
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 190

The Seed Potatoes Regulations (Northern Ireland) 2016

Interpretation: general

2.—(1) In these Regulations—

“the Act” means the Seeds Act (Northern Ireland) 1965;

“basic seed potatoes” means—

- (a) in relation to seed potatoes produced in Northern Ireland, seed potatoes which have been certified as basic seed potatoes in accordance with regulation 10;
- (b) in relation to seed potatoes produced outside Northern Ireland, seed potatoes imported into Northern Ireland in a package or container to which has been affixed an official label in accordance with Article 13(1)(a) of Council [Directive 2002/56/EC](#), which states that the seed potatoes have been certified as basic seed potatoes;

“category” means the category of pre-basic seed potatoes or basic seed potatoes (or, in relation to seed potatoes produced in Switzerland, the categories having equivalent effect under the legislation of the Swiss Confederation in accordance with the Swiss trade agreement);

“certificate” means a certificate issued by the Department under regulation 10(2);

“certification” means —

- (a) in relation to seed potatoes produced in Northern Ireland, certification in accordance with regulation 10;
 - (b) in relation to seed potatoes produced outside Northern Ireland, certification by the certification authority in accordance with Council [Directive 2002/56/EC](#)
- and “certified” is to be construed accordingly;

“certification authority” means the authority concerned with the certification of seed potatoes for the purposes of Council [Directive 2002/56/EC](#) in the country or territory where the seed potatoes are produced;

“Commission [Decision 2004/842/EC](#)” means Commission [Decision 2004/842/EC](#) of 1 December 2004 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⁽¹⁾;

“Commission [Directive 2008/62/EC](#)” means Commission [Directive 2008/62/EC](#) of 20 June 2008 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⁽²⁾;

“Common Catalogue” means the common catalogue of varieties of agricultural plant species published in the Official Journal of the European Union;

(1) O.J. No. L 362, 09.12.2004, p.21

(2) O.J. No. L 162, 21.06.2008, p.13

“conservation variety” has the meaning given by regulation 2(1) of the National Lists Regulations;

“Council [Directive 2002/56/EC](#)” means Council [Directive 2002/56/EC](#) on the marketing of seed potatoes⁽³⁾;

“Council [Directive 2002/53/EC](#)” means Council [Directive 2002/53/EC](#) of 13 June 2002 on the common catalogue of varieties of agricultural species ⁽⁴⁾;

“declared net weight” means the net weight of seed potatoes contained in a package or container, as declared by the person applying for an official label under regulation 11;

“[Directive 2001/18/EC](#)” means [Directive 2001/18/EC](#) of the European Parliament and of the Council of 12th March 2001 on the deliberate release into the environment of genetically modified organisms⁽⁵⁾;

“[Directive 2014/20/EU](#)” means Commission Implementing [Directive 2014/20/EU](#) determining Union grades of basic and certified seed potatoes, and the conditions and designations applicable to such grades⁽⁶⁾;

“export” and “import” respectively mean the sending out of Northern Ireland to any other place and the bringing into Northern Ireland from any other place;

“genetically modified” has the same meaning as in [Directive 2001/18/EC](#);

“grade” includes Union grade;

“growing crop report” means a growing crop report issued by an authorised officer in accordance with Schedule 1;

“lot” means a consignment or an identifiable part of a consignment which is recorded and listed as a separate item in an invoice, delivery note or other document provided in accordance with regulation 15;

“marketing” means—

- (a) selling, holding with a view to sale or offering for sale; and
- (b) any disposal, supply or transfer for the purpose of commercial exploitation of seed potatoes to third parties,

whether or not for consideration, and for these purposes “commercial exploitation” is not to be taken to include the supply of seed potatoes to official testing and inspection bodies or the supply of seed potatoes to any person for the purpose of processing or packaging them provided that person does not acquire title to the seed potatoes supplied, and “market” and “marketed” are to be construed accordingly;

“National List” means the list of agricultural crop varieties prepared and published in accordance with regulation 3 of the National Lists Regulations;

“National Lists Regulations” means the Seeds (National Lists of Varieties) Regulations 2001⁽⁷⁾;

“notice” means notice in writing;

“official document” means—

- (a) in relation to seed potatoes produced in Northern Ireland, a document issued or approved by the Department which meets the requirements of Part 2 of Schedule 2;

(3) O.J. No. L 193, 20.07.2002, p.60, as last amended by Commission Implementing [Decision 2014/367/EU](#) (OJ No. L 178, 18.06.2014, p.26)

(4) O.J. No. L 193, 20.07.2002, p.1, as amended by Regulation (EC) No 1829/2003 (OJ No. L 268, 18.10.2003, p.1)

(5) O.J. No. L 106, 17.04.2001, p.1, as last amended by Directive (EU) 2015/412 (OJ No. L 68, 13.03.2015, p.1)

(6) O.J. No. L 38, 07.02.2014, p.32

(7) S.I. 2001/3510, as amended by S.I. 2004/2949, 2007/1871, 2008/2683, 2009/1273, 2010/1195, 2011/464, 2012/2897 and 2013/2042

- (b) in relation to seed potatoes produced outside Northern Ireland, a document issued or approved by the certification authority in the country or territory where the seed potatoes were produced which meets the requirements of Article 13(1)(b) of Council [Directive 2002/56/EC](#);

“official examination” means an examination carried out by, or on behalf of, the Department;

“official label” means—

- (a) in relation to seed potatoes produced in Northern Ireland, a label issued or approved by the Department, which has not previously been used and which meets the requirements of Part 1 of Schedule 2;
- (b) in relation to seed potatoes produced outside Northern Ireland, a label issued or approved by the certification authority in the country or territory where the seed potatoes were produced which meets, as appropriate to the seed potatoes to which the label relates, the requirements of Article 13(1)(a) or Article 18(f) of Council [Directive 2002/56/EC](#) or Article 9 of Commission [Decision 2004/842/EC](#);

“package or container” means—

- (a) a bag or sack which has not been previously used for any purpose; or
- (b) a box or crate which has not been previously used for any purpose or which has been previously used but has since been cleaned and disinfected;

“the Plant Health Order” means the Plant Health Order (Northern Ireland) 2006(8);

“potato” means any tuber or part thereof or any plant or part thereof of *Solanum tuberosum* L or other tuber-forming species or hybrid of *Solanum*;

“pre-basic seed potatoes” means—

- (a) in relation to seed potatoes produced in Northern Ireland, seed potatoes, intended mainly for the production of basic seed potatoes, certified as pre-basic seed potatoes in accordance with regulation 10; and;
- (b) in relation to seed potatoes produced outside Northern Ireland, seed potatoes imported into Northern Ireland in a package or container to which has been affixed an official label in accordance with Article 18(f) of Council [Directive 2002/56/EC](#);

“Regulation 1829/2003” means Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed(9);

“seed potatoes” means—

- (a) potatoes which bear that description or any description indicating their suitability for planting and propagation and which are capable of being used for planting and propagation; or
- (b) any potatoes that are intended to be used for planting and propagation;

“seed potatoes produced outside Northern Ireland” means seed potatoes produced—

- (a) in any part of the British Islands, other than Northern Ireland and the Republic of Ireland;
- (b) in any member State other than the United Kingdom; or
- (c) in Switzerland;

“test and trial seed potatoes” means—

(8) S.R. 2006 No. 82, as amended by S.R. 2006 No. 165, 2006 No. 435, 2007 No. 333, 2007 No. 483, 2008 No. 205, 2008 No. 442, 2008 No. 493, 2009 No. 179, 2010 No. 197, 2010 No. 232, 2010 No. 307, 2012 No. 133, 2012 No. 241, 2012 No. 392, 2013 No. 7, 2013 No. 103, 2014 No. 172 and 2015 No. 128

(9) O.J. No. L 268, 18.10.2003, p.1, as last amended by Regulation (EC) No 298/2008 (OJ No L 97 09.04.2008, p. 64)

- (a) in relation to seed potatoes produced in Northern Ireland, seed potatoes which have been authorised by the Department for marketing for test and trial purposes in accordance with regulation 7; and
- (b) in relation to seed potatoes produced outside Northern Ireland, seed potatoes imported into Northern Ireland in a closed package or container which bears an official label in accordance with Article 9 of Commission [Decision 2004/842/EC](#);

“Union grade” means—

- (a) in relation to seed potatoes produced in Northern Ireland, the Union grade determined under regulation 10(5), this being—
 - (i) in the case of pre-basic seed potatoes, either “Union grade PBTC” or “Union grade PB”;
 - (ii) in the case of basic seed potatoes, “Union grade S”, “Union grade SE” or “Union grade E”;
- (b) in relation to seed potatoes produced outside Northern Ireland—
 - (i) in the case of pre-basic seed potatoes, either “Union grade PBTC” or “Union grade PB”, the minimum conditions for which are set out in Articles 2 and 3 of, and the Annex to, Commission Implementing [Directive 2014/21/EU](#) of 6 February 2014 determining minimum conditions and Union grades for pre-basic seed potatoes⁽¹⁰⁾; or
 - (ii) in the case of basic seed potatoes, either “Union grade S”, “Union grade SE” or “Union grade E”, the minimum conditions for which are set out in Article 1 of, and Annex I to, [Directive 2014/20/EU](#).

(2) Any reference in these Regulations to a tolerance in relation to seed potatoes comprised in a sample is to be construed—

- (a) in relation to a tolerance for any disease, pest, damage or blemish specified in the Tables in Schedule 3 or, in the case of any such tolerance applicable to lots of seed potatoes only, in Schedule 4, or any combination of such disease, pest, damage or blemish, as a reference to the proportion of the weight of seed potatoes in the sample affected by the disease, pest, damage or blemish in relation to the total weight of the seed potatoes in the sample, expressed as a percentage;
- (b) in relation to a tolerance for a deviation or disease specified in paragraphs (a) in column 4 of Table 1 and in paragraphs (a) in column 3 of Table 2 in Schedule 4, as a reference to the number of plants affected by the deviation or disease in relation to the total number of plants in the sample, expressed as a percentage;
- (c) in relation to a tolerance for earth and extraneous matter specified in the Tables in Schedule 3 or Schedule 4, as a reference to the proportion of the weight of such matter in relation to the total weight of the seed potatoes in the sample, expressed as a percentage.

(3) In relation to seed potatoes produced in Switzerland, any reference in these Regulations to Council [Directive 2002/56/EC](#) or Commission [Decision 2004/842/EC](#) or any provision of that Directive or Decision is to be construed as a reference to the legislation of the Swiss Confederation having equivalent effect in accordance with the Swiss trade agreement.

(4) In this regulation “Swiss trade agreement” means the Agreement between the European Community and the Swiss Confederation on trade in agricultural products⁽¹¹⁾.

⁽¹⁰⁾ O.J. No. L 38, 07.02.2014, p.39

⁽¹¹⁾ OJ No L 114, 30.4.2002, p 13, as amended by Commission [Decision 2010/724/EU](#) (OJ No L 312, 27.11.2010, p 31). This Agreement, together with six other Agreements with the Swiss Confederation, was approved by the Council and the Commission by way of Council and Commission [Decision 2002/309/EC](#), Euratom (OJ No L 114, 30.4.2002, p 1)

