

SCHEDULE

Article 7

“SCHEDULE 15

Article 39(6)

Special measures for the control of European populations of Potato Cyst Nematode

Interpretation and application of Schedule 15

1.—(1) In this Schedule—

“Directive 2007/33/EC” means Council Directive 2007/33/EC on the control of potato cyst nematodes and repealing Directive 69/465/EEC;

“demarcated field” means a field in respect of which a notice served under paragraph 2 is in force.

(2) This Schedule applies when the Welsh Ministers confirm, following an official investigation for the purposes of Article 4 of Directive 2007/33/EC or an official survey for the purposes of Article 6 of that Directive, that a field is infested with a European population of Potato Cyst Nematode.

Demarcation of the field

2.—(1) An inspector must serve a notice in writing on the occupier or other person in charge of the field—

- (a) specifying the field to which the notice applies; and
- (b) demarcating the boundaries of that field.

(2) The notice may not be withdrawn until it is confirmed, pursuant to the re-sampling and testing measures set out in Section III(C) of Annex III to Directive 2007/33/EC, that Potato Cyst Nematode is no longer present in the field.

Prohibition on planting or storing in a demarcated field

3.—(1) No person may—

- (a) plant in a demarcated field any potatoes that are intended for the production of seed potatoes; or
- (b) plant or store in a demarcated field any plant listed in Annex I to Directive 2007/33/EC that is intended for replanting.

(2) But an inspector may authorise the planting of any plants listed in point 2 of Annex I to that Directive.

(3) An authorisation under this paragraph must be by notice in writing and must contain the measures set out in Section III(A) of Annex III to that Directive.

Suppression of Potato Cyst Nematode

4. No person may plant in a demarcated field any potatoes that are not intended for the production of seed potatoes unless that person has taken all reasonable steps to suppress Potato Cyst Nematode in that field.

Controls on contaminated seed potatoes etc.

5.—(1) No person may plant any seed potatoes or any plants listed in point 1 of Annex I to Directive 2007/33/EC that come from a demarcated field, or have been in contact with soil from a demarcated field, unless authorised to do so by an inspector.

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(2) An authorisation under this paragraph must be by notice in writing and must contain such measures as the inspector thinks necessary to decontaminate those seed potatoes or plants.

Controls on contaminated bulbs etc.

6.—(1) No person may plant any plants listed in point 2 of Annex I to Directive [2007/33/EC](#) that come from a demarcated field, or have been in contact with soil from a demarcated field, unless authorised to do so by an inspector.

(2) An authorisation under this paragraph must be by notice in writing and must contain the measures set out in Section III(A) of Annex III to that Directive.”.