

**establishing rules for the uniform application of frequency rates for identity checks and physical checks on consignments of plants, plant products and other objects entering the Union**

**(Text with EEA relevance)**

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► <b><u>M2</u></b>	Commission Implementing Regulation (EU) 2025/355 of 21 February 2025	L 355	1	24.2.2025

**COMMISSION IMPLEMENTING REGULATION (EU) 2022/2389****of 7 December 2022****establishing rules for the uniform application of frequency rates for identity checks and physical checks on consignments of plants, plant products and other objects entering the Union****(Text with EEA relevance)***Article 1***Subject matter and scope**

This Regulation lays down rules for the uniform application of the appropriate frequency rate, and the modifications of that rate, of identity checks and physical checks on consignments of goods referred to in Article 47(1), point (c), of Regulation (EU) 2017/625 entering the Union.

*Article 2***Definition**

For the purpose of this Regulation:

- (1) ‘frequency rate’ means the minimum percentage of consignments of goods referred to in Article 1, determined in accordance with this Regulation, of the number of consignments arrived at the border control post or control point during the calendar year, for which identity checks and physical checks shall be carried out by the competent authorities;
- (2) ‘IMSOC’ means the information management system for official controls referred to in Article 131 of Regulation (EU) 2017/625.

*Article 3***Selection of consignments for physical checks**

1. The competent authorities shall select consignments for physical checks in accordance with the following procedure:

- (a) a random selection of a consignment shall be automatically generated by IMSOC;
- (b) the competent authorities may decide to select the consignment in accordance with point (a) or to select a different consignment of the same category of goods and the same origin of goods.

**▼B**

2. For each consignment selected for physical checks in accordance with paragraph 1, the competent authorities shall perform identity checks as referred to in Article 3(1) of Commission Implementing Regulation (EU) 2019/2130 <sup>(1)</sup>.

*Article 4***Frequency rates for identity checks and physical checks**

1. The competent authorities shall perform identity checks and physical checks on consignments of plants, plant products and other objects, at frequency rates determined in accordance with paragraphs 2 to 6.

2. The basic frequency rate for identity checks and for physical checks on consignments of goods referred to in Article 1 shall be 100 %.

3. By way of derogation from paragraph 2, the identity checks and physical checks of the consignments of certain plants, plant products and other objects, as listed in Annex I with their respective origin from all or certain third countries, shall be subject to the respective frequency rates specified in that Annex.

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4. The frequency rates according to paragraph 3 shall not apply to:

- (a) plants intended for planting;
- (b) any plant, plant product or other object which is subject to a measure concerning its introduction into the Union, provided for in acts adopted in accordance with Articles 28(1), 30(1) and 49(1) of Regulation (EU) 2016/2031.

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5. The frequency rates according to paragraph 3 shall be determined in accordance with the criteria listed in Annex II.

6. Where imports of a plant, plant product or other object, or a category thereof, no longer comply with the criteria set out in Annex II, that plant, plant product or other object shall be removed from Annex I, as determined by the review stipulated in Article 6(2).

*Article 5***Applications for the modification of frequency rates for identity checks and physical checks performed on certain plants, plant products and other objects**

Member States may submit to the Commission an application to modify the frequency rate of identity checks and physical checks on consignments of a plant, plant product or other object, or a category thereof, entering the Union, in order for the Commission to determine whether such modification is appropriate. The application shall contain the information set out in Annex III.

<sup>(1)</sup> Commission Implementing Regulation (EU) 2019/2130 of 25 November 2019 establishing detailed rules on the operations to be carried out during and after documentary checks, identity checks and physical checks on animals and goods subject to official controls at border control posts (OJ L 321, 12.12.2019, p. 128).

**▼B***Article 6***Modification of frequency rates for identity checks and physical checks performed on certain plants, plant products and other objects**

1. Frequency rates set out in Annex I shall be modified with regard to the criteria set out in points (i), (ii), (iv), (v) and (vi) of Article 54(3), point (a), of Regulation (EU) 2017/625, the criteria set out in Annex II, and, where appropriate, with regard to the information set out in Annex III.
2. The frequency rates for identity checks and physical checks for plants, plant products and other objects, or categories thereof, shall be reviewed at least annually, in order to take into account new information collected through IMSOC or provided by Member States, and modified accordingly.
3. The Commission shall introduce, where applicable, into the IMSOC every modification made to the list of plants, plant products and other objects, or categories thereof, and to the frequency rates, as set out in Annex I.

*Article 7***Repeals**

Regulation (EC) No 1756/2004 is repealed with effect from 14 December 2022.

*Article 8***Entry into force and date of application**

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 14 December 2022.

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

▼ **M2***ANNEX I*

**Frequency rates of identity checks and physical checks of the consignments of certain plants, plant products and other objects, or categories thereof, as referred to in Article 4(3)**

Plant, plant product or other object, or a category thereof	Country of origin	Minimum frequency rate of identity and physical checks (%)
<b>Cut flowers</b>		
<i>Dianthus</i>	Colombia	3
<i>Dianthus</i>	Ecuador	10
<i>Dianthus</i>	Kenya	5
<i>Dianthus</i>	Türkiye	25
<i>Gypsophila</i>	Ecuador	3
<i>Gypsophila</i>	Kenya	5
<i>Phoenix</i>	Costa Rica	50
<i>Rosa</i>	Colombia	3
<i>Rosa</i>	Ecuador	1
<i>Rosa</i>	Ethiopia	25
<i>Rosa</i>	Kenya	25
<b>Fruits</b>		
<i>Actinidia</i>	All third countries	10
<i>Carica papaya</i>	All third countries	10
<i>Fragaria</i>	All third countries <sup>(1)</sup>	5
<i>Persea americana</i>	All third countries <sup>(2)</sup>	1
<i>Rubus</i>	All third countries	5
<i>Vitis</i>	All third countries	1
<i>Malus</i>	European third countries <sup>(3)</sup>	10
<i>Prunus</i>	European third countries <sup>(3)</sup> <sup>(4)</sup>	3
<i>Pyrus</i>	European third countries <sup>(3)</sup>	10
<i>Vaccinium</i>	European third countries <sup>(3)</sup>	50

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Plant, plant product or other object, or a category thereof	Country of origin	Minimum frequency rate of identity and physical checks (%)
<i>Citrus</i>	Egypt	50
<i>Citrus</i>	Israel	25
<i>Citrus</i>	Mexico	25
<i>Citrus</i>	Morocco	5
<i>Citrus</i>	Peru	10
<i>Citrus</i>	Türkiye	5
<i>Citrus</i>	USA	75
<i>Malus</i>	Argentina	75
<i>Malus</i>	Chile	5
<i>Malus</i>	New Zealand	15
<i>Malus</i>	South Africa	15
<i>Mangifera</i>	Brazil	75
<i>Passiflora</i>	Colombia	5
<i>Passiflora</i>	Réunion	10
<i>Passiflora</i>	South Africa	75
<i>Passiflora</i>	Viet Nam	15
<i>Prunus</i>	Chile	25
<i>Prunus</i>	South Africa	10
<i>Prunus</i>	Türkiye	25
<i>Pyrus</i>	Argentina	25
<i>Pyrus</i>	Chile	15
<i>Pyrus</i>	China	50
<i>Pyrus</i>	South Africa	10
<i>Vaccinium</i>	Argentina	50
<i>Vaccinium</i>	Chile	15
<i>Vaccinium</i>	Peru	5

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Plant, plant product or other object, or a category thereof	Country of origin	Minimum frequency rate of identity and physical checks (%)
<b>Vegetables</b>		
<i>Solanum lycopersicum</i>	Canary Islands	15
<i>Solanum lycopersicum</i>	Morocco	1
Root and tubercle vegetables, other than tubers of <i>Solanum tuberosum</i> L. <sup>(5)</sup> <sup>(6)</sup>	All third countries <sup>(2)</sup>	5
Roots and tubercles of <i>Curcuma longa</i>	Thailand	35
<b>Used machinery</b>		
Machinery and vehicles which have been operated for agricultural or forestry purposes	All third countries	5

<sup>(1)</sup> Other than Egypt.

<sup>(2)</sup> Other than Cameroon.

<sup>(3)</sup> Albania, Andorra, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Canary Islands, Faeroe Islands, Georgia, Iceland, Liechtenstein, Moldova, Monaco, Montenegro, 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, Serbia, Türkiye, Ukraine and United Kingdom.

<sup>(4)</sup> Other than Türkiye.

<sup>(5)</sup> 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, Annex VII, point 12 (OJ L 319, 10.12.2019, p. 103; ELI: [http://data.europa.eu/eli/reg\\_impl/2019/2072/oj](http://data.europa.eu/eli/reg_impl/2019/2072/oj)).

<sup>(6)</sup> Excluding *Curcuma longa* and *Zingiber officinale* from Peru, and *Curcuma longa* from Thailand.

*ANNEX II***Criteria for the establishment and modification of the frequency rates of plants, plant products and other objects, or categories thereof, as referred to in Article 4(5) and (6)**

1. A new frequency rate may be established where:
  - (a) the average number of consignments entering the Union over the preceding three years is at least 200 per year;
  - (b) the minimum number of consignments of plants, plant products and other objects, or categories thereof, entering the Union, for which documentary checks, identity checks and physical checks have been carried out during the previous three years, is at least 600;
  - (c) the number of consignments of the plants, plant products and other objects, or categories thereof, which were found infested by Union quarantine pests is each year less than 1 % of the total number of consignments of said plants, plant products and other objects, or categories thereof, imported into the Union;
2. Frequency rates may be modified taking into account:
  - (a) the estimated mobility index of the Union quarantine pests at the most mobile stage to which they could develop on the relevant plants, plant product or other objects, or categories thereof;
  - (b) the number of consignments of plants, plant products and other objects, or categories thereof, on which identity checks and physical checks have been carried out during the previous year;
  - (c) the total number, and the details of, non-compliances due to the presence of Union quarantine pests related to consignments imported pursuant to this Regulation;
  - (d) the total number of consignments of the goods concerned notified for other reasons than the presence of the Union quarantine pests and the details thereof; and
  - (e) any other factor relevant for the determination of the phytosanitary risk associated with the trade concerned.



*ANNEX III***Information required for submission of applications to the Commission as referred to in Article 5**

The information referred to in Article 5 shall contain:

- (a) a description of the goods concerned;
- (b) the origin of the goods concerned;
- (c) the volume of import into the Member State of the goods concerned, expressed in number of consignments and weight or pieces or units;
- (d) the list of the Union quarantine pests liable to be carried on the product concerned;
- (e) the number of consignments of the goods concerned found non-compliant due to the presence of the Union quarantine pests referred to in point (d);
- (f) the estimated mobility index of the Union quarantine pests referred to in point (d) at the most mobile stage to which the organism could develop on the relevant plant, plant product or other object;
- (g) the number of consignments of the goods concerned intercepted for reasons other than the presence of the Union quarantine pests referred to in point (d);
- (h) the number of consignments of the goods concerned on which identity and physical plant health checks have been carried out.

As regards the information mentioned under points (c), (e), (g) and (h), the dossier shall provide data covering the period of at least three years preceding the year in which it is submitted.