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[...](2019) **XXX** draft

COMMISSION DELEGATED REGULATION (EU) .../...

of XXX

supplementing Regulation (EU) 2016/2031 of the European Parliament and of the Council by establishing the list of priority pests

This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Article 6(2) of Regulation (EU) 2016/2031 of the European Parliament and the Council on protective measures against pests of plants¹ empowers the Commission to adopt delegated acts supplementing that Regulation by establishing a list of the priority pests.

Priority pests are the Union quarantine pests whose potential economic, environmental or social impact is the most severe in respect of the Union territory. The criteria to determine them are set out in Section 2 of Annex I to that Regulation. Due to their severe impacts, Regulation (EU) 2016/2031 sets out the obligations for more intensive surveys in Article 24, contingency plans in Article 25 and simulation exercises in Article 26.

The Commission has carried out an assessment to determine the list of priority pests, on the basis of a methodology developed by the Commission's Joint Research Centre (JRC) and the European Food Safety Authority (EFSA). That methodology takes into account the probability of spreading, establishment and consequences of the pests assessed for the Union territory. It addresses the fact that the criteria listed in that Regulation cover multiple dimensions (economic, social and environmental), and each of them is described by multiple impacts.

As a result of that assessment, the Commission proposes the listing of 19 priority pests, which are listed in the Annex to that Regulation.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The Commission consulted the Expert Group on Plant Health on 16 January 2018, 9 July 2018, 9 January 2019, 24 April 2019 and 27 May 2019.

This draft Delegated act was subject to consultation of the general public between **xxxxx** and **xxxxxxxxxxxxx** 2019 via the Better Regulation portal. A total of **xxx** responses were received which are publicly available

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The Delegated Act provides for a list of priority pests in accordance with Article 6(2) of Regulation (EU) 2016/2031.

¹ 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 (OJ L 317, 23.11.2016, p. 4).

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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/EC², and in particular Article 6(2) thereof,

Whereas:

- (1) Pursuant to Article 6(2) of Regulation (EU) 2016/2031 the Commission is empowered to establish a list of priority pests.
- (2) Priority pests are Union quarantine pests, which fulfil all of the following conditions: firstly, they are not known to be present in the Union territory or are known to be present either in a limited part of that territory or for scarce, irregular, isolated and infrequent presences in it, secondly, their potential economic, environmental or social impact is the most severe in respect of the Union territory, and, thirdly, they are listed as priority pests.
- (3) The Commission has carried out an assessment to determine, which pests to list as priority pests. That assessment was based on a methodology developed by the Commission's Joint Research Centre and the European Food Safety Authority.
- (4) That methodology comprises composite indicators and an analysis based on multiple criteria. It takes into account, for the Union territory, the probability of spreading, establishment and consequences of the pests assessed. In addition, that methodology takes into account the criteria listed in Section 1, point (2) and Section 2 of Annex I to Regulation (EU) 2016/2031, which cover economic, social and environmental dimensions.
- (5) The assessment carried out shows that there are 19 pests, for which the potential economic, environmental or social impact is the most severe in respect of the Union territory.
- (6) Furthermore, those pests are not known to be present in the Union territory or are known to be present in limited parts of it or for scarce, irregular, isolated and infrequent presences in it.
- (7) It is therefore appropriate to list those pests in the Annex to this Regulation.

² OJ L 317, 23.11.2016, p. 4.

- (8) In order to ensure a consistent application of all rules concerning the Union quarantine pests, this Regulation should apply from the same date as Regulation (EU) 2016/2031, that is from 14 December 2019,

HAS ADOPTED THIS REGULATION:

Article 1

List of priority pests

The list of priority pests, as referred to in Article 6(2) of Regulation (EU) 2016/2031, is set out in the Annex to this Regulation.

Article 2

Entry into force and 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 14 December 2019.

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

Done at Brussels,

For the Commission
The President
Jean-Claude JUNCKER