

**2010 No. 7**

**SEEDS**

**The Seed Potatoes (Amendment) Regulations (Northern Ireland)  
2010**

*Made* - - - - - *20th January 2010*

*Coming into operation* - - - - - *20th January 2010*

The Department of Agriculture and Rural Development<sup>(a)</sup> makes the following Regulations, in exercise of the powers conferred by sections 1(1) and (2A), 2(1) to (3) and 12(1) of the Seeds Act (Northern Ireland) 1965<sup>(b)</sup>, Article 3(8) of the Agriculture (Miscellaneous Provisions) (Northern Ireland) Order 1984<sup>(c)</sup>, and being a Department designated<sup>(d)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(e)</sup> in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by said section 2(2), after consultation in accordance with section 1(1) of that Act with representatives of such interests as appear to it to be concerned.

**Title and commencement**

1. These Regulations may be cited as The Seed Potatoes (Amendment) Regulations (Northern Ireland) 2010 and shall come into operation on 20th January 2010.

**Amendment of the Seed Potatoes Regulations (Northern Ireland) 2001**

2. The Seed Potatoes Regulations (Northern Ireland) 2001<sup>(f)</sup> are amended in accordance with regulations 3 to 5.

3. In regulation 2(1) (interpretation) insert at the appropriate places in the alphabetical order—

““additional region” means the region for seed production approved by the Department for the purposes of the second paragraph of article 11(1) of the Commission Directive 2008/62/EC;”;

““Commission Directive 2008/62/EC” means Commission Directive 2008/62/EC providing for certain derogations for acceptance of agricultural landraces and varieties which are naturally adapted to the local and regional conditions and threatened by genetic erosion and for marketing of seed and seed potatoes of those landraces and varieties;”<sup>(g)</sup>;

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(a) Formerly the Department of Agriculture for Northern Ireland; see S.I. 1999/283 (N.I.1), Article 3(4)  
(b) 1965.c22.(N.I.) as amended by S.R.&O (N.I.) 1972 No.351 Art.3 and Schedule 3.  
(c) S.I. 1984/702 (N.I. 2)  
(d) S.I. 1972/1811  
(e) 1972 c. 68  
(f) S.R. 2001 No.188 as amended by S.R. 2007 No.401  
(g) O.J. No.L162 ,216.2008.p.13

““conservation variety” means a variety which is listed as such in accordance with the Seed (National List of Varieties) Regulations 2001((a));” and

““region of origin” means the region forming a part or the whole of Northern Ireland identified by the Department for the purposes of article 8.1 of Commission Directive 2008/62/EC;””.

4. After regulation 4(8) insert—

“(9) A person shall not market seed potatoes of a conservation variety unless—

(a) the seed potatoes have been produced in its region of origin or additional region; and

(b) marketing takes place in the region of origin or additional region.

(10) For the purposes of Article 14 of Commission Directive 2008/62/EC, the Department may specify the maximum amount of seed potatoes of a conservation variety which may be marketed in any given production season.”.

5.—(1) Schedule 5 is amended as follows.

(2) In paragraph 1(d) of Part.1 to Schedule 5 insert at the end—

“Conservation Variety (if appropriate)

Region of Origin (if appropriate)”.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 20th January 2010.

L.S

*John Speers*

A senior officer of the Department of Agriculture and Rural Development

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(a) S.I.2001/3510 as amended by S.I. 2004/2949, 2007/1871, 2008/2683 and S.I. 2009/1273.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Seed Potatoes Regulations (Northern Ireland) 2001 (S.R. 2001 No. 188) (“the Principal Regulations”). These Regulations give effect to Commission Directive 2008/62/EC, whereby Member States may make certain derogations from compliance with the general requirements for acceptance of varieties and the marketing of seed potatoes.

Article 13 of Commission Directive 2008/62/EC stipulates that seed potatoes of a conservation variety may only be marketed subject to certain conditions relating to its region of origin or approved additional regions. Article 14 of the Commission Directive 2008/62/EC imposes a quantitative restriction upon each Member State for each conservation variety and Article 18 provides for each package or container of seed potato of a conservation variety to bear certain information upon a supplier’s label or printed or stamped notice.

These Regulations amend the Principal Regulations by introducing restrictions relating to these regional conditions upon the marketing of seed potatoes of a conservation variety and by inserting a requirement for official labels for seed potatoes of a conservation variety to bear the words ‘conservation variety’ and state their region of origin in addition to the other information required.

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