

DRAFT STATUTORY INSTRUMENTS

2019 No.

**The Animal Health, Seed Potatoes and Food (Amendment)
(Northern Ireland) (EU Exit) Regulations 2019**

PART 4

Amendment of the Seed Potatoes Regulations (Northern Ireland) 2016

The Seed Potatoes Regulations (Northern Ireland) 2016

8. In regulation 2—

- (a) in the definition of “basic seed potatoes”, for paragraph (b), substitute—
- “(b) in relation to seed potatoes produced outside Northern Ireland, seed potatoes imported into Northern Ireland in a package or container to which has been affixed an official label, stating that the potatoes were certified as basic seed potatoes and the grade, in accordance with—
- (i) in the case of seed potatoes produced elsewhere in the United Kingdom, the relevant seed potatoes regulations;
 - (ii) in the case of seed potatoes produced in a Crown Dependency, legislation recognised by the Department as having equivalent effect to paragraphs 1(1), (2), (3), 2 and 3 of Schedule 2;
 - (iii) in the case of seed potatoes produced in a member State or Switzerland, Article 13(1)(a) of Council [Directive 2002/56/EC](#);”;
- (b) in the definition of “category”, omit “in accordance with the Swiss trade agreement”;
- (c) in the definition of “certification”, for paragraph (b), substitute—
- “(b) in relation to seed potatoes produced outside Northern Ireland, certification by the certification authority, in accordance with—
- (i) in the case of seed potatoes produced elsewhere in the United Kingdom, the relevant seed potatoes regulations;
 - (ii) in the case of seed potatoes produced in a Crown Dependency, legislation recognised by the Department as having equivalent effect to regulation 10(2), (3) and (5);
 - (iii) in the case of seed potatoes produced in a member State or Switzerland, Article 3(1)(a) of Council [Directive 2002/56/EC](#);
- and “certified” is to be construed accordingly;”;
- (d) in the definition of “certification authority”, omit “for the purposes of Council [Directive 2002/56/EC](#)”;
- (e) after the definition of “Council [Directive 2002/53/EC](#)”, insert—
- ““Crown Dependency” means the Isle of Man or any of the Channel Islands;”;
- (f) in the definition of “grade”, after “includes”, insert “the UK grade and the”;

- (g) in the definition of “official document”, for paragraph (b), substitute—
- “(b) in relation to seed potatoes produced outside Northern Ireland, a document issued or approved by the certification authority in the country or territory where the seed potatoes were produced which meets the requirements of—
- (i) in the case of seed potatoes produced elsewhere in the United Kingdom, the relevant seed potatoes regulations;
 - (ii) in the case of seed potatoes produced in a Crown Dependency, legislation recognised by the Department as having equivalent effect to Part 2 of Schedule 2;
 - (iii) in the case of seed potatoes produced in a member State or Switzerland, Article 13(1)(b) of Council [Directive 2002/56/EC](#)”;
- (h) in the definition of “official label”, for paragraph (b), substitute—
- “(b) in relation to seed potatoes produced outside Northern Ireland, a label issued or approved by the certification authority in the country or territory where the seed potatoes were produced which meets the requirements of—
- (i) in the case of seed potatoes produced elsewhere in the United Kingdom, the relevant seed potatoes regulations;
 - (ii) in the case of seed potatoes produced in a Crown Dependency, legislation recognised by the Department as having equivalent effect to regulation 11 and Part 1 of Schedule 2;
 - (iii) in the case of seed potatoes produced in a member State or Switzerland, Article 13(1)(a) or 18(f), as appropriate to the seed potatoes to which the label relates, of Council [Directive 2002/56/EC](#), or Article 9 of Commission [Decision 2004/842/EC](#)”;
- (i) in the definition of “pre-basic seed potatoes”, for paragraph (b), substitute—
- “(b) in relation to seed potatoes produced outside Northern Ireland, seed potatoes imported into Northern Ireland in a package or container to which has been affixed an official label, stating that the seed potatoes were certified as pre-basic seed potatoes and the grade, in accordance with—
- (i) in the case of seed potatoes produced elsewhere in the United Kingdom, the relevant seed potatoes regulations;
 - (ii) in the case of seed potatoes produced in a Crown Dependency, legislation recognised by the Department as having equivalent effect to paragraphs 1(1), (2), (4), 2 and 3 of Schedule 2;
 - (iii) in the case of seed potatoes produced in a member State or Switzerland, Article 18(f) of, and point A7 of Annex III to, Council [Directive 2002/56/EC](#)”;
- (j) in the definition of “seed potatoes produced outside Northern Ireland”—
- (i) in sub-paragraph (a), omit “and the Republic of Ireland”;
 - (ii) in sub-paragraph (b), omit “other than the United Kingdom”;
- (k) after the definition of “seed potatoes produced outside Northern Ireland”, insert—
- ““the relevant seed potatoes regulations” means—
- (a) in the case of Scotland, the Seed Potatoes (Scotland) Regulations 2015(1);

- (b) in the case of Wales, the Seed Potatoes (Wales) Regulations 2016⁽²⁾;
- (c) in the case of England, the Seed Potatoes (England) Regulations 2015⁽³⁾;
- (l) in the definition of “test and trial seed potatoes”, for paragraph (b), substitute—
 - “(b) in relation to seed potatoes produced outside Northern Ireland, seed potatoes imported into Northern Ireland in a package or container which bears an official label in accordance with—
 - (i) in the case of seed potatoes produced elsewhere in the United Kingdom, the relevant seed potatoes regulations;
 - (ii) in the case of seed potatoes produced in a Crown Dependency, legislation recognised by the Department as having equivalent effect to regulation 13 and paragraphs 1(1), (2), (5) and 2 of Schedule 2;
 - (iii) in the case of seed potatoes produced in a member State or Switzerland, Article 9 of Commission [Decision 2004/842/EC](#);
- (m) for the definition of “Union grade”, substitute—

““Union grade” means, in relation to seed potatoes produced in a member State or Switzerland—

 - (a) in the case of pre-basic seed potatoes, either “Union grade PBTC” or “Union grade PB”, the minimum conditions for which are set out in Articles 2 and 3 of, and the Annex to, Commission Implementing [Directive 2014/21/EU](#) of 6 February 2014 determining minimum conditions and Union grades for pre-basic seed potatoes⁽⁴⁾;
 - (b) in the case of basic seed potatoes, either “Union grade S”, “Union grade SE” or “Union grade E”, the minimum conditions for which are set out in Article 1 of, and Annex I to, [Directive 2014/20/EU](#);
- (n) after the definition “Union grade”, insert—

““UK grade” means—

 - (a) in relation to seed potatoes produced in Northern Ireland, the United Kingdom grade determined in respect of those potatoes under Schedule 4;
 - (b) in relation to seed potatoes produced elsewhere in the United Kingdom, the UK grade determined in accordance with the relevant seed potatoes regulations;”;
- (o) omit paragraphs (3) and (4).

⁽²⁾ [S.I. 2016/106](#).

⁽³⁾ [S.I. 2015/1953](#).

⁽⁴⁾ O.J. No. L 38, 07.02.2014, p.39.