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STATUTORY RULES OF NORTHERN IRELAND

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**2018 No. 188**

**AGRICULTURE  
ENVIRONMENTAL PROTECTION  
PESTICIDES  
SEEDS**

**The Pesticides, Genetically Modified Organisms  
and Fertilisers (Miscellaneous Amendments)  
Regulations (Northern Ireland) 2018**

*Made* - - - - *13th December 2018*

*Coming into operation* *7th January 2019*

The Department of Agriculture, Environment and Rural Affairs (“the Department”)(1), in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(2), makes the following Regulations.

These Regulations make provision for a purpose mentioned in section 2(2) of that Act and it appears to the Department that it is expedient for references to the instruments specified in regulations 2, 6, 8, 9, 10 and 11 to be construed as references to those instruments as amended from time to time.

The Department is designated for the purposes of Section 2(2) of the European Communities Act 1972 in relation to—

- (a) materials providing or intended to provide nutrients to plants(3);
- (b) measures in the veterinary and phytosanitary fields for the protection of public health(4);
- (c) the common agricultural policy of the European Union(5);
- (d) measures relating to the control and regulation of genetically modified organisms(6);

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(1) Formerly the Department of Agriculture and Rural Development (DARD see Article 3(4) of the Departments (Northern Ireland) Order 1999 (S.I. 1999/283 (N.I.1)). DARD was renamed the Department of Agriculture, Environment and Rural Affairs (DAERA) by Article 1(2) of the Departments Act (Northern Ireland) 2016 (2016 c.5 (N.I.)).

(2) 1972 c.68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51) (the 2006 Act, section 27(1) (a) and the European Union (Amendment) Act 2008 (c.7) (the 2008 Act), the Schedule Part 1, Paragraph 1A of Schedule 2 was inserted by the 2006 Act, section 28, and was amended by the 2008 Act, the Schedule Part 1, Section 2(2) and paragraph 1A of the Schedule 2 are prospectively repealed by the European Union (Withdrawal) Act 2018 (c. 16), section 1 from exit day (see section 20 of that Act).

(3) S.I. 2001/3919.

(4) S.I. 1999/2027.

(5) S.I. 2000/2812.

(6) S.I. 1991/755.

- (e) prevention, reduction and elimination of pollution of water<sup>(7)</sup>.

### **Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Pesticides, Genetically Modified Organisms and Fertilisers (Miscellaneous Amendments) Regulations (Northern Ireland) 2018 and come into operation on 7 January 2019.

(2) The Interpretation Act (Northern Ireland) 1954<sup>(8)</sup> applies to these Regulations as it applies to an Act of the Assembly.

### **Amendment of the Control of Pesticides Regulations (Northern Ireland) 1987**

2.—(1) The Control of Pesticides Regulations (Northern Ireland) 1987<sup>(9)</sup> are amended as follows.

(2) In regulation 2 (Interpretation), in the definition of “Regulation 1107/2009”, at the end add “as amended from time to time”.

(3) In regulation 8(6), for “the Environmental Information Regulations (Northern Ireland) 1993”, substitute “the Environmental Information Regulations 2004<sup>(10)</sup>”.

### **Amendment of the Fertilisers Regulations (Northern Ireland) 1992**

3.—(1) The Fertilisers Regulations (Northern Ireland) 1992<sup>(11)</sup> are amended as follows.

(2) Omit regulations 1A and 2.

(3) Before regulation 3, insert—

**“Scope: “EC fertilisers”**

**2A.** These Regulations do not apply to fertilisers designated as “EC fertilisers”.

(4) In regulation 3—

(a) for the heading, substitute “Control of materials”;

(b) renumber the existing regulation as paragraph (1) of regulation 3;

(c) omit “, not being designated as an EEC fertiliser or EC fertiliser,”.

(5) In regulation 3A—

(a) renumber the existing regulation as paragraph (2) of regulation 3;

(b) omit “, not being designated as an EEC fertiliser or EC fertiliser,”.

(6) In regulation 4(4) and (5), omit “, not being designated as EEC fertilisers or EC fertilisers,”.

(7) In the following regulations, omit “, not being designated as an EEC fertiliser or EC fertiliser,”—

(a) regulation 7(b) and (c);

(b) regulation 9(b) and (c).

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(7) S.I. 1989/2393.

(8) 1954 c.33(N.I.).

(9) S.R. 1987 No. 414, as amended by S.R. 1991 No. 203, S.R. 1997 No. 469, S.R. 2001 No. 422, S.R. 2011 No. 295, S.I. 2012/1916, S.R. 2013 No. 1478 and S.R. 2013 No. 206.

(10) S.I. 2004/3391, as amended by S.I 2015/1897 and the Data Protection Act 2018 (2018, c.12).

(11) S.R. 1992 No. 187, as amended by S.R. 1995 No. 49, S.R. 1997 No. 378 and S.R. 1998 No. 353.

(8) In regulation 10 (Register of marks), in paragraph (1), at the beginning, omit “Except in the case of materials sold or offered for sale designated as EEC fertilisers or EC fertilisers.”.

(9) Omit regulation 11 (Enforcement).

(10) Schedule 1 (Prescribed descriptions of material, meanings of names, particulars and information to be contained in the statutory statement and limits of variation), is amended as follows—

(a) in the following paragraphs, omit “, not being designated as EEC fertilisers or EC fertilisers,”—

(i) paragraph 6;

(ii) paragraph 7(a)(i) and (b);

(b) in section B of the table, in column 4, in the table relating to nitrogen, in each place it occurs—

(i) omit the column headed “EC fertiliser”;

(ii) in the second column, for “Other than EEC fertiliser or EC fertiliser”, substitute “Fertiliser”;

(c) in section C of the table, in group 2, in column (4), in each place they occur, omit—

(i) “EC fertiliser”;

(ii) “Other than EEC fertiliser or EC fertiliser”.

(11) Schedule 2 (Manner of marking and labelling materials and fastening of packaged material), is amended as follows—

(a) in Part I, in paragraph 1—

(i) omit sub-paragraph (a);

(ii) in sub-paragraph (i), omit the words from the beginning to “EC fertilisers.”;

(iii) in sub-paragraph (k), omit “, sold or offered for sale as an EC fertiliser.”;

(b) in Part II, in paragraph 2, omit the words from the beginning to “EC fertiliser.”.

#### **Amendment of the Genetically Modified Organisms (Risk Assessment) (Records and Exemptions) Regulations (Northern Ireland) 1996**

4.—(1) The Genetically Modified Organisms (Risk Assessment) (Records and Exemptions) Regulations (Northern Ireland) 1996<sup>(12)</sup> are amended as follows.

(2) In regulation 4 (Exemptions for requirements to carry out risk assessments)—

(a) in sub-paragraph (2)(b)(i), for “Schedule 1”, substitute “Schedule 2”;

(b) in sub-paragraph (2)(b)(ii), for “regulation 3(3) of and Part III of Schedule 1”, substitute “regulation 3(1) of, and Part 3 of Schedule 2”;

(c) in sub-paragraph (2)(c) for “[Council Regulation \(EEC\) No. 2309/93](#)”, substitute “[Regulation \(EC\) No 726/2004](#)<sup>(13)</sup> of the European Parliament and the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency, as last amended by Regulation (EU) 1027/2012<sup>(14)</sup>”;

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<sup>(12)</sup> S.R. 1996 No.442, as amended by S.R. 1997 No. 534.

<sup>(13)</sup> OJ No L 136, 30.4.2004, p. 1.

<sup>(14)</sup> OJ No L 316, 14.11.2012, p. 38.

- (d) in sub-paragraph (2)(e) for “Regulation (EC) No 258/97 of the European Parliament and of the Council”, substitute “Regulation (EU) 2015/2283 of the European Parliament and of the Council on novel foods(15)”.

### **Amendment of the Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003**

5.—(1) The Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003(16) are amended as follows.

(2) In regulation 2(1) (Interpretation), in the definitions of—

- (a) “approved product”, for “18(2) of the Deliberate Release Directive or Article 13(2) or (4) of the 1990 Directive”, substitute “18 of the Deliberate Release Directive”;
- (b) “Contained Use Directive”, for “Council Directive 90/219/EEC” to the end, substitute “Directive 2009/41/EC of the European Parliament and of the Council on the contained use of genetically modified micro-organisms(17)”;
- (c) “the Deliberate Release Directive”, at the end, add “as last amended by Commission Directive (EU) 2018/350(18)”;
- (d) “the Food and Feed Regulation”, at the end, add “as last amended by Regulation (EC) 298/2008(19)”.

(3) In regulation 15, (Exempt activities)

(a) for paragraph (e), substitute—

“(e) a genetically modified organism authorised under Regulation (EC) No 726/2004(20) of the European Parliament and the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency, as last amended by Regulation (EU) 1027/2012(21), is marketed; or”;

(b) in sub-paragraph (f), for “Council Regulation (EC) No. 258/97” to “Regulation 1882/2003”, substitute “Regulation (EU) 2015/2283 of the European Parliament and of the Council on novel foods(22)”.

(4) In regulation 16 (Applications for consent to market), in paragraph (5), for “either the Deliberate Release Directive or the 1990 Directive”, substitute “the Deliberate Release Directive”.

(5) Omit regulation 17.

(6) In regulation 24 (Decisions by the Department on applications to market genetically modified organisms), in paragraph 5—

- (a) after “2002/53/EC”, insert “as last amended by Regulation (EC) 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed(23)”;
- (b) after “2002/55/EC”, add “as last amended by Commission Implementing Directive (EU) 2016/317(24)”.

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(15) OJ No L 327, 11.12.2015, p. 1.

(16) S.R. 2003 No. 167, as amended by S.R. 2003 No. 206 and S.R. 2005 No. 272.

(17) OJ No L 125, 21.5.2009, p. 75.

(18) OJ No L 67, 9.3.2018, p. 30.

(19) OJ No L 97, 9.4.2008, p. 64.

(20) OJ No L 136, 30.4.2004, p. 1.

(21) OJ No L 316, 14.11.2012, p. 38.

(22) OJ No L 327, 11.12.2015, p. 1.

(23) OJ No L 268, 18.10.2003, p. 1.

(24) OJ No L 60, 5.3.2016, p. 72.

#### **Amendment of the Protection of Water Against Agricultural Nitrate Pollution Regulations (Northern Ireland) 2004**

6. In the Protection of Water Against Agricultural Nitrate Pollution Regulations (Northern Ireland) 2004(25), in regulation 2, in the definition of “Action Programme”, at the end, add “as amended from time to time”.

#### **Amendment of the Genetically Modified Organisms (Traceability and Labelling) Regulations (Northern Ireland) 2005**

7. In the Genetically Modified Organisms (Traceability and Labelling) Regulations (Northern Ireland) 2005(26), in regulation 2(1) (Interpretation), in the definition of “the Council Regulation”, at the end, add “as last amended by Regulation (EC) No 1137/2008 of the European Parliament and of the Council(27)”.

#### **Amendment of the EC Fertilisers Regulations (Northern Ireland) 2006**

8.—(1) The EC Fertilisers Regulations (Northern Ireland) 2006(28) are amended as follows—

(2) In regulation 2 (Interpretation), in the definition of “the Community Regulation”, at the end, add “as amended from time to time”.

(3) Omit regulation 15 (Competent laboratories).

(4) In paragraph (c) of regulation 16 (Treatment of samples), for “33”, substitute “30”.

#### **Amendment of the Plant Protection Products Regulations (Northern Ireland) 2011**

9.—(1) The Plant Protection Regulations (Northern Ireland) 2011(29) are amended as follows.

(2) In regulation 2 (Interpretation), in the definition of “Regulation 1107/2009”, omit “of which Articles 30(3) and 52(4), and Annexes I to V of that Regulation are to be read”.

(3) In regulation 16(c) (Labelling), after “on the market”, insert “as amended from time to time”.

#### **Amendment of the Nitrates Action Programme Regulations (Northern Ireland) 2014**

10.—(1) The Nitrates Action Programme Regulations (Northern Ireland) 2014(30) are amended as follows.

(2) In regulation 3 (Interpretation)—

(a) in the definition of “Directive”, at the end, add “as amended from time to time”;

(b) in the definition of “direct agricultural aid payment”, after “Regulation EU No 1307/2013” and at the end, both times insert “as amended from time to time”.

(3) In regulation 33 (Reviewing), in paragraph (3), for “Directive 2003/35/EC”, substitute “Directive 2003/35/EC, providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC, as amended from time to time”.

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(25) S.R. 2004 No. 19.

(26) S.R. 2005 No. 271.

(27) OJ No L 311, 21.11.2008, p. 1.

(28) S.R. 2006 No. 503.

(29) S.R. 2011 No. 295, as amended by S.R. 2012 No. 12 and S.I. 2012/1657.

(30) S.R. 2014 No. 307, as amended by S.R. 2015 No. 369.

### **Amendment of the Phosphorus (Use in Agriculture) Regulations (Northern Ireland) 2014**

11. In the Phosphorus (Use in Agriculture) Regulations (Northern Ireland) 2014(31), in regulation 2, in the definition of “Directive”, at the end, add “as amended from time to time”.

### **Amendment of the Seed Marketing Regulations (Northern Ireland) 2016**

12.—(1) The Seed Marketing Regulations (Northern Ireland) 2016(32) are amended as follows.

(2) In regulation 3(1), after paragraph (b), insert—

“(b1) “European Single Market State” means an EEA state or Switzerland;”.

(3) In regulation 8, and in schedules 3 and 4, for “member State”, in each place it occurs, substitute “European Single Market State”.

(4) In Schedule 4, paragraph 13—

(a) in sub-paragraph (a), after “(on the deliberate release into the environment of genetically modified organisms)”, insert “as last amended by Commission Directive (EU) 2018/350(33)”;

(b) in sub-paragraph (b), at the end, add “as last amended by Regulation (EC) 298/2008(34)”.

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on 13 December 2018.



*Dave Foster*  
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(31) S.R. 2014 No. 308.

(32) S.R. 2016 No. 244, as amended by S.R. 2017 No. 222.

(33) OJ No L 67, 9.3.2018, p. 30.

(34) OJ No L 97, 9.4.2008, p. 64.

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## EXPLANATORY NOTE

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

These Regulations are made by the Department of Agriculture, Environment and Rural Affairs using powers under section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972 ([1972 c.68](#)).

The Regulations make miscellaneous minor amendments to legislation relating to pesticides, fertilisers, seed marketing, nitrates and genetically modified organisms, updating out of date references. The purpose of these Regulations is to ensure that references are correct and, in particular, that the amended provisions will operate effectively on exit day.

An impact assessment has not been produced for these Regulations as they provide for technical correction and updating which does not involve any policy changes or impact on the private or voluntary sector.