Journal of Systematic and Evolutionary Microbiology, 70, 5607-5612; DOI: 10.1099/ijsem.0.004332

⁴ <https://www.indexfungorum.org/>

⁵ EPPO (2024) *Clavibacter insidiosus*. EPPO datasheets on pests recommended for regulation. <https://gd.eppo.int>

michiganensis (Smith) Davis *et al.*⁶, *Diaporthe sojae* Lehman⁷, *Fusarium fujikuroi* Nirenberg⁸, *Xanthomonas phaseoli* pv. *phaseoli* (Smith) Constantin *et al.*⁹, *Xanthomonas euvesicatoria* pv. *euvesicatoria* (Jones *et al.*) Constantin *et al.*¹⁰, *Xanthomonas citri* pv. *fuscans* (Schaad *et al.*) Constantin *et al.*¹¹, *Xanthomonas hortorum* pv. *gardneri* (Jones *et al.*) Morinière *et al.*¹² and *Xanthomonas euvesicatoria* pv. *perforans* (Jones *et al.*) Constantin *et al.*¹³.

- (4) In accordance with Article 71(2) of Regulation (EU) 2016/2031, as amended by Regulation (EU) 2024/3115 of the European Parliament and of the Council¹⁴, the phytosanitary certificate is to specify under the heading 'Additional Declaration' which specific requirement is fulfilled, whenever the respective implementing act adopted pursuant to Article 28(1) and (2), Article 30(1) and (3), Article 37(4), Article 41(2) and (3) and Article 54(2) and (3) allows for several different options for such requirements. That specification is to include the full wording of the relevant requirement. In the case of RNQPs, the specification is to include also the category of plants for planting concerned
- (5) In view of the amendment of Article 71(2) of Regulation (EU) 2016/2031, some parts of Annex V to Implementing Regulation (EU) 2019/2072 should be adapted to allow for third countries to indicate in the phytosanitary certificate the relevant measure applied and for Member States to carry out the corresponding import controls in an easier and more effective way.
- (6) In particular, in Parts A, B, G and I of Annex V to Implementing Regulation (EU) 2019/2072, the measures in relation to RNQP and the corresponding plants are listed in the form of text. It is thus necessary to move them into tables to facilitate the visibility of the different options. For the same reason, in Parts C, D, E, F, H, J and K of that Annex, each row of the existing tables should be numbered.
- (7) Moreover, within the tables of all Parts of Annex V to Implementing Regulation (EU) 2019/2072, the pests and their respective taxonomic group should be listed in

⁶ EPPO (2024) *Clavibacter michiganensis*. EPPO datasheets on pests recommended for regulation. <https://gd.eppo.int>

⁷ <https://gd.eppo.int/taxon/DIAPPS>

⁸ <https://www.speciesfungorum.org/GSD/GSDspecies.asp?RecordID=314213>

⁹ EPPO (2024) *Xanthomonas phaseoli* pv. *phaseoli*. EPPO datasheets on pests recommended for regulation. <https://gd.eppo.int>

¹⁰ EPPO (2024) *Xanthomonas euvesicatoria* pv. *euvesicatoria*. EPPO datasheets on pests recommended for regulation. <https://gd.eppo.int>

¹¹ EPPO (2024) *Xanthomonas citri* pv. *fuscans*. EPPO datasheets on pests recommended for regulation. <https://gd.eppo.int>

¹² EPPO (2024) *Xanthomonas hortorum* pv. *gardneri*. EPPO datasheets on pests recommended for regulation. <https://gd.eppo.int>

¹³ EPPO (2024) *Xanthomonas euvesicatoria* pv. *perforans*. EPPO datasheets on pests recommended for regulation. <https://gd.eppo.int>

¹⁴ Regulation (EU) 2024/3115 of the European Parliament and of the Council of 27 November 2024 amending Regulation (EU) 2016/2031 as regards multiannual survey programmes, notifications concerning the presence of regulated non-quarantine pests, temporary derogations from import prohibitions and special import requirements and establishment of procedures for granting them, temporary import requirements for high-risk plants, plant products and other objects, the establishment of procedures for the listing of high-risk plants, the content of phytosanitary certificates and the use of plant passports, and as regards certain reporting requirements for demarcated areas and surveys of pests and amending Regulation (EU) 2017/625 as regards certain notifications of non-compliance (OJ L, 2024/3115, 16.12.2024, ELI: <http://data.europa.eu/eli/reg/2024/3115/oj>)

alphabetical order. This is necessary in order to make those lists more legible and easier for use by the competent authority, professional operators and other readers.

- (8) Since the European and Mediterranean Plant Protection Organisation (EPPO) codes for all RNQPs are indicated in Annex IV to Implementing Regulation (EU) 2019/2072, it is no longer necessary to indicate them in Annex V thereto. They should be removed accordingly from that Annex.
- (9) Furthermore, for the sake of accuracy, the scientific names of the pests should always include the respective author. Therefore, the reference to the author should be included in the scientific name of pests in all parts of Annex V to Implementing Regulation (EU) 2019/2072, where it is missing.
- (10) In order to clarify the scope of the measures, the type of material to which they apply should be specified, together with the respective plant species. Moreover, the wording “official statement” should be added in the third column of each table of Annex V to Implementing Regulation (EU) 2019/2072, in order to be consistent with Annexes VII and VIII to that Regulation.
- (11) In Annex V to Implementing Regulation (EU) 2019/2072, where measures are set out only for the movement of plants for planting within the Union territory, it is appropriate to provide for the same measures for the introduction of those plants into the Union from third countries in order to apply a non-discriminatory approach. This is the case for the measures concerning *Xanthomonas arboricola* pv. *pruni* (Smith) Vauterin *et al.*, *Dothistroma pini* Hulbary, *Dothistroma septosporum* (Dorogin) Morelet, *Lecanosticta acicola* (von Thümen) Sydow, *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld, *Puccinia horiana* P. Hennings, *Aculops fuchsiae* Keifer, *Opogona sacchari* Bojer, *Rhynchophorus ferrugineus* (Olivier), Impatiens necrotic spot tospovirus and Tomato spotted wilt tospovirus virus in Part C, *Cryphonectria parasitica* (Murrill) Barr., *Dothistroma pini* Hulbary, *Dothistroma septosporum* (Dorogin) Morelet, *Lecanosticta acicola* (von Thümen) Sydow and *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld in Part D, *Fusarium* Link (anamorphic genus), other than *Fusarium oxysporum* sp. *albedinis* (Kill. & Maire) W.L. Gordon and *Fusarium circinatum* Nirenberg & O'Donnell, *Helicobasidium brebissoni* (Desm.) Donk, *Stromatinia cepivora* Berk. and Tomato spotted wilt tospovirus in Part H.
- (12) In Annex V to Implementing Regulation (EU) 2019/2072, in the case of *Ditylenchus dipsaci* (Kuehn) Filipjev in Part A, *Ditylenchus dipsaci* (Kuehn) Filipjev, Candidatus Phytoplasma solani Quaglino *et al.*, Chrystantemum stunt viroid and Potato spindle tuber viroid in Part C, *Ditylenchus dipsaci* (Kuehn) Filipjev in Part E, *Verticillium dahliae* Kleb, *Ditylenchus dipsaci* (Kuehn) Filipjev in Part H and *Verticillium dahliae* Kleb. and *Verticillium nonalfalfae* Inderbitzin, H.W. Platt, Bostock, R.M. Davis & K.V. Subbarao in Part J, it is appropriate to allow under the required measures, the movement within, and introduction into, the Union territory of the respective plants that originate in areas established by the competent authority as being free from those pests as those pests are not widely spread in other parts of the world.
- (13) In Part G of Annex V to Implementing Regulation (EU) 2019/2072, and in particular in the case of *Botrytis cinerea* Bary, *Colletotrichum lini* Westerdijk, *Diaporthe caulivora* (Athow & Caldwell) J.M. Santos, Vrandecic & A.J.L. Phillips *Diaporthe soja* Lehman and *Fusarium* Link (anamorphic genus), other than *Fusarium oxysporum* f. sp. *albedinis* (Kill. & Maire) W.L. Gordon and *Fusarium circinatum* Nirenberg & O'Donnell, one of the measures requires that the seeds have been subject to a treatment

authorised for use against the specific pests. For reasons of legal certainty, it is necessary to clarify that that authorisation is to be granted by the competent authority.

- (14) Annexes IV and V to Implementing Regulation (EU) 2019/2072 should, therefore, be amended accordingly.
- (15) For reasons of consistency, this Regulation should apply from the same date as Article 1, point (14), of Regulation (EU) 2024/3115, which requires the indication on the phytosanitary certificates of the full wording of the applicable option for the category of plant for planting concerned in relation to Union regulated non-quarantine pests.
- (16) 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

Amendments to Implementing Regulation (EU) 2019/2072

Annexes IV and V to Implementing Regulation (EU) 2019/2072 are amended in accordance with the Annex to this Regulation.

Article 2

Entry into force and application

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

It shall apply from 6 July 2026.

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

Done at Brussels,

For the Commission

The President

Ursula VON DER LEYEN