
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in England, implement—

- Council Directive [66/401/EEC](#) on the marketing of fodder plant seed;
- Council Directive [66/402/EEC](#) on the marketing of cereal seed;
- Council Directive [2002/54/EC](#) on the marketing of beet seed;
- Council Directive [2002/55/EC](#) on the marketing of vegetable seed;
- Council Directive [2002/57/EC](#) on the marketing of seed of oil and fibre plants;

(partially) Commission Directive [2008/62/EC](#) providing for certain derogations for acceptance of agricultural landraces and varieties which are naturally adapted to the local and regional conditions and threatened by genetic erosion and for marketing of seed and seed potatoes of those landraces and varieties;

Commission Directive [2009/74/EC](#) amending Council Directives [66/401/EEC](#), [66/402/EEC](#), [2002/55/EC](#) and [2002/57/EC](#) as regards the botanical names of plants, the scientific names of other organisms and certain Annexes to Directives [66/401/EEC](#), [66/402/EEC](#) and [2002/57/EC](#) in the light of developments of scientific and technical knowledge; and

(partially) Commission Directive [2009/145/EC](#) providing for certain derogations, for acceptance of vegetable landraces and varieties which have been traditionally grown in particular localities and regions and are threatened by genetic erosion and of vegetable varieties with no intrinsic value for commercial crop production but developed for growing under particular conditions and for marketing of seed of those landraces and varieties.

They revoke and replace the Seed Marketing Regulations 2010 (S.I. 2010/2605), in order to implement (in part) Commission Directive [2009/145/EC](#) (seeds of vegetable conservation varieties and of amateur vegetable varieties), by amending paragraph 7 of Schedule 4 and adding a new paragraph 15 to that Schedule.

The remaining provisions of Commission Directive [2009/145/EC](#) are implemented by amendments to the Seeds (National Lists of Varieties) Regulations 2001 (S.I. 2001/3510).

Parts 1 and 2 of the Regulations are introductory and set out the various categories of seed.

The types of seed to which the Regulations apply are set out in Schedule 1.

Part 3 contains requirements for marketing seed. In order to be marketed, the seed must comply with the requirements set out for certification, packaging, sealing and labelling (regulation 8). Schedule 2 sets out certification requirements and Schedule 3 sets out labelling requirements and provision for sale of loose seed. Schedule 4 sets out exceptions to the general requirements.

Part 3 also imposes record-keeping requirements (regulation 19).

Under Part 4, a licence is required to carry out certain operations such as marketing seed (regulation 20). The Secretary of State licenses crop inspectors, seed samplers and seed testing stations to act under these Regulations (regulation 21).

Part 5 sets out administrative provisions (including provision for fees) and transitional provisions.

In accordance with section 16(7) of the Plant Varieties and Seeds Act 1964, breach of the regulations is an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale.

Changes to legislation: *There are currently no known outstanding effects for the The Seed Marketing Regulations 2011. (See end of Document for details)*

A transposition note for the implementation of Commission Directive [2009/145/EC](#) is available from the Food and Environment Research Agency, Whitehouse Lane, Huntingdon Road, Cambridge CB3 0LF.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector, in relation to the transposition of Commission Directive [2009/145/EC](#), is available from that same address, and is published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.

Changes to legislation:

There are currently no known outstanding effects for the The Seed Marketing Regulations 2011.