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COMMISSION IMPLEMENTING REGULATION (EU) 2024/2382

of 9 September 2024

amending Implementing Regulation (EU) 2022/1195 as regards the template for the surveys of *Synchytrium endobioticum* (Schilbersky) Percival, the designation of infested production sites and the revocation of measures in infested areas

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 28(1), points (a) to (h), thereof,

Whereas:

(1) Commission Implementing Regulation (EU) 2022/1195 [2] establishes measures to eradicate and prevent the spread of *Synchytrium endobioticum* (Schilbersky) Percival ('the specified pest') in the Union territory. It succeeded Council Directive 69/464/EEC [3], which from 1 January 2022 was repealed by Regulation (EU) 2016/2031.

(2) In accordance with Article 4(1) of Implementing Regulation (EU) 2022/1195, the competent authorities are to designate a production site as infested by the specified pest where the presence of the specified pest in that site has been officially confirmed by the tests referred to in Article 3(2) of that Implementing Regulation.

(3) There have been doubts whether areas that have been demarcated by the competent authorities as contaminated plots pursuant to Article 2(1) of Directive 69/464/EEC before 1 January 2022 should also be deemed to be designated as infested production sites pursuant to Article 4(1) of Implementing Regulation (EU) 2022/1195. In order to ensure the highest possible protection of the Union territory from the specified pest, such plots should be subject to the same requirements as the infested production sites designated pursuant to Implementing Regulation (EU) 2022/1195. For this reason, Article 4(1) of that Implementing Regulation should make clear that the plots demarcated as contaminated pursuant to Article 2(1) of Directive 69/464/EEC before 1 January 2022 should also be deemed to be designated as infested production sites.

(4) In accordance with Article 3(3) of Implementing Regulation (EU) 2022/1195, Member States are to report to the Commission and the other Member States, by 30 April of each year, the results of the surveys referred to in paragraph 1 of that Article, which were carried out in the preceding year. They are to report those results in accordance with the template set out in Annex II to that Implementing Regulation.

(5) It has proven more practical to refer in the template to the size of the infested area in the year covered by the report as well as in the year before, instead of the demarcated area, as the infested area is the one that requires the most detailed reporting of results. Furthermore, reporting data on samples for visual inspection of tubers, and reporting of details on the methodology of testing in laboratory tests do not provide noteworthy information for the purposes of the survey. Therefore, the respective columns should be removed from the survey template.

(6) Moreover, it is necessary to clarify in the first sentence in Annex II that the template is to present results of surveys carried out during the calendar year preceding the year of reporting.

[1] OJ L 317, 23.11.2016, p. 4, ELI: http://data.europa.eu/eli/reg/2016/2031/oj.
[2] Commission Implementing Regulation (EU) 2022/1195 of 11 July 2022 establishing measures to eradicate and prevent the spread of *Synchytrium endobioticum* (Schilbersky) Percival (OJ L 185, 12.7.2022, p. 65, ELI: http://data.europa.eu/eli/reg_impl/2022/1195/oj).
[3] Council Directive 69/464/EEC of 8 December 1969 on control of Potato Wart Disease (OJ L 323, 24.12.1969, p. 1, ELI: http://data.europa.eu/eli/dir/1969/464/oj).

(7) Annex IV to Implementing Regulation (EU) 2022/1195 sets out conditions for revocation of the measures as referred to in Article 9 of that Implementing Regulation.

(8) Moreover, and in order to ensure the highest possible level of certainty about the elimination of the respective phytosanitary risk, it is necessary to add, in point 1.1. of Annex IV to Implementing Regulation (EU) 2022/1195, that, where the infested zone has been used as permanent grassland, the measures may only be revoked where no signs of infection with the specified pest have been discovered in soil samples which were taken by applying the scheme to be used to obtain the soil for the testing as set out in point 1.2 of Annex IV to Implementing Regulation (EU) 2022/1195.

(9) Implementing Regulation (EU) 2022/1195 should therefore be amended accordingly.

(10) 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

Amendments to Implementing Regulation (EU) 2022/1195

Implementing Regulation (EU) 2022/1195 is amended as follows:

(1) in Article 4(1), the following subparagraph is added:

'Plots demarcated by the competent authorities as contaminated, in accordance with Article 2(1) of Directive 69/464/EEC, before 1 January 2022, shall be deemed to be designated as infested production sites.';

(2) Annex II is amended as set out in the Annex to this Regulation;

(3) In Annex IV, point 1.1. is replaced by the following:

'1.1. After a minimum of 50 years since the last detection of the specified pest, if there is a gapless record of crops in the infested zone showing that the provisions of Article 6(2) and (3) have been complied with during the whole time and that the infested zone has not been used as permanent grassland.

Where the infested zone has been used as permanent grassland, the measures may only be revoked where no signs of infection with the specified pest have been discovered in soil samples which were taken by applying the scheme to be used to obtain the soil for the testing set out in point 1.2;

or'.

Article 2

Entry into force

This Regulation shall enter into force on the twentieth 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, 9 September 2024.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annex II to Implementing Regulation (EU) 2022/1195 is replaced by the following:

'*ANNEX II*

Survey template as referred to in Article 3

Template for presenting results of **potato wart disease** surveys carried out during the calendar year preceding the year of reporting.

Please use this table only for the survey results for potatoes harvested in your country.

Member State	Category	Cropping area (ha)	Visual inspection of tubers		Laboratory testing		Initial size of the infested area (1) (ha)	Updated size of the infested area (2) (ha)	Notification numbers of the new outbreaks notified, as applicable, in accordance with Implementing Regulation (EU) 2019/1715	Additional information
			Number of lots	Number of suspicious lots	Number of tested samples	Number of positive samples				
	Potato tubers for planting									
	Potato tubers other than for planting									

(1) Total size of the infested area previous to the year covered by the report.
(2) Total size of the infested area in the year covered by the report.'