
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2019 No.

**The Plant Health (EU Exit) (Scotland)
(Amendment etc.) Regulations 2019**

PART 3

Amendment of the Plant Health (Scotland) Order 2005: exiting the European Union

CHAPTER 12

Amendment of the schedules

SECTION 6

Potato Ring Rot

- 69.** In schedule 16 (special measures for the control of Potato Ring Rot)(1)—
- (a) in paragraph 1A, omit “in accordance with Article 2(1) of [Directive 93/85/EEC](#)”,
 - (b) after paragraph 1A insert—
 - “**1AA.** In the case of tubers of *Solanum tuberosum* L., those surveys must include official testing of samples of seed and other potatoes in accordance with EPPO PM 7/59.
 - 1AB.** In the case of plants of *Solanum tuberosum* L., those surveys must be carried out according to appropriate methods and include appropriate official testing of samples.
 - 1AC.** The collection of samples for the purposes of paragraphs 1AA and 1AB must be based on sound scientific and statistical principles and the biology of Potato Ring Rot and take into account relevant potato production systems.”
 - (c) in paragraph 1B(a), for the words from “Annex 1” to “[Directive 93/85/EEC](#)”, in the second place it occurs, substitute “EPPO PM 7/59”
 - (d) in paragraph 1D—
 - (i) in sub-paragraph (b), for “taking into account the provisions in point 1 of Annex 3 to [Directive 93/85/EEC](#)” substitute—

“having regard to the following factors—

 - (i) the specified plant material grown at the contaminated place of production;
 - (ii) the places of production with some production link to that specified plant material, including those sharing production equipment and facilities directly or through a common contractor;
 - (iii) the production or presence of other specified plant material at the contaminated place of production;

- (iv) the premises handling potatoes from the contaminated place of production and the places of production mentioned in head (ii);
 - (v) any object that may have come into contact with the contaminated specified plant material;
 - (vi) any specified plant material stored in, or in contact with, any object prior to its disinfection;
 - (vii) the specified plant material with a sister or parental clonal relationship to the contaminated specified plant material and the places of production of that specified plant material”, and
- (ii) in sub-paragraph (c), for “provisions in point 2 of Annex 3 to [Directive 93/85/EEC](#)” substitute “proximity of other places of production growing potatoes or other host plants and the common production and use of seed potato stocks”,
- (e) after paragraph 1D insert—
- “**1DA.** When making a designation or determination under paragraph 1D, an inspector must have regard to sound scientific principles, the biology of Potato Ring Rot and relevant production, marketing and processing systems.”,
- (f) for paragraph 3(b) substitute—
- “(b) by an officially approved disposal method that ensures that there is no identifiable risk of Potato Ring Rot spreading”,
- (g) in paragraph 4(b), for “in accordance with point 2 of Annex IV to [Directive 93/85/EEC](#)” substitute “in a manner that ensures that there is no identifiable risk of Potato Ring Rot spreading”,
- (h) in paragraph 7, for “[Directive 93/85/EEC](#)” substitute “this Schedule”,
- (i) in paragraph 10(b), for “Annex 1 to [Directive 93/85/EEC](#)” substitute “EPPO PM 7/59”,
- (j) in paragraph 10A, for “Article 2 of [Directive 93/85/EEC](#)” substitute “EPPO PM 7/59”,
- (k) in paragraph 11(b), for “Annex 1 to [Directive 93/85/EEC](#)” substitute “EPPO PM 7/59”,
- (l) in paragraph 12(d), for “Annex 1 to [Directive 93/85/EEC](#)” substitute “EPPO PM 7/59”, and
- (m) in paragraph 23(b), for “Article 2 of [Directive 93/85/EEC](#)” substitute “EPPO PM 7/59”.