

Explanatory Memorandum to the Seeds (Miscellaneous Amendments) (Wales) Regulations 2007

This Explanatory Memorandum has been prepared by the Rural Affairs and Heritage Department and is laid before the National Assembly for Wales.

(i) **Description**

The Seed (Miscellaneous Amendments) (Wales) Regulations 2007 amends several sets of Regulations relating to the marketing of seed of various species. This instrument makes changes to permit certain seed from outside the European Union to be marketed, and updates the list of species of vegetable seed which are subject to marketing control (adding sweetcorn/popcorn to that list). A minor technical change is made in relation to seed sampling, and changes made as a result of Bulgaria and Romania joining the European Union. Minor drafting errors resulting from earlier amendments are also corrected.

(ii) **Matters of special interest to the Subordinate Legislation Committee**

None.

(iii) **Legislative Background**

These Regulations will be made under the powers conferred by sections 16(1), (1A), (2), (3), (4) and (5) and 36 of the Plant Varieties and Seeds Act 1964. These powers have been transferred to the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672 Art. 2 Sch. 1) and are exercisable by the Welsh Ministers by operation of the Government of Wales Act 2006.

This Statutory Instrument is to be made using the negative resolution procedure.

(iv) **Purpose and intended effect of the legislation**

European Directives require official certification of seed of the main commercial crop species before marketing, to ensure that seed sold to farmers and growers meet specified standards. A number of non-controversial changes to these Directives require amendments to be made to the Seed Marketing Regulations:

- Council Decision 2005/834/EC updates the third country equivalence definition in the provisions in the various seeds marketing regulations whereby seed imported from the

countries specified may be regarded as meeting EC standards for certification and marketing purposes.

- Directive 2006/124/EC adds shallot, Japanese bunching or Welsh onion, garlic, chives, rhubarb and pop-corn/sweet-corn as a controlled species of vegetable seed and makes consequential changes. Commission Decision 2007/321/EC releases the UK from its obligation to marketing control provisions in relation to shallot, Japanese bunching or Welsh onion, garlic, chives and rhubarb on the grounds that there is little production of such seed in the UK.
- Commission Regulation (EC) 217/2006 streamlines and simplifies the procedure whereby Member States can be authorised to market, temporarily, seed that does not meet minimum germination standard, for example when seed meeting that standard is in short supply because of adverse weather conditions. The change needs to be reflected in all of the seeds marketing regulations.

The opportunity will also be taken to make the following minor technical corrections/amendments:

- Correcting minor drafting errors arising from the Seed (Wales) (Amendments for Tests and Trials etc.) Regulations 2007. These Regulations added in a new Part VII to Schedule 8 of the Vegetable Seed (Wales) Regulations 2005 and need to be amended slightly to change the heading "Official label..." to "Supplier's label...".
- changing 'the seed satisfies' to 'the crop satisfies' in the Beet, Cereal, Fodder and Oil and Fibre regs; and
- Following the accession of Bulgaria and Romania to the EU, amending the definition of "equivalent third country" to remove the reference to these countries in regulation 2(1) of the Beet, Cereal, Fodder Plant, and Oil and Fibre Plant regulations.

(v) **Implementation**

These Regulations were made on 17 September 2007 and are intended to come into force on 11 October 2007. Similar legislation has already been implemented in England and came into force on 27 July 2007. Failure to implement these Regulations may lead to increased operational difficulties for the Plant Health and Seeds Inspectorate (PHSI), who would be forced to operate separate systems in England and Wales for the provision of services relating to these Regulations.

(vi)

Consultation

Officials conducted a consultation with interested parties between 26 February and 30 March 2007 on proposals to make amendments to the Seeds (National Lists of Varieties) Regulations 2001 and the Seed Marketing Regulations. A copy of the consultation list is at Annex A.

There were no responses to this exercise.

(vii)

Regulatory Impact Assessment

A Regulatory Impact Assessment has not been prepared as the proposed changes will have no detrimental effect on the seed industry. The impact on business will be negligible with no impact at all on the private or voluntary sectors.

ANNEX A

Consultation List

ADAS Wales
Agricultural Industries Confederation
Agrovista UK Ltd
Arthur Adrian Evans
Association of Independent Crop Consultants
Border Counties Agriculture
Burgess Agricultural Engineers Ltd
Country Land and Business Association
Countryside Council for Wales
Countrywide Farmers
Dalgety
David Thomas & Son
Department of Agriculture and Rural
Development
DR & MG Williams & Son
Dyfed Seeds Ltd
Environment, Planning and Countryside
Committee
Farmers' Union of Wales
Friends of the Earth Cymru
G Davies & Co
GM Free Cymru
Institute of Grassland and Environmental
Research
Institute of Rural Sciences
Masstock Arable (UK) Ltd
M-S CVJ & PM Pugh
NFU Cymru
Organic Centre Wales
Phil Rees Agronomy
Powys Leys
ProCam Group Ltd
RM & GV Williams
Sarvari Research Trust
Tom Jones & Sons Ltd
United Agri Products (UAP)
Walter Simon
Ward Smithies
Wynnstay Arable
Young Farmers Clubs of Wales-CFfl Cymru