

STATUTORY INSTRUMENTS.

**S.I. No. 381 of 1999.**

**EUROPEAN COMMUNITIES (SEED POTATOES)  
(AMENDMENT) REGULATIONS, 1999.**

I, JOE WALSH, Minister for Agriculture, Food and Rural Development, in exercise of the powers conferred on me by Section 3 of the European Communities Act, 1972 (No. 27 of 1972) and for the purposes of giving effect to Council Directive 98/95/EC of 14 December 1998<sup>(1)</sup> and Council Directive 98/96/EC of 14 December 1998<sup>(1)</sup> hereby make the following Regulations:

<sup>(1)</sup> O.J. No. L25 1.2.1999.

<sup>(1)</sup> O.J. No. L25 1.2.1999.

1. (1) These Regulations may be cited as the European Communities (Seed Potatoes) (Amendment) Regulations, 1999.

(2) The European Communities (Seed Potatoes) Regulations, 1980 and these Regulations may be cited together as the European Communities (Seed Potatoes) Regulations, 1980 to 1999.

2. In these Regulations "the Principal Regulations" means the European Communities (Seed Potatoes) Regulations, 1980 (S.I. No. 343 of 1980).

3. The European Communities (Seed Potatoes) (Amendment) Regulations, 1994 (S.I. No. 288 of 1994), and the European Communities (Seed Potatoes) (Amendment) Regulations, 1997 (S.I. No. 252 of 1997), are hereby revoked.

4. Regulations 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 of the Principal Regulations are hereby revoked.

5. The Principal Regulations are hereby amended by the insertion of the following regulations:—

"2. (1) In these Regulations—

"Authorised officer" means a person who is authorised in writing by the Minister to be an authorised officer for the purpose of these Regulations;

"Basic seed potatoes" means seed potatoes which comply with each of the standards set out in the Schedule to these Regulations;

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

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

"The Directive" means Council Directive No. 66/403/EEC of 14 June, 1966, as amended by the acts mentioned in paragraph (2) of this Regulation;

"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;

"Member State" means a Member State of the European Community;

"Minister" means the Minister for Agriculture, Food and Rural Development;

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

"Official label" means a label provided by the Minister or the certifying authority;

"Place on the market" or "marketing" means the sale, holding with a view to sale, offer for sale, or any disposal, supply or transfer aimed at commercial exploitation of seed potatoes to third parties, whether or not for consideration, and includes a reference to barter, advertise or expose for sale, or have in possession for sale by wholesale or retail, and invite to buy;

"Potatoes" means tubers or parts of tubers or plants or parts of plants of *Solanum tuberosum L* or any other species or hybrid of *Solanum*;

"Pre-basic seed potatoes" means seed potatoes which conform with each of the requirements set out in Annex I of Commission Directive 93/17/EEC;

"the Register" has the meaning assigned to it by Regulation 9 of these Regulations;

"Registered person" means a person

(a) whose name is, for the time being, registered in the register,  
or,

(b) who has been allocated, for the time being, an official registration number in compliance with Regulations 5(3)(b) of these Regulations;

"Seed potatoes" means potatoes for planting;

"Third country" means a country or territory other than a Member State of the European Community.

(2) The acts referred to in the definition of "the Directive" contained in paragraph (1) of this Regulation are Council Directive 69/62/EEC of 18 February 1969<sup>(a)</sup>, Council Directive 71/162/EEC of 30 March 1971<sup>(b)</sup>, Council Directive 72/274/EEC of 20 July 1972<sup>(c)</sup>, Council Directive 72/418/EEC of 6 December 1972<sup>(d)</sup>, The Act of Accession of 22 January 1972<sup>(e)</sup>, Council Decision of 1 January 1973 adjusting the documents concerning the accession of new member States to the European Communities<sup>(f)</sup>, Council Directive 73/438/EEC of 11 December 1973<sup>(g)</sup>, Council Directive 75/444/EEC of 26 June 1975<sup>(h)</sup>, Council Directive 76/307/EEC of 15 March 1976<sup>(i)</sup>, Council Directive 77/648/EEC of 11 October 1977<sup>(j)</sup>, Council Directive 78/692/EEC of 25 July 1978<sup>(k)</sup>, Council Directive 78/816/EEC of 26 September 1978<sup>(l)</sup>, Council Directive 79/967/EEC of 12 November 1978<sup>(m)</sup>, Council Directive 80/52/EEC of 20 December 1979<sup>(n)</sup>, Council Directive 81/561/EEC of 13 July 1981<sup>(o)</sup>, Council Directive 84/218/EEC of 10 April 1984<sup>(p)</sup>, Council Directive 86/215/EEC of 26 May 1986<sup>(q)</sup>, Council Directive 87/374/EEC of 13 July 1987<sup>(r)</sup>, Council Directive 88/332/EEC of 13 June 1988<sup>(s)</sup>, Council Directive 88/359/EEC of 24 June 1988<sup>(t)</sup>, Council Directive 88/380/EEC of 13 June 1988<sup>(u)</sup>, Council Directive 89/366/EEC of 30 May 1989<sup>(v)</sup>, Council Directive 90/404/EEC of 27 July 1990<sup>(w)</sup>, Council Directive 91/127/EEC of 14 February 1991<sup>(x)</sup>, Council Directive 92/17/EEC of 17 March 1992<sup>(y)</sup>, Commission Directive 93/3/EEC of 5 February 1993<sup>(z)</sup>, Commission Decision 93/231/EEC of 30 March 1993<sup>(1a)</sup>, Commission Directive 93/17/EEC of 30 March 1993<sup>(1b)</sup>, Council Directive 96/72/EC of 18 November 1996<sup>(1c)</sup>, Council Directive 98/95/EC of 14 December 1998<sup>(1d)</sup> and Council Directive 98/96/EC of 14 December 1998<sup>(1e)</sup>.

<sup>(1e)</sup> O.J. No. L25 1.2.1999

<sup>(1d)</sup> O.J. No. L25 1.2.1999

<sup>(1c)</sup> O.J. No. L304 27.11.1996

<sup>(1b)</sup> O.J. No. L106 30.4.1993

<sup>(1a)</sup> O.J. No. L106 30.4.1993

<sup>(z)</sup> O.J. No. L54 5.5.1993

<sup>(y)</sup> O.J. No. L82 27.3.1992

<sup>(x)</sup> O.J. No. L60 7.3.1991

<sup>(w)</sup> O.J. No. L208 7.8.1990

<sup>(v)</sup> O.J. No. L159 10.6.1989

<sup>(u)</sup> O.J. No. L186 16.7.1988

- (t) O.J. No. L174 6.7.1988
- (s) O.J. No. L151 17.6.1988
- (r) O.J. No. L197 18.7.1987
- (q) O.J. No. L152 6.6.1986
- (p) O.J. No. L104 17.4.1984
- (o) O.J. No. L203 23.7.1981
- (n) O.J. No. L18 24.1.1980
- (m) O.J. No. L293 20.11.1979
- (l) O.J. No. L281 6.10.1978
- (k) O.J. No. L236 26.8.1978
- (j) O.J. No. L261 14.10.1977
- (i) O.J. No. L72 18.3.1976
- (h) O.J. No. L196 26.7.1975
- (g) O.J. No. L356 27.12.1973
- (f) O.J. No. L2 1.1.1973
- (e) O.J. Special Edition 27.3.1972
- (d) O.J. No. L287 26.12.1972
- (c) O.J. No. L171 29.7.1972
- (b) O.J. No. L87 17.4.1971
- (a) O.J. No. L48 26.2.1969

3. Nothing in these Regulations shall be construed as—

- (a) applying in relation to seed potatoes which are—
  - (i) shown to the satisfaction of the Minister to be intended for export to a third country,
  - (ii) used or intended for use in scientific investigation or research or for selection or breeding work,

(b) preventing lots of seed potatoes which during marketing do not comply with the minimum quality conditions specified in Part III and VI of the Schedule to these Regulations from being sorted; provided that the tubers which are not rejected shall undergo a further examination by the certifying authority to ensure that the lots remaining after sorting meet each of the said conditions.

4. The Minister, or any person or body authorised by the Minister for the purpose, shall be the certifying authority for the State for the purpose of these Regulations.

5. (1) The Minister may from time to time make a seed potato certification scheme for the purposes of these Regulations.

(2) 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.

(3) (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.

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

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

(6) 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.

6. (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;

and

(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 7 and 8 of these Regulations; and

(d) such seed potatoes comply with the dimensions specified in Part VI of the Schedule to these regulations 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) Notwithstanding Paragraph (1) of this regulation, the Minister may authorise the marketing of pre-basic seed potatoes subject to compliance with:

(a) the conditions laid down in Article 13a of the Directive, and,

(b) conditions laid down by the Minister from time to time for the production of pre-basic seed potatoes.

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

7. (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 8 of these Regulations.

(2) The information specified in Part V of the Schedule to these Regulations 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 (c) (e) and (f) of Part IV of the Schedule to these Regulations.

(5) If the basic seed potatoes

(a) have been treated with a chemical product, or

(b) are of a variety which has been genetically modified,

this must 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.

8. (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 7 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 re-sealed 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 7 of these Regulations.

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

9. (1) The Minister shall for the purposes of these Regulations set up and maintain a register to be known as the Seed Potato Register (which register is in these Regulations referred to as "the register").

(2) There shall be entered in the register the following particulars, namely:

(a) the full name, address and description of the person (other than a person registered in compliance with Regulation 5(3)(b) of these Regulations) engaged in packing certified seed potatoes,

(b) a description of the premises in which such person carries on the business of packing seed potatoes, which description shall be sufficient to identify those premises and the limits and extent thereof, and

(c) such other particulars as the Minister, in the circumstances of any particular case, considers relevant.

(3) Any change in the name or address of a person registered in the register shall be notified by him to the Minister.

(4) The Minister shall permit the register to be inspected during office hours by any person.

10. (1) On the application, in such form and containing such particulars as the Minister may direct, by or on behalf of a person who—

(a) immediately before the commencement of this Regulation, carried on the business of packing seed potatoes, or



(b) proposes to carry on the business of packing seed potatoes, the Minister may, at his discretion, register the person in the register.

(2) Before the Minister registers any person under paragraph (1) of this Regulation the Minister shall be satisfied—

(a) that the premises together with any plant or machinery therein to be used by the person for the weighing, grading, packing or storage of seed potatoes are suitable for each of these purposes having regard to the maximum quantity of seed potatoes likely to be handled in the premises at any time, and

(b) that the person is competent to weigh, grade and pack seed potatoes or will have in his employment persons who are so competent and that the number of person so weighing, grading and packing in the said premises will be sufficient to properly weigh, grade and pack the quantity of seed potatoes likely to be handled therein at any time.

(3) Whenever the Minister proposes to refuse an application for registration in the register he shall, before doing so, notify in writing the applicant for registration of his intention and of the reasons therefor, and, if any representations are made to the Minister by the applicant within seven days after the giving of the notification, the Minister shall consider them.

11. (1) A person shall not carry on the business of packing seed potatoes unless he is a registered person.

(2) A person who contravenes paragraph (1) of this Regulation shall be guilty of an offence.

12. (1) Subject to Regulation 3 of these Regulations, a person who is not a registered person shall not place on the market seed potatoes which have been packed by him.

(2) A person who contravenes paragraph (1) of this Regulation shall be guilty of an offence.

13. (1) Every registered person shall, in accordance with such direction (if any) as may be given by the Minister, keep full and true records of all transactions relating to the marketing of seed potatoes.

(2) A record or other document kept by a person pursuant to the requirements of paragraph (1) of this Regulation which is in the power, possession or procurement of the person and in the case of any such record or other document which has been issued by the person to another person, any copy thereof which is in the power, possession or procurement of the person, shall be retained in his power, possession or procurement for a period of two years from the date of the latest transaction to which the record or other document relates; provided that this paragraph shall not require the retention

of records or invoices or any other documents in respect of which the Minister notifies the person concerned that retention is not required.

(3) Any person who fails to comply with a requirement of paragraph (1) or (2) of this Regulation shall be guilty of an offence.

14. (1) An authorised officer may—

(a) at all reasonable times enter any premises in which he has reasonable grounds for believing that there are any books, documents or records relating to any business whose activities consist of or include the marketing, importation or exportation of seed potatoes;

(b) require the owner, or the person who appears to be the officer to be in charge or control, of any such premises to produce to him any books, documents or records which are in the person's control, possession or procurement and which the officer has reasonable grounds for believing to be records, books or documents relating to the marketing, importation or exportation of seed potatoes, and to give him such information as he may reasonably require in regard to any entries in any such records, books or documents, and

(c) inspect any copy or take extracts from any such records, books or documents.

(2) A person who fails to comply with a requirement under paragraph (1) (b) of this Regulation or who obstructs or interferes with an authorised officer when he is exercising a power conferred by this Regulation shall be guilty of an offence.

15. (1) An authorised officer may at all reasonable times enter, inspect and search any premises, railway wagon, vehicle, ship, vessel or aircraft, or other thing (e.g. a container) used to store or transport anything and which he has reasonable grounds for believing to be used in connection with the marketing, importation or exportation of seed potatoes, and may examine and take (with or without payment) samples of any seed potatoes which he finds in the course of his inspection.

(2) An authorised officer may in the course of exercising a power conferred on him by paragraph (1) of this Regulation require the owner, or the person who appears to the officer to be in apparent charge or control, of the relevant premises, railway wagon, vehicle, ship, vessel, aircraft or other thing to render, or cause to be rendered, for or in connection with the making of an examination, inspection or search or the taking of a sample under these Regulations, such reasonable facilities and personal assistance as the officer shall specify.

(3) 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.

(4) Any person who fails to comply with a requirement made under paragraph (2) of this Regulation or who obstructs or interferes with an authorised

officer in the course of exercising a power conferred on him under this Regulation shall be guilty of an offence.

(5) The Minister shall furnish an authorised officer with a certificate of his appointment and, when exercising any powers conferred by these Regulations, the officer shall, if requested by a person affected, produce the certificate to that person.

16. (1) Where an authorised officer has reason to believe that seed potatoes have been planted or brought into the State in contravention of these Regulations or that there are on or planted in any land any potatoes derived from such seed potatoes, he may by a notice in writing given to the person who he believes to be in possession of such potatoes or in whose land he believes them to have been planted—

(a) require their removal to a place specified in the notice,

(b) if they are not already planted, prohibit the planting of such potatoes,

and in addition to the foregoing the Minister may by such notice require such potatoes to be treated, destroyed or otherwise disposed of in such manner as may be specified in the notice.

(2) A notice under this section shall specify the name of the person to whom it is addressed and the land on or in which the inspector by whom the notice is given believes the potatoes to which the notice relates happen to be.

(3) If any person specified in a notice given under this Regulation fails to comply with the requirements of the notice an authorised officer may enter on any premises to which the notice relates and take such measures for the treatment, destruction or removal of the potatoes to which the notice relates as he considers necessary.

(4) Any person who fails to comply with the requirements of a notice given under this Regulation or who obstructs or interferes with an authorised officer in the course of exercising a power conferred on him under this Regulation shall be guilty of an offence.

(5) In case a person fails to comply with the requirements of a notice given under this Regulation an authorised officer may do anything required to be done by the notice and any expenses, which are incurred in the exercise of the powers conferred on an authorised officer by this paragraph, shall be a simple contract debt due to the Minister by the person to whom the relevant notice under this Regulation was given and shall be recoverable by the Minister from such person in any court of competent jurisdiction.

17. (1) An offence under these Regulations may be prosecuted by the Minister.

(2) A person guilty of an offence under these Regulations shall on summary conviction be liable to a fine not exceeding—

(a) in case the offence is an offence under Regulation 14 (2),  
£600,

(b) in case the offence is an offence under any of these  
Regulations other than Regulation 14 (2), £1,500.

(3) In proceedings for an offence under these Regulations unless there is sufficient other evidence to raise an issue to the contrary, it shall not be necessary for the prosecutor to prove that the seed potatoes to which the alleged offence relates were not intended for or were not, at the time of the alleged offence, being used for a purpose described in Regulation 3 (a) (ii) of these Regulations or were not of a variety registered in a manner specified in Regulation 6 (1) (a) of these Regulations, and the said seed potatoes shall be treated as having been neither so intended, so used nor of a variety so registered, as may be appropriate."

6. The Schedule to the Principal Regulations is hereby replaced by the Schedule to these Regulations.



GIVEN under my Official Seal, this 2nd day of December, 1999.

JOE WALSH,

Minister for Agriculture, Food and Rural Development.

*SCHEDULE Minimum Standards for Basic Seed Potatoes*

**PART 1 — CLASSIFICATION STANDARDS**

1.

2.

Class

Minimum Standards

Foundation Seed 1 (F.S.1). EC 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). EC 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). EC 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% 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% of Mild Mosaic by number of plants.

(d)

The number of blackleg plants, present in the crop, shall not exceed 0.25%.

(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). EC 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). EC 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). EC 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% 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% total virus disease by number of plants of which not more than 0.1% (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%.

(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). EC Grade 3.

(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, Super Elite 3 or Elite in the preceding year.

(b)

The varietal purity and deviation from type shall be not less than 99.9% 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% total virus disease by number of plants, of which not more than 0.25% (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%.

(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:

Table

Ref. No.

Group

Individual Tolerances

Group Tolerance

(1)

(2)

(3)

(4)

(1)

Tubers showing visible symptoms of:

(a) Blight (*Phytophthora infestans*)

0.4%

(b) Gangrene (*Phoma* species)

0.4%

(c) Other Rots (except if caused by Wart Disease, Ring Rot or Brown Rot),

(i) Dry

0.4%

(ii) Soft

0.1%

1.0%

(2)

Tubers with more than one-tenth of their surface area visibly affected by:

(a) Common Scab (*Streptomyces* species)

10.0%

(b) Powdery Scab (*Spongospora subterranea*)

5.0%

(c) Black Scurf (*Rhizoctonia solani*)

5.0%

(d) Skin Spot (*Polyscytalum pustulans*)

5.0%

10.0%

(3)

Other external blemishes, such as damaged or mis-shapen tubers

3.0%

3.0%

(4)

Presence of earth or other extraneous matter on tubers

1.0%

1.0%

#### **PART IV — OFFICIAL LABELS/PLANT PASSPORTS**

Every official label/plant passport attached to a package or container containing seed potatoes shall contain the following information:

- (a) 'EC 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.
- (l) EC 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**

### **TUBERS**

### **TOLERANCE**

Maximum permitted size range — not more than 25 m.m.

A maximum of 3%, by weight, of tubers smaller than the minimum indicated size,

Minimum size

—25 m.m. x 25 m.m.

Or,

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 3%, by weight, of tubers larger than the maximum indicated size.

#### EXPLANATORY NOTE

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

These Regulations implement the provisions of European Community Council Directives 98/95/EC and 98/96/EC, with particular reference to the consolidation of the internal market for seed potatoes, and consolidate and update existing seed potato legislation.