



STATUTORY INSTRUMENTS.

S.I. No. 215 of 2017



EUROPEAN UNION (SEED POTATOES) (AMENDMENT)
REGULATIONS 2017

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I, MICHAEL CREED, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), for the purpose of giving effect to Commission Implementing Directive (EU) 2016/317 of 3 March 2016¹, Commission Implementing Decision (EU) 2016/320 of 3 March 2016² and Commission Implementing Decision (EU) 2017/547 of 21 March 2017³, hereby make the following regulations:

1. These Regulations may be cited as the European Union (Seed Potatoes) (Amendment) Regulations 2017.

2. The European Union (Seed Potatoes) Regulations 2015 (S.I. No. 641 of 2015) are amended—

(a) in Regulation 2(1) by substituting for the definition of “Directive” the following:

“‘Directive’ means Council Directive 2002/56/EC of 13 June 2002⁴ (as amended by Council Directive 2003/61/EC of 18 June 2003⁵, Commission Implementing Directive 2013/63/EU of 17 December 2013⁶, Commission Implementing Decision 2014/367/EU of 16 June 2014⁷ and Commission Implementing Directive (EU) 2016/317 of 3 March 2016), and Commission Decision 2004/3/EC of 19 December 2003⁸ (as amended by 2014/105/EU: Commission Implementing Decision of 24 February 2014⁹), Commission Decision 2004/842/EC of 1 December 2004¹⁰ (as amended by Commission Implementing Decision (EU) 2016/320 of 3 March 2016), Commission Implementing Directive 2014/20/EU of 6 February 2014¹¹, Commission Implementing Directive 2014/21/EU of 6 February 2014¹² and Commission Implementing Decision (EU) 2017/547 of 21 March 2017;”, and

¹O.J. L 60, 5.3.2016, p. 72

²O.J. L 60, 5.3.2016, p. 88

³O.J. L 78, 23.3.2017, p. 65

⁴O.J. L193, 20.7.2002, p. 60

⁵O.J. L165, 3.7.2003, p. 23

⁶OJ L 341, 18.12.2013, p. 52

⁷OJ L 178, 18.6.2014, p. 26

⁸O.J. L2, 6.1.2004, p. 47

⁹O.J. L 56, 26.2.2014, p. 16

¹⁰O.J. L362, 9.12.2004, p. 21

¹¹OJ L 38, 7.2.2014, p. 32

¹²OJ L 38, 7.2.2014, p. 39

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 26th May, 2017.*

(b) in Regulation 7—

(i) by substituting for paragraph (6)(a) the following

“(a) in excess of the amount permitted by Article 7 of Commission Decision 2004/842/EC or Article 5 of Commission Implementing Decision (EU) 2017/547, whichever is applicable,” and

(ii) by inserting after paragraph (10) the following paragraphs:

“(11) Notwithstanding the requirements of paragraph (4) and (8), a scientific authorisation to which paragraph (1) refers, includes an authorisation granted for the sale or supply of seed tubers derived from true potato seed if those seed tubers comply with the following Articles of Commission Implementing Decision (EU) 2017/547—

- (a) Article 4 in relation to official certification,
- (b) Article 5 in relation to quantitative limits,
- (c) Article 6 in relation to quality, identity and health,
- (d) Article 7 in relation to number of generations,
- (e) Article 8 in relation to registration, and
- (f) Article 9 in relation to labelling.

(12) The Minister may establish and maintain a register for the purposes of Article 8 of Commission Implementing Decision (EU) 2017/547 and may publish that register in a manner he or she considers appropriate.

(13) A word or expression used in paragraph (11) or (12) and also used in Commission Implementing Decision (EU) 2017/547 has, unless the contrary intention appears, the meaning in those paragraphs that it has in the Commission Implementing Decision (EU) 2017/547.”.



GIVEN under my Official Seal,
31 March 2017.

MICHAEL CREED,
Minister for Agriculture, Food and the Marine.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These Regulations give effect to the provisions of Commission Implementing Directive (EU) 2016/317 of 3 March 2016 which amends Council Directive 2002/56 as regards the official label of seed packages and to Commission Implementing Decision (EU) 2016/320 of 3 March 2016 amending Decision 2004/842/EC concerning implementing rules whereby Member States may grant an authorization to place on the market seed belonging to varieties for which an application for entry in the national catalogues of varieties of agricultural plant species or vegetable species has been submitted.

These Regulations also give effect to Commission Implementing Decision (EU) 2017/547 of 21 March 2017 on the organisation of a temporary experiment under Council Directive 2002/56/EC as regards seed potato tubers derived from true potato seed.

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