

COMMISSION IMPLEMENTING REGULATION (EU) 2021/2069**of 25 November 2021****amending Annex VI to Implementing Regulation (EU) 2019/2072 as regards the introduction into the Union of ware potatoes from Bosnia and Herzegovina, Montenegro and Serbia and repealing Implementing Decisions 2012/219/EU and (EU) 2015/1199**

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(2) thereof

Whereas:

- (1) Entry 17 of Annex VI to Commission Implementing Regulation (EU) 2019/2072 ⁽²⁾ prohibits the introduction into the Union of tubers of species of *Solanum* L. and their hybrids, other than those specified in entries 15 and 16 thereof, including tubers of *Solanum tuberosum* L. (the 'specified plant') originating in certain third countries.
- (2) That prohibition does not apply to European third countries and specific areas listed under entry 17, fourth column, point (b), of Annex VI to Implementing Regulation (EU) 2019/2072, if they are recognised as being free from *Clavibacter sepedonicus* (Spieckermann and Kotthoff) Nouioui *et al.* ('the specified pest'), which causes for potato ring rot disease, or if their legislation is recognised as equivalent to the Union rules concerning protection against that pest.
- (3) It appears from information supplied by Montenegro and related to the annual survey campaigns between 2010 and 2020, and from information collected during a Commission audit on the potato sector carried out in that country in November 2019, that the specified pest was not present in Montenegro. That country developed a satisfactory follow-up action plan in response to the recommendations of the final report of the audit as regards improving the plant health controls in the potato sector. It is therefore appropriate to recognise Montenegro as being free from *Clavibacter sepedonicus* (Spieckermann and Kotthoff) Nouioui *et al.* and to allow the introduction into the Union of ware potatoes from Montenegro, as it is considered free from the specified pest.
- (4) Commission Implementing Decisions 2012/219/EU ⁽³⁾ and (EU) 2015/1199 ⁽⁴⁾ recognised Serbia and Bosnia and Herzegovina, respectively, as being free from the specified pest.
- (5) As, on the basis of the respective survey results and audits, the situation has not changed in Bosnia and Herzegovina and in Serbia since the adoption of those Implementing Decisions, those third countries are still considered to be free from the specified pest and ware potatoes produced in their territories should be allowed to be introduced into the Union.

⁽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⁾ Commission Implementing Decision 2012/219/EU of 24 April 2012 recognising Serbia as being free from *Clavibacter michiganensis* ssp. *sepedonicus* (Spieckerman and Kotthoff) Davis *et al.* (OJ L 114, 26.4.2012, p. 28).

⁽⁴⁾ Commission Implementing Decision (EU) 2015/1199 of 17 July 2015 recognising Bosnia and Herzegovina as being free from *Clavibacter michiganensis* ssp. *sepedonicus* (Spieckerman and Kotthoff) Davis *et al.* (OJ L 194, 22.7.2015, p. 42).

- (6) In order to ensure that Bosnia and Herzegovina, Montenegro, Serbia and the United Kingdom remain free from the specified pest, those third countries should be required to submit to the Commission, by 30 April of each year, the survey results of the previous year confirming that the specified pest is not present on their territories, as this would ensure the most appropriate period of time for the appropriate collection and submission of those results.
- (7) Entry 17, fourth column, points (b) and (c), of Annex VI to Implementing Regulation (EU) 2019/2072 should therefore be amended accordingly, in order to also concern Bosnia and Herzegovina, Montenegro, Serbia and the United Kingdom.
- (8) For reasons of legal clarity, Implementing Decisions 2012/219/EU and (EU) 2015/1199 should be repealed.
- (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

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

Article 2

Implementing Decisions 2012/219/EU and (EU) 2015/1199 are repealed.

Article 3

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, 25 November 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

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

‘Third countries or regions 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, Canary Islands, Faeroe Islands, Georgia, Iceland, Liechtenstein, Moldova, Monaco, 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 and Ukraine;

and

(ii) they fulfil one of the following:

- they are recognised as being free from *Clavibacter sepedonicus* (Spieckermann and Kotthoff) Nouioui *et al.*, in accordance with the procedure referred to in Article 107 of Regulation (EU) 2016/2031, or
- their legislation is recognised as equivalent to the Union rules concerning protection against *Clavibacter sepedonicus* (Spieckermann and Kotthoff) Nouioui *et al.* in accordance with the procedure referred to in Article 107 of Regulation (EU) 2016/2031;

or

(c) Bosnia and Herzegovina, Montenegro, Serbia and the United Kingdom (*), provided the following condition is fulfilled: the submission by those third countries to the Commission, by 30 April of each year, of survey results of the previous year confirming that *Clavibacter sepedonicus* (Spieckermann and Kotthoff) Nouioui *et al.* is not present on their territories.

(*) 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.’