

Council Directive 2007/33/EC of 11 June 2007 on the control of potato cyst nematodes and repealing Directive 69/465/EEC

CHAPTER II

**DETECTION**

*Article 4*

1 Member States shall prescribe that an official investigation for the presence of potato cyst nematodes shall be carried out on the field in which the plants listed in Annex I, intended for the production of plants for planting, or seed potatoes intended for the production of seed potatoes, are to be planted or stored.

2 The official investigation provided for in paragraph 1 shall be carried out in the period between the harvesting of the last crop in the field and the planting of the plants or seed potatoes mentioned in paragraph 1. It may be carried out earlier, in which case documentary evidence shall be available of the results of that investigation confirming that potato cyst nematodes have not been found and that potatoes and other host plants listed in point 1 of Annex I were not present at the time of the investigation and have not been grown since the investigation.

3 Results of official investigations other than those referred to in paragraph 1 and carried out before 1 July 2010 may be considered as evidence as referred to in paragraph 2.

4 If the responsible official bodies of a Member State have established that there is no risk of spreading potato cyst nematodes, the official investigation referred to in paragraph 1 shall not be required for:

- a the planting of plants listed in Annex I, intended for the production of plants for planting to be used within the same place of production situated in an officially defined area;
- b the planting of seed potatoes, intended for the production of seed potatoes to be used within the same place of production situated in an officially defined area;
- c the planting of plants listed in point 2 of Annex I, intended for the production of plants for planting where the harvested plants are to be subject to the officially approved measures referred to in Section III(A) of Annex III.

5 Member States shall ensure that the results of the investigations referred to in paragraphs 1 and 3 are officially recorded and are accessible to the Commission.

*Article 5*

1 In the case of fields in which seed potatoes or plants listed in point 1 of Annex I intended for the production of plants for planting, are to be planted or stored, the official investigation referred to in Article 4(1) shall involve sampling and testing for the presence of potato cyst nematodes in accordance with Annex II.

2 In the case of fields in which the plants listed in point 2 of Annex I, intended for the production of plants for planting, are to be planted or stored, the official investigation referred to in Article 4(1) shall involve sampling and testing for the presence of potato cyst nematodes in accordance with Annex II or verification as set out in Section I of Annex III.

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*Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.*

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### *Article 6*

1 Member States shall provide that official surveys are carried out on fields used for the production of potatoes, other than those intended for the production of seed potatoes, in order to determine the distribution of potato cyst nematodes.

2 The official surveys shall involve sampling and testing for the presence of potato cyst nematodes in accordance with paragraph 2 of Annex II and shall be carried out in accordance with Section II of Annex III.

3 The results of the official surveys shall be notified in writing to the Commission in accordance with Section II of Annex III.

### *Article 7*

If, as a result of the official investigation referred to in Article 4(1) and the other official investigations referred to in Article 4(3), no potato cyst nematodes are found, the responsible official bodies of a Member State shall ensure that this information is officially recorded.

### *Article 8*

1 When a field is found infested with potato cyst nematodes during the official investigation referred to in Article 4(1), the responsible official bodies of a Member State shall ensure that this information is officially recorded.

2 When a field is found infested with potato cyst nematodes during the official survey referred to in Article 6(1), the responsible official bodies of a Member State shall ensure that this information is officially recorded.

3 Potatoes or plants listed in Annex I which come from a field officially recorded as infested with potato cyst nematodes as referred to in paragraph 1 or paragraph 2 of this Article, or have been in contact with soil in which potato cyst nematodes have been found, shall be officially designated as contaminated.