

Consolidated text* of Preserved Commission Implementing Regulation (EU) 2019/2148 on specific rules concerning the release of plants, plant products and other objects from quarantine stations and confinement facilities pursuant to Regulation (EU) 2016/2031 of the European Parliament and of the Council

Text of the Preserved Commission Implementing Regulation (EU) 2019/2148 on specific rules concerning the release of plants, plant products and other objects from quarantine stations and confinement facilities pursuant to Regulation (EU) 2016/2031 of the European Parliament and of the Council, as amended, insofar as it applies to Guernsey, by:

- The Plant Health (Brexit) (Amendment) (Guernsey) Regulations, 2022 (G.S.I. No. 5 of 2022)

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This document is up to date as at the 25 April 2022 so that the reader should check for any subsequent amendments to this Regulation under later Guernsey legislation.

* Note: unlike the consolidated texts of legislation of domestic origin i.e. Laws, Ordinances and Statutory Instruments, this consolidation does not include notes on each amendment.

PRESERVED COMMISSION IMPLEMENTING REGULATION (EU) 2019/2148

of 13 December 2019

on specific rules concerning the release of plants, plant products and other objects from quarantine stations and confinement facilities pursuant to Regulation (EU) 2016/2031 of the European Parliament and of the Council

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 64(3) thereof,

Whereas:

- (1) Article 64 of Regulation (EU) 2016/2031 sets out general rules for the release of plants, plant products and other objects from quarantine stations and confinement facilities, and empowers the Commission to lay down specific rules in this regard.
- (2) In accordance with that Regulation, plants, plant products or other objects subject to measures adopted pursuant to Article 30(1) or listed pursuant to Articles 40(2) and (3), 41(2) and (3), 42(2) and (3), 48(1), 49(1), 53(2) and (3), and 54(2) and (3) of that Regulation (the 'specified material') might present a phytosanitary risk in the Union. This Implementing Regulation should therefore establish the requirements for the safe release of the specified material from quarantine stations and confinement facilities.
- (3) It should be ensured that the specified material may only be released from quarantine stations and confinement facilities if it has been kept, without any interruption, at the approved quarantine stations or confinement facilities under the requirements laid down in Articles 61 and 62 of Regulation (EU) 2016/2031, and it has been found free from Union quarantine pests, protected zone quarantine pests and pests subject to the measures adopted pursuant to Article 30(1) of that Regulation. It should also be specified that, to that purpose, the appropriate methods within the meaning of Article

¹ OJ L 317, 23.11.2016, p. 4.

34 of Regulation (EU) 2017/625 of the European Parliament and of the Council ⁽²⁾ have been applied, to ensure the most effective implementation of that requirement.

- (4) As Regulation (EU) 2016/2031 applies from 14 December 2019, and in order to ensure a consistent application of all rules concerning pests of plants, this Regulation should apply from the same date. Therefore, it should enter into force on the third day following that of its publication in the Official Journal of the European Union.
- (5) 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

Scope

This Regulation sets out specific rules concerning the release from quarantine stations and confinement facilities of the specified material.

Article 2

Definitions

For the purpose of this Regulation, the following definitions shall apply:

- (a) ~~'specified material' means the plants, plant products or other objects subject to measures adopted pursuant to Article 30(1) of Regulation (EU) 2016/2031, or listed pursuant to Article 40(2) and (3), Article 41(2) and (3), Article 42(2) and (3), Article 48(1), Article 49(1), Article 53(2) and (3), and Article 54(2) and (3) thereof;~~ 'specified material' means any plants, plant products or other objects that are subject to measures, requirements or restrictions under Articles 30(1), 40(1), 41(1), 42(2), 48(1), 49(1), 53(1) or 54(1) of Regulation (EU) 2016/2031;
- (b) 'specified pests' means pests to which the specified material is known to be susceptible and which belong to one of the following categories:

² 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) (OJ L 95, 7.4.2017, p. 1).

- (i) ~~Union quarantine pests, listed pursuant to Article 5 of Regulation (EU) 2016/2031~~ Guernsey quarantine pest;
- (ii) ~~provisional Guernsey quarantine pest~~ pests subject to measures adopted pursuant to Article 30(1) of that Regulation;
- (iii) ~~PFA quarantine pest~~ protected zone quarantine pests, listed pursuant to Article 32(3) of that Regulation;

and for this purpose, the expressions "Guernsey quarantine pest", "provisional Guernsey quarantine pest" and "PFA quarantine pest" have the meanings given in Regulation (EU) 2016/2031;

- (c) 'methods' shall mean all methods within the meaning of Article 34 of Regulation (EU) 2017/625.

Article 3

Requirements for the release of the specified material

The specified material may only be released from quarantine stations and confinement facilities designated by the ~~Member States~~ competent authority, as defined in Regulation (EU) 2016/2031, pursuant to Article 60 of Regulation (EU) 2016/2031, if it fulfils the following conditions:

- (a) it has only been kept at the approved quarantine stations or confinement facilities under the requirements laid down in Articles 61 and 62 of Regulation (EU) 2016/2031; and
- (b) it has been found free from specified pests in accordance with Article 4 of this Regulation.

Article 4

Methods for the detection of specified pests on the specified material

1. The specified material shall be visually inspected and, as applicable for the biology of the material and the pests, sampled and tested using appropriate methods to detect the presence of specified pests. That inspection, sampling and testing shall be carried out at the appropriate times and last for the period necessary for the detection of those pests.
2. In addition to the requirements of paragraph 1, plants for planting shall be kept under the official supervision of the competent authorities during the entire time needed on the basis of the biology of the plants, under conditions allowing the detection of the presence of the specified pests or of any latent or asymptomatic infections by such pests, and by using the appropriate methods to that purpose.

Article 5

Entry into force and application

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 14 December 2019.

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

Done at Brussels, 13 December 2019.

For the Commission

The President

Ursula VON DER LEYEN