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SCOTTISH STATUTORY INSTRUMENTS

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**2019 No. 59**

**The Seed and Propagating Material (EU Exit)  
(Scotland) (Amendment) Regulations 2019**

**PART 2**

**AMENDMENTS MADE UNDER SECTION 2(2)  
OF THE EUROPEAN COMMUNITIES ACT 1972**

**The Fodder Plant Seed (Scotland) Regulations 2005**

- 5.—(1) The Fodder Plant Seed (Scotland) Regulations 2005(1) are amended as follows.
- (2) In regulation 2(1) (interpretation)—
- (a) at the end of the definition of “the 2004 Commission Decision”, insert “, as amended by Commission Implementing Decision (EU) 2016/320(2)”,
  - (b) in the definition of “the 2001 Deliberate Release Directive”, for the words from “amended by” to the end, substitute “last amended by Directive (EU) 2015/412(3)”,
  - (c) in the definition of “EEA State”, at the end insert “, and for the purposes of these Regulations includes Switzerland”,
  - (d) in the definition of “Equivalence Decision”, for the words from “amended by” to the end substitute “last amended by Decision (EU) 2018/1674(4)”,
  - (e) in the definition of “the Food and Feed Regulation”, at the end insert “, as last amended by Regulation (EC) No 298/2008 of the European Parliament and of the Council(5);”,
  - (f) in the definition of “third country”, omit “or Switzerland”.
- (3) In regulation 5(2) (seed to which the Regulations apply), after “EEA State” insert “(other than regulation 13A (certification and labelling for export))”.
- (4) After regulation 6 (marketing of seed) insert—

**“Importation from outside the European Union**

**6A.** Seed imported from outside the European Union must be labelled with a label approved by the Organisation for Economic Cooperation and Development for the varietal certification on the control of seed moving in international trade.”.

- (5) In regulation 9A(10) (exception for test and trial seed)(6), after “Member State” insert “or, as the case may be, Switzerland”.

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(1) S.S.I. 2005/329, amended by S.S.I. 2006/313, S.S.I. 2006/448, S.S.I. 2007/224, S.S.I. 2007/536, S.S.I. 2009/223, S.S.I. 2009/330, S.S.I. 2010/219, S.I. 2011/1043, S.S.I. 2012/5, S.S.I. 2013/326, S.S.I. 2016/68, S.S.I. 2016/434 and S.S.I. 2017/384.

(2) OJ L 60, 5.3.2016, p.88. The definition was inserted by S.S.I. 2007/224.

(3) OJ L 68, 13.3.2015, p.1.

(4) OJ L 284, 12.11.2018, p.31.

(5) OJ L 97, 9.4.2008, p.64.

(6) Regulation 9A was inserted by S.S.I. 2007/224.

(6) After regulation 13 (requirement for homogeneity) insert—

**“Certification and labelling for export**

**13A.**—(1) The Scottish Ministers may certify the quality of any seed intended for export.

(2) Following certification in accordance with paragraph (1), any seed exported must be labelled with a label approved by the Organisation for Economic Cooperation and Development for the varietal certification on the control of seed moving in international trade.”.

(7) In schedule 6, in paragraph 10 (label for a small EC A or small EC B package of Mixtures), after “Member State” in each place where it occurs insert “or Switzerland”.