W E L S H
S T A T U T O R Y I N S T R U M E N T S

2007 No. 2747(W.230)

SEEDS, WALES

The Seed (Miscellaneous Amendments) (Wales) Regulations 2007

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the following Regulations:

(a) the Beet Seed (Wales) Regulations 2005 (S.I. 2005/3037 (W.225));

(b) the Cereal Seed (Wales) Regulations 2005 (S.I. 2005/3036 (W.224));

(c) the Fodder Plant Seed (Wales) Regulations 2005 (S.I. 2005/1207 (W.79));

(d) the Oil and Fibre Plant Seed (Wales) Regulations 2004 (S.I. 2004/2881 (W.251));

(e) the Vegetable Seed (Wales) Regulations 2005 (S.I. 2005/3035 (W.223));

(f) the Seed (Registration, Licensing and Enforcement) (Wales) Regulations 2005 (S.I. 2005/3038 (W.226));

These Regulations implement Council Decision 2005/834/EC amending Council Decision 2003/17/EC (OJ No. L 312, 29.11.2005, p. 51). They make amendments to bring certain pre-basic seed that has been officially certified in third countries within the scope of the amended Regulations, allowing such seed to be marketed if it meets the requirements of those Regulations (regulations 2(2)(b) and (5), 3(2)(b) and (7), 4(2)(b) and (7) and 5(2)(b) and (7)). They make consequential amendments to provisions concerning the labelling of such seed (regulations 2(4), 3(6), 4(6) and 5(6)), and make further consequential amendments.

These Regulations implement Commission Directive 2006/124/EC amending Council Directive 2002/55/EC on the marketing of vegetable seed (OJ No. L 339, 6.12.2006, p. 12). They also implement a derogation to the requirement to apply the marketing provisions of

Council Directive 2002/55/EC in relation to four species and one sub-species permitted by Commission Decision 2007/321/EC (OJ No. L 119, 9.5.2007, p 48). They amend the Vegetable Seed (Wales) Regulations 2005 to add sweet corn or popcorn to the list of controlled species, and make minor amendments to some of the names and common names of other controlled species (regulation 6(3)). They also set out standards for sweet corn/popcorn regarding analytical purity and the content of seeds of other plant species, as well as lot and sample weights (regulation 6(5) and (6)). They also make minor consequential amendments to those Regulations (regulation 6(4) and (8)) and to the Seed (Registration, Licensing and Enforcement) Regulations 2002 (regulation 8). A minor amendment is also made to the latter Regulations to make a change to the type of sampling device used in relation to field peas.

These Regulations make amendments as a result of the accession of Bulgaria and Romania as Member States (regulations 2(2)(a), 3(2)(a), 4(2)(a) and 5(2)(a)).

These Regulations correct minor errors resulting from amendments made by the Seed (Wales) (Amendments for Tests and Trials etc.) Regulations 2007 (regulations 2(3), 3(5), 4(5), 5(5) and 6(7)).

A full regulatory impact assessment has not been produced for this instrument.

W E L S H
S T A T U T O R Y I N S T R U M E N T S

2007 No. 2747 (W.230)

SEEDS, WALES

The Seed (Miscellaneous Amendments) (Wales) Regulations 2007

Made *17 September 2007*

Laid before the National Assembly for Wales *18 September 2007*

Coming into force *11 October 2007*

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 16(1), (1A), (2), (3), (4) and (5) and 36 of the Plant Varieties and Seeds Act 1964 and now vested in them(**1**).

In accordance with section 16(1) of that Act the Welsh Ministers have consulted with representatives of such interests as appear to them to be concerned.

Title and commencement

1. The title of these Regulations is the Seed (Miscellaneous Amendments) (Wales) Regulations 2007 and they come into force on 11 October 2007.

(**1**) 1964 c.14; section 16 was amended by section 4(1) of, and paragraph 5(1), (2) and (3) of Schedule 4 to, the European Communities Act 1972 (c.68), S.I. 1977/1112 and section 2 of the Agriculture Act 1986. *See* section 31(1) for a definition of "the Minister". Under the Transfer of Functions (Wales) (No.1) Order 1978 (S.I. 1978/272), article 2(1) and Schedule 2, the functions of the Minister of Agriculture, Fisheries and Food under the Plant Varieties and Seeds Act 1964 were, so far as they are exercisable in relation to Wales, transferred to the Secretary of State and under the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2(1) and Schedule 1, the functions transferred to the Secretary of State by the 1978 transfer Order were transferred to the National Assembly for Wales. By virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 those functions are exercisable by the Welsh Ministers.

Amendment of the Beet Seed (Wales) Regulations 2005

2.—(1) The Beet Seed (Wales) Regulations 2005(**1**) are amended as follows.

(2) In regulation 2(1)—

(a) in the definition of "equivalent third country" omit "Bulgaria" and "Romania"; and

(b) for the definition of "the Third Country Equivalence Decision" substitute—

""the Third Country Equivalence Decision" means 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;"(**2**).

(3) In regulation 18(2)(b) for "the seed satisfies" substitute "the crop satisfies".

(4) In regulation 23—

(a) for paragraph (5) substitute—

"(5) A package of officially certified pre-basic seed must be labelled—

(a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 4 to 7 of Schedule 8;

(b) in the case of a package of seed sealed—

(i) in the United Kingdom, elsewhere than in Wales, or

(ii) in another member State,

in accordance with the provisions of Article 21(c) of the Beet Seed Directive; and

(c) in the case of a package of seed sealed in an equivalent third country, in accordance with the provisions of paragraphs 1 and 3 of Part B of Annex II to the Third Country Equivalence Decision."; and

(b) in paragraph (13) after "paragraph" insert "3A,".

(5) In Part I of Schedule 1—

(a) after paragraph 3 insert—

(**1**) S.I. 2005/3037 (W.225) amended by S.I. 2007/119 (W.9).
(**2**) OJ No. L 8, 14.1.2003, p 10, as last amended by Council Decision 2005/834/EC (OJ No. L 312, 29.11.2005, p. 51).

“Third country officially certified pre-basic seed of a listed variety

3A.—(1) In these Regulations “third country officially certified pre-basic seed of a listed variety” means seed to which sub-paragraph (2) or (4) applies.

(2) This sub-paragraph applies to pre-basic seed of a listed variety—

(a) that was harvested from a crop that was produced—

(i) in an equivalent third country; and

(ii) from a preceding generation of seed that was produced in accordance with the provisions applicable to basic seed specified in paragraph 5 of Part B of Annex II to the Third Country Equivalence Decision;

(b) that has been officially certified as pre-basic seed by the approved seed certification authority in that country in accordance with the OECD Beet Seed Scheme and the conditions specified in paragraphs 1 and 2 of Part B of Annex II to the Third Country Equivalence Decision;

(c) that has been packed in packages that have been officially closed and marked in accordance with the OECD Beet Seed Scheme and, as regards the packaging, in accordance with the relevant conditions specified in paragraph 3 of Part B of Annex II to the Third Country Equivalence Decision; and

(d) that has been imported into the United Kingdom accompanied by the appropriate documentation.

(3) For the purposes of sub-paragraph (2)(d), the appropriate documentation is—

(a) in a case where the seed has been certified in the United States of America, a Lot Inspection Certificate issued by the Official Seed Testing Laboratory under the authority of the State Seed Testing Agency showing that it has been found to satisfy those conditions; and

(b) in all other cases—

(i) an OECD Certificate issued by the approved seed certification authority in respect of the seed lot from which the seed was taken

approving the seed in that lot as pre-basic seed; and

(ii) an Orange or Green International Seed Lot Certificate issued under the Rules of ISTA showing that it has been found to satisfy the relevant Directive seed conditions for pre-basic seed other than those relating to varietal identity and varietal purity.

(4) This sub-paragraph applies to pre-basic seed—

(a) of a previously listed variety that is on the OECD List and for which a marketing extension is in force; and

(b) that complies with sub-paragraph (2)(a) to (d).";

(b) for paragraph 7 substitute—

"**Officially certified pre-basic seed**

7. In these Regulations "officially certified pre-basic seed" means—

(a) UK officially certified pre-basic seed of a listed variety;

(b) EC officially certified pre-basic seed of a listed variety;

(c) third country officially certified pre-basic seed of a listed variety;

(d) overseas tested officially certified pre-basic seed of a listed variety;

(e) UK officially certified early movement pre-basic seed of a listed variety; and

(f) EC officially certified early movement pre-basic seed of a listed variety.".

(6) In Schedule 5 in column (1) of the table, in the entry numbered 1, after "EC" insert ", third country".

(7) In Schedule 6 after paragraph 3 insert—

"**3A.** Third country officially certified pre-basic seed of a listed variety.".

(8) In Schedule 10 in the table, after the row containing the entry for "third country officially certified CS seed of a listed variety" insert the following row—

"third country officially certified pre-basic seed of a listed variety	Paragraph 3A of Schedule 1"

Amendment of the Cereal Seed (Wales) Regulations 2005

3.—(1) The Cereal Seed (Wales) Regulations 2005(**1**) are amended as follows.

(2) In regulation 2(1)—

(a) in the definition of "equivalent third country" omit "Bulgaria" and "Romania"; and

(b) for the definition of "the Third Country Equivalence Decision" substitute—

""the Third Country Equivalence Decision" means 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;".

(3) In regulation 13(3)(a)(i), (5)(c), (d) and (e)(ii) after "EC" insert ", third country".

(4) In regulation 20(2)(b)(i) and (ii), for "the seed satisfies" substitute "the crop satisfies".

(5) In regulation 26—

(a) for paragraph (6) substitute—

"(6) A package of officially certified pre-basic seed, other than a small package of such seed sealed in the United Kingdom, shall be labelled—

(a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 5 to 8 of Schedule 8;

(b) in the case of a package of seed sealed—

(i) in the United Kingdom, elsewhere than in Wales, or

(ii) in another member State,

in accordance with the provisions of Article 14a(c) of the Cereal Seed Directive; and

(c) in the case of a package of seed sealed in an equivalent third country, in accordance with the provisions of paragraphs 1 and 3 of Part B of Annex II to the Third Country Equivalence Decision."; and

(b) in paragraph (17) after "paragraph" insert "3A, 8A,".

(6) In Part I of Schedule 1—

(a) after paragraph 3 insert—

(**1**) S.I. 2005/3036 (W.224), as amended by S.I. 2007/119 (W.9).

“Third country officially certified pre-basic seed of a listed variety

3A.—(1) In these Regulations “third country officially certified pre-basic seed of a listed variety” means seed of an approved species to which sub-paragraph (2) or (4) applies.

(2) This sub-paragraph applies to pre-basic seed of a listed variety—

(a) that was harvested from a crop that was produced—

(i) in an equivalent third country; and

(ii) from a preceding generation of seed that was produced in accordance with the provisions applicable to basic seed specified in paragraph 5 of Part B of Annex II to the Third Country Equivalence Decision;

(b) that has been officially certified as pre-basic seed by the approved seed certification authority in that country in accordance with—

(i) in the case of seed other than maize, the OECD Cereal Seed Scheme;

(ii) in the case of maize, the OECD Maize and Sorghum Seed Scheme; and

(iii) in both cases, the conditions specified in paragraphs 1 and 2 of Part B of Annex II to the Third Country Equivalence Decision;

(c) that has been packed in packages that have been officially closed and marked in accordance with—

(i) in the case of seed other than maize, the OECD Cereal Seed Scheme;

(ii) in the case of maize, the OECD Maize and Sorghum Seed Scheme;

and, as regards the packaging, in accordance with the relevant conditions specified in paragraph 3 of Part B of Annex II to the Third Country Equivalence Decision; and

(d) that has been imported into the United Kingdom accompanied by the appropriate documentation.

(3) For the purposes of sub-paragraph (2)(d), the appropriate documentation is—

(a) in a case where the seed has been certified in Canada or the United States

of America, a Lot Inspection Certificate issued by the Official Seed Testing Laboratory under the authority of the State Seed Testing Agency showing that it has been found to satisfy those conditions; and

(b) in all other cases—

(i) an OECD Certificate issued by the approved seed certification authority in respect of the seed lot from which the seed was taken approving the seed in that lot as pre-basic seed; and

(ii) an Orange or Green International Seed Lot Certificate issued under the Rules of ISTA showing that it has been found to satisfy the relevant Directive seed conditions for pre-basic seed other than those relating to varietal identity and varietal purity.

(4) This sub-paragraph applies to pre-basic seed—

(a) of a previously listed variety that is on the OECD List and for which a marketing extension is in force; and

(b) that complies with sub-paragraph (2)(a) to (d).";

(b) after paragraph 8 insert—

"Third country officially certified pre-basic seed of a component used in the production of a listed hybrid variety

8A.—(1) In these Regulations "third country officially certified pre-basic seed of a component used in the production of a listed hybrid variety" means pre-basic seed of an approved species to which sub-paragraph (2) or (4) applies.

(2) This sub-paragraph applies to pre-basic seed of a component used in the production of a listed hybrid variety—

(a) that was harvested from a crop that was produced—

(i) in an equivalent third country; and

(ii) from a preceding generation of seed that was produced in accordance with the provisions applicable to basic seed specified in paragraph 5 of Part B of Annex II to the Third Country Equivalence Decision;

(b) that has been officially certified as pre-basic seed by the approved seed certification authority in that country in accordance with—

(i) in the case of seed other than maize, the OECD Cereal Seed Scheme;

(ii) in the case of maize, the OECD Maize and Sorghum Seed Scheme; and

(iii) in both cases, the conditions specified in paragraphs 1 and 2 of Part B of Annex II to the Third Country Equivalence Decision;

(c) that has been packed in packages that have been officially closed and marked in accordance with—

(i) in the case of seed other than maize, the OECD Cereal Seed Scheme;

(ii) in the case of maize, the OECD Maize and Sorghum Seed Scheme, and

as regards the packaging, in accordance with the relevant conditions specified in paragraph 3 of Part B of Annex II to the Third Country Equivalence Decision; and

(d) that has been imported into the United Kingdom accompanied by the appropriate documentation.

(3) For the purposes of sub-paragraph (2)(d), the appropriate documentation is—

(a) in a case where the seed has been certified in Canada or the United States of America, a Lot Inspection Certificate issued by the Official Seed Testing Laboratory under the authority of the State Seed Testing Agency showing that it has been found to satisfy those conditions; and

(b) in all other cases—

(i) an OECD Certificate issued by the approved seed certification authority in respect of the seed lot from which the seed was taken approving the seed in that lot as pre-basic seed; and

(ii) an Orange or Green International Seed Lot Certificate issued under the Rules of ISTA showing that it has been found to satisfy the relevant Directive seed conditions

for pre-basic seed other than those relating to varietal identity and varietal purity.

(4) This sub-paragraph applies to pre-basic seed of a component—

(a) of a previously listed hybrid variety that is on the OECD List and for which a marketing extension is in force; and

(b) that complies with sub-paragraph (2)(a) to (d).”; and

(c) for paragraph 12 substitute —

“12. In these Regulations “officially certified pre-basic seed” means—

(a) UK officially certified pre-basic seed of a listed variety;

(b) EC officially certified pre-basic seed of a listed variety;

(c) third country officially certified pre-basic seed of a listed variety;

(d) overseas tested officially certified pre-basic seed of a listed variety;

(e) UK officially certified early movement pre-basic seed of a listed variety;

(f) EC officially certified early movement pre-basic seed of a listed variety;

(g) UK officially certified pre-basic seed of a component used in the production of a listed hybrid variety;

(h) EC officially certified pre-basic seed of a component used in the production of a listed hybrid variety;

(i) third country officially certified pre-basic seed of a component used in the production of a listed hybrid variety;

(j) overseas tested officially certified pre-basic seed of a component used in the production of a listed hybrid variety;

(k) UK officially certified early movement pre-basic seed of a component used in the production of a listed hybrid variety; and

(l) EC officially certified early movement pre-basic seed of a component used in the production of a listed hybrid variety.”.

(7) In Schedule 5 in column (1) of the table, in the entries numbered 1(a) and 3(a) after “EC” in paragraphs 1(a) and 3(a) insert “, third country”.

(8) In Schedule 6—

(a) after paragraph 3 insert—

"**3A.** Third country officially certified pre-basic seed of a listed variety."; and

(b) after paragraph 32 insert—

"**32A.** Third country officially certified pre-basic seed of a component used in the production of a listed hybrid variety.".

(9) In Schedule 10 in the table after the row containing the entry for "third country officially certified CS seed of a listed variety" insert the following rows—

"third country officially certified pre-basic seed of a component used in the production of a listed hybrid variety	Paragraph 8A of Schedule 1
third country officially certified pre-basic seed of a listed variety	Paragraph 3A of Schedule 1"

Amendment of the Fodder Plant Seed (Wales) Regulations 2005

4.—(1) The Fodder Plant Seed (Wales) Regulations 2005(**1**) are amended as follows.

(2) In regulation 2(1)—

(a) in the definition of "equivalent third country" omit "Bulgaria" and "Romania"; and

(b) for the definition of "the Third Country Equivalence Decision" substitute the following definition—

""the Third Country Equivalence Decision" means 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;".

(3) In regulation 10(4)(b)(i) and (c)(i) for "UK, EC or overseas tested" substitute "UK, EC, third country or overseas tested".

(4) In regulation 13(3)(a)(i), (5)(b) and (c)(ii) after "EC" insert ", third country".

(5) In regulation 20(2)(b)(i) and (ii), for "the seed satisfies" substitute "the crop satisfies".

(6) In regulation 26—

(a) for paragraph (6) substitute—

"(6) A package of officially certified pre-basic seed shall be labelled—

(**1**) S.I. 2005/1207 (W.79), as amended by S.I. 2007/119 (W.9).

(a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 5 to 8 of Schedule 8;

(b) in the case of a package of seed sealed—

(i) in the United Kingdom, elsewhere than in Wales, or

(ii) in another member State,

in accordance with the provisions of Article 14a(c) of the Fodder Plant Seed Directive; and

(c) in the case of a package of seed sealed in an equivalent third country, in accordance with the provisions of paragraphs 1 and 3 of Part B of Annex II to the Third Country Equivalence Decision."; and

(b) in paragraph (20) after "paragraph" insert "3A,".

(7) In Part I of Schedule 1—

(a) after paragraph 3 insert—

"Third country officially certified pre-basic seed of a listed variety

3A.—(1) In these Regulations "third country officially certified pre-basic seed of a listed variety" means seed to which sub-paragraph (2) or (4) applies.

(2) This sub-paragraph applies to pre-basic seed of a listed variety—

(a) that was harvested from a crop that was produced in an equivalent third country from a preceding generation of seed that was produced in accordance with the provisions applicable to basic seed specified in paragraph 5 of Part B of Annex II to the Third Country Equivalence Decision;

(b) that has been officially certified as pre-basic seed by the approved seed certification authority in that country in accordance with—

(i) in the case of seed other than crucifers, the OECD Grass and Legume Seed Scheme, and

(ii) in the case of crucifers, the OECD Crucifer and Oil and Fibre Seed Scheme; and

(iii) in both cases, the conditions specified in paragraphs 1 and 2 of Part B of Annex II to the Third Country Equivalence Decision;

(c) that has been packed in packages that have been officially closed and marked in accordance with—

(i) in the case of seed other than crucifers, the OECD Grass and Legume Seed Scheme, and

(ii) in the case of crucifers, the OECD Crucifer and Oil and Fibre Seed Scheme,

and, as regards the packaging, in accordance with the relevant conditions specified in paragraph 3 of Part B of Annex II to the Third Country Equivalence Decision; and

(d) that has been imported into the United Kingdom accompanied by the appropriate documentation.

(3) For the purposes of sub-paragraph (2)(d), the appropriate documentation is—

(a) in a case where the seed has been certified in Canada or the United States of America, a Lot Inspection Certificate issued by the Official Seed Testing Laboratory under the authority of the State Seed Testing Agency showing that it has been found to satisfy those conditions; and

(b) in all other cases—

(i) an OECD Certificate issued by the approved seed certification authority in respect of the seed lot from which the seed was taken approving the seed in that lot as pre-basic seed; and

(ii) an Orange or Green International Seed Lot Certificate issued under the Rules of ISTA showing that it has been found to satisfy the relevant Directive seed conditions for pre-basic seed other than those relating to varietal identity and varietal purity.

(4) This sub-paragraph applies to pre-basic seed—

(a) of a previously listed variety that is on the OECD List and for which a marketing extension is in force, and

(b) that complies with sub-paragraph (2)(a) to (d).”; and

(b) for paragraph 7 substitute—

"**Officially certified pre-basic seed**

7. In these Regulations "officially certified pre-basic seed" means—

(a) UK officially certified pre-basic seed of a listed variety;

(b) EC officially certified pre-basic seed of a listed variety;

(c) third country officially certified pre-basic seed of a listed variety;

(d) overseas tested officially certified pre-basic seed of a listed variety;

(e) UK officially certified early movement pre-basic seed of a listed variety; and

(f) EC officially certified early movement pre-basic seed of a listed variety.".

(8) In Schedule 5 in column (1) of the table, in the entry numbered 1(a) after "EC" insert ", third country".

(9) In Schedule 6 after paragraph 3 insert—

"**3A.** Third country officially certified pre-basic seed of a listed variety.".

(10) In Schedule 10 in the table after the row containing the entry "third country officially certified CS seed of a listed variety" insert the following row—

"third country officially certified pre-basic seed of a listed variety	Paragraph 3A of Schedule 1"

Amendment of the Oil and Fibre Plant Seed (Wales) Regulations 2004

5.—(1) The Oil and Fibre Plant Seed (Wales) Regulations 2004(**1**) are amended as follows.

(2) In regulation 2(1)—

(a) in the definition of "equivalent third country" omit "Bulgaria" and "Romania"; and

(b) for the definition of "the Third Country Equivalence Decision" substitute the following definition—

""the Third Country Equivalence Decision" means 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;".

(**1**) S.I. 2004/2881 (W.251), as amended by S.I. 2007/119 (W.9).

(3) In regulation 10(4)(b)(i), (c)(i) and (d)(i) for "UK, EC or overseas tested" substitute "UK, EC, third country or overseas tested".

(4) In regulation 13(3)(a)(i), (5)(c) and (d) after "EC" insert ", third country".

(5) In regulation 19(2)(b)(i) and (ii), for "the seed satisfies" substitute "the crop satisfies".

(6) In regulation 26—

(a) for paragraph (5) substitute—

"(5) A package of officially certified pre-basic seed shall be labelled—

(a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 4 to 7 of Schedule 8;

(b) in the case of a package of seed sealed—

(i) in the United Kingdom, elsewhere than in Wales, or

(ii) in another member State,

in accordance with the provisions of Article 18(c) of the Oil and Fibre Plant Seed Directive; and

(c) in the case of a package of seed sealed in an equivalent third country, in accordance with the provisions of paragraphs 1 and 3 of Part B of Annex II to the Third Country Equivalence Decision."; and

(b) in paragraph (16) after "paragraph" insert "3A, 8A,".

(7) In Part I of Schedule 1—

(a) after paragraph 3 insert—

"Third country officially certified pre-basic seed of a listed variety

3A.—(1) In these Regulations "third country officially certified pre-basic seed of a listed variety" means seed to which sub-paragraph (2) or (4) applies.

(2) This sub-paragraph applies to pre-basic seed of a listed variety—

(a) that was harvested from a crop that was produced—

(i) in an equivalent third country; and

(ii) from a preceding generation of seed that was produced in accordance with the provisions applicable to basic seed specified in paragraph 5 of Part B of Annex

II to the Third Country Equivalence Decision;

(b) that has been officially certified as pre-basic seed by the approved seed certification authority in that country in accordance with—

(i) in the case of seed other than soya bean seed, the OECD Crucifer and Oil and Fibre Seed Scheme;

(ii) in the case of soya bean seed, the OECD Grass and Legume Seed Scheme; and

(iii) in both cases, the conditions specified in paragraphs 1 and 2 of Part B of Annex II to the Third Country Equivalence Decision;

(c) that has been packed in packages that have been officially closed and marked in accordance with—

(i) in the case of seed other than soya bean seed, the OECD Crucifer and Oil and Fibre Seed Scheme; and

(ii) in the case of soya bean seed, the OECD Grass and Legume Seed Scheme,

and, as regards the packaging, in accordance with the relevant conditions specified in paragraph 3 of Part B of Annex II to the Third Country Equivalence Decision; and

(d) that has been imported into the United Kingdom accompanied by the appropriate documentation.

(3) For the purposes of sub-paragraph (2)(d), the appropriate documentation is—

(a) in a case where the seed has been certified in Canada or the United States of America, a Lot Inspection Certificate issued by the Official Seed Testing Laboratory under the authority of the State Seed Testing Agency showing that it has been found to satisfy those conditions; and

(b) in all other cases—

(i) an OECD Certificate issued by the approved seed certification authority in respect of the seed lot from which the seed was taken approving the seed in that lot as pre-basic seed; and

(ii) an Orange or Green International Seed Lot Certificate issued under the Rules of ISTA showing that it

has been found to satisfy the relevant Directive seed conditions for pre-basic seed other than those relating to varietal identity and varietal purity.

(4) This sub-paragraph applies to pre-basic seed—

(a) of a previously listed variety that is on the OECD List and for which a marketing extension is in force; and

(b) that complies with sub-paragraph (2)(a) to (d).”; and

(b) after paragraph 8 insert—

“Third country officially certified pre-basic seed of a component used in the production of a listed hybrid variety

8A.—(1) In these Regulations “third country officially certified pre-basic seed of a component used in the production of a listed hybrid variety” means seed to which sub-paragraph (2) or (4) applies.

(2) This sub-paragraph applies to pre-basic seed of a component used in the production of a listed hybrid variety—

(a) that was harvested from a crop that was produced—

(i) in an equivalent third country; and

(ii) from a preceding generation of seed that was produced in accordance with the provisions applicable to basic seed specified in paragraph 5 of Part B of Annex II to the Third Country Equivalence Decision;

(b) that has been officially certified as pre-basic seed by the approved seed certification authority in that country in accordance with—

(i) in the case of seed other than soya bean seed, the OECD Crucifer and Oil and Fibre Seed Scheme; and

(ii) in the case of soya bean seed, the OECD Grass and Legume Seed Scheme; and

(iii) in both cases, the conditions specified in paragraphs 1 and 2 of Part B of Annex II to the Third Country Equivalence Decision;

(c) that has been packed in packages that have been officially closed and marked in accordance with—

(i) in the case of seed other than soya bean seed, the OECD Crucifer and Oil and Fibre Seed Scheme, and

(ii) in the case of soya bean seed, the OECD Grass and Legume Seed Scheme,

and, as regards the packaging, in accordance with the relevant conditions specified in paragraph 3 of Part B of Annex II to the Third Country Equivalence Decision; and

(d) that has been imported into the United Kingdom accompanied by the appropriate documentation.

(3) For the purposes of sub-paragraph (2)(d), the appropriate documentation is—

(a) in a case where the seed has been certified in Canada or the United States of America, a Lot Inspection Certificate issued by the Official Seed Testing Laboratory under the authority of the State Seed Testing Agency showing that it has been found to satisfy those conditions; and

(b) in all other cases—

(i) an OECD Certificate issued by the approved seed certification authority in respect of the seed lot from which the seed was taken approving the seed in that lot as pre-basic seed; and

(ii) an Orange or Green International Seed Lot Certificate issued under the Rules of ISTA showing that it has been found to satisfy the relevant Directive seed conditions for pre-basic seed other than those relating to varietal identity and varietal purity.

(4) This sub-paragraph applies to pre-basic seed of a component—

(a) of a previously listed hybrid variety that is on the OECD List and for which a marketing extension is in force; and

(b) that complies with sub-paragraph (2)(a) to (d).”; and

(c) for paragraph 12 substitute—

“**12.** In these Regulations “officially certified pre-basic seed” means—

(a) UK officially certified pre-basic seed of a listed variety;

(b) EC officially certified pre-basic seed of a listed variety;

(c) third country officially certified pre-basic seed of a listed variety;

(d) overseas tested officially certified pre-basic seed of a listed variety;

(e) UK officially certified early movement pre-basic seed of a listed variety;

(f) EC officially certified early movement pre-basic seed of a listed variety;

(g) UK officially certified pre-basic seed of a component used in the production of a listed hybrid variety;

(h) EC officially certified pre-basic seed of a component used in the production of a listed hybrid variety;

(i) third country officially certified pre-basic seed of a component used in the production of a listed hybrid variety;

(j) overseas tested officially certified pre-basic seed of a component used in the production of a listed hybrid variety;

(k) UK officially certified early movement pre-basic seed of a component used in the production of a listed hybrid variety; and

(l) EC officially certified early movement pre-basic seed of a component used in the production of a listed hybrid variety.".

(8) In Schedule 5 in column (1) of the table, after "EC" in the entries numbered 1(a) and 3(a) insert ", third country".

(9) In Schedule 6—

(a) after paragraph 3 insert—

"**3A.** Third country officially certified pre-basic seed of a listed variety."; and

(b) after paragraph 40 insert—

"**40A.** Third country officially certified pre-basic seed of a component used in the production of a listed hybrid variety.".

(10) In Schedule 10 in the table, after the entry for "third country officially certified CS seed of a listed variety" insert the following rows—

"third country officially certified pre-basic seed of a component used in the production of a listed hybrid variety	Paragraph 8A of Schedule 1

third country officially certified pre-basic seed of a listed variety	Paragraph 3A of Schedule 1".

Amendment of the Vegetable Seed (Wales) Regulations 2005

6.—(1) The Vegetable Seed (Wales) Regulations 2005(**1**) are amended as follows.

(2) In regulation 2(1) for the definition of "the Vegetable Seed Directive" substitute the following definition—

> ""the Vegetable Seed Directive" means Council Directive 2002/55/EC on the marketing of vegetable seed;"(**2**).

(3) For regulation 3 substitute—

> **"Definitions relating to plant species**
>
> **3.** In these Regulations—
>
> "asparagus" means plants commonly known by that name of the species *Asparagus officinalis* L.;
>
> "beetroot" means plants commonly known by that name of the species *Beta vulgaris* L., and includes plants commonly known as Cheltenham beet;
>
> "broad bean" means plants commonly known by that name of the species *Vicia faba* L. (partim);
>
> "Brussels sprouts" means plants commonly known by that name of the species *Brassica oleracea* L.;
>
> "carrot" means plants commonly known by that name of the species *Daucus carota* L., and includes plants commonly known as fodder carrot;
>
> "cauliflower" means plants commonly known by that name of the species *Brassica oleracea* L.;
>
> "celery" means plants commonly known by that name of the species *Apium graveolens* L., and includes plants commonly known as celeriac;
>
> "chard and spinach beet" means plants commonly known by those names of the species *Beta vulgaris* L.;

(**1**) S.I. 2005/3035 (W.223), as amended by S.I. 2007/119 (W.9).
(**2**) OJ No. L 193, 20.7.2002, p. 33, as last amended by Commission Directive 2006/124/EC (OJ No. L 339, 6.12.2006, p 12).

"Chinese cabbage" means plants commonly known by that name of the species *Brassica rapa* L.;

"cucumber and gherkin" means plants commonly known by those names of the species *Cucumis sativus* L.;

"curly kale" means plants commonly known by that name of the species *Brassica oleracea* L.;

"endive" means plants commonly known as curled-leaved endive or plain-leaved endive of the species *Cichorium endivia* L.;

"French bean" means plants commonly known as dwarf French bean or climbing French bean of the species *Phaseolus vulgaris* L.;

"gourd" means plants commonly known by that name of the species *Cucurbita maxima* Duchesne;

"kohlrabi" means plants commonly known by that name of the species *Brassica oleracea* L.;

"large-leaved chicory and Witloof chicory" means plants commonly known by those names of the species *Cichorium intybus* L., and includes plants commonly known as Italian chicory;

"leek" means plants commonly known by that name of the species *Allium porrum* L.;

"legume" means broad beans, French beans, runner beans and peas;

"lettuce" means plants commonly known by that name of the species *Lactuca sativa* L.;

"marrow" means plants commonly known by that name of the species *Cucurbita pepo* L., and includes plants commonly known as courgette;

"melon" means plants commonly known by that name of the species *Cucumis melo* L.;

"onion" means plants commonly known by that name of the species *Allium cepa* L. *Cepa* Group, and includes plants commonly known as Echalion;

"parsley" means plants commonly known by that name of the species *Petroselinum crispum* (Mill.) Nyman ex A.W. Hill;

"pea" means plants commonly known as wrinkled pea, round pea or sugar pea of the species *Pisum sativum* L. (partim);

"radish" means plants commonly known by that name of the species *Raphanus sativus* L., and

includes plants commonly known as black radish;

"red cabbage" means plants commonly known by that name of the species *Brassica oleracea* L.;

"runner bean" means plants commonly known by that name of the species *Phaseolus coccineus* L.;

"Savoy cabbage" means plants commonly known by that name of the species *Brassica oleracea* L.;

"spinach" means plants commonly known by that name of the species *Spinacia oleracea* L.;

"sprouting broccoli" means plants commonly known by that name of the species *Brassica oleracea* L., and includes plants commonly known as calabrese;

"sweet corn or popcorn" means plants commonly known by those names of the species *Zea mays* L. (partim);

"tomato" means plants commonly known by that name of the species *Lycopersicon esculentum* Mill.;

"turnip" means plants commonly known by that name of the species *Brassica rapa* L.; and

"white cabbage" means plants commonly known by that name of the species *Brassica oleracea* L..".

(4) In Schedule 2 for the entries numbered 27 and 28 substitute—

"**27.** Sweet corn or popcorn.

28. Tomato.

29. Turnip.".

(5) In Schedule 4—

(a) in the table in paragraph 3 for the rows lettered (aa) and (bb) substitute the following rows—

"(aa) sweet corn or popcorn	98	0.1
(bb) tomato	97	0.5
(cc) turnip	97	1.0".

(b) in the table in paragraph 4(1) for the rows lettered (aa) and (bb) substitute the following rows—

"(aa) sweet corn or popcorn	85
(bb) tomato	75
(cc) turnip	80".

(6) In Schedule 7 in the table for the rows numbered 27 and 28 substitute the following rows—

"**27.** sweet corn or popcorn	20	1000
28. tomato	10	25
29. turnip	10	25".

(7) In Schedule 8 in the heading to paragraph 30 for "Official" substitute "Supplier's".

(8) In Schedule 10 in the table after the row containing the entry for "standard seed" insert the following row—

"sweet corn and popcorn	Regulation 3".

Amendment of the Seed (Registration, Licensing and Enforcement) (Wales) Regulations 2005

7. The Seed (Registration, Licensing and Enforcement) (Wales) Regulations 2005(**1**) are amended as follows.

8. In Schedule 5 in the table in paragraph 13—

(a) in column (2) of the row containing the entry for "Field pea (fodder pea)", for "B" substitute "C"; and

(b) after the row containing the entry for "Swede rape" insert the following row—

"Sweet corn and popcorn	C".

(**1**) S.I. 2005/3038 (W.226), as amended by S.I. 2007/119 (W.9).

Elin Jones

Minister for Rural Affairs, one of the Welsh Ministers

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