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STATUTORY INSTRUMENTS

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**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”;
- (b) in paragraph (2)(h), for “Union” substitute “United Kingdom”.

(3) In Article 2—

- (a) for “Union”, in each place where it occurs, substitute “United Kingdom”;
- (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;
- (iv) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

(f) “responsible authority” means any authority who, in relation to any part of the United Kingdom, is the appropriate authority;

(g) “the Seed Potatoes Regulations” means—

- (i) in relation to England, the Seed Potatoes (England) Regulations 2015(1);
- (ii) in relation to Wales, the Seed Potatoes (Wales) Regulations 2016(2);
- (iii) in relation to Scotland, the Seed Potatoes (Scotland) Regulations 2015(3);
- (iv) in relation to Northern Ireland, the Seed Potatoes Regulations (Northern Ireland) 2016(4).”.

(4) In Article 3—

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(1) [S.I. 2015/1953](#), amended by [S.I. 2017/288](#), [2018/575](#).  
(2) [S.I. 2016/106 \(W. 52\)](#), amended by [2017/596 \(W. 139\)](#), [1095 \(W. 276\)](#).  
(3) [S.S.I. 2015/395](#), amended by [S.S.I. 2016/68](#), [434](#).  
(4) [S.R. 2016 No. 190](#), amended by [S.R. 2017 No. 155](#).

- (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 National 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 “UK”;
  - (b) in paragraph B—
    - (i) in point 1, for “EU” substitute “UK”;
    - (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 “UK”;
    - (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.