EXPLANATORY MEMORANDUM TO

THE SEED MARKETING (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2026

2026 No. XXX

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs to accompany the Statutory Rule (details above), which is to be laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under 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 Union (Withdrawal) Act 2018.

1.3 These regulations are due to come into operation on XXXX.

2. Purpose of the instrument

2.1 The purpose of the Statutory Rule is to implement the EU Withdrawal Agreement and the Windsor Framework Agreement in relation to the marketing of agricultural seed.

3. Background

3.1 The current legislative framework for the marketing of agricultural seed in Northern Ireland is provided for through a suite of EU marketing directives. Council Directives 66/402/EEC (cereal seed), 2002/54/EC (beet seed), 2002/55/EC (vegetable seed) and 2002/57/EC (oil and fibre plant seed) are listed in Annex 2 to the Windsor Framework Agreement which means that EU law continues to apply in Northern Ireland.

3.2 Council Directive 66/401/EEC (fodder seed), was originally omitted from the Windsor Framework Agreement meaning that EU law would cease to apply to fodder seed after the implementation period.

3.3 Part 2 of the Seed Marketing and Fertilisers (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 (S.R. 220 No. 319) amended the Seed Marketing Regulations (Northern Ireland) 2016 (the 2016 Regulations) in order to implement the Windsor Framework Agreement, and to reflect that Council Directive 66/401/EEC (fodder seed) was omitted from Annex 2 of the Windsor Framework.

3.4 On 17th December 2020, the EU-UK Joint Committee decided that Council Directive 66/401/EEC on the marketing of fodder seed was to be added to Annex 2 of the Windsor Framework Agreement I, with effect from 18 December 2020.

3.5 The purpose of this Statutory Rule is to amend the Seed Marketing Regulations 2016 in order to reflect the addition of Council Directive 66/401/EC (fodder seed) to Annex 2 of the Windsor Framework Agreement and to make the regulations

operable in light of this.

3.6 The Marketing of Seeds and Plant Propagating Material (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 and The Plant Health (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 were made in order to make amendments to the Seed Marketing Regulations (Northern Ireland) in the case of a 'no deal' Brexit. This Statutory Rule corrects these amendments to reflect the Withdrawal Agreement and the Windsor Framework Agreement.

3.7 The amendments required as a consequence of the addition of Council Directive 66/401/EEC (fodder seed) to Annex 2 of the Windsor Framework Agreement were not brought forward immediately, owing to resource constraints and the prioritisation of other legislative and operational work within the Department. This Statutory Rule addresses those outstanding amendments and others to ensure that the Seed Marketing Regulations (Northern Ireland) 2016 are aligned with the requirements of the Withdrawal Agreement and the Windsor Framework Agreement in respect of Council Directives 66/402/EEC (cereal seed), 2002/54/EC (beet seed), 2002/55/EC (vegetable seed) and 2002/57/EC (oil and fibre plant seed) and Council Directive 66/401/EC (fodder seed).

4. Consultation

4.1 The amendments made by the regulations are as a consequence of the EU Withdrawal Agreement and the Windsor Framework Agreement. Therefore, consultation did not take place.

5. Equality Impact

5.1 In accordance with the Department's obligations under section 75 of the Northern Ireland Act 1998, the equality implications of the proposed Regulations have been assessed. No adverse equality impacts have been identified under the Equality and Human Rights screening procedures. The Department considers the Regulations will not result in any equality differentials amongst section 75 groups.

6. Regulatory Impact

6.1 A full impact assessment has not been produced for these Regulations, which implement the Windsor Framework Agreement.

7. Financial Implications

7.1 These Regulations implement the requirements of the Windsor Framework Agreement and do not result in any financial implications.

8. Section 24 of the Northern Ireland Act 1998

8.1 This Statutory Rule will ensure the Department complies fully with its obligations under European law and the Windsor Framework. The Regulations do not have any human rights implications, nor are they incompatible with EU law. It is therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. **EU Implications**

9.1 The Statutory Rule supports the implementation of the EU Withdrawal Agreement and the Windsor Framework. It ensures that the Department complies with its obligations under EU law.

10. **Parity or Replicatory Measure**

Authorities in GB have brought forward legislation for seed marketing to reflect that the UK has left the EU.

11. **Additional Information**

11.1 Not applicable.