

**EXPLANATORY MEMORANDUM TO  
THE SEEDS AND VEGETABLE PLANT MATERIAL (NOMENCLATURE CHANGES)  
REGULATIONS 2014**

**2014 No. 487**

**1.** This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

2.1 This instrument transposes the amendments made by Commission Implementing Directive 2013/45 /EU by amending the following instruments:

- The Marketing of Vegetable Plant Material Regulations 1995 (S.I. 1995/2652)
- The Seeds (National Lists of Varieties) Regulations 2001 (S.I. 2001/3510)
- The Seed Marketing Regulations 2011 (S.I. 2011/463)

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

**4. Legislative Context**

4.1 Changes are being made to transpose Commission Implementing Directive 2013/45 /EU, which amends Council Directives 2002/55/EC and 2008/72/EC and Commission Directive 2009/145/EC, as follows-

- The Marketing of Vegetable Plant Material Regulations 1995 (“1995 Regulations”) are amended so as to update references in those regulations to the previous Directive on the marketing of vegetable propagating material other than seed (Council Directive 1992/33/EEC) to correspond to provisions in the codified version of that directive (Directive 2008/72/EC) and in particular to Annex II of the codified Directive, which is amended by the Commission Implementing Directive.
- The Seeds (National Lists of Varieties) Regulations 2001 are amended by changing the botanical name for tomato as it appears in the table in paragraph 2 of Part 1 of Schedule 1 to those Regulations.
- The Seed Marketing Regulations 2011 are amended by changing the botanical name for tomato as it appears in the table in Schedule 1 to those Regulations.

## **5. Territorial Extent and Application**

5.1 The 1995 Regulations extend to Great Britain however the instrument amends the 1995 Regulations in relation to England only. Scotland and Wales are making their own amendments to the 1995 Regulations. The Seeds (National Lists of Varieties) Regulations 2001 extend to the UK and are being amended accordingly. The Seed Marketing Regulations 2011 apply in England only.

## **6. European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

- What is being done and why

7.1 These Regulations amend the Marketing of Vegetable Plant Material Regulations 1995, the Seeds (National Lists of Varieties) Regulations 2001 and the Seed Marketing Regulations 2011 to transpose Commission Implementing Directive 2013/45/EU amending Council Directives 2002/55/EC and 2008/72/EC and Commission Directive 2009/145/EC as regards the botanical name of tomato to reflect revisions to the International Code of Botanical Nomenclature.

- Consolidation

7.2 This instrument, and the instruments it amends, will be superseded by new European legislation on Plant Reproductive Material currently under consideration in the European Parliament and Council. Negotiations are expected to conclude with adoption in 2015 and implementation by 2018.

## **8. Consultation outcome**

8.1 In accordance with Defra's consultation principles and in accordance with the duty in section 16(1) of the Plant Varieties and Seeds Act 1964, Defra has conducted a proportionate and targeted consultation of the four main industry representative organisations i.e. the British Society of Plant Breeders, the Agricultural Industries Confederation, the National Farmers Union and the National Association of Agricultural Contractors who represent the interests of plant breeders, seed merchants, farmers and ancillary trades respectively. Consultation was conducted initially by email correspondence over a two week period and subsequently by separate informal discussions with each of the four representative organisations at routine bilateral meetings and collectively at a meeting of the Seeds Advisory Forum. All four organisations responded by acknowledging the minor, but necessary, nature of the amendments and fully supported the proposals.

## **9. Guidance**

9.1 As this is not introducing any new measures, current procedures will remain the same. Guidance literature will be updated to reflect the nomenclature change.

## **10. Impact**

10.1 The impact on business, charities or voluntary bodies is nil.

10.2 The impact on the public sector is nil.

10.3 An Impact Assessment has not been prepared for this instrument.

## **11. Regulating small business**

11.1 The legislation continues to apply to small business but current procedures will not change.

## **12. Monitoring & review**

12.1 The Seed Marketing Regulations 2011 (regulation 33A) require the Secretary of State from time to time to carry out a review of those regulations, set out the conclusions of the review in a report and publish the report. The first such report must be published before the end of the period of five years beginning on 31 March 2014 and subsequent reports must be published at intervals not exceeding five years.

12.2 Additionally, all three instruments being amended will be reviewed as part of the transposition of the new EU legislation on plant reproductive material (expected to be adopted in 2015)

## **13. Contact**

Andy Mitchell of the Department for Environment, Food & Rural Affairs Tel: 0300 060 0762 or email: [andy.mitchell@defra.gsi.gov.uk](mailto:andy.mitchell@defra.gsi.gov.uk) can answer any queries regarding this instrument.

## **Annex 1**

**Transposition Note**  
**Directive 2013/45/EU amending Council Directives 2002/55/EC and 2008/72/EC and**  
**Commission Directive 2009/145/EC as regards the botanical name of tomato**

Article	Purpose	Transposition
<p><b>Directive 2013/45/EU amending Council Directives 2002/55/EC and 2008/72/EC and Commission Directive 2009/145/EC as regards the botanical name of tomato</b></p>		
1	<p>Amendments to Directive 2002/55/EC replacing <i>Lycopersicon esculentum</i> Mill with <i>Solanum lycopersicum</i> L.</p>	<p>Regulation 3 – amendment to the table in paragraph 2 of Part 1 of Schedule 1 of the Seeds (National Lists of Varieties) Regulations 2001: Substitute <i>Lycopersicon lycopersicum</i> (L) with <i>Solanum lycopersicum</i> L</p> <p>Regulation 4 – amendment to the table in Schedule 1 to the Seed Marketing Regulations 2011: substitute <i>Lycopersicon esculentum</i> Mill with <i>Solanum lycopersicum</i> L.</p>
2	<p>Amendments to Annex II to Directive 2008/72/EC replacing <i>Lycopersicon esculentum</i> Mill with <i>Solanum lycopersicum</i> L.</p>	<p>Regulation 2 – amendment to regulations 2(1), 3(1) and 5(d)(ii) of the Marketing of</p>

		Vegetable Plant Material Regulations 1995, replacing references to Directive 92/33 EEC, with references to: Directive 2008/72/EC (in relation to England only).
3	Amendments to Directive 2009/145/EC replacing <i>Lycopersicon esculentum</i> Mill with <i>Solanum lycopersicum</i> L.	Regulation 4 – amendment to the table Schedule 1 to the Seed Marketing Regulations 2011: substitute <i>Lycopersicon esculentum</i> Mill with <i>Solanum lycopersicum</i> L.