

Transposition Note describing transposition of:

- Directive 2002/56/EC (“the principal Directive”)
- Commission Implementing Directive 2014/20/EU
- Commission Implementing Directive 2014/21/EU

Transposition of the principal Directive (as amended by Commission Implementing Directive 2013/63/EU)

Article of the principal Directive	Numbered regulation (R) within the Seed Potatoes (Scotland) Regulations 2015
1	No transposition required. The Scottish Government has however chosen to prescribe standards for third country exports.
2(a)	R2(1) (definition of marketing)
2(b)	R2(1) (definition of “basic seed potatoes” – requirement on EU potatoes to meet Union grade ensures that quality conditions are met) R8 (1)(b) and (4)(certification and grading- Scotland only, ensures quality conditions are met) R9 – requirement for official examination of tubers R10(3) (conditions for official label); Schedules 1, 2, 3 and 6 (Schedule 1 contains requirement for official examination of crop)
2(c)	No transposition required. No marketing of certified seed potatoes in Scotland by virtue of Decision 2004/3/EC, as amended by Commission Implementing Decision 2014/105/EU.
2(d)	All official measures under the Regulations are conducted by the

	Scottish Ministers or by an “authorised officer” (defined in R2(1))
3(1)	R 2(1) (definitions “basic seed potatoes” and “test and trial seed potatoes” which incorporate the pre-marketing requirements of Article 3(1)) R3 (restricting marketing to seed potatoes within meaning of the defined terms) R8 (certification and grading – relates to Annex I checks) R 9 (requirements for tuber inspection – relates to Annex II checks) R10(1) prohibition on marketing without label and (3) (labelling-requirement that conditions are met prior to issue of label)
3(2)	R8(2) (grade determined) Schedules 1, 2 and 6 (applicable requirements for certification and grading)
3(3)	2(1) (definition of “applicable Union grade”)
3(4)	No transposition required.
4	R 2(1) (definition of “pre-basic seed potatoes”) R3(a) (permitting the marketing of pre-basic seed potatoes)
5	R8 (certification and grading) Schedules 1, 2 and 6 (applicable requirements for certification and grading, additional and more stringent controls applied to Scottish potatoes only)
6(1)(a)	R2(1) (definition of “scientific and selection seed potatoes”) R3(c) (permitting the marketing of scientific and selection seed potatoes) R6 (requirements for the marketing of

	scientific and selection seed potatoes)
6(1)(b)	R2(1) (definition of “test and trial seed potatoes”) R3(d) (permitting the marketing of test and trial seed potatoes) R5 (requirements for the marketing of test and trial seed potatoes)
6(2)	No transposition required. Commission Decision 2004/842/EC applies and is implemented in R5.
6(3)	No transposition required.
7	R9 (requiring official examination) and R17 (sampling of seed potatoes),
8	Schedule 1, paragraph 5(1)(a) (separate seed from ware potatoes), (b) (separate grades of seed potatoes) and (2).
9	R4(1)(b) (general provisions on the marketing of seed potatoes)
10 (1)	R4(2)(b) and Schedule 3
10(2)	R4(2)(b) and Schedule 3
10(3)	R4(2)(b) and Schedule 3 (Scotland has exercised this option in respect of variation in size)
11(1)	R4(1)(c) (requirement for closed container or package) R4(2) and Schedule 3 (requirement for lots to be of same grade and have sufficient varietal purity) R10 (labelling) R11 (sealing)
11(2)	R13 (retail sales of seed potatoes)
12(1)	R11(1) (sealing)
12(2)	R10(7)(labelling- resealing evidenced on label) R11(2)(sealing- resealing under supervision only)
12(3)	Not transposed.

13(1)	R2(1) (definition of “official label”) R10(1)(b) and (d) requirement for basic seed potatoes to be labelled or carry official document) Schedule 5, paragraph, 2 (official labels)
13(2)	Not transposed.
14	No transposition required.
15	R10(6)(labelling) Schedule 5, paragraphs 1, 2 and 3 (requirement for “genetically modified” to appear on official label)
16	R10(5) (labelling)
17 (1)	No transposition required.
17(2)	No transposition required.
18 (a), (b), (c), (d)	R2(1) (definition of pre-basic seed potatoes) R8 (requirement for certification and grading), R9 (requirement for tuber inspections) R10(3) (labelling - requirement that conditions are met prior to marketing)
18(e)	R4(1)(c) (requirement for closed package or container) R11 (sealing)
18(f)	R10(1)(labelling) Schedule 5, paragraph 1
19	No transposition required
20	No transposition required
21	Not transposed. There is a general ban on import of seed potatoes from third countries in item 10 of Part A of Annex III to the Plant Health Directive (2000/29/EC). As Swiss potatoes are the exception to the general ban, R2(1) defines “outside Scotland” to include Switzerland.
22	No transposition required
23	R14 (enforcement: powers of examination and production)

	R17 (sampling of seed potatoes) R20 (imports from outside EU) Schedule 8 (sampling)
24	No transposition required.
25	No transposition required.
26	No transposition required.
27	No transposition required.
28	No transposition required.
29	No transposition required.
30	No transposition required.
31	No transposition required.
Annex 1,	
1.(a)	Schedule 2 (tolerances for growing crop). Highest tolerance is for Grade E at 1.0%, as per Annex 1, 1(a). All other basic grades have tighter tolerances by virtue of derogation at Article 5.
1(b)	Schedule 1 -(requirement for direct progeny) , 12(a) and (b) and 15 (a) and (b). Schedule 2- (tolerances for growing crop). All grades for basic seed potatoes are set at 0.1% as per Annex 1, 1(b).
1(c)	Schedule 1, para 12(c) and 15(c) (tolerance set at 4% for all basic seed potatoes and test and trial seed potatoes as per Annex 1, 1 (c)
1(d)	Schedule 2 (column 4 of the Tables prescribe overall virus tolerance (and leafroll virus tolerances) which, in context, mean that the 6.0% tolerance cannot be breached.)
2	No transposition required as certified seed potatoes may not be marketed in Scotland.
3	PARAGRAPH REPEALED
4	Provision relating to application of 1(c) and (d) not transposed (thus imposing additional and more stringent

	requirements, in reliance of derogation in Article 5). 2(c) and (d) are for certified seed potatoes which are not marketed in Scotland so no transposition is required.
7	Schedule 2 (column 3 of the tables notes the permissible field generations, except for PBTC which are not grown in field)
Annex II	
(1)	Schedule 6 – All basic grades have a 1.0% tolerance for dirt and extraneous matter as per Annex II (1)
(2)	Schedule 6 – All basic grades have a tolerance of 0.5% of which wet rot 0.2% as per Annex II. In relation to <i>Synchytrium endobioticum</i> , <i>Clavibacter michiganensis</i> subs., and <i>Ralstonia solanacearum</i> tighter (nil) tolerances are applied to them per the derogation at Article 5.
(3)	Schedule 6 – All basic grades have a tolerance of 3% as per Annex II
(4)	Schedule 6 All basic grades have a tolerance of 5% as per Annex II(4).
(5)	Schedule 6 - All basic grades have a tolerance of 5% as per Annex II, (5)
(6)	Schedule 6 – All basic grades have a tolerance of 3% as per Annex II, (6)
(7)	Schedule 6 – All basic grades have a tolerance of 1% for “shrivelled tubers” as per Annex II (7).
Additional text “Total tolerance for items 2 to 7...”	Schedule 6 - The collective group tolerance for all basic grades is set at 6%, as per Annex II.
Annex III	
A	Schedule 5 (Official Labels) para 2 (b) and (c) (basic seed potatoes)
B	Schedule 5 (Official Labels) para 2 (c)

Annex IV	No transposition required
Annex V	No transposition required

Transposition of Commission Implementing Directive 2014/20/EU

Article of Commission Implementing Directive 2014/20/EU	Numbered regulation (R) within the Seed Potatoes (Scotland) Regulations 2015
Article 1 (a) (point (1)(a) of Annex I) (GRADE S)	R8(1) and Schedules 1 and 2 – requirement for inspection of growing crop as condition of certification and grading.
Point (1)(a)(i) of Annex I	Schedule 2, Table II, Column 4, Point (a)
Point (1)(a)(ii)	Schedule 2, Table II, Column 4, Point (b)
Point (1)(a)(iii)	Schedule 2, Table II, Column 4, Point (f)
Point (1)(a)(iv)	Schedule 2, Table II, Column 4, Point (c) and (d) (standards are tighter in reliance of Article 5 of principal Directive)
Point (1)(a)(v)	Schedule 2, Table II, Column 3
Point (1)(a)(vi)	R4(6)(b)(i)
Article (1)(b) (point 1(b) of Annex I)	R9 and Schedule 6 requirement for tuber inspection before marketing
Point 1(b)(i) of Annex I	Schedule 6 Table III(a) Group II (additional standards in reliance of Article 5 of principal Directive)
Point 1(b)(ii)	Schedule 6 Table III(a) Group III
Point 1(b)(iii)	Schedule 6 Table III(a) Group III
Point 1(b)(iv)	Schedule 6 Table III(a) Group III
Point 1(b)(v)	Schedule 6 Table III(a) Group IV
Point 1(b)(vi)	Schedule 6 Table III(a) Group IV
Point 1(b)(vii)	Schedule 6 Table III(a) Group V
Point 1(b)(viii)	Schedule 6 Table III(a) Column 4 (tolerance for Groups II, III and IV)

Article 2 (and point (2)(a) of Annex I) (GRADE SE)	R8(1) and Schedules 1 and 2 – requirement for inspection of growing crop as condition of certification and grading
Point (2)(a)(i) of Annex I	Schedule 2, Table II, Column 4, Point (a)
Point (2)(a)(ii)	Schedule 2, Table II, Column 4, Point (b)
Point (2)(a)(iii)	Schedule 2, Table II, Column 4, Point (f)
Point (2)(a)(iv)	Schedule 2, Table II, Column 4, Point (c) and (d) (standards are tighter in reliance of Article 5 of principal Directive)
Point (2)(a)(v)	Schedule 2, Table II, Column 3
Point (2)(a)(vi)	R4(6)(b)(ii)
Article 2(b) and (point (2)(b) of Annex I)	R9 and Schedule 6 requirement for tuber inspection before marketing
Point (2)(b)(i)	Schedule 6 Table III(b) Group II (additional standards in reliance of Article 5 of principal Directive)
Point (2)(b)(ii)	Schedule 6 Table III(b) Group III
Point (2)(b)(iii)	Schedule 6 Table III(b) Group III
Point (2)(b)(iv)	Schedule 6 Table III(b) Group III
Point (2)(b)(v)	Schedule 6 Table III(b) Group IV
Point (2)(b)(vi)	Schedule 6 Table III(b) Group IV
Point (2)(b)(vii)	Schedule 6 Table III(b) Group V
Point (2)(b)(viii)	Schedule 6 Table III(b) Column 4 (tolerance for Groups II, III and IV)
Article 3(a) and Point (3)(a) of Annex I (GRADE E)	R8 and Schedules 1 and 2 – requirement for inspection of growing crop as condition of certification and grading
Point (3)(a)(i) of Annex I	Schedule 2, Table II, Column 4, Point (a)
Point (3)(a)(ii)	Schedule 2, Table II, Column 4, Point (b)
Point (3)(a)(iii)	Schedule 2, Table II, Column 4, Point (f)
Point (3)(a)(iv)	Schedule 2, Table II, Column 4, Point (c) and (d) (standards are tighter in reliance of Article 5 of principal

	Directive)
Point (3)(a)(v)	Schedule 2, Table II, Column 3
Point (3)(a)(vi)	R4(6)(b)(iii)
Article 3(b) and point (3)(b) of Annex I	R9 and Schedule 6- requirement for tuber inspection before marketing
Point (3)(b)(i) of Annex I	Schedule 6 Table III(c) Group II (additional standards in reliance of Article 5 of principal Directive)
Point (3)(b)(ii)	Schedule 6 Table III(c) Group III
Point (3)(b)(iii)	Schedule 6 Table III(c) Group III
Point (3)(b)(iv)	Schedule 6 Table III(c) Group III
Point (3)(b)(v)	Schedule 6 Table III(c) Group IV
Point (3)(b)(vi)	Schedule 6 Table III(c) Group IV
Point (3)(b)(vii)	Schedule 6 Table III(c) Group V
Point (3)(b)(viii)	Schedule 6 Table III(c) Column 4 (tolerance for Groups II, III and IV)
Article 2	Not transposed (no certified seed potatoes in Scotland)
Article 3	No transposition required
Article 4	No transposition required
Article 5	No transposition required
Article 6	No transposition required
Article 7	No transposition required
Annex 1	As above
Annex 2	As above

Transposition of Commission Implementing Directive 2014/21/EU

Article of Commission Implementing Directive 2014/21/EU	Numbered regulation (R) within the Seed Potatoes (Scotland) Regulations
Article 1	No transposition required
Article 2	R8 and Schedules 1 and 2- requirement for inspection of growing crop as condition of certification and grading. NOTE: To be marketable in Scotland, Scottish seed potatoes must

	meet Union grade standards, accordingly the minimum standards in Article 2 are transposed in the criteria for the grades (with certain additional or more stringent standards imposed in reliance of Article 5 of the principal Directive).
Article 2(1)(a)	<p>Union Grade PBTC – Schedule 2, Table I, Column 2 (Source material is “nuclear stock” which is defined as free from pathogens in R2(1))</p> <p>Union Grade PB- Schedule 2, Table I, Columns 2 and 4 (the source material for Union grade is Union grade PBTC, and the tolerances for Union grade PBTC transpose the article)</p>
Article 2(1)(b)	For both Union Grade PBTC and PB see relevant entry in Schedule 2, Table 1, Column 4, point (b)
Article 2(1)(c)	For both Union Grade PBTC and PB see relevant entry in Schedule 2 Table I, Column 4, point (a) (tighter standard in reliance of Article 5 of the principal Directive)
Article 2(1)(d)	For both Union Grade PBTC and PB see relevant entry in Schedule 2 Table I, Column 4, point (f) (tighter standard in reliance of Article 5 of the principal Directive)
Article 2(1)(e)	For both Union Grade PBTC and PB see relevant entry in Schedule 2 Table I, Column 4, points (c) and (d) (tighter standard in reliance of Article 5 of the principal Directive)
Article 2(1)(f)	For both Union Grade PBTC and PB see relevant entry in Schedule 2 Table I, Column 3, point (c).
Article 2(2)	R8 and Schedules 1 and 2 (Certification and grading) and R9 and

	Schedule 6 (official examination prior to marketing) NOTE: requirements of the Annex dealt with below.
Article 2(3)	Schedule 1 and 2 requiring performance of official examination of growing crop. R17 (permitting sampling)
Article 3	R9 and Schedule 6 - requirement for inspection of tubers prior to marketing. To be marketable in Scotland, Scottish seed potatoes must meet Union grade standards, accordingly transposition is reflected in respect of the criteria for the grades.
Article 3(a)	Union Grade PBTC- Schedule 6 Table I, Group V Union Grade PB- Schedule 6 Table II Group V
Article 3(b)	Union Grade PBTC – Schedule 6 Table I, Groups I and II (entries for rots) Union Grade PB – Schedule 6, Table II, Groups I and II (entries for rots) (Additional tolerances prescribed for both grades in reliance of Article 5 of the principal Directive).
Article 3(c)	Union Grade PBTC - Schedule 6 Table I, Group IV (tighter tolerance in reliance of Article 5 of the principal Directive). Union Grade PB - Schedule 6 Table II, Group IV
Article 3(d)	For both Union Grades PBTC and PB, see the relevant entry in Schedule 6, Tables I and II (respectively) Group III
Article 3(e)	For both Union Grades PBTC and PB, see the relevant entry in Schedule 6, Tables I and II (respectively) Group III
Article 3(f)	For both Union Grades PBTC and PB, see the relevant entry in Schedule 6,

	Tables I and II (respectively) Group III
Article 3(g)	For both Union Grades PBTC and PB, see the relevant entry in Schedule 6, Tables I and II (respectively) Group IV
Article 3 (h)	For both Union Grades PBTC and PB, see the relevant entry in Schedule 6, Tables I and II (respectively), column 4 (tolerance for Groups II, III and IV)
Article 4	No transposition required
Article 5	No transposition required
Article 6	No transposition required
Annex, Point (1) (Grade PBTC)	
Point (1) (a)(i)	Schedule 2, Table I, Column 4, point (a)
Point (1)(a)(ii)	Schedule 2, Table I, Column 4, point (b)
Point (1)(a)(iii)	Schedule 2, Table I, Column 4, point (f)
Point (1)(a)(iv)	Schedule 2, Table I, Column 4, points (c) and (d) (additional tolerances prescribed in reliance of Article 5 of the principal Directive)
Point (1)(a)(v)	Schedule 2, Table I, Column 3 point (a) – Scottish Ministers approve the production.
Point (1)(a)(vi)	Schedule 2, Table I, Column 3 points (a) and (b)
Point (1)(a)(vii)	Schedule 2, Table I, Column 3 point (c)
Point (1)(b)(i)	Schedule 6, Table I, Groups I and II
Point (1)(b)(ii)	Schedule 6, Table I, Group III
Point (1)(b)(iii)	Schedule 6, Table I, Group III
Point (1)(b)(iv)	Schedule 6, Table I, Group III
Point (1)(b)(v)	Schedule 6, Table I, Group IV
Point (1)(b)(vi)	Schedule 6, Table I, Group IV
Point (2) (Grade PB)	
Point (2)(a)(i)	Schedule 2, Table I, Column 4, point (a)
Point (2)(a)(ii)	Schedule 2, Table I, Column 4, point (b)
Point (2)(a)(iii)	Schedule 2, Table I, Column 4, points

	(c) and (d) (tighter tolerances prescribed in reliance of Article 5 of the principal Directive)
Point (2)(a)(iv)	Schedule 2, Table I, Column 4, point (f)
Point (2)(b)(i)	Schedule 6, Table II, Groups I and II (Additional tolerances prescribed in reliance of Article 5 of the principal Directive)
Point (2)(b)(ii)	Schedule 6, Table II, Group III
Point (2)(b)(iii)	Schedule 6, Table II, Group III
Point (2)(b)(iv)	Schedule 6, Table II, Group III
Point (2)(b)(v)	Schedule 6, Table II, Group IV
Point (2)(b)(vi)	Schedule 6, Table II, Group IV
Point (2)(b)(vii)	Schedule 6, Table II, Group V
Point (2)(b)(viii)	Schedule 6, Table II, Column 4 (tolerance for Groups II, III, and IV)

END.