

2020 No. 301

AGRICULTURE

PLANT HEALTH

SEEDS

**The Seed Marketing (Amendment) Regulations (Northern
Ireland) 2020**

Made - - - - *4th December 2020*

Coming into force - - *28th December 2020*

The Department of Agriculture, Environment and Rural Affairs being a Department designated(a) for the purposes of the European Communities Act(b) in relation to the common agricultural policy of the European Union makes the following Regulations in exercise of the powers conferred by section 2(2) of that Act.

Citation and commencement

1. These Regulations may be cited as the Seed Marketing (Amendment) Regulations (Northern Ireland) 2020 and come into operation on XX.

Amendment of the Seed Marketing Regulations (Northern Ireland) 2016

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

(2) After regulation 31, insert—

“Marketing seed under a specific derogation

31A. The Department acts as the Member State for the purposes of Commission Regulation (EC) No 217/2006 laying down rules for the application of Council Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC and 2002/57/EC as regards the authorisation of Member States to permit temporarily the marketing of seed not satisfying the requirements in respect of the minimum germination(d)”.

(3) In Schedule 1, in the table, for the sub-heading “Vegetables” until the end substitute—

(a) S.I. 2000/2812.

(b) 1972 c. 68. The European Communities Act 1972 was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c. 16) with effect from exit day, but saved with modifications until IP completion day by section 1A of that Act (as inserted by section 1 of the European Union (Withdrawal Agreement) Act 2020 (c. 1)). Section 2(2) of the European Communities Act 1972 was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).

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

(d) OJ No L38, 9.2.2006, p.17.

“Vegetables

<i>Allium cepa</i> L.	—
—Cepa Group	Onion, Echalion
<i>Allium porrum</i> L.	Leek
—all varieties	
<i>Apium graveolens</i> L.	—
—Celery Group	—
—Celeriac Group	—
<i>Asparagus Officinalis</i> L.	Asparagus
—all varieties	
<i>Beta vulgaris</i> L.	—
—Garden Beet Group	Beetroot including Cheltenham beet
—Leaf Beet Group	Spinach beet or Chard
<i>Brassica oleracea</i> L.	—
—Kale Group	—
—Cauliflower Group	—
—Capitata Group	Red cabbage and White cabbage
—Brussel Sprouts Group	—
—Kohlrabi Group	—
—Savoy Cabbage Group	—
—Broccoli Group	Calabrese type and Sprouting type
—Palm Kale Group	—
—Tronchuda Group	Portuguese cabbage
<i>Brassica rapa</i> L.	—
—Chinese Cabbage Group	—
—Vegetable Turnip Group	—
<i>Cichorium endivia</i> L.	Endive
—all varieties	
<i>Cichorium intybus</i> L.	—
—Leaf Chicory Group	Large-leaved chicory or Italian chicory
<i>Cucumis melo</i> L.	Melon
—all varieties	
<i>Cucumis sativus</i> L.	—
—Cucumber Group	—
—Gherkin Group	—
<i>Cucurbita maxima</i> Duchesne	Gourd
—all varieties	
<i>Cucurbita pepo</i> L.	Marrow, including mature pumpkin and scallop squash, or Courgette, including immature scallop squash)
—all varieties	
<i>Daucus carota</i> L.	Carrot and Fodder Carrot
—all varieties	
<i>Lactuca sativa</i> L.	Lettuce
—all varieties	
<i>Solanum lycopersicum</i> L.	Tomato
—all varieties	
<i>Petroselinum crispum</i> (Mill.) Nyman ex A. W. Hill	—
—Leaf Parsley Group	—
—Root Parsley Group	—

<i>Phaseolus coccineus</i> L.	Runner bean
—all varieties	
<i>Phaseolus vulgaris</i> L.	—
—Dwarf French Bean Group	—
—Climbing French Bean Group	—
<i>Pisum sativum</i> L.	—
—Round Pea Group	—
—Wrinkled Pea Group	—
—Sugar Pea Group	—
<i>Raphanus sativus</i> L.	—
—Radish Group	—
—Black Radish Group	—
<i>Spinacia oleracea</i> L.	Spinach
—all varieties	
<i>Vicia faba</i> L.	Broad bean
—all varieties	
<i>Zea mays</i> L.	—
—Sweet Corn Group	—
—Popcorn group	—

Any hybrid of the vegetable species or Groups listed above”.

(4) In Schedule 2—

(a) before Part 1 insert—

“Part A1 Introduction

Interpretation

A1. In this Schedule—

“EU Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants;

“protected zone quarantine pest” means a pest within the meaning given in Article 32(1) of the EU Plant Health Regulation;

“RNQP” means a regulated non-quarantine pest within the meaning given in Article 36 of the EU Plant Health Regulation;

“Union quarantine pest” means a pest within the meaning given in Article 4 of the EU Plant Health Regulation.”.

(b) for paragraph 13(4) substitute—

“(4) The crop and the seed produced by the crop must be practically free from any pests which reduce the usefulness and quality of the seed.

(5) The crop and the seed produced by the crop must comply with the requirements concerning Union quarantine pests, protected zone quarantine pests and RNQPs provided for in implementing acts adopted pursuant to the EU Plant Health Regulation, and measures adopted pursuant to Article 30(1) of that Regulation.”;

(c) in paragraphs 25 and 37, for sub-paragraph (3), in each case, substitute—

“(3) The crop and the seed produced by the crop must be practically free from any pests which reduce the usefulness and quality of the seed.

(4) The crop and seed produced by the crop must comply with the requirements concerning Union quarantine pests, protected zone quarantine pests and RNQPs provided for in implementing acts adopted pursuant to the EU Plant Health Regulation, as well as measures adopted pursuant to Article 30(1) of that Regulation.”;

(d) for paragraph 44(4) substitute—

“(4) The crop and seed produced by the crop must be practically free from any pests which reduce the usefulness and quality of the seed.

(4A) The crop and seed produced by the crop must comply with the requirements concerning Union quarantine pests, protected zone quarantine pests and RNQPs provided for in implementing acts adopted pursuant to the EU Plant Health Regulation, as well as measures adopted pursuant to Article 30(1) of that Regulation.”.

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on
4th December 2020



Dave Foster
A senior officer of the
Department of Agriculture, Environment and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Commission Implementing Directive (EU) 2019/990 amending the list of genera and species in Article 2(1)(b) of Council Directive 2002/55/EC, in Annex II to Council Directive 2008/72/EC and in the Annex to Commission Directive 93/61/EEC (OJ No. L 160, 18.6.2019, p. 14), as amended by Commission Implementing Directive (EU) 2020/432 amending Council Directive 2002/55/EC with regard to the definition of vegetables and the list of genera and species in Article 2(1)(b) (OJ No. L 88, 24.3.20, p. 3). They also implement Commission Implementing Directive (EU) 2020/177 amending Council Directives 66/401/EEC, 66/402/EEC, 2002/55/EC and 2002/57 as regards pests of plants on seeds (OJ No. L41, 13.2.2020, p.1).

These Regulations amend the Seed Marketing Regulations (Northern Ireland) 2016 (S.R. 2016 No. 244), (“the 2016 Regulations”), which implement various EU instruments, in particular Council Directive 66/401/EEC on the marketing of fodder plant seed (OJ No. L 125, 11.7.1966, p. 2298), Council Directive 66/402/EEC on the marketing of cereal seed (OJ No. L 125, 11.7.1966, p. 2309), Council Directive 2002/54/EC on the marketing of beet seed (OJ No. L 193, 20.7.2002, p. 12), Council Directive 2002/55/EC on the marketing of vegetable seed (OJ No. L 193, 20.7.2002, p. 33) and Council Directive 2002/57/EC on the marketing of seed of oil and fibre plants (OJ No. L 193, 20.7.2002, p. 74).

Regulation 2(2) provides for the Department to act as the member State, to temporarily permit the marketing of seed not satisfying the requirements in respect of the minimum germination laid down in the 2016 Regulations, for the purposes of Commission Regulation (EC) No 217/2006 (OJ No L38, 9.2.2006, p. 17).

Regulation 2(3) amends the list of vegetable plants and their associated common names in Schedule 1 to the 2016 Regulations (seed to which the Regulations apply) to make explicit where all varieties of a species are included and where only certain varieties of a species are included. It

also provides for the application of the 2016 Regulations to hybrids of the species and Groups of vegetable plants listed

These Regulations amend provisions in the 2016 Regulations to require seed intended for marketing in Northern Ireland to be practically free from regulated non-quarantine pests at the place of production and for the presence of such pests on plant material not to exceed specified thresholds.

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