

COMMISSION IMPLEMENTING REGULATION (EU) 2021/127**of 3 February 2021****setting the requirements for the introduction into the Union territory of wood packaging material for the transport of certain commodities originating in certain third countries and for plant health checks on such material, and repealing Implementing Decision (EU) 2018/1137**

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 41(3) thereof,

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 ⁽²⁾, and in particular Article 22(3) and Article 52 thereof,

Whereas:

- (1) Commission Implementing Decision (EU) 2018/1137 ⁽³⁾ provides for plant health checks and measures to be taken on wood packaging material in use in the transport of specified commodities originating in Belarus and China and it was applicable until 30 June 2020. Those rules applied in addition to those of Commission Delegated Regulation (EU) 2019/2125 ⁽⁴⁾ concerning specific official controls of wood packaging material.
- (2) Plant health checks conducted by Member States on the basis of Implementing Decision (EU) 2018/1137 have shown that the marking of wood packaging material used in the transport of certain commodities originating in Belarus and China does not always comply with Regulation (EU) 2016/2031. Furthermore, plant health checks conducted by Member States on the basis of their risk assessments, recorded in TRACES and previously in the EUROPHYT-Interceptions web-based system, have shown that the marking of wood packaging material used in the transport of certain commodities originating in India does not always comply with that Regulation.
- (3) The non-compliances found by Member States demonstrate that there is a risk of introduction of live pests with the wood packaging material used in the transport of certain commodities from those three countries of origin, namely Belarus, China and India, and that those commodities should be subject to specific checks.
- (4) In order to prevent the consequences of such non-compliance in the future, measures should be adopted as regards wood packaging material for the transport of certain commodities originating in Belarus, China and India.

⁽¹⁾ OJ L 317, 23.11.2016, p. 4.

⁽²⁾ OJ L 95, 7.4.2017, p. 1.

⁽³⁾ Commission Implementing Decision (EU) 2018/1137 of 10 August 2018 on the supervision, plant health checks and measures to be taken on wood packaging material for the transport of commodities originating in certain third countries (OJ L 205, 14.8.2018, p. 54).

⁽⁴⁾ Commission Delegated Regulation (EU) 2019/2125 of 10 October 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules concerning the performance of specific official controls of wood packaging material, notification of certain consignments and measures to be taken in cases of non-compliance (OJ L 321, 12.12.2019, p. 99).

- (5) In order to ensure a better preparation of the authorities carrying out the respective plant health checks, the competent authorities or operators involved in the importation of the specified commodities accompanied by wood packaging material should give, as soon as they are aware of the arrival of that wood packaging material, advance notice thereof to the competent authority of the border control post of first arrival.
- (6) The wood packaging material of consignments of the specified commodities should be subject to plant health checks on a regular basis. Based on the identified plant health risk, the rate of those checks should be no lower than 15 % of the imported wood packaging material of the specified commodities, to ensure that a representative sample is checked.
- (7) The wood packaging material, as well as the specified commodities, should be subject to the Union rules concerning customs supervision until those plant health checks are completed, in order to ensure that their free movement within the Union territory does not introduce any phytosanitary risks.
- (8) Plant health checks should take place at the border control post of first arrival into the Union territory or at control points referred to in point (a) of Article 53(1) of Regulation (EU) 2017/625, in order to ensure that those checks are carried out in the most appropriate facilities.
- (9) For the purposes of legal clarity, Implementing Decision (EU) 2018/1137 should be repealed and replaced by this Regulation, in order to take account of Regulations (EU) 2016/2031 and (EU) 2017/625, which are applicable since 14 December 2019.
- (10) In order for the Member States to have time to adapt to the requirements provided for by this Regulation, it should apply from 1 March 2021.
- (11) This Regulation should apply until 31 December 2023 to allow time to monitor the situation and determine compliance of the wood packaging material and the respective consignments with this Regulation and Regulation (EU) 2016/2031.
- (12) 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

Subject matter and scope

This Regulation sets out requirements for the introduction into the Union territory of, and plant health checks on, wood packaging material of certain commodities from third countries listed in the Annex to ensure their compliance with Regulation (EU) 2016/2031.

Article 2

Definitions

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

- (1) 'wood packaging material' means any wood product in the form of packing cases, boxes, crates, drums and similar packing, pallets, box pallets and other load boards, pallet collars, dunnage, whether or not actually in use in the transport of objects of all kinds; raw wood of 6 mm thickness or less, processed wood produced by glue, heat and pressure, or a combination thereof, and dunnage supporting consignments of wood, which is constructed from wood of the same type and quality as the wood in the consignment, are excluded;

- (2) 'specified commodities' means commodities that fulfil all of the following:
- (a) they originate in the third countries listed in the Annex;
 - (b) until at least the border control post of first arrival, they are supported by, protected by or carried in wood packaging material;
 - (c) they have the respective Combined Nomenclature (CN) codes or TARIC codes, and the respective descriptions laid down in Annex I to Council Regulation (EEC) No 2658/87 ^(*), as listed in the Annex.

Article 3

Requirements for introduction into the Union territory of wood packaging material

Wood packaging material may only be introduced into the Union territory, if both of the following requirements are fulfilled:

- (1) the competent authorities or operators which are responsible for the introduction of the wood packaging material concerned or which are aware of the arrival thereof into the Union territory, notify in advance to the competent authority of the border control post of first arrival that the wood packaging material concerned will be introduced into the Union territory;
- (2) the plant health checks provided for in point (a) of Article 4(1) of this Regulation show that the wood packaging material concerned meets the requirements of points (a) and (b) of Article 43(1) of Regulation (EU) 2016/2031.

Article 4

Plant health checks

1. The competent authorities shall:
 - (a) conduct plant health checks, on a regular basis, on wood packaging material of consignments of the specified commodities at one of the following:
 - (i) the border control post of first arrival into the Union territory;
 - (ii) control points referred to in point (a) of Article 53(1) of Regulation (EU) 2017/625;
 - (b) define the rate of plant health checks provided for in point (a) of this paragraph.
2. The rate referred to in point (b) of paragraph 1 shall not be lower than 15 % of the consignments of the specified commodities.
3. Until the completion of the checks provided for in point (a) of paragraph 1, that wood packaging material and the respective specified commodities shall remain:
 - (a) under customs supervision pursuant to Article 134 of Regulation (EU) No 952/2013; and
 - (b) under supervision by the competent authority.
4. By way of derogation from paragraph 3, the customs authority may allow specified commodities not to be kept under supervision as provided for in point (a) and (b) of that paragraph, if the operator responsible for the consignment separates the wood packaging material from those specified commodities, where technically possible.

Article 5

Repeal of Implementing Decision (EU) 2018/1137

Implementing Decision (EU) 2018/1137 is repealed.

^(*) Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

*Article 6***Entry into force and period of 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 1 March 2021 until 31 December 2023.

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

Done at Brussels, 3 February 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Specified commodities, the respective Combined Nomenclature (CN) codes or the TARIC codes and country of origin

Description of the commodity	Combined Nomenclature (CN) codes or TARIC codes	Country of origin
Slate, whether or not roughly trimmed or merely cut, by sawing or otherwise, into blocks or slabs of rectangular (including square) shape	2514	Belarus, China, India
Marble, travertine, ecaussine and other calcareous monumental or building stone of an apparent specific gravity of 2,5 or more, and alabaster, whether or not roughly trimmed or merely cut, by sawing or otherwise, into blocks or slabs of rectangular (including square) shape	2515	Belarus, China, India
Granite, porphyry, basalt, sandstone and other monumental or building stone, whether or not roughly trimmed or merely cut, by sawing or otherwise, into blocks or slabs of a rectangular (including square) shape	2516	Belarus, China, India
Fuel wood, in logs, billets, twigs, faggots or similar forms; wood in chips or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms	4401	Belarus, China, India
Packing cases, boxes, crates, drums and similar packing, of wood; cable-drums of wood; pallets, box pallets and other load boards, of wood; pallet collars of wood (excluding containers specially designed and equipped for one or more modes of transport)	4415	Belarus, China, India
Setts, curbstones and flagstones, of natural stone (excluding slate)	6801	Belarus, China, India
Worked monumental or building stone (excluding slate) and articles thereof, other than goods of heading 6801; mosaic cubes and the like, of natural stone (including slate), whether or not on a backing; artificially coloured granules, chippings and powder, of natural stone (including slate)	6802	Belarus, China, India
Worked slate and articles of slate or of agglomerated slate (excluding slate granules, chippings and powder, mosaic cubes and the like, slate pencils, and ready-to-use slates or boards with writing or drawing surfaces)	6803	Belarus, China, India
Ceramic flags and paving, hearth or wall tiles; ceramic mosaic cubes and the like, whether or not on a backing (excluding of siliceous fossil meals or similar siliceous earths, refractory goods, tiles specially adapted as table mats, ornamental articles and tiles specifically manufactured for stoves)	6907	Belarus, China, India
Aluminium plates, sheets and strip	7606	Belarus, China, India