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## EXPLANATORY NOTE

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

These Regulations consolidate with amendments the Seed Potatoes Regulations (Northern Ireland) 2010 (S.R. 2010 No. 350).

The Regulations control the production with a view to marketing, the certification and the marketing of seed potatoes in Northern Ireland, other than those intended for export outside the European Union and Switzerland. They implement Council Directive [2002/56/EC](#) on the marketing of seed potatoes (OJ No L193, 20.7.2002, p 60) as amended by Commission Implementing Directive 2013/63/EU amending Annexes I and II to Council Directive [2002/56/EC](#) as regards the minimum conditions to be satisfied by seed potatoes and lots of potatoes, as well as related European Union instruments, including the following—

- (a) Commission Decision [2004/3/EC](#) authorising, in respect of the marketing of seed potatoes in all or part of the territory of certain Member States, more stringent measures against certain diseases than are provided for in Annexes I and II to Council Directive [2002/56/EC](#) (OJ L 2, 6.1.2004, p 47) as amended by Commission Implementing Decision 2014/105/EU as regards the applicable Union grades (OJ L 56, 26.2.2014, p 16);
- (b) Commission Decision [2004/842/EC](#) concerning implementing rules whereby Member States may authorise the placing on the market of seed belonging to varieties for which an application for entry in the national catalogue of varieties of agricultural plant species or vegetable species has been submitted (OJ L 362, 9.12.2004, p 21);
- (c) Commission Implementing Directive 2014/20/EU determining Union grades of basic and certified seed potatoes, and the conditions and designations applicable to such grades (OJ L 38, 7.2.2014, p 32); and
- (d) Commission Implementing Directive 2014/21/EU determining minimum conditions and Union grades for pre-basic seed potatoes (OJ L 38, 7.2.2014, p 39).

Regulation 4 prohibits the marketing of any seed potatoes unless they have been certified as either pre-basic or basic seed potatoes, or unless they have been authorised for marketing for scientific purposes and selection work, for test and trial purposes or as a conservation variety. Regulation 4 also provides that basic seed potatoes may not be marketed unless they comply with certain minimum conditions. For seed potatoes produced in Northern Ireland, certification, including the determination of the category and grade at which the potatoes may be marketed, must take place in accordance with the requirements of regulation 10.

Regulation 5 provides for marketing seed potatoes of conservation varieties.

Regulations 6 and 7 allow the Department to authorise the marketing of small quantities of seed potatoes for scientific purposes or selection work and seed potatoes for test and trial purposes.

Regulation 8 provides that seed potatoes cannot be marketed unless they comply with the minimum size, and maximum variation in size requirements.

Regulation 9 provides for seed potatoes to be marketed in homogenous lots so as to ensure, insofar as is possible, they are of the same category, grade and variety.

Regulation 11 provides that seed potatoes (other than retail sales of small quantities of seed potatoes meeting the conditions of regulation 16) may only be marketed in properly labelled packages or containers. Seed potatoes in packages or containers (other than those authorised to be marketed for scientific purposes or selection work) can only be marketed if properly sealed (regulation 12). Documents accompanying seed potatoes that have been genetically modified must include reference to this fact (regulation 13).

**Changes to legislation:** There are currently no known outstanding effects for the The Seed Potatoes Regulations (Northern Ireland) 2016. (See end of Document for details)

Regulation 18 provides for the taking of samples as part of the certification process or to ensure compliance with the provisions of the Regulations.

Regulation 20 provides the Department with powers of inspection and production of relevant documents.

Regulation 21 allows the Department to withdraw official labels, official documents, certificates or growing crop reports relating to seed potatoes which are found not to comply with the requirements imposed by the Regulations.

Regulation 24 makes transitional provision allowing for certificates issued under the Seed Potatoes Regulations (Northern Ireland) 2010 which state the Union grade of the seed potatoes to be treated as a growing crop report for the purposes of regulation 10.

Contravention of any provision in the Regulations is an offence under section 3(1)(b) of the Seeds Act (Northern Ireland) 1965 (c.22) incurring liability on summary conviction to a fine not exceeding level 5 on the standard scale.

These Regulations have been notified in draft (Notification No. 2015/0514/UK on 3 September 2015) to the European Commission in accordance with Directive [98/34/EC](#) of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society Services (OJ L 204, 21.7.1998, p.37), as last amended by Regulation (EU) No 1025/2012 (OJ L 316, 14.11.2012, p.12) and as repealed, subject to savings, by Directive (EU) 2015/1535 (OJ L 241, 17.9.2015, p.1). An impact assessment has not been produced for this statutory rule, as no impact on business or the private or voluntary sector is foreseen. The Explanatory Memorandum and Transposition Note for this statutory rule is available alongside the rule at [www.legislation.gov.uk](http://www.legislation.gov.uk).

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