
STATUTORY INSTRUMENTS

2019 No. 211

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

PART 5

Amendment of the Seed Marketing Regulations (Northern Ireland) 2016

Amendment of Schedule 4 (Exceptions)

52. In Schedule 4—

- (a) In paragraph 4(1), for “the Directive”, substitute “ these Regulations ”;
- (b) in paragraph 5—
 - (i) in sub-paragraphs (1)(a)(i) and (ii) and (2)(a)(i), for “EU minimum percentage of germination for the relevant species of seed” in each place it occurs, substitute “ the minimum percentage of germination set out in the Directive relating to that seed specified in Schedule 2 ”;
 - (ii) in sub-paragraph (6)(b), for “from a third country”, substitute “ into the United Kingdom ”;
- (c) in paragraph 6—
 - (i) in sub-paragraph (2)(b), for “another European Single Market State”, substitute “ a European Single Market State, where the seed has been accepted on to the Common Catalogue and the seed is marketed before the end of the period of two years beginning with the day after the day on which exit day falls ”;
 - (ii) in sub-paragraph (3)(b)(i) for “another European Single Market State”, substitute “ a European Single Market, where the seed has been accepted on to the Common Catalogue and the seed is marketed before the end of the period of two years beginning with the day after the day on which exit day falls ”;
- (d) in paragraph 7, for “Council Directive [66/402/EEC](#)”, substitute “ these Regulations ”;
- (e) in paragraph 8—
 - (i) after sub-paragraph (5), insert—

“(5A) For the purposes of sub-paragraph (5)—

 - (a) Article 14 of Commission Directive [2008/62/EC](#) is to be read as if—
 - (i) in the first paragraph—
 - (aa) the words “Each member State shall ensure that, ” were omitted;
 - (bb) the reference to “that member State”, there were substituted “the United Kingdom”;
 - (ii) in the second paragraph—

- (aa) the words “in each member State” were omitted;
- (bb) for the references to “the member State”, in both places, there were substituted “ the United Kingdom ”;
- (b) Article 15 of Commission Directive [2009/145/EC](#), is to be read as if—
 - (i) the words “Each member State shall ensure that” were omitted;
 - (ii) for “does”, there were substituted “ must ”. ”;
 - (ii) in sub-paragraph (7), for “Council Directive [2002/54/EC](#)” to “(as the case may be)”, substitute “ these Regulations ”;
 - (iii) in sub-paragraph (8)—
 - (aa) in paragraph (a), for “Council Directive [2002/55/EC](#) on the marketing of vegetable seed”, substitute “ Schedule 2 ”;
 - (bb) in paragraph (b), for “that Directive”, substitute “ these Regulations ”;
- (f) in paragraph 9—
 - (i) in sub-paragraph (3)(b), for “in accordance with Article 3 of Commission Directive [2010/60/EU](#)”, substitute “ having taken account of any available information from plant genetic resource organisations ”;
 - (ii) in sub-paragraph (5)(a), for “EU”, substitute “ UK ”;
 - (iii) in sub-paragraph (7), after “have the”, insert “ , subject to sub-paragraph (8), ”;
 - (iv) after sub-paragraph (7), insert—

“(8) For the purposes of this paragraph, Article 1(a) of Commission Directive [2010/60/EU](#) is to be read as if the definition of “source area” contained in that Article defined it to mean an area designated as a special area of conservations or an area contributing to the conservation of plant genetic resources in accordance with retained EU law.”;
- [^{F1}(g) in paragraph 11(1), for “for entry into the National List of at least one European Single Market State”, substitute “, before the end of the period of two years beginning with the day after the day on which exit day falls, for entry into a national list maintained in accordance with Council [Directive 2002/55/EC](#) on the marketing of vegetable seed of at least one European Single Market State”];
- (h) in paragraph 12(2), omit “or the Common Catalogue”;
- (i) in paragraph 13—
 - (i) in the words before sub-paragraph (a), omit “been authorised for cultivation under either”;
 - (ii) in sub-paragraph (a), at the beginning, insert “ before the day on which exit day falls, been authorised under ”, and at the end omit “or”;
 - (iii) in sub-paragraph (b), at the beginning, insert “ been authorised under ”, and, at the end, insert “ ; or ”;
 - (iv) after sub-paragraph (b), insert—
 - “(c) been authorised under the GMO Regulations.
 - (d) For the purpose of this paragraph, “the GMO Regulations” means—
 - (i) in relation to Northern Ireland, the Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003 ^{M1};

- (ii) in relation to England, the Genetically Modified Organisms (Deliberate Release) Regulations 2002 ^{M2};
 - (iii) in relation to Wales, the Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002 ^{M3};
 - (iv) in relation to Scotland, the Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002 ^{M4};
- (j) in paragraph 14—
 - (i) in sub-paragraph (1), for “another European Single Market State or third country”, substitute “a country granted equivalence”;
 - (ii) in sub-paragraph 3—
 - (aa) omit paragraph (a);
 - (bb) in paragraph (b), omit, “if the seed is from a third country”;
 - (cc) in the words after paragraph (b), omit “in both cases”;
- (k) in paragraph 15(3), for “Council Directive 2002/55/EC on the marketing of vegetable seed”, substitute “these Regulations”;
- (l) in paragraph 17—
 - (i) in the heading, for “another”, substitute “a”;
 - (ii) in sub-paragraph (1)—
 - (aa) in the words before paragraph (a), insert “Before the end of the period of two years beginning with the day on which exit day falls,”;
 - (bb) in paragraph (a)(i), for “either in another” to the end, substitute “in a European Single Market State or a country granted equivalence”;
 - (cc) in paragraph (a)(ii), for “such a third country”, substitute “a country granted equivalence”;
 - (dd) in paragraph (b), for “another”, substitute, “a”;
 - (iii) in sub-paragraph (3)(a), for “European Single Market State”, substitute “country”;
- (m) in paragraph 18—
 - (i) in the heading and in sub-paragraph (1), in the words before sub-paragraph (a), for “third country”, substitute “country granted equivalence”;
 - (ii) in sub-paragraph (1)(a)(i), for “a European Single Market State” to the end, substitute “the United Kingdom, a Crown Dependency (provided such seed has been produced under legislation recognised by the Department to have equivalent effect to these Regulations) or a country granted equivalence”;
 - (iii) for sub-paragraph (1)(a)(ii), substitute—
 - “(ii) the crossing of basic seed officially certified in the United Kingdom or a Crown Dependency (provided such seed has been produced under legislation recognised by the Department to have equivalent effect to these Regulations) with basic seed certified in a country granted equivalence;”;
- (n) in paragraph 19, omit “or the Common Catalogue”.

Textual Amendments

- F1** Reg. 52(g) substituted (31.12.2020) by [The Plant Health \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/820\)](#), regs. 1(1), **5(6)**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: *There are currently no known outstanding effects for the The Marketing of Seeds and Plant Propagating Material (Amendment) (Northern Ireland) (EU Exit) Regulations 2019, Section 52. (See end of Document for details)*

Commencement Information

- I1** Reg. 52 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)
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Marginal Citations

- M1** [S.R. 2003 No. 167.](#)
M2 [S.I. 2002/2443.](#)
M3 [S.I. 2002/3188.](#)
M4 [S.I. 2002/541.](#)

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