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SCOTTISH STATUTORY INSTRUMENTS

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**2020 No. 165**

**The Seed and Plant Material (Miscellaneous Amendments) (Scotland) Regulations 2020**

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

5.—(1) The Oil and Fibre Plant Seed (Scotland) Regulations 2004<sup>(1)</sup> are amended as follows.

(2) In regulation 2 (interpretation)—

(a) after the definition of “Equivalence Decision” insert—

““the EU Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament of the Council on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives [69/464/EEC](#), [74/647/EEC](#), [93/85/EEC](#), [98/57/EC](#), [2000/29/EC](#), [2006/91/EC](#) and [2007/33/EC\(2\)](#)”;

(b) in the definition of “official post control” for “15(a)” substitute “15(1)(a)”,

(c) after the definition of “professional seed operator” insert—

““protected zone quarantine pest” has the meaning given in Article 32 (recognition of protected zones), paragraph 1 of the EU Plant Health Regulation”;

(d) after the definition of “registered or licensed number” insert—

““RNQP” means a Union regulated non-quarantine pest within the meaning given in Article 36 (definition of Union regulated non-quarantine pests) of the EU Plant Health Regulation”;

(e) after the definition of “UK National List” insert—

““Union quarantine pest” has the meaning given in Article 4 (definition of Union quarantine pests) of the EU Plant Health Regulation”.

(3) In schedule 4 (requirements for certain categories of seed)—

(a) in Part 1 (conditions relating to crops from which certain seed is obtained) for paragraph 4 substitute—

**“Pests in the crop**

4.—(1) The crop must—

(a) be practically free from any pests which reduce the usefulness and quality of the propagating material; and

(b) comply with the requirements concerning Union quarantine pests, protected zone quarantine pests and RNQPs provided for in implementing acts adopted

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<sup>(1)</sup> [S.S.I. 2004/317](#), as relevantly amended by [S.S.I. 2007/224](#).

<sup>(2)</sup> [OJ L 317](#), 23.11.2016, p.4, as last amended by Regulation (EU) 2017/625 ([OJ L 95](#), 7.4.2017, p.1) with effect from 14 December 2019.

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pursuant to the EU Plant Health Regulation, as well as with the measures adopted pursuant to Article 30(1) of that Regulation.

(2) The presence of RNQPs on the crops must comply with the following requirements as set out in the table—

<i>RNQPs symptoms caused by RNQPs</i>	<i>or Plants by or species)</i>	<i>for planting (genus or species)</i>	<i>Thresholds for the production of pre-basic seed</i>	<i>Thresholds for the production of basic seed</i>	<i>Thresholds for the production of certified seed</i>
<i>Plasmopara halstedii</i> (Farlow) Berlese & de Toni [PLASHA]	Sunflower		0%	0%	0%”,

(b) in Part 2 (conditions relating to certain categories of seed), for paragraph 15 substitute—

**“Pests in the seed**

**15.—(1)** The seed must—

- (a) be practically free from any pests which reduce the usefulness and quality of the propagating material, and
- (b) comply with the requirements concerning Union quarantine pests, protected zone quarantine pests and RNQPs provided for in implementing acts adopted pursuant to the EU Plant Health Regulation, as well as with the measures adopted pursuant to Article 30(1) of that Regulation.

(2) The presence of RNQPs on the seeds and the respective categories must comply with the following requirements as set out in the table—

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<i>Fungi and oomycetes</i>						
	<i>Maximum percentage of pre-basic, basic and certified seed that may be contaminated by fungi listed in columns 2 to 6</i>					<i>Maximum number of sclerotia or fragments thereof that may be found in a laboratory examination of a seed lot of pre-basic, basic and certified seed of the weight specified in column 4 of the table specified in paragraph 24 of Part II of schedule 5</i>
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>	<i>Column 7</i>
Plants for planting (genus or species)	<i>Botrytis cinerea</i> [BOTRCI]	<i>Boeremia exigua</i> var. <i>linicola</i> [PHOMEL]	<i>Alternaria linicola</i> [ALTELI], <i>Boeremia exigua</i> var. <i>linicola</i> [PHOMEL], <i>Colletotrichum lini</i> [COLLLI] and <i>Fusarium</i> spp. [1FUSAG] <sup>(1)</sup>	<i>Diaporthe caulivora</i> [DIAPCA], <i>Diaporthe phaseolorum</i> var. <i>sojae</i> [DIAPPS] (for infection with the Phomopsis complex)	<i>Plasmopara viticola</i> [PLAVIC], [PLASHA]	<i>Sclerotinia sclerotiorum</i> [SCLESC]

(1) Other than *Fusarium oxysporum* f. sp. *albedinis* [FUSAAL] and *Fusarium circinatum* [GIBBCI].

(2) Except *Boeremia exigua* var. *linicola* on flax where the threshold in column 3 applies.

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<i>Fungi and oomycetes</i>						
	<i>Maximum percentage of pre-basic, basic and certified seed that may be contaminated by fungi listed in columns 2 to 6</i>					<i>Maximum number of sclerotia or fragments thereof that may be found in a laboratory examination of a seed lot of pre-basic, basic and certified seed of the weight specified in column 4 of the table specified in paragraph 24 of Part II of schedule 5</i>
			(individually <sup>(2)</sup> or in combination with the other fungi)			
Flax	5%	1%	5%	N/A	N/A	N/A
Linseed	5%	N/A	5%	N/A	N/A	N/A
Sunflower	5%	N/A	N/A	N/A	0%	N/A
Swede rape	N/A	N/A	N/A	N/A	N/A	10
Turnip rape	N/A	N/A	N/A	N/A	N/A	5
White mustard	N/A	N/A	N/A	N/A	N/A	5
Soya bean	N/A	N/A	N/A	15%	N/A	N/A.”

(1) Other than *Fusarium oxysporum* f. sp. *albedinis* [FUSAAL] and *Fusarium circinatum* [GIBBCI].

(2) Except *Boeremia exigua* var. *linicola* on flax where the threshold in column 3 applies.

(4) In schedule 5, in Part 2 (maximum and minimum weights), in the heading of column 4 of the table in paragraph 24, for the words from “, and” to the end substitute “and column 7 of the table in paragraph 15(2) of Part II of Schedule 4”.