

## **S.I. No. 236 of 2005**

### **European Communities (Seed Potatoes) (Amendment) Regulations 2005**

I, Mary Coughlan, Minister for Agriculture and Food, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to Council Directive 2002/56/EC of 13 June 2002<sup>1</sup> hereby make the following Regulations:

1. (1) These Regulations may be cited as the European Communities (Seed Potatoes) (Amendment) Regulations 2005.  
  
(2) The European Communities (Seed Potatoes) Regulations 1980 to 2003 and these Regulations may be cited together as the European Communities (Seed Potatoes) Regulations 1980 to 2005.
2. In these Regulations:  
  
“Principal Regulations” means the European Communities (Seed Potatoes) Regulations 1980 (S.I. No. 343 of 1980);  
  
“Regulations of 1999” means the European Communities (Seed Potatoes) (Amendment) Regulations 1999 (S.I. No. 381 of 1999).
3. (1) Regulation 2(1) of the Principal Regulations (inserted by the Regulations of 1999) is amended by substituting for the definition of “the Directive” the following definition:  
  
“‘Directive’ means Council Directive 2002/56/EC of 13 June 2002, as amended by Council Directive 2003/61/EC<sup>2</sup> of 18 June 2003 and extended by Commission Directive 93/17/EEC<sup>3</sup> of 30 March 1993 and Commission Decision 2004/3/EC of 19 December 2003<sup>4</sup>”.
- (2) Regulation 2(2) of the Principal Regulations (inserted by the Regulations of 1999) is revoked.
4. Regulation 6 of the Principal Regulations (inserted by the Regulations of 1999) is amended-  
  
(a) by substituting for paragraph (3) the following paragraph:  
  
“ (3) Every consignment of imported seed potatoes exceeding 10 kg shall be notified by the importer to the Minister five days in

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<sup>1</sup> OJ L 193, 20.7.2002, p.60

<sup>2</sup> OJ L165, 3.7.2003, p.23

<sup>3</sup> OJ L 106, 30.4.1993, p.7

<sup>4</sup> OJ L 2, 6.1.2004, p.47

advance of importation and consignments of any weight 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”.

(b) by substituting “Article 18” for “Article 13a” in paragraph (4)(a).

L.S.        Given under my Official Seal,  
11 May 2005

Mary Coughlan,

Minister for Agriculture and Food.