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⁽¹⁾ Text with EEA relevance.

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Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

Information concerning the entry into force of the Protocol amending the Euro-Mediterranean Aviation Agreement between the European Union and its Member States, of the one part, and the Government of the State of Israel, of the other part, to take account of the accession to the European Union of the Republic of Croatia

The Protocol amending the Euro-Mediterranean Aviation Agreement between the European Union and its Member States, of the one part, and the Government of the State of Israel, of the other part, to take account of the accession to the European Union of the Republic of Croatia, signed in Brussels on 19 February 2015, entered into force on 2 August 2020, in accordance with Article 3(1) of the Protocol, as the last notification was deposited on 2 July 2020.

Information concerning the entry into force of the Protocol amending the Common Aviation Area Agreement between the European Union and its Member States, of the one part, and Georgia, of the other part, to take account of the accession to the European Union of the Republic of Croatia

The Protocol amending the Common Aviation Area Agreement between the European Union and its Member States, of the one part, and Georgia, of the other part, to take account of the accession to the European Union of the Republic of Croatia, signed in Brussels on 26 November 2014, entered into force on 2 August 2020, in accordance with Article 3(1) of the Protocol, as the last notification was deposited on 2 July 2020.

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2020/1212

of 8 May 2020

amending Delegated Regulation (EU) 2018/1229 supplementing Regulation (EU) No 909/2014 of the European Parliament and of the Council with regard to regulatory technical standards on settlement discipline

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 909/2014 of the European Parliament and of the Council of 23 July 2014 on improving securities settlement in the European Union and on central securities depositories and amending Directives 98/26/EC and 2014/65/EU and Regulation (EU) No 236/2012 ⁽¹⁾, and in particular Article 6(5) and Article 7(15) thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2018/1229 ⁽²⁾ specifies measures to prevent and address settlement fails, and to encourage settlement discipline. Those measures include monitoring settlement fails and collecting and distributing cash penalties for settlement fails. Delegated Regulation (EU) 2018/1229 also specifies the operational details of the buy-in process.
- (2) Stakeholders including CSDs, CCPs, trading venues, investment firms and credit institutions, have indicated that due to new developments, such as the envisaged implementation on 21-22 November 2020 of the penalty mechanism jointly established by CSDs that use a common settlement infrastructure, more time is needed to adapt to the measures specified in Delegated Regulation (EU) 2018/1229. Affected stakeholders have also indicated that more time is needed for the necessary IT system changes, for the development and update of ISO messages, and for market testing and changes to the contractual arrangements between the parties concerned. The European Securities and Markets Authority (ESMA) has considered it appropriate to provide stakeholders with more time to adapt to those measures. The entry into force of Delegated Regulation (EU) 2018/1229 should therefore be deferred.
- (3) Delegated Regulation (EU) 2018/1229 should therefore be amended accordingly.
- (4) This Regulation is based on the draft regulatory technical standards submitted to the Commission by ESMA.
- (5) The scope and expected impact of this amendment is limited as it concerns only a brief delay in the date upon which the new settlement discipline regime will be applicable and market participants have already provided their input. ESMA has not conducted any open public consultations. ESMA has nevertheless conducted an analysis of the potential related costs and benefits and has requested the advice of the Securities and Markets Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council ⁽³⁾. In developing the draft regulatory technical standards, ESMA has also cooperated with the members of the European System of Central Banks. Stakeholders have also contacted the Commission in support of a delay in the entry into force of Commission Delegated Regulation (EU) 2018/1229,

⁽¹⁾ OJ L 257, 28.8.2014, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) 2018/1229 of 25 May 2018 supplementing Regulation (EU) No 909/2014 of the European Parliament and of the Council with regard to regulatory technical standards on settlement discipline (OJ L 230 13.9.2018, p. 1).

⁽³⁾ Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84).

HAS ADOPTED THIS REGULATION:

Article 1

Amendment to Delegated Regulation (EU) 2018/1229

Article 42 of Delegated Regulation (EU) 2018/1229 is replaced by the following:

‘Article 42

Entry into force

This Regulation shall enter into force on 1 February 2021.’

Article 2

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*.

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

Done at Brussels, 8 May 2020.

For the Commission

The President

Ursula VON DER LEYEN

COMMISSION IMPLEMENTING REGULATION (EU) 2020/1213**of 21 August 2020****concerning the phytosanitary measures for the introduction into the Union of certain plants, plant products and other objects which have been removed from the Annex to Implementing Regulation (EU) 2018/2019**

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 the third subparagraph of Article 42(4) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2018/2019 ⁽²⁾ establishes, on the basis of a preliminary risk assessment, a list of high risk plants, plant products and other objects.
- (2) According to Regulation (EU) 2016/2031, if it is concluded, on the basis of a risk assessment, that a plant, plant product or other object originating in a third country, group of third countries or specific area of the third country concerned poses an unacceptable risk, but that that risk can be reduced to an acceptable level by applying certain measures, the Commission is to remove that plant, plant product or other object from the list of Regulation (EU) 2018/2019 and add it to the list referred to in Article 41(2) of Regulation (EU) 2016/2031.
- (3) The Annex to Implementing Regulation (EU) 2018/2019 includes the genera *Albizia* Durazz. and *Robinia* L. as high risk plants.
- (4) On 24 January 2019, Israel submitted to the Commission a request for export to the Union of bare rooted, dormant grafted plants for planting, with a maximum diameter of 2,5 cm belonging to the species *Albizia julibrissin* Durazzini and of bare rooted, dormant grafted plants for planting, with a maximum diameter of 2,5 cm belonging to the species *Robinia pseudoacacia* L. (the 'specified plants'). That request was supported by the respective technical dossiers.
- (5) On 13 January 2020, the European Food Safety Authority ('the Authority') published a scientific opinion regarding the commodity risk assessment of *Albizia julibrissin* plants from Israel ⁽³⁾. The Authority identified *Aonidiella orientalis*, a species complex including *Euwallacea fornicatus sensu stricto*, *Euwallacea fornicator*, *Euwallacea whitfordiendrus* and *Euwallacea kuroshio* ('*Euwallacea fornicatus sensu lato*') and *Fusarium euwallaceae* ('the specified pests') as pests relevant for those plants, evaluated the risk mitigation measures described in the dossier for those pests and estimated the likelihood of pest freedom for each pest related to that commodity.
- (6) On 2 March 2020, the Authority published a scientific opinion regarding the commodity risk assessment of *Robinia pseudoacacia* plants from Israel ⁽⁴⁾. It identified *Euwallacea fornicatus sensu lato* and *Fusarium euwallaceae* as pests relevant to those plants, evaluated the risk mitigation measures described in the dossier for those pests and estimated the likelihood of pest freedom for each pest related to that commodity.

⁽¹⁾ OJ L 317, 23.11.2016, p. 4.

⁽²⁾ Commission Implementing Regulation (EU) 2018/2019 of 18 December 2018 establishing a provisional list of high risk plants, plant products or other objects, within the meaning of Article 42 of Regulation (EU) 2016/2031 and a list of plants for which phytosanitary certificates are not required for introduction into the Union, within the meaning of Article 73 of that Regulation (OJ L 323, 19.12.2018, p. 10).

⁽³⁾ EFSA PLH Panel (EFSA Panel on Plant Health), 2020. Scientific Opinion on the commodity risk assessment of *Albizia julibrissin* plants from Israel. *EFSA Journal* 2020;18(1):5941. <https://doi.org/10.2903/j.efsa.2020.5941>

⁽⁴⁾ EFSA PLH Panel (EFSA Panel on Plant Health), 2020. Scientific Opinion on the commodity risk assessment of *Robinia pseudoacacia* plants from Israel. *EFSA Journal* 2020;18(3):6039. <https://doi.org/10.2903/j.efsa.2020.6039>

- (7) Following those opinions, Commission Implementing Regulation (EU) 2020/1214 ⁽⁵⁾ removed the specified plants from the list of high risk plants of Implementing Regulation (EU) 2018/2019.
- (8) Moreover, and on the basis of those opinions, the phytosanitary risk from introduction into the Union of the specified plants is considered to be reduced to an acceptable level by applying measures to address the risk of the specified pests. Such measures should therefore be adopted to ensure the phytosanitary protection of the Union territory from the introduction of the specified plants into the Union.
- (9) *Euwallacea fornicatus* belongs to the family of *Scolytidae* (non-European), which is listed in Annex II to Commission Implementing Regulation (EU) 2019/2072 ⁽⁶⁾ as a group of Union quarantine pests. A pest risk assessment carried out by Spain ⁽⁷⁾ and a report ⁽⁸⁾ published by the European and Mediterranean Plant Protection Organisation ('EPPO') are available for *Euwallacea fornicatus sensu lato*, in which mitigation measures are suggested. The measures described by Israel in the dossier should be complemented by the measures suggested in that pest risk assessment and the respective report. The adopted measures are subject to review in the light of additional scientific and technical information.
- (10) *Aonidiella orientalis* and *Fusarium euwallaceae* are not yet included in the list of Union quarantine pests of Commission Implementing Regulation (EU) 2019/2072, but they may fulfil the conditions to be included following a further complete risk assessment. Therefore, the measures for those two pests are based on those described by Israel in the dossier. Where it is established that those pests fulfil those conditions, they will be included in the list of Annex II to Implementing Regulation (EU) 2019/2072, and the relevant plants will be listed in Annex VII to that Regulation, together with the respective measures, when a complete risk assessment on those pests becomes available and justifies those inclusions. This Regulation should be then reviewed accordingly.
- (11) In order to comply with the Union obligations deriving from the World Trade Organization agreement on the application of sanitary and phytosanitary measures, the import of those commodities should resume within the shortest possible delay. Therefore, this Regulation should enter into force the third day following that of its publication.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee for Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation sets out phytosanitary measures for the introduction from third countries into the Union of plants, plant products and other objects, which have been removed from the Annex to Implementing Regulation (EU) 2018/2019.

⁽⁵⁾ Commission Implementing Regulation (EU) 2020/1214 of 21 August 2020 amending Implementing Regulation (EU) 2018/2019 as regards wood of *Ulmus* L. and certain plants for planting of *Albizia julibrissin* Durazzini and *Robinia pseudoacacia* L. originating in Israel (see page 12 of this Official Journal).

⁽⁶⁾ 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).

⁽⁷⁾ Pest Risk Analysis for the Ambrosia Beetle *Euwallacea* sp. including all the species within the genus *Euwallacea* that are morphologically similar to *E.fornicatus*. Ministerio de Agricultura Alimentacion y Medio Ambiente. Spain., November 2015. <https://pra.eppo.int/getfile/1517056f-e553-4617-aaee-13d180cb5bc3>

⁽⁸⁾ Report of a Pest Risk Analysis for *Euwallacea fornicatus sensu lato* and *Fusarium euwallaceae* (EPPO, 2017). <https://pra.eppo.int/getfile/ef7ea29b-e0ea-456f-a4a5-04c2a119a807>

*Article 2***Measures for introduction into the Union of certain plants, plant products and other objects, originating from third countries**

The plants, plant products and other objects, originating from the respective third countries of origin, as listed in the Annex, may only be introduced into the Union territory if they comply with the corresponding measures set out therein.

*Article 3***Entry into force**

This Regulation shall enter into force the third 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, 21 August 2020.

For the Commission

The President

Ursula VON DER LEYEN

ANNEX

List of plants, plant products and other objects, originating from third countries, and the corresponding measures for their introduction into the Union territory, as referred to in Article 2

Plants, plant products or other objects	CN Code	Third countries of origin	Measures
1. Bare rooted, dormant grafted plants for planting with a maximum diameter of 2,5 cm of <i>Albizia julibrissin</i> Durazzini;	ex 0602 90 41 ex 0602 90 45 ex 0602 90 46 ex 0602 90 48	Israel	(a) Official statement that: (i) The plants are free from <i>Euwallacea fornicatus sensu lato</i> and <i>Fusarium euwallaceae</i>. (ii) the plants have been grown throughout their life in a place of production which is registered and supervised by the national plant protection organisation of the country of origin. That registration has included the respective production sites within the place of production. (iii) The plants fulfil one of the following requirements: 1. The plants have a diameter of less than 2 cm at the base of the stem, or, 2. The plants have been grown in a site with complete physical protection against the introduction of <i>Euwallacea fornicatus sensu lato</i> at least during six months prior to export, which is subject to official inspections at appropriate times and has been found free from the pest, confirmed at least with traps which are checked at least every four weeks, including immediately prior to movement, or, 3. The plants have been grown in a site of production which has been found free from <i>Euwallacea fornicatus sensu lato</i> and <i>Fusarium euwallaceae</i> since the beginning of the last complete cycle of vegetation, confirmed for <i>Euwallacea fornicatus sensu lato</i>, at least with traps, during official inspections carried out at least every four weeks; in case of suspicion of the presence of either of the two pests at the site of production, appropriate treatments against the pests have been carried out to ensure the absence of the pests; a surrounding zone of 1 km is established, which is monitored at appropriate times for <i>Euwallacea fornicatus sensu lato</i> and <i>Fusarium euwallaceae</i> and where either of the two pests are found on any host plants, those plants should be immediately rogued out and destroyed.

			(iv) Immediately prior to export, consignments of plants with a diameter of 2 cm or wider at the base of the stem have been subjected to an official inspection for the presence of the pest, in particular in stems and branches of the plants, including destructive sampling. The size of the sample for inspection shall be such as to enable at least the detection of 1 % level of infestation with a level of confidence of 99 %. (b) The phytosanitary certificates for those plants include, under the heading 'Additional Declaration': (i) The following statement: 'The consignment complies with the provisions of Commission Implementing Regulation (EU) 2020/1213'. (ii) The specification of: — which requirement of point (a) (iii) above in this entry has been fulfilled, and — the registered production site(s).
2. Bare rooted, dormant grafted plants for planting with a maximum diameter of 2,5 cm of <i>Albizia julibrissin</i> Durazzini;	ex 0602 90 41 ex 0602 90 45 ex 0602 90 46 ex 0602 90 48	Israel	(a) Official statement that: (i) The plants are free from <i>Aonidiella orientalis</i>, (ii) The plants have been grown throughout their life in a place of production which is registered and supervised by the national plant protection organisation of the country of origin. That registration has included the respective productions sites within the place of production. That place of production has also fulfilled one of the following requirements: 1. The plants have been grown in a site with complete physical protection against the introduction of <i>Aonidiella orientalis</i> at least during six months prior to export, which is subject to official inspections every three weeks and found free from the pest, including immediately prior to movement, or 2. The site of production has been found free from <i>Aonidiella orientalis</i> since the beginning of the last complete cycle of vegetation during official inspections carried out every three weeks; in case of suspicion of the presence of the pest at the site of production, appropriate treatments against the pest have been carried out to ensure the absence of the pest; a surrounding zone of 100m is established, which is monitored at appropriate times for <i>Aonidiella orientalis</i>, and where the pest is found on any plant, those plants should be immediately rogued out and destroyed.

			(iii) Immediately prior to export, consignments of the plants have been subjected to an official inspection for the presence of <i>Aonidiella orientalis</i>, in particular in stems and branches of the plants. The size of the sample for inspection shall be such as to enable at least the detection of 1 % level of infestation with a level of confidence of 99 %; (b) The phytosanitary certificates for those plants include under the heading 'Additional Declaration': (i) The following statement: 'The consignment complies with the provisions of Commission Implementing Regulation (EU) 2020/1213'. (ii) The specification of: — which requirement of point (a) (ii) above in this entry has been fulfilled, and — the registered production site(s).
3. Bare rooted, dormant grafted plants for planting with a maximum diameter of 2,5 cm of <i>Robinia pseudoacacia</i> L.;	ex 0602 90 41 ex 0602 90 45 ex 0602 90 46 ex 0602 90 48	Israel	(a) Official statement that: (i) The plants are free from <i>Euwallacea fornicatus sensu lato</i> and <i>Fusarium euwallaceae</i>. (ii) The plants have been grown throughout their life in a place of production which is registered and supervised by the national plant protection organisation of the country of origin. That registration has included the respective productions sites within the place of production (iii) The plants fulfil one of the following requirements: 1. The plants have a diameter of less than 2 cm at the base of the stem, or, 2. The plants have been grown in a site with complete physical protection against the introduction of <i>Euwallacea fornicatus sensu lato</i> at least during six months prior to export, which is subject to official inspections at appropriate times and has been found free from the pest, confirmed at least with traps which are checked at least every four weeks, including immediately prior to movement, or, 3. The plants have been grown in a site of production which has been found free from <i>Euwallacea fornicatus sensu lato</i> and <i>Fusarium euwallaceae</i> since the beginning of the last complete cycle of vegetation, confirmed for <i>Euwallacea fornicatus sensu lato</i>, at least with traps, during official inspections carried out at least every four weeks; in case of suspicion of the presence of either of the two pests at the site of production, appropriate treatments against the pests have been carried out to ensure the absence of the

			pests; a surrounding zone of 1 km is established, which is monitored at appropriate times for <i>Euwallacea fornicatus sensu lato</i> and <i>Fusarium euwallaceae</i> and where either of the two pests are found on any host plants, those plants should be immediately rogued out and destroyed. (iv) Immediately prior to export, consignments of plants with a diameter of 2 cm or wider at the base of the stem have been subjected to an official inspection for the presence of the pest, in particular in stems and branches of the plants, including destructive sampling. The size of the sample for inspection shall be such as to enable at least the detection of 1 % level of infestation with a level of confidence of 99 %. (b) The phytosanitary certificates for those plants include, under the heading 'Additional Declaration': (i) The following statement: 'The consignment complies with the provisions of Commission Implementing Regulation (EU) 2020/1213'. (ii) The specification of: — which requirement of point (a) (iii) above in this entry has been fulfilled, and — the registered production site(s).
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COMMISSION IMPLEMENTING REGULATION (EU) 2020/1214

of 21 August 2020

amending Implementing Regulation (EU) 2018/2019 as regards wood of *Ulmus* L. and certain plants for planting of *Albizia julibrissin* Durazzini and *Robinia pseudoacacia* L. originating in Israel

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 the first and third subparagraphs of Article 42(4) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2018/2019 ⁽²⁾ establishes, on the basis of a preliminary risk assessment, a list of high risk plants, plant products and other objects.
- (2) Commission Implementing Regulation (EU) 2018/2018 ⁽³⁾ lays down specific rules concerning the procedure to be followed in order to carry out the risk assessment referred to in Article 42(4) of Regulation (EU) 2016/2031 for those high risk plants, plant products and other objects.
- (3) Following a preliminary risk assessment, 35 plants for planting originating from all third countries were included in the Annex to Implementing Regulation (EU) 2018/2019 as high risk plants, amongst which are the genera *Albizia* Durazz. and *Robinia* L.
- (4) On 24 January 2019, Israel submitted to the Commission a request for export to the Union of bare rooted dormant grafted plants for planting, with a maximum diameter of 2,5 cm belonging to the species *Albizia julibrissin* Durazzini and of bare rooted dormant grafted plants for planting, with a maximum diameter of 2,5 cm belonging to the species *Robinia pseudoacacia* L. That request was supported by the respective technical dossiers.
- (5) On 13 January 2020, the European Food Safety Authority ('the Authority') published a scientific opinion regarding the commodity risk assessment of *Albizia julibrissin* plants from Israel ⁽⁴⁾. The Authority identified *Aonidiella orientalis*, a species complex including *Euwallacea fornicatus sensu stricto*, *Euwallacea fornicator*, *Euwallacea whitforiodendrus* and *Euwallacea Kuroshio* ('*Euwallacea fornicatus sensu lato*') and *Fusarium euwallaceae* as pests relevant to the opinion, evaluated the risk mitigation measures described in the dossier for those pests and estimated the likelihood of pest freedom for each pest related to that commodity.

⁽¹⁾ OJ L 317, 23.11.2016, p. 4.

⁽²⁾ Commission Implementing Regulation (EU) 2018/2019 of 18 December 2018 establishing a provisional list of high risk plants, plant products or other objects, within the meaning of Article 42 of Regulation (EU) 2016/2031 and a list of plants for which phytosanitary certificates are not required for introduction into the Union, within the meaning of Article 73 of that Regulation (OJ L 323, 19.12.2018, p. 10).

⁽³⁾ Commission Implementing Regulation (EU) 2018/2018 of 18 December 2018 laying down specific rules concerning the procedure to be followed in order to carry out the risk assessment of high risk plants, plant products and other objects within the meaning of Article 42(1) of Regulation (EU) 2016/2031 of the European Parliament and of the Council (OJ L 323, 19.12.2018, p. 7).

⁽⁴⁾ EFSA PLH Panel (EFSA Panel on Plant Health), 2020. Scientific Opinion on the commodity risk assessment of *Albizia julibrissin* plants from Israel. *EFSA Journal* 2020;18(1):5941. <https://doi.org/10.2903/j.efsa.2020.5941>

- (6) On 2 March 2020, the Authority published a scientific opinion regarding the commodity risk assessment of *Robinia pseudoacacia* plants from Israel ⁽⁵⁾. It identified *Euwallacea fornicatus sensu lato* and *Fusarium euwallaceae* as pests relevant to the opinion, evaluated the risk mitigation measures described in the dossier for those pests and estimated the likelihood of pest freedom for each pest related to that commodity.
- (7) On the basis of these opinions, the phytosanitary risk from introduction into the Union of bare rooted dormant grafted plants for planting with a maximum diameter of 2,5 cm of *Albizia julibrissin* Durazzini and *Robinia pseudoacacia* L. originating in Israel is considered to be reduced to an acceptable level, provided appropriate mitigation measures are applied to address the risk of pests related to those plants for planting. As such appropriate measures are provided for by Commission Implementing Regulation (EU) 2020/1213 ⁽⁶⁾, those plants for planting should no longer be considered high risk plants, and should be removed from the Annex to Implementing Regulation (EU) 2018/2019.
- (8) Following a preliminary risk assessment, wood of *Ulmus* L. was included in the list of high risk plants, plant products and other objects as a potential pathway for the introduction and establishment in the Union of the pest *Saperda tridentata* Olivier, a pest that is not listed as a Union quarantine pest. Following the inclusion of wood of *Ulmus* L. in the list of high risk plants, plant products and other objects, the Commission requested the Authority to carry out a pest risk assessment of *Saperda tridentata* Olivier, addressing entry pathways, spread, establishment and risk reduction options with particular attention to the pathway of wood of *Ulmus* L.
- (9) On 10 January 2020, the Authority published a scientific opinion regarding the pest categorisation of *Saperda tridentata* Olivier ⁽⁷⁾. It concluded that *Saperda tridentata* Olivier satisfies the criterion for quarantine pest regarding entry into the Union territory. However, due to insufficient data it was unable to conclude that *Saperda tridentata* Olivier meets the post-entry criteria of establishment, spread and potential impact in the Union. In this respect, it is not justified to include the pest *Saperda tridentata* Olivier in the list of Union quarantine pests. Consequently, bearing in mind the assessed risk of that pest in regard to wood of *Ulmus* L., wood of *Ulmus* L. should no longer be considered as a high-risk plant product and should therefore be removed from the Annex to Implementing Regulation (EU) 2018/2019.
- (10) In order to comply with the Union obligations deriving from the World Trade Organization agreement on the application of sanitary and phytosanitary measures ⁽⁸⁾, the import of those commodities should resume within the shortest possible delay. Therefore, this Regulation should enter into force the third day following that of its publication.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee for Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment of Implementing Regulation (EU) 2018/2019

Annex I to Implementing Regulation (EU) 2018/2019 is amended in accordance with the Annex to this Regulation.

⁽⁵⁾ EFSA PLH Panel (EFSA Panel on Plant Health), 2020. Scientific Opinion on the commodity risk assessment of *Robinia pseudoacacia* plants from Israel. *EFSA Journal* 2020;18(3):6039. <https://doi.org/10.2903/j.efsa.2020.6039>

⁽⁶⁾ Commission Implementing Regulation (EU) 2020/1213 of 21 August 2020 concerning the phytosanitary measures for the introduction into the Union of certain plants, plant products and other objects which have been removed from the Annex to Implementing Regulation (EU) 2018/2019 (see page 5 of this Official Journal).

⁽⁷⁾ EFSA PLH Panel (EFSA Panel on Plant Health), *EFSA Journal* 2020;18(1):5940. <https://doi.org/10.2903/j.efsa.2020.5940>

⁽⁸⁾ The World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), https://www.wto.org/english/tratop_e/sps_e/spsagr_e.htm

*Article 2***Entry into force**

This Regulation shall enter into force the third 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, 21 August 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annex I to Implementing Regulation (EU) 2018/2019 is amended as follows:

- (1) the title is replaced by 'ANNEX';
 - (2) in point 1, the second column 'Description' is amended as follows:
 - (a) the entry for '*Albizia* Durazz.' is replaced by the following:

“*Albizia* Durazz., other than bare-rooted dormant grafted plants for planting with a maximum diameter of 2,5 cm of *Albizia julibrissin* Durazzini originating in Israel”;
 - (b) the entry for '*Robinia* L.' is replaced by the following:

“*Robinia* L., other than bare rooted dormant grafted plants for planting with a maximum diameter of 2,5 cm of *Robinia pseudoacacia* L. originating in Israel”;
 - (3) point 4 is deleted.
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COMMISSION IMPLEMENTING REGULATION (EU) 2020/1215**of 21 August 2020****making imports of aluminium extrusions originating in the People's Republic of China subject to registration**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ⁽¹⁾ ('the basic Regulation'), and in particular Article 14(5) thereof,

After informing the Member States,

Whereas:

- (1) On 14 February 2020, the European Commission ('the Commission') announced, by a notice published in the *Official Journal of the European Union* ⁽²⁾ ('the notice of initiation'), the initiation of an anti-dumping proceeding with regard to imports into the Union of aluminium extrusions originating in the People's Republic of China ('PRC') following a complaint lodged on 3 January 2020 by European Aluminium ('the complainant' or 'EA') on behalf of producers representing more than 25 % of the total Union production of aluminium extrusions.

1. PRODUCT SUBJECT TO REGISTRATION

- (2) The product subject to registration ('the product concerned') is bars, rods, profiles (whether or not hollow), tubes, pipes; unassembled; whether or not prepared for use in structures (e.g. cut-to-length, drilled, bent, chamfered, threaded); made from aluminium, whether or not alloyed, containing not more than 99,3 % of aluminium ('the product under investigation'), originating in the PRC.
- (3) The following products are not covered:
- (i) products attached (e.g. by welding or fasteners) to form subassemblies;
 - (ii) welded tubes and pipes;
 - (iii) products in a packaged kit with the necessary parts to assemble a finished product without further finishing or fabrication of the parts ('finished goods kit').
- (4) The product concerned is currently classified under CN codes ex 7604 10 10, ex 7604 10 90, 7604 21 00, 7604 29 10, 7604 29 90, ex 7608 10 00, 7608 20 81, 7608 20 89 and ex 7610 90 90 (TARIC codes 7604 10 10 11, 7604 10 90 11, 7604 10 90 25, 7604 10 90 80, 7608 10 00 11, 7608 10 00 80, 7610 90 90 10). The CN and TARIC codes are given for information only.

2. REQUEST

- (5) On 23 June 2020, the complainant submitted a registration request pursuant to Article 14(5) of the basic Regulation. The complainant requested that imports of the product concerned be made subject to registration so that measures may subsequently be applied against those imports from the date of such registration, provided all conditions set out in the basic Regulation are met.

3. GROUNDS FOR REGISTRATION

- (6) According to Article 14(5) of the basic Regulation, the Commission may direct the customs authorities to take the appropriate steps to register imports, so that measures may subsequently be applied against those imports from the date of such registration, provided all conditions set out in the basic Regulation are met. Imports may be made subject to registration following a request from the Union industry, which contains sufficient evidence to justify such action.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ OJ C 51, 14.2.2020, p. 26.

- (7) According to the complainant, registration is warranted as the product concerned is being dumped. Significant injury to the Union industry is being caused by an increase of imports in terms of market share at low-prices which will undermine the remedial effect of potential definitive duties.
- (8) The Commission examined the request in the light of Article 10(4) of the basic Regulation. The Commission verified whether the importers were aware, or should have been aware, of the dumping as regards the extent of the dumping and the injury alleged or found. It also analysed whether there was a further substantial rise in imports which, in the light of its timing and volume and other circumstances, was likely to seriously undermine the remedial effect of the definitive anti-dumping duty to be applied.

3.1. Awareness of the importers of the dumping, the extent thereof and the alleged injury

- (9) As regards dumping, at this stage, the Commission has at its disposal sufficient evidence that imports of the product concerned from the PRC are being dumped.
- (10) In particular, the complainant provided evidence of dumping based on a comparison of a constructed normal value on the basis of costs of production and sale reflecting undistorted prices or benchmarks, established in accordance with Article 2(6a)(a) of the basic Regulation, with the export price (at ex-works level) of the product concerned when sold for export to the Union. On that basis the dumping margins calculated are significant for the PRC, that is, up to 37 %.
- (11) That information was contained in the notice of initiation.
- (12) With respect to this condition, one unrelated importer opposed the requested registration of imports noting that the presence of a history of dumping cannot be established because the investigation is still ongoing.
- (13) However, Article 10(4)(c) does not require a history of dumping. Instead, it requires a history of dumping *or* that the importer was aware of, *or* should have been aware of, the dumping.
- (14) With the publication of the notice of initiation in the *Official Journal of the European Union*, importers were made aware, or at least should have been aware of the dumping. The notice of initiation is a public document accessible to all interested parties, in particular importers. Furthermore, as interested parties in the investigation, importers have access to the non-confidential version of the complaint. Therefore, the Commission considered that the importers were aware, or should have been aware, of the alleged dumping practices, the extent thereof and the alleged injury at that moment.
- (15) The complainant has provided evidence that imports of the product under investigation from the country concerned have increased overall in absolute terms and in terms of market share. The evidence provided by the complainant shows that during the period March to May 2020 the volume and the prices of the imported product concerned have had, among other consequences, a negative impact on the quantities sold and on the level of prices charged as well as on the market share held by the Union industry, resulting in substantial adverse effects on the overall performance of the Union industry.
- (16) The Commission thus concluded that the first criterion for registration was met.

3.2. Further substantial rise in imports

- (17) In its request for registration of imports, the complainant provided evidence of a further substantial rise in imports. For that purpose, the complainant used the methodology outlined in the complaint to calculate import volumes during the period March to May 2020 and compared those quantities with the same months in 2019. In line with the methodology used in the complaint, the CN codes considered were 7604 21 00, 7604 29 10, 7604 29 90, 7608 20 81, 7608 20 89 and ex 7610 90 90. For the latter CN code, the complainant maintained its estimate that 95 % of the volumes under this code were constituted by product concerned.

- (18) During the investigation the Commission has analysed whether import volumes from the PRC should be calculated according to the methodology explained above (i.e. the one of the complaint), or whether another methodology may be more appropriate. To this end, comments and information have been requested from interested parties, and DG TAXUD and national customs authorities have been asked to investigate and provide information. The Commission is also examining confidential TARIC data to establish its relevance to the analysis. This part of the anti-dumping investigation is ongoing. In this respect, the Commission noted that imports under the additional CN codes mentioned in the notice of initiation (see also recital 4) were negligible ⁽⁷⁾. Therefore, at this stage the Commission considered it appropriate in the analysis of this request to examine the increase in imports requirement having regard to the CN codes suggested by the complaint and under two scenarios. The first one considers the methodology outlined in the complaint using six CN codes and the second using the same CN codes mentioned above, but excluding CN code ex 7610 90 90. Both methodologies use 8 digit CN code data in the light of the ongoing analysis.
- (19) Using the first methodology (i.e. the one of the complaint), according to the information provided in the request and cross checked by the Commission to data held on the case file, the volume of imports from the PRC into the Union decreased in absolute terms by around 17 % during the period March to May 2020 as compared to the same months in 2019. This appears to be in line with the general reduction of imports and consumption in the period March to May 2020 due to the market circumstances derived from COVID-19. However, the complainant also provided evidence that the Union industry production and sales decreased by 28 % during the same period but, at the same time, the imports originating in the PRC increased from around 10 % in March to May 2019 to around 12 % in March to May 2020, an increase of 20 %. Thus, relative to consumption, the imports from the PRC increased in the period March to May 2020.
- (20) In respect of the second methodology, i.e. excluding CN code 7610 90 90, the request contained evidence that import volumes from the PRC decreased in absolute terms by 16 % in March to May 2020 as compared to the same period 2019. As mentioned above the Union industry suffered a fall in production and sales of 28 % as regards the product concerned. These developments have led the market share of the imports originating in China to increase from around 4,9 % in March to May 2019 to around 5,6 % in March to May 2020, an increase of 15 % in relative terms.
- (21) With respect to this condition, one unrelated importer opposed to the requested registration of imports noted that the relative rise in imports from the PRC registered in March to May 2020 could be due to the fact that this country's economic activity was disrupted and resumed earlier than the one in the Union. According to the same importer, these extraordinary market conditions might have encouraged importers to expand their level of stocks, taking advantage of the favourable market conditions.
- (22) In principle it cannot be excluded that the timing of the Covid-19 related disruptions could have affected certain shipments. However, a 3-month timeframe is long enough to allow for a meaningful assessment of import trends, including when taking into consideration the facts and circumstances pointed out by the importer. Therefore, the Commission considered that the period from March to May 2020 is sufficiently representative for the present analysis.
- (23) In addition, the same importer argued that, due to the favourable market conditions, companies with sufficient financial means could have stockpiled imported products. This argument, if confirmed, cannot constitute a reason to oppose the requested registration, but, to the contrary, would further explain and thus confirm the described rise in imports, thereby justifying the registration of imports.
- (24) One exporting producer also opposed the request for registration. According to this producer, it is not correct to compare production in Europe with imports, because of the different nature of the two processes (industrial vs. commercial). However, as indicated in recital 19, both the production and sales of the Union industry decreased. Therefore, the comparison of market shares is at the same level, namely sales. Thus, the claim was factually incorrect and therefore rejected by the Commission.

⁽⁷⁾ After initiation, for the other TARIC codes mentioned at recital 4 (7604 10 10 11, 7604 10 90 11, 7604 10 90 25, 7604 10 90 80, 7608 10 00 11, 7608 10 00 80), only negligible volumes of imports for the product concerned were made.

- (25) The same exporting producer also explained that the effects of economic recession have likely induced the exporting producers to concentrate on the domestic market. Despite this, as explained above, imports from the PRC increased their market share in the Union. Moreover, the same producer also claimed that its sales to the Union are not dumped and provided evidence of the decrease of its sales volumes to the Union in the period March to May 2020. However, it should be recalled that the conditions for registration should be verified at the level of the whole Union market and all imports from the PRC and, for this reason, sales volumes by individual exporting producers are not relevant. Finally, the exporting producer provided arguments concerning an alleged anti-competitive strategy of the complainants which are however also not relevant for the present analysis.
- (26) The Commission therefore considered that the above figures, under both scenarios, despite the decrease of imported products in absolute terms due to the market circumstances, provided evidence of a substantial increase in imports in relative terms and therefore, concluded that the second criterion of the registration request was also met.

3.3. Undermining of the remedial effect of the duty

- (27) The Commission has at its disposal sufficient evidence that additional injury would be caused by a continued rise in imports from the PRC at further decreasing prices.
- (28) As established in recitals 19 and 20, there is sufficient evidence that, under both methodologies considered, imports from China had gained market share during the period March to May 2020 and the market share of the Union industry fell from around 78 % to 74 % in this period.
- (29) In addition, the request contained evidence of the average prices of imports from China. This evidence was cross-checked by the Commission to data held on the case file. The average price of imports under the 5 codes under headings 7604 and 7608 fell from 3 029 EUR/tonne in March to May 2019 to 3 010 EUR/tonne in March to May 2020, a fall of 1 %. The average price of imports under the 6 CN codes (using the complaint methodology) increased by 3 % over the same period, from 2 994 EUR/tonne in March to May 2019 to 3 086 EUR/tonne. These relatively small price changes appear to indicate that the price pressure exerted by these imports remains similar to the price pressure mentioned in the complaint.
- (30) Furthermore, bearing in mind that the aluminium extrusions industry has high fixed costs, it is clear that falls in market share and production will lead to falls in profitability over the period March to May 2020.
- (31) These facts show that the further substantial rise in imports in relative terms is likely to seriously undermine the remedial effect of the duties to be applied. It is indeed reasonable to assume that the imports of the product concerned may further increase market share prior to the adoption of provisional measures, if any, since the latter would occur at the latest around the 13 October 2020.
- (32) Such further rise in imports following the initiation of the case is thus likely, in light of its timing, volume and other circumstances (such as the excess capacity in the PRC and pricing behaviour of Chinese exporting producers described in the complaint) to seriously undermine the remedial effect of any definitive duty, unless such duty would be applied retroactively.
- (33) The Commission therefore concluded that the third criterion for registration of imports was also met.

3.4. Conclusion

- (34) Therefore, the Commission has concluded that there is sufficient evidence to justify making the imports of the product concerned subject to registration in accordance with Article 14(5) of the basic Regulation.

4. PROCEDURE

- (35) All interested parties are invited to make their views known in writing and to provide supporting evidence. Furthermore, the Commission may hear interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

5. REGISTRATION

- (36) Pursuant to Article 14(5) of the basic Regulation, imports of the product concerned should be made subject to registration for the purpose of ensuring that, should the investigation result in findings leading to the imposition of anti-dumping duties, those duties can, if the necessary conditions are fulfilled, be levied retroactively on the registered imports in accordance with the applicable legal provisions.
- (37) Any future liability would emanate from the findings of the anti-dumping investigation.
- (38) The allegations in the complaint requesting the initiation of an anti-dumping investigation estimate an average dumping margin up to 37 % and an average injury elimination level of over 40 % for the product concerned. On that basis, the amount of possible future liability can be estimated at the level of the dumping margin alleged in the complaint, namely up to 37 % *ad valorem* on the CIF import value of the product concerned.

6. PROCESSING OF PERSONAL DATA

- (39) Any personal data collected in this investigation will be treated in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council ⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. The customs authorities are hereby directed, pursuant to Article 14(5) of Regulation (EU) 2016/1036, to take the appropriate steps to register imports into the Union of bars, rods, profiles (whether or not hollow), tubes, pipes; unassembled; whether or not prepared for use in structures (e.g. cut-to-length, drilled, bent, chamfered, threaded); made from aluminium, whether or not alloyed, containing not more than 99,3 % of aluminium, currently falling within CN codes ex 7604 10 10, ex 7604 10 90, 7604 21 00, 7604 29 10, 7604 29 90, ex 7608 10 00, 7608 20 81, 7608 20 89 and ex 7610 90 90 (TARIC codes 7604 10 10 11, 7604 10 90 11, 7604 10 90 25, 7604 10 90 80, 7608 10 00 11, 7608 10 00 80, 7610 90 90 10) and originating in the People's Republic of China. The following products are excluded:

- (i) products attached (e.g. by welding or fasteners) to form subassemblies;
- (ii) welded tubes and pipes;
- (iii) products in a packaged kit with the necessary parts to assemble a finished product without further finishing or fabrication of the parts ('finished goods kit').

2. Registration shall expire nine months following the date of entry into force of this Regulation.

3. All interested parties are invited to make their views known in writing, to provide supporting evidence or to request to be heard within 21 days from the date of publication of this Regulation.

⁽⁴⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

Article 2

This Regulation shall enter into force on the 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, 21 August 2020.

For the Commission
The President
Ursula VON DER LEYEN

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