
STATUTORY RULES OF NORTHERN IRELAND

2020 No. 359

The Marketing of Seed Potatoes, Plant and Propagating Material Regulations (Northern Ireland) 2020

The Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017

5.—(1) The Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017(1) are amended as follows.

(2) In regulation 2(1), after the definition of “propagating material” insert—

““RNQP” means a Union regulated non-quarantine pest within the meaning given by Article 36 of [Regulation \(EU\) 2016/2031](#) of the European Parliament and of the Council on protective measures against pests of plants as last amended by [Regulation \(EU\) 2017/625](#) of the European Parliament and of the Council;”(2).

(3) After regulation 14 insert—

“Suppliers: notification requirements

14A.—(1) A supplier must immediately report to an inspector—

- (a) plant material that shows the presence of any RNPQ listed in Annex 1 or 2 to [Directive 2014/98/EU](#);
- (b) the presence in the soil of any RNQP listed in Annex 3 to [Directive 2014/98/EU](#);
- (c) the presence of any RNQP at the production site at a level greater than the tolerance specified for such organism in Annex 4 to [Directive 2014/98/EU](#); or
- (d) plant material that shows the presence of any pest listed in Annex 2 or 3, as amended from time to time, to [Commission Implementing Regulation \(EU\) 2019/2072](#) establishing uniform conditions for the implementation of [Regulation \(EU\) 2016/2031](#) of the European Parliament and of the Council, as regards protective measures against pests of plants.

(2) Where a supplier has reported to an inspector plant material referred to in paragraph (1) (d), the supplier must carry out any measures laid down by the inspector.”.

(4) In regulation 15(1)(g)—

- (a) in paragraph (i), omit “Part A of”;
- (b) omit paragraph (ii);
- (c) after paragraph (iii) insert—

“(iv) any RNQP listed in Annex 3 to [Directive 2014/98/EU](#), where present in the soil; and

(1) [S.R. 2017 No. 119](#), amended prospectively on IP completion day by [S.I. 2019/211](#), as amended by [S.I. 2019/820](#); there are other amendments but none is relevant.

(2) O.J. No. L 317, 23.11.2016, p. 4, amended by [Regulation \(EU\) 2017/625](#) of the European Parliament and of the Council (O.J. No. L 95, 7.4.2017, p. 1).

- (v) any RNQP at a level greater than the tolerance specified for that RNQP in Annex 4 to [Directive 2014/98/EU](#).”
- (5) In regulation 27A, for paragraph (2) substitute—
- “(2) This regulation ceases to have effect on 30th June 2021.”.
- (6) In Schedule 1—
- (a) in paragraph 1(2), for paragraphs (c) and (d) substitute—
- “(c) complies with health requirements in paragraph 4;
- (d) complies with requirements concerning defects in paragraph 5; and
- (e) complies with production site requirements in paragraph 6.”.
- (b) in paragraph 2(2), for paragraphs (b) and (c) substitute—
- “(b) complies with health requirements in paragraph 4;
- (c) complies with requirements concerning defects in paragraph 5; and
- (d) complies with production site requirements in paragraph 6.”;
- (c) in paragraph 4, for sub-paragraphs (1) to (5) substitute—
- “(1) CAC material must be found, on visual inspection by the supplier at the stage of production, to be practically free from the RNQPs listed in Annex 1 or 2 to [Directive 2014/98/EU](#) in relation to the genus or species concerned, unless stated otherwise in Annex 4 to that Directive
- (2) The supplier must sample and test the identified source of material or CAC material—
- (a) in cases of doubt as to the presence of any RNQP listed in Annex 1 to [Directive 2014/98/EU](#), for such pests;
- (b) for the RNQPs listed in Annex 2 to [Directive 2014/98/EU](#), subject to the requirements of Annex 4 to that Directive specified in relation to the genus or species concerned, and category.
- (3) CAC material must be found after production, on visual inspection by the supplier, to be free from signs or symptoms of any RNQP listed in Annex 1 or 2 to [Directive 2014/98/EU](#).
- (4) Visual inspections and sampling and testing must be conducted in accordance with the requirements specified in Annex 4 to [Directive 2014/98/EU](#), in relation to the genus or species concerned, and category.
- (5) But paragraphs (1) to (3) do not apply to CAC material during cryopreservation.”;
- (d) after paragraph 5 insert—

“Requirements concerning production site

6. CAC material must be produced in accordance with the requirements for the production site, place of production or area set out in Annex 4 to [Directive 2014/98/EU](#) and specified in relation to the genus or species concerned.”.

- (7) In Schedule 5—
- (a) after paragraph 3(2)(f) insert “(g) complies with the production site requirements in paragraph 12A.”;
- (b) after paragraph 4(2)(g) insert “(h) complies with the production site requirements in paragraph 12A.”;
- (c) in paragraphs 5(1)(a) and 6, for “12” substitute “12A”;

- (d) in paragraph 10—
 - (i) for sub-paragraphs (1) to (2) substitute—
 - “(1) A pre-basic mother plant or pre-basic material must be found to be free from any RNQP listed in Annex 1 or 2 to [Directive 2014/98/EU](#) in relation to the genus or species concerned, subject to the requirements of Annex 4 to that Directive specified in relation to the genus or species concerned, and category.
 - (2) An inspector and, where appropriate, the supplier must sample and test the pre-basic mother plant or pre-basic material—
 - (i) in cases of doubt as to the presence of any RNQP listed in Annex 1 to [Directive 2014/98/EU](#), for such pests;
 - (ii) for the RNQPs listed in Annex 2 to [Directive 2014/98/EU](#), subject to the requirements of Annex 4 to that Directive specified in relation to the genus or species concerned, and category.”;
 - (ii) in sub-paragraph (3), for the words from “sub-paragraphs (1)” to the end substitute “sub-paragraph (1) is established by visual inspection by an inspector and, where appropriate, the supplier.”;
- (e) after paragraph 12 insert—

“Requirements concerning production site

12A. Pre-basic mother plants and pre-basic material must be produced in accordance with the requirements for the production site, place of production or area set out in Annex 4 to [Directive 2014/98/EU](#) and specified in relation to the genus or species concerned.”;

- (f) in paragraphs 14(2) and 15(2), for paragraphs (g) and (h) substitute—
 - “(g) has been maintained in accordance with paragraph 18;
 - (h) where appropriate, has been multiplied in accordance with paragraph 19; and
 - (i) has been produced in accordance with the production site requirements in paragraph 12A.”;
- (g) in paragraph 14(5), for “paragraphs 7, 8(1) and (4) and 12” substitute “paragraphs 7, 8(1) and (4), 12 and 12A”;
- (h) in paragraph 16—
 - (i) for sub-paragraphs (1) to (3) substitute—
 - “(1) A basic mother plant or basic material must be found free from any RNQP listed in Annexes 1 or 2 to [Directive 2014/98/EU](#) in relation to the genus or species concerned, subject to the requirements of Annex 4 to that Directive, specified in relation to the genus or species concerned, and category.
 - (2) An inspector and, where appropriate the supplier, must sample and test the basic mother plant or basic material—
 - (a) in cases of doubt as to the presence of any RNQP listed in Annex 1 to [Directive 2014/98/EU](#), for such pests;
 - (b) for the RNQPs listed in Annex 2 to [Directive 2014/98/EU](#), subject to the requirements of Annex 4 to that Directive specified in relation to the genus or species concerned, and category.
 - (3) Compliance with sub-paragraph (1) is established by visual inspection by an inspector and, where appropriate, the supplier.”;
- (i) in paragraph 20—

- (i) in sub-paragraph (2), for (e) to (f) substitute—
 - “(e) complies with the health requirements in paragraph 22;
 - (f) is grown in soil that is found by sampling and testing to comply with paragraph 23; and
 - (g) complies with the production site requirements in paragraph 12A.”;
- (ii) in sub-paragraph (3), in the words before paragraph (a), for “f” substitute “g”;
- (j) in paragraph 22—
 - (i) for sub-paragraphs (1) and (2) substitute—
 - “(1) A certified mother plant or certified material must be found to be free from any RNQP listed in Annex 1 or 2 to [Directive 2014/98/EU](#) in relation to the genus or species concerned, subject to the requirements of Annex 4 to that Directive specified in relation to the genus or species concerned, and category.
 - (2) An inspector and, where appropriate the supplier, must sample and test the certified mother plant or certified material—
 - (a) in cases of doubt as to the presence of any RNQP listed in Annex 1 to [Directive 2014/98/EU](#), for such pests;
 - (b) for the RNQPs listed in Annex 2 to [Directive 2014/98/EU](#), subject to the requirements of Annex 4 to that Directive specified in relation to the genus or species concerned, and category.”;
 - (ii) in sub-paragraph (3), for the words from “paragraphs (1)” to the end substitute “paragraph (1) by visual inspection.”;
- (k) in paragraph 23(4)(a), at the beginning insert “unless otherwise stated,”.