

STATUTORY INSTRUMENTS

2019 No. 162

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

PART 4

Amendment of retained direct EU legislation
relating to withdrawal from the European Union

Commission Implementing Decision 2017/547/EU

10.—(1) Commission Implementing Decision 2017/547/EU on the organisation of a temporary experiment under Council Directive [2002/56/EC](#) as regards seed potato tubers derived from true potato seed is amended as follows.

(2) In Article 1—

(a) in paragraph (1), omit “at Union level”;

[^{F1}(b) in paragraph (2)(h), for “the Union” substitute “Great Britain”.]

(3) In Article 2—

[^{F2}(a) for “the Union”, in each place where it occurs, substitute “Great Britain”];

(b) after point (d) insert—

“(e) “appropriate authority” means—

(i) in relation to England, the Secretary of State;

(ii) in relation to Wales, the Welsh Ministers;

(iii) in relation to Scotland, the Scottish Ministers;

^{F3}(iv)

(f) “responsible authority” means any authority who, in relation to any part of [^{F4}Great Britain], is the appropriate authority;

(g) “the Seed Potatoes Regulations” means—

(i) in relation to England, the Seed Potatoes (England) Regulations 2015 ^{M1};

(ii) in relation to Wales, the Seed Potatoes (Wales) Regulations 2016 ^{M2};

(iii) in relation to Scotland, the Seed Potatoes (Scotland) Regulations 2015 ^{M3};

^{F5}(iv)”.

(4) In Article 3—

(a) for “Member State”, in each place where it occurs, substitute “responsible authority”;

(b) for “Commission and the other Member States”, in both places it occurs, substitute “other responsible authorities”.

(5) In Article 4—

- (a) in the first paragraph —
 - (i) for “Member States” substitute “ responsible authorities ”;
 - (ii) for “Directive 2002/56/EC” substitute “ the Seed Potatoes Regulations, ”;
 - (iii) for point (a), substitute—
 - “(a) it is listed in the [F⁶GB Variety] Lists of plant varieties under regulation 3 of the Seeds (National Lists of Varieties) Regulations 2001;”;
 - (iv) omit point (b);
 - (v) in point (c), for the words from “pursuant” to the end substitute “ under regulation 4 of the Seeds (National Lists of Varieties) Regulations 2001 ”;
- (b) in the second paragraph—
 - (i) omit “as referred to in Article 2(b)(i) of Directive 2002/56/EC”;
 - (ii) omit the words from “as referred to in Article 2(c)(i)” to the end.
- (6) In Article 5, in the first paragraph—
 - (a) in the first place where it occurs, for “Member State” substitute “ responsible authority ”;
 - (b) for “participating Member State concerned” substitute “ territory for which the responsible authority concerned is the appropriate authority ”;
 - (c) for “certification authority” substitute “ appropriate authority ”.
- (7) In Article 8(1)—
 - (a) for “Member State” substitute “ responsible authority ”;
 - (b) for “certification authority” substitute “ appropriate authority ”.
- (8) In Article 9—
 - (a) in the first paragraph, for “Directive 2002/56/EC” substitute “ the Seed Potatoes Regulations ”;
 - (b) in the last paragraph, for “at least one of the official languages of the Union” substitute “ English and may also be given in other languages ”.
- (9) In Article 10, in the first paragraph, for “Member States” substitute “ responsible authorities ”.
- (10) In Article 11, in the first paragraph—
 - (a) for the words from “certification” to “States” substitute “ responsible authorities ”;
 - (b) omit “Without prejudice to Article 23 of Directive 2002/56/EC, ”.
- (11) In Article 12—
 - (a) in paragraph 1—
 - (i) for “responsible official body in the participating Member State” substitute “ appropriate authority ”;
 - (ii) for “Member States” substitute “ responsible authorities ”;
 - (iii) omit the third sentence;
 - (b) in paragraphs 2, 3 and 4—
 - (i) for “Member State”, in each place where it occurs, substitute “ responsible authority ”;
 - (ii) for “Commission and the other Member States”, in each place where it occurs, substitute “ other responsible authorities ”.
- (12) Omit Article 13.

- (13) In Annex 2—
- (a) in paragraph A, for “EU” substitute “ [F7GB] ”;
 - (b) in paragraph B—
 - (i) in point 1, for “EU” substitute “ [F8GB] ”;
 - (ii) in point 2, for “responsible official body and the respective Member State,” substitute “ appropriate authority ”;
 - (iii) in point 9, for “Member State” substitute “ Country ”;
 - (c) in paragraph C—
 - (i) in point 1, for “EU” substitute “ [F9GB] ”;
 - (ii) in point 2, for “responsible official body and the respective Member State” substitute “ appropriate authority ”;
 - (iii) in point 7, for “Member State” substitute “ Country ”.
- (14) In Annex 3, in point 2, omit the words from “, and,” to the end.

Textual Amendments

- F1** Reg. 10(2)(b) substituted (31.12.2020 immediately before IP completion day) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(a), **30(7)(a)**
- F2** Reg. 10(3)(a) substituted (31.12.2020 immediately before IP completion day) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(a), **30(7)(b)**
- F3** Words in reg. 10(3)(b) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(a), **30(7)(c)(i)**
- F4** Words in reg. 10(3)(b) substituted (31.12.2020 immediately before IP completion day) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(a), **30(7)(c)(ii)**
- F5** Words in reg. 10(3)(b) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(a), **30(7)(c)(iii)**
- F6** Words in reg. 10(5)(a)(iii) substituted (31.12.2020 immediately before IP completion day) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(a), **30(7)(d)**
- F7** Word in reg. 10(13)(a) substituted (31.12.2020 immediately before IP completion day) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(a), **30(7)(e)**
- F8** Word in reg. 10(13)(b)(i) substituted (31.12.2020 immediately before IP completion day) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(a), **30(7)(e)**
- F9** Word in reg. 10(13)(c)(i) substituted (31.12.2020 immediately before IP completion day) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(a), **30(7)(e)**

Commencement Information

- I1** Reg. 10 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)(b)

Changes to legislation: *There are currently no known outstanding effects for the The Marketing of Seeds and Plant Propagating Material (Amendment etc.) (EU Exit) Regulations 2019, Section 10. (See end of Document for details)*

Marginal Citations

- M1** [S.I. 2015/1953](#), amended by [S.I. 2017/288](#), 2018/575.
- M2** [S.I. 2016/106](#) (W. 52), amended by 2017/596 (W. 139), 1095 (W. 276).
- M3** [S.S.I. 2015/395](#), amended by [S.S.I. 2016/68](#), 434.

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