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STATUTORY INSTRUMENTS

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**2019 No. 962**

**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

**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 where 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 <sup>M1</sup>;
  - (b) in the case of Wales, the Seed Potatoes (Wales) Regulations 2016 <sup>M2</sup>;
  - (c) in the case of England, the Seed Potatoes (England) Regulations 2015 <sup>M3</sup>;”;

- (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 <sup>M4</sup>;
  - (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).

#### Commencement Information

- II** Reg. 8 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

- M1** [S.S.I. 2015/395](#).  
**M2** [S.I. 2016/106](#).  
**M3** [S.I. 2015/1953](#).  
**M4** O.J. No. L 38, 07.02.2014, p.39.

**Changes to legislation:**

There are currently no known outstanding effects for the The Animal Health, Seed Potatoes and Food (Amendment) (Northern Ireland) (EU Exit) Regulations 2019, Section 8.