COMMISSION IMPLEMENTING REGULATION (EU) 2020/887

of 26 June 2020

amending Implementing Regulation (EU) 2019/66 as regards post-import checks of plants for planting

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) ([1]), and in particular Article 22(3) thereof,

Whereas:

(1) Commission Implementing Regulation (EU) 2019/66 ([2]) establishes rules on uniform practical arrangements for the performance of official controls on plants, plant products and other objects. Those rules include checks at the premises of professional operators at the places of production of plants for planting.

(2) Dormant plants for planting other than seeds may present uniform hazards and risks to plant health, because at the time of their checking at the Border Control Posts, or at control points, it might not be possible to identify the presence or symptoms of pests. Nevertheless, immediately after those checks, those plants for planting are released for free circulation, accompanied by a plant passport for movement within the Union territory.

(3) Therefore, and for the purpose of responding to those risks, it is appropriate, after import, to carry out physical checks at the operators' premises at least during the first growing season, in order to detect with a higher degree of certainty the presence of a Union quarantine pest, a protected zone quarantine pest or a pest subject to the measures adopted pursuant to Article 30(1) of Regulation (EU) 2016/2031 of the European Parliament of the Council ([3]). In order for the competent authorities to carry out those checks in the most efficient and proportionate manner, they should determine the frequencies of those checks, as well as the plants for planting to be subject to those checks, on the basis of a control plan, which shall be established in accordance with certain criteria.

(4) In order to make the checks more efficient and targeted on the highest plant health risks, it is appropriate to base them on the history of interceptions of the relevant pests with regards to the relevant third countries of origin, the presence of priority pests in those countries and the available information in the Information Management System for Official Controls (IMSOC). The Member States may collect fees for those controls, as set out in Article 80 of Regulation (EU) 2017/625.

(5) When those checks demonstrate that a quarantine pest or a pest subject to the measures adopted pursuant to Article 30(1) of Regulation (EU) 2016/2031 is found, competent authorities should record the results of the checks in IMSOC into the corresponding finalised CHED as referred to in Article 56 of Regulation (EU) 2017/625, whenever it is possible to trace back the infested plant to the imported consignment.

([1]) OJ L 95, 7.4.2017, p. 1.

([2]) Commission Implementing Regulation (EU) 2019/66 of 16 January 2019 on rules on uniform practical arrangements for the performance of official controls on plants, plant products and other objects in order to verify compliance with Union rules on protective measures against pests of plants applicable to those goods (OJ L 15, 17.1.2019, p. 1).

([3]) Regulation (EU) 2016/2031 of the European Parliament 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 (OJ L 317, 23.11.2016, p. 4).

(6) 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

Article 1 of Implementing Regulation (EU) 2019/66 is replaced by the following:

'*Article 1*

1. Competent authorities shall perform official controls at least once per year in the premises and, where applicable, in other locations used by professional operators authorised to issue plant passports in accordance with Article 84(1) of Regulation (EU) 2016/2031.

2. Those controls shall include inspections and, in the case of suspicion of risks to plant health, the sampling and testing referred to in Article 92(1) of Regulation (EU) 2016/2031.

3. Those controls shall be carried out at the most appropriate time with regard to the possibility of detecting the presence of relevant pests or signs or symptoms thereof.

4. In addition to the controls referred to in paragraphs 1 to 3, the competent authorities shall carry out physical checks on plants for planting other than seeds, including tubers, bulbs and rhizomes, that have been introduced into the Union at a dormant stage. The competent authorities shall carry out those checks during the first growing season after import on certain of those plants identified on the basis of the control plan referred to in paragraph 5.

5. The competent authorities shall determine the frequencies of the checks mentioned in paragraph 4, on the basis of a control plan, which shall be established in accordance with at least all of the following criteria:

(a) the history and the level of Union quarantine pests intercepted and notified by the Member States in accordance with Article 11(c) of Regulation (EU) 2016/2031, found present on imported plants, plant products and other objects;

(b) the occurrence of a priority pest, within the meaning of Article 6 of Regulation (EU) 2016/2031, in the relevant third country of origin, according to the available technical and scientific information;

(c) information made available via the Information Management System for Official Controls (IMSOC) or any other official warning;

(d) the biology of the host and the pests, and other relevant conditions for the efficient detection of a quarantine pest or a pest subject to the measures adopted pursuant to Article 30(1) of Regulation (EU) 2016/2031.

6. When those checks mentioned in paragraph 4 demonstrate the presence of a quarantine pest or a pest subject to the measures adopted pursuant to Article 30(1) of Regulation (EU) 2016/2031, competent authorities shall record the results of the checks in IMSOC into the corresponding finalised Common Health Entry Document (CHED) as referred to in Article 56 of Regulation (EU) 2017/625, whenever it is possible to trace back the infested plant to the imported consignment.'

Article 2

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, 26 June 2020.

For the Commission
The President
Ursula VON DER LEYEN