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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**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 6**

**26.** In schedule 2, in Part 6 (measures for control of Potato Ring Rot)—

(a) in paragraph 27 (official surveys and testing)—

(i) in sub-paragraph (1) omit “, in accordance with Article 2(1) of [Directive 93/85/EEC](#)”,

(ii) after sub-paragraph (1) insert—

“(1A) In the case of tubers of *Solanum tuberosum* L., those surveys must include official testing of samples of seed and other potatoes in accordance with EPPO PM 7/59.

(1B) In the case of plants of *Solanum tuberosum* L., those surveys must be carried out according to appropriate methods and include appropriate official testing of samples.

(1C) The collection of samples for the purposes of sub-paragraphs (1A) and (1B) must be based on sound scientific and statistical principles and the biology of Potato Ring Rot and take into account relevant potato production systems.”,

(iii) in sub-paragraph (2)(a), for “Annex 1” to “93/85/EEC” in the second place it occurs substitute “EPPO PM 7/59”,

(b) in paragraph 28(1) (measures to be taken following the confirmation of the presence of Potato Ring Rot)—

(i) in head (b), for “taking into account the provisions in point 1 of Annex 3 to [Directive 93/85/EEC](#)” substitute—

“having regard to the following factors—

(i) the susceptible material grown at the contaminated place of production,

(ii) places of production with some production link to that susceptible material, including those sharing production equipment and facilities directly or through a common contractor,

(iii) the production or presence of other susceptible material at the contaminated place of production,

(iv) the premises handling potatoes from the contaminated place of production and the places of production mentioned in sub-head (ii),

- (v) any object that may have come into contact with the contaminated susceptible material,
- (vi) any susceptible material stored in, or in contact with, any object prior to its disinfection,
- (vii) the susceptible material with a sister or parental clonal relationship to the contaminated susceptible material and the places of production of that susceptible material”,
- (ii) in head (c), for “provisions in point 2 of Annex 3 to [Directive 93/85/EEC](#)” substitute “proximity of other places of production growing potatoes or other host plants and the common production and use of seed potato stocks”,
- (iii) after paragraph (1), insert—
  - “(1A) When making a designation or determination under sub-paragraph (1), an inspector must have regard to sound scientific principles, the biology of Potato Ring Rot and relevant production, marketing and processing systems.”,
- (c) in paragraph 29 (restrictions in relation to specified plant material or objects contaminated or probably contaminated with Potato Ring Rot)—
  - (i) in sub-paragraph (2)(b) for “any other measure that complies with point 1 of Annex 4 to [Directive 93/85/EEC](#)” substitute “an officially approved disposal method that ensures that there is no identifiable risk of Potato Ring Rot spreading”,
  - (ii) in sub-paragraph (3)(b), for “in accordance with point 2 of Annex 4 to [Directive 93/85/EEC](#)” substitute “in a manner that ensures that there is no identifiable risk of Potato Ring Rot spreading”,
  - (iii) in sub-paragraph (5), for “[Directive 93/85/EEC](#)” substitute “this Part”,
- (d) in paragraph 32 (measures in relation to a contaminated place of production)—
  - (i) in sub-paragraph (1)(b), for “Annex 1 to [Directive 93/85/EEC](#)” substitute “EPPO PM 7/59”,
  - (ii) in sub-paragraph (2), for “Article 2 of [Directive 93/85/EEC](#)” substitute “EPPO PM 7/59”,
  - (iii) in sub-paragraph (3)(b), for “Annex 1 to [Directive 93/85/EEC](#)” substitute “EPPO PM 7/59”,
- (e) in paragraph 33(d) (contaminated place of production – notice in relation to fields other than those referred to in paragraph 31), for “Annex 1 to [Directive 93/85/EEC](#)” substitute “EPPO PM 7/59”,
- (f) in paragraph 36(7)(b) (demarcated zone), for “Article 2 of [Directive 93/85/EEC](#)” substitute “EPPO PM 7/59”.