

COMMISSION IMPLEMENTING REGULATION (EU) 2020/2211
of 22 December 2020
amending Annex VI to Implementing Regulation (EU) 2019/2072 as regards the United Kingdom

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 Article 40(3) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2019/2072 ⁽²⁾ provides for protective measures against pests of plants, applicable in the Union territory.
- (2) Union law, including Implementing Regulation (EU) 2019/2072, is applicable to and in the United Kingdom during a transition period that ends on 31 December 2020, in accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ('Withdrawal Agreement'), and in particular Articles 126 and Article 127(1) thereof.
- (3) In accordance with Implementing Regulation (EU) 2019/2072, tubers of species of *Solanum* L., and their hybrids, other than those specified in entries 15 and 16 of Annex VI to that Regulation (the 'specified plants'), may be introduced into the Union from the third countries listed in the fourth column of entry 17 of that Annex.
- (4) In view of the end of the transition period provided for in the Withdrawal Agreement, the United Kingdom has submitted a request to the Commission for its recognition as being free from the specified pest, from 1 January 2021.
- (5) Council Directive 93/85/EEC ⁽³⁾ provides for measures to be taken within the Member States, amongst others, against the pest *Clavibacter sepedonicus* (Spieckermann and Kottho) Nouiouï *et al.*, which is one of the causes for the potato ring rot disease.
- (6) In accordance with Article 2 of Directive 93/85/EEC, the United Kingdom has carried out annual surveys, the results of which prove that its territory has been free from the specified pest in the last three years. The results of those surveys have been notified in 2020 to the Commission and the other Member States.
- (7) Moreover, no interceptions of the specified pest have been recorded during the movement of the specified plants within the United Kingdom, or from that country to the Union.
- (8) The United Kingdom has informed the Commission that its respective legislation, which has transposed Directive 93/85/EEC, will not change and will continue to apply from 1 January 2021.
- (9) The United Kingdom should therefore be included in the fourth column of entry 17 of Annex VI to Implementing Regulation (EU) 2019/2072, without prejudice to the application of Union law to and in the United Kingdom in respect of Northern Ireland in accordance with Article 5(4) of the Protocol on Ireland/Northern Ireland to the Withdrawal Agreement in conjunction with Annex 2 to that Protocol.

⁽¹⁾ OJ L 317, 23.11.2016, p. 4.

⁽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).

⁽³⁾ Council Directive 93/85/EEC of 4 October 1993 on the control of potato ring rot (OJ L 259, 18.10.1993, p. 1).

- (10) In order to ensure that the United Kingdom remains free from the specified pest, it should submit to the Commission, by 28 February of each year, survey results confirming that *Clavibacter sepedonicus* (Spieckermann and Kottho) Nouiouï *et al.* has not been present on its territory during the preceding year.
- (11) Implementing Regulation (EU) No 2019/2072 should therefore be amended accordingly.
- (12) As the transition period provided for in the Withdrawal Agreement ends on 31 December 2020, this Regulation should apply from 1 January 2021.
- (13) 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

Annex VI to Implementing Regulation (EU) 2019/2072 is amended in accordance with the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 2021.

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

Done at Brussels, 22 December 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

In the fourth column of entry 17 of Annex VI to Implementing Regulation (EU) 2019/2072, the text is replaced by the following:

‘Third countries other than:

(a) Algeria, Egypt, Israel, Libya, Morocco, Syria, Switzerland, Tunisia and Turkey;

or

(b) those which fulfil the following:

(i) they are one of following:

Albania, Andorra, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Canary Islands, Faeroe Islands, Georgia, Iceland, Liechtenstein, Moldova, Monaco, Montenegro, North Macedonia, Norway, Russia (only the following parts: Central Federal District (Tsentralny federalny okrug), Northwestern Federal District (Severo-Zapadny federalny okrug), Southern Federal District (Yuzhny federalny okrug), North Caucasian Federal District (Severo-Kavkazsky federalny okrug) and Volga Federal District (Privolzhsky federalny okrug)), San Marino, Serbia and Ukraine; and

(ii) they fulfil one of the following:

- they are recognised as being free from *Clavibacter sepedonicus* (Spieckermann and Kottho) Nouioui *et al.*, in accordance with the procedure referred to in Article 107 of Regulation (EU) No 2016/2031, or
- their legislation is recognised as equivalent to the Union rules concerning protection against *Clavibacter sepedonicus* (Spieckermann and Kottho) Nouioui *et al.* in accordance with the procedure referred to in Article 107 of Regulation (EU) No 2016/2031;

or

(c) the United Kingdom (*), provided the following condition is fulfilled: the submission by the United Kingdom to the Commission, by 28 February of each year, of survey results confirming that *Clavibacter sepedonicus* (Spieckermann and Kottho) Nouioui *et al.* has not been present on its territory during the preceding year.

(*) In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, for the purposes of this Annex, references to the United Kingdom do not include Northern Ireland.’
