
STATUTORY INSTRUMENTS

2019 No. 211

**The Marketing of Seeds and Plant Propagating Material
(Amendment) (Northern Ireland) (EU Exit) Regulations 2019**

PART 4

The Forest Reproductive Material Regulations (Northern Ireland) 2002

16. The Forest Reproductive Material Regulations (Northern Ireland) 2002⁽¹⁾ are amended as follows.

17. In regulation 2—

(a) in paragraph (2)—

(i) after the definition of “approved basic material”, insert—

““approved non-EU third countries” means the countries and territories listed in Part 1A of Schedule 13;”;

(ii) after the definition of “collecting”, insert—

““the Commissioners” has the same meaning given in the GB Regulations;”;

(iii) omit the definition of “Council [Decision 2008/971/EC](#)”;

(iv) omit the definition of “EC classification”;

(v) omit the definition of “EU-approved third countries”;

(vi) in the definition of “genetically modified organism”, for the words from “Article 2(1)” to the end, substitute “Article 3 of the Genetically Modified Organisms (Northern Ireland) Order 1991⁽²⁾”;

(vii) after the definition of “genetically modified organism”, insert—

““the GB Regulations” means the Forest Reproductive Material (Great Britain) Regulations 2002⁽³⁾”;

(viii) in the definition of “Master Certificate”—

(aa) in paragraph (b), for “official body for Great Britain” to the end, substitute “the Commissioners in accordance with regulation 13 of the GB Regulations”;

(bb) in paragraph (d), for “EU-approved”, substitute “approved non-EU”, and for the words from “a relevant” to the end, substitute “the Commissioners in accordance with the GB Regulations”;

(ix) in paragraph (e), for “an official body of a member State”, substitute “by a permitted third country authority”;

(x) omit the definition of “the Mediterranean climatic region”;

⁽¹⁾ SR. 2002 No. 404.

⁽²⁾ S.I. 1991 No. 1714 (N.I.19).

⁽³⁾ S.I. 2002 No. 3026.

- (xi) in the definition of “official body”—
 - (aa) omit paragraph (b);
 - (bb) in paragraph (c), after “in relation to”, insert “an approved non-EU third country or”;
 - (xii) omit the definition of “plant passport”;
 - (xiii) in the definition of “region of provenance”, for “in accordance with Article 9 of the Directive by another official body”, substitute “pursuant to regulation 5 of the GB Regulations by the Commissioners;
 - (xiv) for the definition of “third countries”, substitute—
 - ““third country” means a country or territory outside the United Kingdom;”;
 - (b) omit paragraphs (4A) to (6).
- 18.** In regulation 4, omit paragraph (1A).
- 19.** In regulation 7(4)—
- (a) omit sub-paragraph (b);
 - (b) at the end insert—
 - “(c) as regards Northern Ireland, consent to the marketing of the basic material has been given by the Department in accordance with the Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003(4).”.
- 20.** In regulation 14(4)—
- (a) in sub-paragraph (a)—
 - (i) in paragraph (ii)—
 - (aa) for “any other official body of a member State”, substitute “the Commissioners”;
 - (bb) for “the official body in accordance with Article 10 of the Directive”, substitute “the Commissioners in accordance with regulation 7 of the GB Regulations”;
 - (ii) in paragraph (iii), for “an EU-approved”, substitute “a member State, an approved non-EU”;
 - (b) in sub-paragraph (b), after paragraph (i), insert —
 - “(ia) in the case of forest reproductive material derived from basic material approved by the Commissioners, has the meaning given in regulation 7(5) of the GB Regulations;”.
- 21.** In regulation 17—
- (a) in paragraph (1)—
 - (i) in sub paragraph (b)—
 - (aa) omit “or another member State”;
 - (bb) for “Article 14 of the Directive”, substitute “regulation 19 of the GB Regulations”;
 - (ii) after sub-paragraph (b), insert—

- “(bb) in the case of forest reproductive material produced in a member State and imported into Northern Ireland, it has met the requirements as to entry into Northern Ireland set out in regulation 25;”;
 - (iii) in sub-paragraph (c), for “an EU-approved”, substitute “approved non-EU”;
 - (iv) omit sub-paragraph (d);
 - (v) after sub-paragraph (e), insert—
 - “(ee) in the case of forest reproductive material imported into England, it met the requirements set out in the GB Regulations as to entry into England and was accompanied on its entry into Northern Ireland by the supplier’s label or document required by regulation 19 of the GB Regulations;”;
 - (vi) omit sub-paragraph (f);
 - (b) omit paragraph (12).
- 22.** In regulation 18(3), in sub-paragraph (c), for “the Directive”, substitute “any provision made under retained EU law relating to forest reproductive material or the Seeds Act (Northern Ireland) 1965(5)”.
- 23.** In regulation 19—
- (a) in paragraph (1), omit sub-paragraph (h) and the preceding “and”;
 - (b) in paragraph (3), for “EU-approved”, substitute “approved non-EU”.
- 24.** In the heading to Part 6, for “Between Northern Ireland and elsewhere in the European Community”, substitute “within the United Kingdom”.
- 25.** In regulation 21, for “Great Britain”, in each place where it occurs (including the heading), substitute “another part of the United Kingdom”.
- 26.** Omit regulation 22.
- 27.** In regulation 23—
- (a) in the heading, at the end, insert “or within Great Britain”;
 - (b) for “Great Britain”, substitute “another part of the United Kingdom”;
 - (c) omit “required by article 14 of the Directive”.
- 28.** Omit regulation 24.
- 29.** In regulation 25, in paragraphs (1), (2) and (6), for “an EU-approved”, substitute “a member State, an approved non-EU”.
- 30.** In regulation 26(3)(a)(vii), at the beginning, insert “UK”.
- 31.** In regulation 27—
- (a) in paragraph (2),—
 - (i) omit “, including representatives of the Commission of the European Union”;
 - (ii) omit “, or for facilitating the checks required under Article 16(6) of the Directive”;
 - (b) in paragraph (3), omit “the Commission of the European Communities or”;
- 32.** In regulation 33(2), omit “or European Community”.

Amendment of Schedule 6

33. In the model certificate in Schedule 6—

- (a) for “ISSUED IN ACCORDANCE WITH DIRECTIVE 1999/105/EC”, substitute—
“**ISSUED IN ACCORDANCE WITH THE OECD FOREST AND PLANT SCHEME AND THE FOREST REPRODUCTIVE MATERIAL REGULATIONS (NORTHERN IRELAND) 2002**”;
- (b) for “MEMBER STATE:”, substitute “**UNITED KINGDOM**”;
- (c) for “No EC:/(MEMBER STATE CODE)/(No)”, substitute “**UK(No.)**”;
- (d) for “EC Directive”, substitute “**OECD Forest Seed and Plant Scheme moving in International Trade and the Forest Reproductive Material Regulations (Northern Ireland) 2002**”;
- (e) for “EC Certificate”, substitute “**UK or OECD Certificate**”.

Amendment of Schedule 7

34. In the model certificate in Schedule 7—

- (a) for “ISSUED IN ACCORDANCE WITH DIRECTIVE 1999/105/EC”, substitute—
“**ISSUED IN ACCORDANCE WITH THE OECD FOREST AND PLANT SCHEME AND THE FOREST REPRODUCTIVE MATERIAL REGULATIONS (NORTHERN IRELAND) 2002**”;
- (b) for “MEMBER STATE:”, substitute “**UNITED KINGDOM**”;
- (c) for “No EC:/(MEMBER STATE CODE)/(No.)”, substitute “**UK (No.)**”;
- (d) for “EC Directive”, substitute “**OECD Forest Seed and Plant Scheme and the Forest Reproductive Material Regulations (Northern Ireland) 2002**”;
- (e) for “EC Certificate”, substitute “**UK or OECD Certificate**”.

Amendment of Schedule 8

35. In the model certificate in Schedule 8—

- (a) for “ISSUED IN ACCORDANCE WITH DIRECTIVE 1999/105/EC”, substitute—
“**ISSUED IN ACCORDANCE WITH THE OECD FOREST AND PLANT SCHEME AND THE FOREST REPRODUCTIVE MATERIAL REGULATIONS (NORTHERN IRELAND) 2002**”;
- (b) for “MEMBER STATE:”, substitute “**UNITED KINGDOM**”;
- (c) for “No EC:/(MEMBER STATE CODE)/(No)”, substitute “**UK (No.)**”;
- (d) for “EC Directive”, substitute “**OECD Forest Seed and Plant Scheme and the Forest Reproductive Material Regulations (Northern Ireland) 2002**”;
- (e) for “EC Certificate”, substitute “**UK or OECD Certificate**”.

Amendment of Schedule 9

36. In Schedule 9—

- (a) in paragraph 1(b), omit “EC”, in both places it occurs;
- (b) in the table in paragraph 2(b), omit the first row and the last three rows.

Amendment of Schedule 10

37. Omit Schedule 10.

Amendment of Schedule 13

38. In Schedule 13—

- (a) in paragraph 1, for “an EU-approved”, substitute “a member State, an approved non-EU”;
- (b) in paragraph 2—
 - (i) before the definition of “OECD Certificate of Provenance”, insert—

““OECD Certificate of Identity” means a certificate of identity issued in accordance with the rules of the OECD Scheme;”;
 - (ii) in the definition of “permitted material”—
 - (aa) before paragraph (a), insert—

“(za) in the case of forest reproductive material produced in a member State, forest reproductive material which has been certified by the relevant official body in accordance with Article 12 of the Directive or the OECD Scheme;”;
 - (bb) in sub-paragraph (a), for “EU-approved”, substitute “approved non-EU”;
- (c) after Part 1, insert—

“PART 1A

Approved non-EU third countries

Approved non-EU third countries

1. Canada.
2. Norway
3. Serbia
4. Switzerland
5. Turkey
6. United States of America

PART 1B

Scope of Part 1B

- 2A. This Part applies to consignments of permitted material produced in a member State.

General requirements

- 2B. A consignment of permitted material must be accompanied by—
- (a) a copy of the Master Certificate issued by the relevant official body under Article 12 of the Directive;

- (b) a label or document which complies with the requirements in Article 14 of the Directive;
- (c) an OECD Certificate of Provenance or OECD Certificate of Identity issued in relation to the permitted material; or
- (d) a label or document completed by the supplier of the consignment containing—
 - (i) the supplier's name;
 - (ii) all of the information contained in the OECD Certificate of Provenance or OECD Certificate of Identity; and
 - (iii) in relation to any seed lot which is accompanied by an OECD Certificate of Provenance or an OECD Certificate of Identity, the information specified in paragraph 2D.

2C. Where the permitted material is accompanied by an OECD Certificate of Provenance or OECD Certificate of Identity, or a label or document referred to in paragraph 2B(d), an OECD label must be attached to each seed lot and to each consignment of planting stock.

2D. The OECD label attached to the seed lot and any supplier's document accompanying the seed lot must contain the following additional information in relation to the seed lot assessed, so far as is practical in all the circumstances, using internationally accepted techniques—

- (a) the percentage by weight of pure seed, other seed and inert matter;
- (b) the germination percentage of pure seed, or where it is impossible or impractical to assess the germination percentage, the viability percentage assessed by reference to a method which must be described;
- (c) the weight of 1000 pure seeds;
- (d) the number of germinable seeds per kilogram of the seed, or where it is impossible or impractical to assess the number of germinable seeds, the number of viable seeds per kilogram;
- (e) in the case of a seed lot of closely related species which does not reach a minimum species purity of 99%, the species purity.

2E. But the OECD label and supplier's document may omit the following information—

- (a) any information mentioned in paragraph 2(D)(a) to (e) which is yet to be ascertained by testing the seed using internationally accepted techniques;
- (b) in the case of a seed lot containing seed which has been harvested from the current season's crop, any information mentioned in paragraph 2(D)(b) or (d) which is not yet available;
- (c) in the case of seed which is to be marketed in quantities no greater than those specified for the species or artificial hybrid of the seed in Schedule 11, the information mentioned in paragraph 2(D)(b) or (d).

2F. All seed must be consigned in sealed packages.”