STATUTORY RULES OF NORTHERN IRELAND

2026 No. 000

SEEDS

The Seed Marketing (Amendment) Regulations (Northern Ireland) 2026

Made - - - -	*17th December 2026*
Coming into operation	*7th January 2027*

The Department of Agriculture, Environment and Rural Affairs(**a**), in exercise of the powers conferred by sections 11 and 22 of, and paragraph 1(1) of Part 1 and paragraph 11M of Part 1C of Schedule 2 and paragraph 21(b) of Schedule 7 to, the European (Withdrawal) Act 2018(**b**), makes the following Regulations.

Citation, commencement and interpretation

1. These Regulations may be cited as The Seed Marketing (Amendment) Regulations (Northern Ireland) 2026 and shall come into operation on 7th January 2027.

2. The Interpretation Act (Northern Ireland) 1954(**c**) applies to these Regulations as it applies to an Act of the Assembly.

Amendment of the Seed Marketing Regulations (Northern Ireland) 2016

3. The Seed Marketing Regulations (Northern Ireland) 2016(**d**) are amended as follows—

(a) in regulation 3—

(i) for paragraph (b1), substitute—

"(b1)"European Single Market State" means an EEA state, Switzerland or Northern Ireland,";

(ii) omit paragraph (b2);

(iii) in paragraph (c) for "the Department" substitute—

""the Department" means the Department of Agriculture, Environment and Rural Affairs"

(b) for regulation 4(2), substitute—

(**a**) Formerly the Department of Agriculture and Rural Development (DARD) see section 3(4) of the Departments (Northern Ireland) Order 1999 (S.I. 1999/283 (N.I. 1)). DARD was renamed the Department for Agriculture, Environment and Rural Affairs (DAERA) by Article 1(2) of the Departments Act (Northern Ireland) 2016 (c. 5 (NI)).

(**b**) 2018 c. 16; Part 1C was inserted by section 22 of the European Union (Withdrawal Agreement) Act 2020 ("the 2020 Act) and paragraph 21(b) of Schedule 7 was amended by paragraph 53(2)(b) of Schedule 5 to the 2020 Act (c. 1).

(**c**) 1954 c. 33 (NI).

(**d**) S.R. 2016 No. 244, as amended by S.R. 2017 No. 222, S.I. 2019/211, S.R. 2020 No. 301, S.R. 2020 NI 302, regulation 26 and S.R. 2020 No. 319.

"(2) They do not apply in relation to seed intended for export to a country or territory other than—

(a) a European Single Market State; or;

(b) another part of the United Kingdom.";

(c) in regulation 7, for "an equivalent list" to the end of that regulation, substitute "the Common Catalogue";

(d) in regulation 8(2)—

(i) omit sub-paragraph (a);

(ii) for sub-paragraph (b), substitute—

"(b) seed which has been imported from another European Single Market State and is—

(i) officially certified by or on behalf of the competent seed certification authority in another European Single Market State; and

(ii) packaged, sealed and labelled in accordance with the relevant requirements in the directive relating to that seed;";

(iii) for sub-paragraph (c), substitute—

"(c) seed which has been imported from a country that has been granted equivalence under Council Decision 2003/17/EC (on the equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries), and is—

(i) seed of the species specified in Annex I to the Decision and has been produced in the third countries listed in that Annex and officially certified by the authorities listed in that Annex; and

(ii) satisfies the conditions laid down in point B of Annex II to that Decision.";

(e) for regulation 10(a), substitute—

"(a) be a variety entered in the NI Variety List or the Common Catalogue;";

(f) for regulation 22, substitute—

"22. The Department may by licence exempt any person or class of person from compliance with any provision of these Regulations for the purposes of a temporary experiment—

(a) organised under—

(i) Article 19 of Council Directive 2002/54/EC on the marketing of beet seed;

(ii) Article 13a of Council Directive 66/402/EEC on the marketing of cereal seed;

(iii) Article 13a of Council Directive 66/401/EEC on the marketing of fodder seed;

(iv) Article 16 of Council Directive 2002/57/EC on the marketing of seed of oil and fibre plants;

(v) Article 33 of Council Directive 2002/55/EC on the marketing of vegetable seed.";

(g) in regulation 27—

(i) for paragraph (1), substitute—

"(1) Seed imported from a country, other than a European Single Market State, must be labelled with a label approved by the Organisation for Economic Cooperation and

Development(**a**) for the varietal certification on the control of seed moving in international trade.";

(ii) omit paragraph (1A);

(h) for regulation 31A as in operation on the 31st December 2020, substitute—

"31A. The Department acts as the Member State for the purposes of Commission Regulation (EC) No 217/2006 laying down rules for the application of Council Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC and 2002/57/EC as regards the authorisation of Member States to permit temporarily the marketing of seed not satisfying the requirements in respect of minimum germination.";

(i) Omit regulations 33A and 33B;

(j) in Schedule 2—

(i) in paragraph 6—

(aa) in sub-paragraph (1), omit "(a) to (d)";

(bb) omit sub-paragraph (6);

(ii) in paragraph 13—

(aa) in sub-paragraph (1), omit "(a) to (d)";

(bb) in sub-paragraph (2), omit "(with the omission of paragraph 1a(f) and 1(b)";

(cc) omit paragraph (2A);

(iii) in paragraph 25—

(aa) in sub-paragraph (1), omit "(a) to (d)";

(bb) omit sub-paragraph (1A);

(iv) in paragraph 37—

(aa) in sub-paragraph (1), omit "(a) to (d)";

(bb) omit paragraph (1A);

(v) in paragraph 38(2), at the end, insert "or the Common Catalogue";

(vi) in paragraph 44—

(aa) in sub-paragraph (1), omit "(a) to (d)";

(bb) in sub-paragraph (2), omit "(with the omission of paragraph 1a(F) and 1b)";

(cc) omit sub-paragraph (2A);

(k) in Schedule 3—

(i) for paragraph 5(5), substitute—

"(5) It must be in one of the official languages of the European Union.";

(ii) in paragraph 6(1)—

(aa) in sub-paragraph (a), omit "and country or country initials";

(bb) after sub-paragraph (a), insert—

"(b) for seed certified in—

(**a**) Details of these labels are available on the OECD's website at www.oecd.org.

(i) a European Single Market State, the name or initials of that State other than Northern Ireland;

(ii) Northern Ireland "UK(NI)",";

(iii) in paragraphs 7(1) and 8(1)—

(aa) for sub-paragraph (a), substitute—

"(a) the words "EU rules and standards";"

(bb) in sub-paragraph (b), omit "and country or country initials";

(cc) after sub-paragraph (b), insert—

"(c) for seed certified in—

(i) a European Single Market State, the name or initials of that State other than Northern Ireland;

(ii) Northern Ireland "UK(NI)";";

(iv) in paragraph 9(1)—

(aa) in sub-paragraph (a), omit "the name and country or country initials of";

(bb) after paragraph (a), insert—

"(b) where the mixture is produced in—

(i) a European Single Market State, the name or initials of that State other than Northern Ireland;

(ii) Northern Ireland "UK(NI)";";

(v) in paragraph 11(2)(a), for from "or has been accepted" to "exit day falls", substitute "the Common Catalogue";

(vi) in paragraph 13(1)(a), for from "has been accepted" to "exit day falls", substitute "the Common Catalogue";

(vii) in paragraph 18—

(aa) in sub-paragraph (2) and (4)(a), in each place it occurs, for "small package", substitute "small EU package";

(bb) in sub-paragraph (4)(d), for "country of production", substitute "European Single Market State";

(viii) in paragraph 19(4)(a), for "UK", substitute "EU";

(ix) in paragraph 20—

(aa) in sub-paragraph (2), in each place it occurs, after "small", insert "EU";

(bb) in sub-paragraphs (3) and (4), in each place it occurs, after "small", insert "EU";

(x) in paragraph 21—

(aa) in sub-paragraph (2)(a), after "small", insert "EU";

(bb) for sub-paragraph (2)(d), substitute—

"(d) for seed that was packaged in—

(i) a European Single Market State other than Northern Ireland, the service which assigned the serial number and the name or initials of that State;

(ii) Northern Ireland, the service which assigned the serial number and "UK(NI)";";

(xi) in paragraph 22—

(aa) in sub-paragraph (2), in each place it occurs, after "small", insert "EU";

(bb) for sub-paragraph (2)(c)(ii), substitute—

"(ii) for seed that was packaged in—

(aa) a European Single Market State other than Northern Ireland, the name or initials of that State;

(bb) Northern Ireland "UK(NI)";";

(cc) for sub-paragraph 22(2)(d)(ii), substitute—

"(ii) for seed that was packaged in—

(aa) a European Single Market State other than Northern Ireland, the service which assigned the serial number and the name or initials of that State;

(bb) Northern Ireland, the service which assigned the serial number and "UK(NI)";";

(xii) in paragraph 23 and 24, in each place it occurs, for "UK", substitute "EU";

(l) in Schedule 4—

(i) in paragraph 4(1), for "these Regulations", substitute "the Directive";

(ii) in paragraph 5(6)(b), for "into the United Kingdom", substitute "into Northern Ireland from a country that has been granted equivalence";

(iii) in paragraph 6—

(aa) for sub-paragraph (2), substitute—

"(2) This sub-paragraph applies to seed of a listed variety officially certified as early movement seed by or on behalf of the competent seed certification authority in a European Single Market State.";

(bb) for sub-paragraph (3)(a)(i), substitute—

"(i) that has been harvested from a crop produced in Northern Ireland for which a field inspection report has been issued stating that the crop has been found by an official field inspection (whenever carried out) to satisfy the conditions set out in the Directive relating to the crop from which seed is to be produced specified in Schedule 2;";

(cc) for sub-paragraph (3)(b)(i), substitute—

"(i) that has been imported into Northern Ireland as not finally certified seed harvested in another European Single Market State; and";

(iv) in paragraph 7, for "these Regulations", substitute "Council Directive 66/402/EEC";

(v) omit paragraph 8(5A);

(vi) in paragraph 8(7), for "these Regulations", substitute "Council Directive 2002/54/EC";

(vii) in paragraph 8(8)—

(aa) in paragraph (a), for "Schedule 2", substitute "Council Directive 2002/55/EC on the marketing of vegetable seed";

(bb) in paragraph (b), for "these Regulations", substitute "that Directive";

(viii) in paragraph 9—

(aa) in sub-paragraph (3)(b), for "having taken account of any available information from plant genetic resource organisations", substitute "in accordance with Article 3 of Commission Directive 2010/60/EU(**a**)";

(bb) for sub-paragraph (5)(a), substitute—

"(a) the words "EU rules and standards";";

(cc) in sub-paragraph (7), omit ", subject to sub-paragraph (8),";

(dd) omit sub-paragraph (8);

(ix) for paragraph 11(1), substitute—

"(1) For the purpose of gaining knowledge and practical experience of a variety during cultivation, the Department may authorise the marketing of vegetable seed not listed on the NI Variety List provided an application has been made for entry into the NI Variety List or the National List of at least one European Single Market State.";

(x) in paragraph 12(2), at the end, add "or the Common Catalogue";

(xi) for paragraph 13, substitute—

"13. The Department may only grant an authorisation in respect of seed of a genetically modified variety under paragraph 9 to 12 if the marketing and release of the genetically modified material by the applicant have been authorised for cultivation under either—

(a) Part C of Directive 2001/18/EC(**b**) of the European Parliament and of the Council (on the deliberate release into the environment of genetically modified organisms); or

(b) Regulation (EC) No 1829/2003(**c**) (on genetically modified food and feed).";

(xii) in paragraph 14—

(aa) for sub-paragraph (1), substitute—

"(1) Seed certified in another European Single Market State or country that has been granted equivalence may be marketed as meeting higher voluntary standards in accordance with this paragraph.";

(bb) for sub-paragraph (3), substitute—

"(3) The seed must be re-labelled using—

(a) an official label issued by the Department if the seed is from another European Single Market State; or

(b) an OECD label if the seed is from a country that has been granted equivalence.";

(xiii) in paragraph 15(3), for "these Regulations", substitute "Council Directive 2002/55/EC on the marketing of vegetable seed";

(xiv) omit paragraph 16 and its heading;

(xv) in paragraph 17—

(aa) in the heading, for "a", substitute "another";

(bb) for sub-paragraph (1), substitute—

"(1) Seed—

(**a**) OJ No. L 228, 31.8.20210, p. 10.
(**b**) OJ No. L 106, 17.4.2001, p. 1, as last amended by Directive 2014/412, OJ No. L 68, 13.03.2015, p. 1.
(**c**) OJ No. L 268, 18.10.2003, p. 1, as last amended by Regulation (EC) No 298/2008, OJ No. L 97, 09.04.2008, p. 64.

(a) that has been produced—

(i) directly from basic seed or certified seed of the first generation officially certified either in another European Single Market State or in a country that has been granted equivalence under the Directive relating to that seed specified in Schedule 2; or

(ii) from the crossing of basic seed certified in a European Single Market State with basic seed certified in a country that has been granted equivalence; and

(b) that has been certified in another European Single Market State;

may be certified if that seed has undergone field inspection for that category of seed and if official examinations has shown that the conditions for that category of seed are satisfied.";

(cc) in sub-paragraph (3)(a), for "country", substitute "European Single Market State";

(xvi) in paragraph 18—

(aa) for sub-paragraph (1)(a), substitute—

"(a) it has been produced directly from—

(i) basic seed or certified seed of the first generation certified either in another European Single Market State or in a country that has been granted equivalence under the Directive relating to that seed specified in Schedule 2; or

(ii) the crossing of basic seed officially certified in another European Single Market State with basic seed certified in a country that has been granted equivalence;";

(xvii) in paragraph 19, at the end, add "or the Common Catalogue".

Revocation

4. Regulation 2(2) of the Seed Marketing (Amendment) Regulations (Northern Ireland) 2020(**a**) is revoked.

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on 00 December 2026

Neelia Lloyd
A senior officer of the
Department of Agriculture, Environment and Rural Affairs

(**a**) S.R. 2020 No. 301

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are required to implement the Windsor Framework in respect of marketing of all agricultural seed.

These Regulations amend the Seed Marketing Regulations (Northern Ireland) 2016 as amended by the Seed Marketing (Amendment) Regulations (Northern Ireland) 2020 to correct erroneous references included by Part 5 of the Marketing of Seeds and Plant Propagating Material (Amendment) (Northern Ireland) (EU Exit) Regulations 2019.