
WELSH STATUTORY INSTRUMENTS

2020 No. 1628

**The Plant Health (Amendment etc.)
(Wales) (EU Exit) Regulations 2020**

PART 2

Amendment of secondary legislation

Part 4

17.—(1) Part 4 is amended as follows.

(2) In paragraph 7—

- (a) in the definition of “field”, for “Article 3 of [Directive 2007/33/EC](#)” substitute “this Part”;
- (b) at the appropriate place insert—

““specified measures” (*mesurau penodedig*)” means—

- (a) for the purposes of paragraph 9(2), the official re-sampling of the field and official testing of the samples, carried out at least three years after appropriate officially approved control measures have been taken in the field or, in any other case, at least five years after the year in which the Potato cyst nematodes were found or potatoes were last grown in the field;
- (b) for the purposes of paragraphs 11(3) and 15—
 - (i) the disinfestation of the bulbs or plants by appropriate methods that ensure that there is no identifiable risk of Potato cyst nematodes spreading;
 - (ii) the removal of soil from the bulbs or plants by washing or brushing them until they are practically free of soil, so as to ensure that there is no identifiable risk of Potato cyst nematodes spreading.”.

(3) After paragraph 7 insert—

“Official testing

7A. Any official testing of samples for the purposes of this Part must be carried out in accordance with EPP0 PM 7/40 and EPP0 PM 7/119.”

(4) In paragraph 8—

- (a) in sub-paragraph (a), for “Articles 4 and 5 of [Directive 2007/33/EC](#)” substitute “this Part”;
- (b) in sub-paragraph (b), for “Article 6 of [Directive 2007/33/EC](#)” substitute “this Part”.

(5) Paragraph 8 becomes paragraph 8(1) and after that sub-paragraph insert—

“(2) An official investigation of a field for the purposes of paragraph 8(1)(a) must be carried out—

- (a) prior to the proposed planting or storing, and

- (b) unless there is documentary evidence of a previous official investigation confirming that no Potato cyst nematodes were found during the investigation and that potatoes or host plants were not present at the time of that investigation and have not been grown in the field since that investigation, between the harvesting of the last crop in the field and the proposed planting of seed potatoes or other susceptible material.

(3) In the case of a field in which seed potatoes or host plants intended for the production of plants for planting are to be planted or stored, an official investigation for the purposes of paragraph 8(1)(a) must include soil sampling of the field at the appropriate sampling rate and official testing of the samples.

(4) In the case of a field in which susceptible bulbs or susceptible plants, intended for the production of plants for planting, are to be planted or stored, an official investigation for the purposes of paragraph 8(1)(a) must include—

- (a) soil sampling of the field at the appropriate sampling rate and official testing of the samples, or
- (b) verification, based on the results of appropriate officially approved testing, that Potato cyst nematodes have not been present in the field during the previous 12 years or verification, based on the known cropping history of the field, that no potatoes or host plants have been grown in the field in the previous 12 years.

(5) An official survey for the purposes of paragraph 8(1)(b) must include soil sampling of the field at the appropriate sampling rate on at least 0.5% of the acreage used for the production of potatoes in the relevant year and official testing of the samples.

(6) Paragraph 8(1)(a) does not apply where the Welsh Ministers have established that there is no risk of Potato cyst nematodes spreading and—

- (a) any susceptible material intended for the production of plants for planting is to be used within the same place of production situated within an officially defined area,
- (b) seed potatoes are to be used within the same place of production situated within an officially defined area, or
- (c) in the case of any susceptible bulbs or susceptible plants intended for the production of plants for planting, the harvested plants are to be subject to officially approved measures.

(7) For the purposes of sub-paragraphs (3) to (5)—

- (a) “the appropriate sampling rate”, in relation to a field, is the minimum sampling rate specified in the following table—

| <i>Sub-paragraph</i> | <i>Field</i> | <i>Rate</i> |
|----------------------|--------------------|--|
| (3) and (4) | Field ≤ 8 hectares | 1,500 ml of soil per hectare collected from at least 100 cores/hectare |
| | Field > 8 hectares | First 8 1,500 ml of soil per hectare Each additional 400 ml of soil per hectare |

| <i>Sub-paragraph</i> | <i>Field</i> | <i>Rate</i> |
|----------------------|--|---|
| | Field \leq 4 hectares that meets at least one of the criteria in paragraph (b) | 400 ml of soil per hectare |
| | Field $>$ 4 hectares that meets at least one of the criteria in paragraph (b) | First 4 400 ml of soil per hectare Each additional hectare 200 ml of soil per hectare |
| (5) | Field \leq 4 hectares | Any of the following: —400 ml of soil per hectare —targeted sampling of at least 400 ml of soil following the visual examination of roots with visual symptoms, or —where the harvested potatoes can be traced to the field in which they were grown, 400 ml of soil associated with the harvested potatoes. |

(b) the criteria are—

- (i) documentary evidence exists to show that potatoes or host plants have not been grown or were not present in the field in the six years prior to the official investigation;
- (ii) no Potato cyst nematodes have been found during the last two successive official investigations in samples of 1,500 ml soil/hectare and no potatoes or host plants, other than those for which the official investigation is required, have been grown in the field since the first of those two investigations;
- (iii) no Potato cyst nematodes or Potato cyst nematodes without live content have been found in the last official investigation which consisted of a sample size of at least 1,500 ml soil/hectare and no potatoes or host plants, other than those for which the official investigation is required, have been grown in the field since the last official investigation.”

(6) In paragraph 9(2), for the words from “officially” to “2007/33/EC” substitute “relevant specified measures”.

(7) In paragraphs 11(3) and 15, for “the measures set out in Section 3(A) of Annex 3 to [Directive 2007/33/EC](#)” substitute “one of the relevant specified measures”.