

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

CHAPTER III

CONTROL MEASURES

Article 9

1 Member States shall prescribe that in a field which has been officially recorded as infested as referred to in Article 8(1) or 8(2):

- a no potatoes intended for the production of seed potatoes shall be planted; and
- b no plants listed in Annex I, intended for replanting, shall be planted or stored. However, plants listed in point 2 of Annex I may be planted in that field provided that these plants are to be subject to the officially approved measures referred to in Section III(A) of Annex III, such that there is no identifiable risk of spreading potato cyst nematodes.

2 In the case of fields to be used for planting potatoes, other than those intended for the production of seed potatoes, officially recorded as infested as referred to in Article 8(1) or 8(2), the responsible official bodies of the Member States shall prescribe that these fields shall be subject to an official control programme aiming at least at the suppression of potato cyst nematodes.

The programme referred to in paragraph 2 of this Article shall take into account the particular production and marketing systems for host plants of potato cyst nematodes in the relevant Member State, the characteristics of the population of potato cyst nematodes present, the use of resistant potato varieties of the highest levels of resistance available as specified in Section I of Annex IV and, where appropriate, other measures. This programme shall be notified in writing to the Commission and to the other Member States with a view to ensuring comparable levels of assurance between the Member States.

The degree of resistance of potato varieties, other than those already notified under Article 10(1) of Directive 69/465/EEC shall be quantified according to the standard scoring notation table set out in Section I of Annex IV of this Directive. Testing for resistance shall be carried out according to the protocol set out in Section II of Annex IV of this Directive.

Article 10

1 Member States shall prescribe that for potatoes or plants listed in Annex I, which have been designated as contaminated under Article 8(3):

- a in the case of seed potatoes and the host plants listed in point 1 of Annex I, they shall not be planted unless they have been decontaminated under the supervision of the responsible official bodies of a Member State using an appropriate method adopted under paragraph 2 of this Article, based on scientific evidence that there is no risk of spreading potato cyst nematodes;
- b in the case of potatoes intended for industrial processing or grading, they shall be subject to officially approved measures in accordance with Section III(B) of Annex III;
- c in the case of plants listed in point 2 of Annex I, they shall not be planted unless they have been subject to the officially approved measures as referred to in Section III(A) of Annex III, such that they are no longer contaminated.

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2 Specifications of the methods referred to in paragraph 1(a) of this Article shall be adopted in accordance with the procedure referred to in Article 17(2).

Article 11

1 Without prejudice to Article 16(1) of Directive 2000/29/EC, Member States shall prescribe that the suspected occurrence or confirmed presence of potato cyst nematodes in their territory resulting from a breakdown or change in the effectiveness of a resistant potato variety which relates to an exceptional change in the composition of nematode species, pathotype or virulence group shall be reported to their own responsible official bodies.

2 For all cases reported under paragraph 1, Member States shall provide that the potato cyst nematode species and, where applicable, the pathotype or virulence group involved, are investigated and confirmed by appropriate methods.

3 The details of the confirmations referred to in paragraph 2 shall be sent in writing each year by 31 December at the latest to the Commission and to the other Member States.

4 The appropriate methods referred to in paragraph 2 of this Article may be adopted in accordance with the procedure referred to in Article 17(2).

Article 12

Member States shall notify in writing to the Commission and to the other Member States each year by 31 January at the latest, a list of all new varieties of potatoes which they have found by official testing to be resistant to potato cyst nematodes. They shall state the species, pathotypes, virulence groups or populations to which the varieties are resistant, the degree of resistance and the year of its determination.

Article 13

If, after the officially approved measures referred to in Section III(C) of Annex III have been taken, the presence of potato cyst nematodes is not confirmed, the responsible official bodies of the Member State shall ensure that the official record referred to in Article 4(5), Article 8(1) and Article 8(2) is updated and any restrictions imposed on the field are revoked.

Article 14

Without prejudice to Articles 3 and 5 of Directive 2000/29/EC, Member States may authorise derogations from the measures referred to in Articles 9 and 10 of this Directive in accordance with the provisions laid down in Commission Directive 95/44/EC of 26 July 1995 establishing the conditions under which certain harmful organisms, plants, plant products and other objects listed in Annexes I to V to Council Directive 77/93/EEC may be introduced into or moved within the Community or certain protected zones thereof, for trial or scientific purposes and for work on varietal selections⁽¹⁾.

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- (1) [OJ L 184, 3.8.1995, p. 34](#). Directive as last amended by Commission Directive 97/46/EC ([OJ L 204, 31.7.1997, p. 43](#)).