
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2020 No.

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

PART 3

Amendment of secondary legislation relating to withdrawal from the European Union

Schedule 2, Part 2

23. In schedule 2, Part 2 (general provisions relating to the planting of certain solanaceous species)—

- (a) in paragraph 2 (general restrictions on the planting of potatoes)—
 - (i) in sub-paragraph (1), for “Switzerland” substitute “any third country to which the prohibition in Article 40(1) of the Plant Health Regulation does not apply”,
 - (ii) in sub-paragraph (2)—
 - (aa) for head (a) substitute—

“(a) they derive in direct line from potato material which has been obtained under an approved programme for the certification of potatoes which has been officially approved by a competent authority or a CD authority,”,
 - (bb) in head (b), for “Annex 1 to [Directive 93/85/EEC](#)” substitute “EPPO PM 7/59”;
 - (cc) in head (c), for “Annex 2 to [Directive 98/57/EC](#)” substitute “EPPO PM 7/21”,
- (b) in paragraph 4 (potato cyst nematode), in sub-paragraph (2)—
 - (i) omit “and” before head (b),
 - (ii) at the end of head (b) insert—

“, and

 - (c) in accordance with EPPO PM 7/40 and EPPO PM 7/119.”,
- (c) in paragraph 5 (official surveys) for “Article 6 of [Directive 2007/33/EC](#)” substitute “Part 4 of this schedule”,
- (d) after paragraph 5 insert—

“(5A) An official survey conducted under this Part or Part 4 of this schedule shall be conducted on at least 0.5% of the acreage used in the relevant year for the production of seed potatoes.”,
- (e) omit paragraph 6 (official surveys).