

## EUROPEAN COMMUNITIES (SEED POTATOES) (AMENDMENT) REGULATIONS 1994

I, JOE WALSH, Minister for Agriculture, Food and Forestry in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972), as adapted by the Agriculture and Food (Alteration of Name of the Department and Title of Minister) Order 1993, S.I. No. 11 of 1993, and for the purpose of giving effect to Commission Directive 93/3/EEC of 5 February 1993(1) and Commission Directive 93/17/EEC of 30 March 1993(2), hereby make the following Regulations:

(1)O.J. No. L54/5.5.1993.

(2)O.J. No. L106/30.4.1993.

### REG 1

1. (1) These Regulations may be cited as the European Communities (Seed Potatoes) (Amendment) Regulations 1994.

(2) These Regulations shall come into operation on the 1st day of October 1994.

(3) The European Communities (Seed Potatoes) Regulations 1980 and these Regulations may be cited as the European Communities (Seed Potatoes) Regulations 1980 to 1994.

### REG 2

2. (1) In these Regulations:—

"the Minister" means the Minister for Agriculture, Food and Forestry;

"the Principal Regulations" means the European Communities (Seed Potatoes) Regulations, 1980.

### REG 3

3. Regulation 2 (1) of the Principal Regulations is amended by—

( a ) deletion of the references to "Annex I", "Annex II", "Annex III", "certifying authority", and "home-produced seed potatoes".

( b ) replacement of the definition of "basic seed potatoes" to read "means seed potatoes which comply with each of the standards set out in the Schedule to these Regulations".

( c ) amendment of the definition of "the Directive" by the addition of the words, "and as further amended by Regulation 4 of these Regulations".

( d ) replacement of the definition of "pre-basic seed potatoes", to read "means seed potatoes which conform with each of the requirements set out in Annex I of Commission Directive 93/17/EEC".

( e ) entry of additional definitions as follows:—

"class classification" has the meaning assigned to it in Col. 1, Part 1 of the Schedule to these Regulations, namely, the class/classification into which the potatoes are placed at the completion of crop inspections;

"certificate" means the official document issued to growers on completion of crop inspections;

"grade" means a quantity of basic seed potatoes having a common or

similar size range after the removal of any damaged, diseased or mis-shapen tubers;

"lot" means a homogenous specified quantity of basic seed potatoes, produced by one grower and consisting of one size range, one variety and one class;

"official document" means a document which has been issued by the certifying authority in compliance with the requirements of these Regulations;

"place on the market" or "marketing" includes a reference to barter, offer, advertise or expose for sale, or have in possession for sale by wholesale or retail, and invite to buy.

#### REG 4

4. Regulation 2 (2) of the Principal Regulations is amended by the replacement of the words "and Council Directive No. 78/816/EEC of 26 September, 1978" with "Council Directive No. 78/816/EEC of 26 September, 1978(3); Council Directive No. 79/967/EEC of 12 November, 1979(4); Council Directive

(3)O.J. No. L281/6.10.1978.

(4)O.J. No. L293/20.11.1979.

No. 80/52/EEC of 20 December, 1979(5); Council Directive

No. 81/561/EEC of 13 July, 1981(6); Council Directive No.

84/218/EEC of 10 April, 1984(7); Council Directive No.

86/215/EEC of 26 May, 1986(8); Council Directive No.

87/374/EEC of 13 July, 1987(9); Council Directive No.

88/332/EEC of 13 June, 1988(10); Council Directive No.

88/359/EEC of 24 June, 1988(11); Council Directive No.

88/380/EEC of 13 June, 1988(12); Council Directive No.

89/366/EEC of 30 May, 1989(13); Council Directive No.

90/404/EEC of 27 July, 1990(14); Council Directive No.

91/127/EEC of 14 February, 1991(15); Council Directive No.

92/17/EEC of 17 March, 1992(16); Commission Directive

93/3/EEC of 5 February, 1993(17); Commission Decision

93/231/EEC of 30 March, 1993(18) and Commission Directive

93/17/EEC of 30 March, 1993(19)".

(5)O.J. No. L18/24.1.1980.

(6)O.J. No. L203/23.7.1981.

(7)O.J. No. L104/17.4.1984.

(8)O.J. No. L152/6.6.1986.

(9)O.J. No. L197/18.7.1987.

(10)O.J. No. L151/17.6.1988.

(11)O.J. No. L174/6.7.1988.

(12)O.J. No. L186/16.7.1988.

(13)O.J. No. L159/10.6.1989.

(14)O.J. No. L208/7.8.1990.

(15)O.J. No. L60/7.3.1991.

(16)O.J. No. L82/27.3.1992.

(17)O.J. No. L54/5.5.1993.

(18)O.J. No. L106/30.4.1993.

(19)O.J. No. L106/30.4.1993.

## REG 5

5. A word or phrase which is used in these Regulations and is also used in the Directive, shall, unless the contrary intention is expressed, have in these Regulations the same meaning that it has in the Directive.

## REG 6

6. (1) Regulation 3 (1) (b) of the Principal Regulations is hereby amended by replacing the term "Annex II" with "Part III and IV of the Schedule to these Regulations".

(2) Regulation 3 (2) of the Principal Regulations is hereby revoked.

## REG 7

7. Regulation 5 of the Principal Regulations is hereby amended by the addition of the following:

"(3) The certification of basic seed potatoes within the State shall be carried out by the certifying authority in accordance with any seed potato certification scheme made by the Minister under these Regulations.

(4) ( a ) Every application by a person to become a producer of certified basic seed potatoes shall be made in accordance with the provisions of any seed potato certification scheme for the time being in force.

( b ) Whenever the certifying authority accepts an application to become a producer of certified basic seed potatoes, the certifying authority shall allocate to the person concerned an official registration number which thereafter shall be that person's identification number and shall be used as the reference number on any crop approval certificate issued and on the official labels attached to or inside the packages or containers of any certified seed potatoes.

(5) Only seed potatoes which are derived directly from seed stocks approved by the certifying authority shall be eligible for certification.

(6) Any seed potatoes which do not meet the minimum requirements specified in the Schedule to these Regulations shall not be certified.

(7) Certification may be withdrawn by the certifying authority in any case where an authorised officer is satisfied that seed potatoes which have been certified by the authority no longer comply with the provisions of these Regulations or there is evidence that such seed potatoes have been so sorted or treated as to have rendered them no longer up to the minimum certification standards laid down in these Regulations."

## REG 8

8. Regulations 6, 8, 9, 10, 11 and 12 of the Principal Regulations are hereby revoked.

## REG 9

9. (1) A person shall not place on the market or import into the State, or cause to be planted, any seed potatoes unless—
- ( a ) such seed potatoes are of a variety which is
    - (i) registered in the common catalogue, or registered in the national catalogue; or
    - (ii) registered in a catalogue maintained by another Member State which corresponds to the national catalogue and the Minister is satisfied that such variety of seed potatoes is equivalent 'to a variety which would be accepted for registration in the national catalogue.
  - ( b ) such seed potatoes have been certified by a certifying authority as basic seed potatoes which satisfy the minimum requirements and standards laid down in the Schedule to these Regulations; and
  - ( c ) such seed potatoes are packed in packages which have previously been unused or in containers which are clean, and the said packages or containers are labelled and sealed in accordance with Regulations 10 and 11 of these Regulations; and
  - ( d ) such seed potatoes comply with the provisions of Article 7 of the Directive regarding tuber size and maximum variation of tuber size; and
  - ( e ) such seed potatoes have not been treated with a product primarily used to inhibit germination.
- (2) An officer of customs and excise may detain and seize any seed potatoes being imported or attempted to be imported in contravention of this Regulation and may for that purpose open any package or container containing, or suspected to contain, potatoes, and the provisions of the Customs Acts relating to the condemnation and disposal of goods seized under those Acts shall apply and have effect in relation to all seed potatoes seized under this Regulation as if they had been seized under those Acts.
- (3) Every consignment of imported seed potatoes may be examined by an authorised officer before or after removal from the place of importation and, if the consignment is found on examination to be infected or infested with any pathogen which, in the opinion of the Minister, is considered to be harmful, the Minister may—
- ( a ) cause the consignment to be destroyed or otherwise disposed of in such manner as he shall direct, or
  - ( b ) attach a condition to the release of the consignment prohibiting the use for planting of any potatoes in the consignment.
- (4) A person who contravenes a requirement of this Regulation shall be guilty of an offence.

## REG 10

10. (1) Every package or container of basic seed potatoes shall be labelled on the outside with an official label (which may be adhesive) which has not been previously used and which gives the information and complies with the minimum dimensions specified in Part IV of the Schedule to these Regulations. When a string-hold label is used its attachment shall be ensured in all cases by means of an official seal in accordance with the provisions of Regulation 11 of these Regulations.

(2) The information specified in Part V of the Schedule may be amended from time to time by the certifying authority.

(3) The official label referred to in paragraph (1) of this Regulation shall be white in colour and the information therein shall be stated in the Irish language, the English language or the official language of another Member State.

(4) Where a tear resistant label or an adhesive label attached to the package or container is not used, there shall be placed inside the package or container an official document which shall be white in colour and on which there is correctly stated in relation to the contents at least the particulars specified at paragraphs 1 (c), 1 (e) and 1 (f) of Part IV of the Schedule to these Regulations.

(5) If the basic seed potatoes have been treated with a chemical product, this should be noted either on the official label, or on a document contained on or in the package or container.

(6) A person shall not, in connection with the marketing or preparation for marketing of basic seed potatoes, wilfully reproduce, remove, deface, conceal or misuse in any way—

( a ) an official label or official document,

( b ) an official seal or official sealing system, or

( c ) any particulars or statement printed or stencilled on a package or container, used in connection with the official labelling or official sealing of such seed potatoes.

(7) A person who contravenes a requirement of this Regulation shall be guilty of an offence.

## REG 11

11. (1) Every package or container containing basic seed potatoes shall be sealed—

( a ) by or on behalf of the certifying authority in such a manner that the package or container, as the case may be, cannot be opened without damaging the system of closing or leaving evidence of tampering either on the package or on the official label provided pursuant to Regulation 10 of these Regulations,

( b ) by the affixing of an official seal.

(2) A package or container containing basic seed potatoes which has been sealed officially or under official supervision and which has for any reason been unsealed shall not be resealed unless such unsealing has been carried out officially or under official supervision.

(3) If a package or container containing basic seed potatoes is

re-sealed pursuant to paragraph (2) of this Regulation, the fact of re-sealing, the most recent date of re-sealing and the name of the certifying authority responsible therefor shall be stated on the official label referred to in Regulation 10 of these Regulations.

(4) A person who contravenes a requirement of this Regulation shall be guilty of an offence.

## REG 12

12. Regulation 18 of the Principal Regulations is hereby amended by the insertion between subparagraphs (2) and (3) of the following:

"(2.a) An authorised officer may, in relation to a crop of seed potatoes in respect of which an application for certification has been made under these Regulations, take such samples as considered appropriate of the soil in which the crop is to be grown, is growing, or was grown, as the case may be".

## REG 13

13. In Regulation 20 (2), (a) and (b) of the Principal Regulations the figures £200 and £500 are replaced respectively with the figures £600 and £1,500.

## REG 14

14. The Schedule to the Principal Regulations is replaced by the Schedule to these Regulations.

## SCHEDULE.

### MINIMUM STANDARDS FOR BASIC SEED POTATOES.

#### PART I

#### Classification Standards.

#### Minimum Standards.Foundation

#### Seed 1.

#### (F.S.1)

EEC Grade 1. (a) The seed potatoes from which the crop is grown shall be produced from a stock of seed potatoes supplied by the certifying authority and shall be derived from mother tubers free from harmful organisms listed in Annex 1 of Commission Directive 93/17/EEC of 30th March 1993. (b) The crop shall be free of all visible signs of virus infection and blackleg. (c) The crop shall be found on laboratory examination of a sample of leaves to be free from all virus infection. (d) The crop shall be free from rogues, recognisable variations and ground-keepers. (e) The crop shall be grown and entered for certification by a person of acceptable capabilities whose facilities, planting arrangements and manner of keeping appropriate records in respect of seed potato production are of a sufficiently high standard to enable that person to produce seed potatoes which meet the requirements of foundation seed class. (f) The crop shall be adequately isolated from potato crops of inferior health status. (g) The grower shall arrange to have the plant foliage destroyed on a date notified to him or his agent, by

an authorised officer. Foundation Seed 2. (F.S.2) EEC Grade 1. The seed potatoes shall conform with all the minimum standards listed in respect of Foundation Seed 1 except they shall be derived from a stock which was certified as Foundation Seed 1 in the preceding year. Super Elite (S.E.1) EEC Grade 2. (a) The seed potatoes from which the crop is grown shall have been certified as Foundation Seed in the preceding year. (b) The varietal purity and deviation from type shall be not less than 99.95 per cent by number of plants. Prior to final inspection all rogues, recognisable variants and ground-keepers together with all associated tubers shall be removed from the crop. (c) The growing crop shall be free of Tobacco Veinal Necrosis, Severe Mosaic and Leaf Roll and shall contain not more than 0.05 per cent of Mild Mosaic by number of plants. (d) The number of blackleg plants, present in the crop, shall not exceed 0.25 per cent. (e) The crop shall be grown in conditions which are adequately isolated from all crops of inferior health status. (f) The grower shall arrange to have the crop foliage destroyed by a date notified to him, or his agent, by an authorised officer. Super Elite 2. (S.E.2) EEC Grade 2. The seed potatoes shall conform with all the minimum standards listed in respect of Super Elite 1 (S.E.1) and shall be derived from a seed stock certified as S.E.1 in the preceding year. Super Elite 3. (S.E.3) EEC Grade 2. The seed potatoes shall conform with all the minimum standards listed in respect of Super Elite 1 and shall be derived from a seed stock certified as S.E.2 in the preceding year. Elite (E) EEC Grade 2. (a) The seed potatoes from which the crop is grown shall have been certified as Foundation Seed 1 or Foundation Seed 2, Super Elite 1, Super Elite 2 or Super Elite 3 or Elite in the preceding year. (b) The varietal purity and deviation from type shall be not less than 99.95 per cent by number of plants. Prior to final inspection all rogues, recognisable variants and ground-keepers, together with all associated tubers shall be removed from the crop. (c) The growing crop shall contain not more than 0.5 per cent total virus disease by number of plants of which not more than 0.1 per cent (in total) by number of plants shall be of Leaf Roll and Severe Mosaic. (d) The number of blackleg plants present in the crop shall not exceed 0.5 per cent. (e) The grower of the crop shall arrange to have the foliage of the crop destroyed by a date notified to him, or his agent, by an authorised officer. Class H. (H) EEC Grade 3. (a) The seed potatoes from which the crop is grown shall have been certified as Foundation Seed, Foundation Seed 2, Super Elite 1, Super Elite 2, Super Elite 3 or Elite in the preceding year. (b) The varietal purity and deviation from type shall be 99.9 per cent by number of plants. Prior to final inspection all rogues, recognisable variants and ground-keepers together with all associated tubers shall be removed from the crop. (c) The growing crop shall contain not more than 0.5 per cent total virus disease by number of plants, of which not more than 0.25 per cent (in total) by number of plants shall be Leaf Roll and Severe Mosaic. (d) The number of blackleg plants present in the crop shall not exceed 0.5 per cent. (e) Seed derived from class H sown seed shall not be replanted for further seed production.

## PART II.

### General Requirements.

- A. The production ground of each crop of seed potatoes must not have been cropped with potatoes within at least 3 preceding years.
- B. The production ground of each crop of seed potatoes must be systematically sampled and found free from Potato Cyst Nematodes (*Globodera* species infesting potatoes).
- C. The crop of seed potatoes and the produce thereof must be free from each and all of the following diseases and pests:
  1. Wart Disease (*Synchytrium endobioticum*).
  2. Ring Rot (*Corynebacterium sepedonicum*).
  3. Brown Rot (*Pseudomonas solanacearum*).
  4. Potato Spindle Tuber Viroid.
  5. Potato Cyst Nematode (*Globodera* species infesting potatoes).
  6. Potato Tuber Eelworm (*Ditylenchus destructor*).
  7. Colorado Beetle (*Leptinotarsa decemlineata*).
  8. Potato Tuber Moth (*Phthorimaea operculella*).

## PART III.

### Tuber Tolerances.

Tuber tolerances, by weight basis, for particular diseases, blemishes and impurities of seed potatoes are specified in the following table:

Ref. No.	Group	Individual Tolerances	Group Tolerance	(1)	(2)	(3)	(4)	%	(1)	Tubers
		showing visible symptoms of: (a) Blight ( <i>Phytophthora infestans</i> )	0.4							
		(b) Gangrene ( <i>Phoma</i> species)	0.4							
		(c) Other Rots (except if caused by Wart Disease, Ring Rot or Brown Rot), (i) Dry	0.4							
		(ii) Soft	0.11							
		(2) Tubers with more than one-tenth of their surface area visibly affected by: (a) Common Scab ( <i>Streptomyces</i> species)	10.0							
		(b) Powdery Scab ( <i>Spongospora subterranea</i> )	5.0							
		(c) Black Scurf ( <i>Rhizoctonia solani</i> )	5.0							
		(d) Skin Spot ( <i>Polyscytalum pustulans</i> )	5.0							
		(3) Other external blemishes, such as damaged or mis-shapen tubers.	3.0							
		(4) Presence of earth or other extraneous matter on tubers	1.0							

## PART IV.

### Official Labels/Plant Passports.

1. Every official label/plant passport attached to a package or container containing seed potatoes shall contain the following information:
  - ( a ) 'EEC Rules and Standards'.
  - ( b ) Certification Authority and Member State, or their initials.
  - ( c ) Producer's identification number or reference number of lot.
  - ( d ) Date of sealing of the package or container.
  - ( e ) Variety of seed potatoes contained in the package or container, indicated at least in Roman characters.
  - ( f ) Category of seed potatoes contained in the package or container.
  - ( g ) Class of seed potatoes contained in the package or container.
  - ( h ) Size of seed potatoes contained in the package or container.
  - ( i ) Country of production of the seed potatoes.



( j ) Declared net weight of the package or container.

( k ) Designation code of protected zone.

( 1 ) E.E.C. grade of seed potatoes contained in the package.

Every label/plant passport attached pursuant to these Regulations to a package or container containing seed potatoes shall be not less than 110 mm by 67 mm in size.

## PART V.

### Sampling Procedures.

1. An authorised officer to whom a consignment of seed potatoes is submitted for examination under these Regulations may examine as many packages or containers, or such weight of tubers, selected at random from the consignment, as the officer considers appropriate: Provided always that the minimum sample size shall be 50 kilograms per tonne, or 250 kilograms per consignment where this weight represents the smaller sample size.

2. Where a consignment of seed potatoes submitted for examination comprises more than one lot, the authorised officer shall sample and examine each lot separately.

3. For the purposes of an examination by an authorised officer of a lot of seed potatoes, all the tubers in the sample taken shall be exposed to the view of the authorised officer.

4. The status or grade of each lot of seed potatoes thus sampled and examined by an authorised officer shall be determined by the results of the officer's examination of the relevant sample.

## PART VI.

### Tuber Size.

ToleranceMaximum permitted size range — not more than 25 m.m.  
Minimum size — 28 m.m. x 28 m.m. with the exception of varieties having, on average, a length at least twice its greatest width then the minimum size is 25 m.m. x 25 m.m.

Tubers greater in size than 35 m.m. x 35 m.m. shall have their upper and lower size limits expressed in multiples of 5. A maximum of 3 per cent — by weight of tubers smaller than the minimum indicated size or 3 per cent by weight of tubers larger than the maximum indicated size.

GIVEN under my Official Seal, the 22nd day of September 1994.

JOE WALSH,

Minister for Agriculture, Food  
and Forestry.

### EXPLANATORY NOTE.

These Regulations implement the provisions of Commission Directives 93/3/EEC and 93/17/EEC with particular reference to the adoption of harmonised European Union certification grades for seed potatoes.