SCHEDULE 2

PART 4

Measures for the control of European populations of Potato cyst nematode

Interpretation

7. In this Part—

"field" means an area which has been demarcated as a field for the purposes of Article 3 of Directive 2007/33/EC;

"host plants" means plants with roots of *Capsicum* spp. *Solanum lycopersicum* L. or *Solanum melonga* L.;

"infested field" means a field which is recorded as infested pursuant to paragraph 9(1);

"notice" means a notice under regulation 15(1);

"Potato cyst nematode" means any cyst-forming nematode of the species *Globodera pallida* (Stone) Behrens or *Globodera rostochiensis* (Wollenweber) Behrens that infests and multiplies on potatoes, including any strain or pathotype of any such nematode;

"susceptible bulbs" means bulbs, tubers or rhizomes, grown in soil and intended for planting, of *Allium ascalonicum* L., *Allium cepa* L., *Dahlia* spp., *Gladiolus* Tourn. Ex L., *Hyacinthus* spp., *Iris* spp., *Lilium* spp., *Narcissus* L. or *Tulipa* L., other than those for which there is evidence by their packaging or by other means that they are intended for sale to final consumers not involved in professional plant or cut flower production;

"susceptible material" means host plants, susceptible bulbs or susceptible plants;

"susceptible plants" means plants with roots of *Allium porrum* L., *Asparagus officinalis* L., *Beta vulgaris* L., *Brassica* spp. or *Fragaria* L.

Official investigations and surveys

8. The Department must ensure that—

(a) official investigations are carried out in accordance with Articles 4 and 5 of Directive 2007/33/EC for the presence of Potato cyst nematodes in fields in which seed potatoes or susceptible material intended for the production of plants for planting are to be planted or stored;

(b) official surveys are carried out in accordance with Article 6 of Directive 2007/33/EC for the presence of Potato cyst nematodes in fields used for the production of potatoes, other than those intended for the production of seed potatoes.

Official records of investigations and surveys

9.—(1) The Department must ensure that the results of each official investigation or official survey carried out pursuant to paragraph 8 are recorded to indicate whether Potato cyst nematodes were found in the fields during the investigation or survey.

(2) Where the officially approved measures set out in Section 3(C) of Annex 3 to Directive 2007/33/EC have been taken in a field which has been recorded as infested pursuant to sub-paragraph (1) and, following the completion of those measures, it is officially confirmed that Potato cyst nematodes are no longer present in the field, the Department must ensure that the record is updated accordingly.

Notices in relation to infested fields and contaminated susceptible material

10.—(1) A plant health inspector must serve a notice in writing on the occupier or other person in charge of an infested field which specifies the boundaries of the field.

(2) The notice may not be withdrawn until it is confirmed, in accordance with paragraph 9(2) that Potato cyst nematode is no longer present in the field.

(3) A plant health inspector must by notice designate as contaminated any susceptible material which comes from a field that has been officially recorded as infested under paragraph 9(1) or any susceptible material which has been in contact with soil in which Potato cyst nematodes have been found.

Prohibition on the planting of potatoes in infested fields

11.—(1) Unless authorised to do so by an inspector, no person may—

(a) plant any potatoes in an infested field; or

(b) plant or store any susceptible material which is intended for planting in an infested field.

(2) A plant health inspector may authorise the planting of susceptible bulbs or susceptible plants in an infested field.

(3) An authorisation under sub-paragraph (2) must be by notice and must contain the measures set out in Section 3(A) of Annex 3 to Directive 2007/33/EC.

Controls on contaminated seed potatoes etc.

12.—(1) No person may plant any seed potatoes or any host plants which have been designated as infested pursuant to paragraph 10(3), unless authorised to do so by an inspector.

(2) An authorisation under sub-paragraph (1) must be by notice and must contain the measures which the inspector considers necessary to decontaminate those seed potatoes or plants.

Controls on potatoes for industrial processing or grading

13.—(1) No person may move any potatoes which have been designated as infested pursuant to paragraph 10(3) and are intended for industrial processing or grading, unless authorised to do so by an inspector.

(2) An authorisation under sub-paragraph (1) must be by notice and must require the potatoes to be delivered to a processing or grading plant that has appropriate and officially approved waste disposal procedures that ensure that there is no risk of Potato cyst nematodes spreading.

Controls on contaminated bulbs etc.

14. No person may plant any susceptible bulbs or susceptible plants which have been designated as contaminated pursuant to paragraph 10(3), unless they have been subject to the measures set out in Section 3(A) of Annex 3 to Directive 2007/33/EC and an inspector has confirmed by notice that they are no longer contaminated.

Further investigations for the presence of Potato cyst nematodes

15. If any suspected occurrence or confirmed presence of Potato cyst nematodes in Northern Ireland results 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, the Department must ensure that the species of Potato cyst nematode and, where applicable, the pathotype and virulence group involved, is investigated and confirmed by appropriate methods.