
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Seed Potatoes Regulations (Northern Ireland) 2001 ([S.R. 2001/188](#)) (“the principal Regulations”) as amended by The Plant Health Order (Northern Ireland) 2006, which revokes regulation 22. The principal Regulations regulate the production, classification and marketing of seed potatoes in line with EC requirements. These Regulations amend the principal Regulations to implement in Northern Ireland Council Directive [2002/56/EC](#) on the Marketing of Seed Potatoes (“the Directive”) (O.J. No. L 193 20.07.02, p.60, as last amended by Council Directive [2003/61/EC](#) 18.06.03 O.J. No. L 165, p.23), and which consolidated the much amended Directive [66/403/EEC](#) (O.J. No. L 125 11.07.66, p.154). These Regulations also implement in Northern Ireland Commission Decision [2004/842/EC](#) on the placing on the market of seed belonging to varieties which an application for entry in the national catalogue of varieties of seed potatoes has been submitted (“the National Varieties Decision”) (O.J. No. L 362, 01.12.04, p.21).

These Regulations—

allow for official documents to be used as well as official labels, in accordance with Article 13 of Council Directive [2002/56/EC](#) (regulations 3(2)(i) and 15(4));

insert a definition of “marketing” in line with The Seed Potato (England) Regulations (2006) (regulation 3(2)(i));

update references from the Plant Health Order (Northern Ireland) 1993 to The Plant Health Order (Northern Ireland) 2006 (regulation 3(3));

implement provision for the Swiss trade agreement in accordance with Commission Decision [2004/660/EC](#), giving Swiss produce equivalence to that of member States (regulation 3(4));

amend and clarify the exemptions that are in operation (regulation 4);

amend the regulation concerning the marketing of seed potatoes to allow for the introduction of Directive [2001/18/EC](#), Council Directive [2002/56/EC](#), Council Directive [2003/61/EC](#), Commission Decision [2004/3/EC](#) and Commission Decision [2004/842/EC](#) (regulation 5);

regulate the composition of lots of pre-basic, basic and test and trial seed potatoes (regulation 6);

include authorisation and regulation of the marketing of seed potatoes for test and trial purposes (throughout, especially in regulations 5, 7, 8, 9, 10, 11, 15, 17, 18 and 22);

implement the National Varieties Decision on the marketing of seed potatoes for test and trial purposes belonging to varieties for which an application for national listing has been submitted (regulation 5, 12 and 22);

enable growers to bulk up stocks of unlisted varieties of seed potatoes prior to National Listing and allow entry into the Seed Potato Classification Scheme at an appropriate grade (regulations 6, 18 and 22);

ensure that packages and containers must be new or be cleaned and disinfected, in accordance with Article 11(1) of Council Directive [2002/56/EC](#) (regulation 7(3));

amend the regulation concerning genetically modified seed potatoes to allow for the introduction of Commission Decision 2004/842, Regulation [\(EC\) No 1829/2003](#) of the European Parliament and of the Council of 22 September 2003, and Part C of Directive 2001/18 (regulation 8);

amend the principal Regulations so that labelling requirements take account of test and trial seed potatoes (regulations 9 and 15);

Status: This is the original version (as it was originally made).

amend the principal Regulations so that sealing requirements take account of test and trial seed potatoes (regulation 10);

update references from the Seeds National List of Varieties Regulations 1982 to the Seeds National List of Varieties Regulations 2001 (regulation 12(1));

amend the tolerance for symptoms of mild or severe virus diseases attributable to infections in the mother crop, in crops grown from Pre-basic 1 and Pre-basic 2 seed potatoes from 0.01% to 0.05% (regulation 12(3));

allow for a crop being downgraded to the next lower grade where burn-off has not occurred by the specified date (regulations 13(1) and 14(4));

amend the tolerance for Class A Seed A for total viral disease from 1.0% to 0.8% to comply with international certification standards (regulation 14(5));

permit the requirement to print details of the produce, such as country of origin, on packages and containers to be discretionary (regulation 16);

replace the VTSC 1 and VTSC 2 classes with the new classes Pre-basic 3 and Pre-basic 4 (especially in Schedules 2 and 6 of the principle Regulations) and amend the tolerances in Schedule 6, Table II of the principal Regulations to cover these Classes and delete the old VTSC Table III (regulations 17, 18, 19, 20 and 21);

insert a new Schedule on Authorisation for Marketing Seed Potatoes for Test and Trial Purposes (regulation 22); and

throughout update references to EC directives and decisions in light of relevant documents released since 2001, in particular Directive [2001/18/EC](#), Council Directives [2002/53/EC](#), [2002/56/EC](#), [2003/61/EC](#), Commission Decision [2004/842/EC](#) and regulation (EC) No. 1829/2003 of the European Parliament and of the Council of 22 September 2003.