
STATUTORY INSTRUMENTS

2019 No. 162

**EXITING THE EUROPEAN UNION
SEEDS**

**The Marketing of Seeds and Plant Propagating
Material (Amendment etc.) (EU Exit) Regulations 2019**

<i>Sift requirements satisfied</i>	<i>8th January 2019</i>
<i>Made - - - -</i>	<i>24th January 2019</i>
<i>Laid before Parliament</i>	<i>4th February 2019</i>
<i>Coming into force in accordance with regulation 1(2)</i>	

The Secretary of State makes these Regulations in exercise of the powers conferred —

- (a) in relation to Part 1, by the powers mentioned in paragraphs (b) and (c);
- (b) in relation to Part 2, by section 2(2) of the European Communities Act 1972 ^{M1};
- (c) in relation to Parts 3 to 5, by section 8(1) of, and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018 ^{M2}.

The Secretary of State is designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to the common agricultural policy ^{M3}.

The requirements of paragraph 3(2) of Schedule 7 to the European Union (Withdrawal) Act 2018 (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

Marginal Citations

M1 1972 c. 68; section 2(2) was amended by the [Legislative and Regulatory Reform Act 2006 \(c. 51\)](#), [section 27\(1\)\(a\)](#) and the [European Union \(Amendment\) Act 2008 \(c. 7\)](#), [Part 1](#) of the Schedule. It is prospectively repealed by the [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), [section 1](#) from exit day (see [section 20](#) of that Act). The function of the former Minister of Agriculture, Fisheries and Food of making regulations under section 2(2) was transferred to the Secretary of State by [S.I. 2002/794](#). Under section 57(1) of the [Scotland Act 1998 \(c. 46\)](#), despite the transfer to Scottish Ministers of functions in relation to implementing obligations under EU law in relation to devolved matters, the Secretary of State retains power to exercise such functions as regards Scotland. Under paragraph 5 of Schedule 3 to the [Government of Wales Act 2006 \(c. 32\)](#), despite the transfer to the Welsh Ministers of functions in relation to implementing obligations under EU law in relation to devolved matters, the Secretary of State retains power to exercise such functions in relation to Wales.

M2 2018 c. 16.

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Changes to legislation: There are currently no known outstanding effects for the The Marketing of Seeds and Plant Propagating Material (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

M3 [S.I.1972/1811](#), to which there are amendments not relevant to these Regulations.

PART 1

Introductory

Citation and commencement

1.—(1) These Regulations may be cited as the Marketing of Seeds and Plant Propagating Material (Amendment etc.) (EU Exit) Regulations 2019.

(2) They come into force as follows—

- (a) as regards this Part and Part 2, 21 days after the day on which these Regulations are laid;
- (b) as regards Parts 3 to 5, on exit day.

Commencement Information

II [Reg. 1](#) in force at 25.2.2019, see [reg. 1\(2\)\(a\)](#)

PART 2

Amendments made to out of date references

The Seeds (National Lists of Varieties) Regulations 2001

2.—(1) The Seeds (National Lists of Varieties) Regulations 2001 ^{M4} are amended as follows.

(2) In regulation 2(1), for the definition of “the Novel Foods Regulation” substitute—

““the Novel Foods Regulation” means Council Regulation [\(EC\) No 258/97](#) concerning novel foods and novel food ingredients ^{M5}, as it applied immediately before 18 April 2004;”;

(3) In Schedule 1, in Part 2, in paragraph 2—

- (a) for the table headed “Agricultural crop species” substitute—

“Agricultural crop species

<i>Name</i>	<i>Common Name</i>
<i>Alopecurus pratensis</i> L	Meadow foxtail
<i>Arachis hypogaea</i> L	Groundnut (peanut)
<i>Avena strigosa</i> Schreb	Black oat, Bristle oat
<i>Biserrula</i>	Biserrula
<i>Carthamus tinctorius</i> L	Safflower
<i>Carum carvi</i> L	Caraway
<i>Cynodon dactylon</i> (L) Pers	Bermuda grass
<i>Galega orientalis</i> Lam	Fodder galega

<i>Gossypium spp</i>	Cotton
<i>Hedysarum coronarium</i> L	Sulla
<i>Lathyrus cicera</i>	Chickling vetch/Dwarf chickling vetch
<i>Medicago doliata</i>	Straight-spined medic
<i>Medicago italica</i>	Disc medic
<i>Medicago littoralis</i>	Shore medic/Strand medic
<i>Medicago murex</i>	Sphere medic
<i>Medicago polymorpha</i>	Bur medic
<i>Medicago rugosa</i>	Wrinkled medic/Gama medic
<i>Medicago scutellata</i>	Snail medic/Shield medic
<i>Medicago truncatula</i>	Barrel medic
<i>Ornithopus compressus</i>	Yellow serradella
<i>Ornithopus sativus</i>	Serradella
<i>Oryza sativa</i> L	Rice
<i>Papaver somniferum</i> L	Poppy
<i>Phacelia tanacetifolia</i> Benth	California bluebell
<i>Phalaris aquatica</i> L	Harding grass, Phalaris
<i>Phalaris canariensis</i> L	Canary grass
<i>Plantago lanceolata</i>	Ribwort plantain
<i>Poa palustris</i> L	Swamp meadowgrass
<i>Sorghum bicolor</i> (L) Moench	Sorghum
<i>Sorghum sudanense</i> (Piper) Stapf	Sudan grass
<i>Sorghum bicolor</i> (L) Moench x <i>Sorghum Sudanese</i> (Piper) Stapf.	Hybrids resulting from the crossing of <i>Sorghum bicolor</i> and <i>Sorghum Sudanese</i>
<i>Trisetum flavescens</i> (L) P Beauv	Golden oatgrass
<i>Trifolium alexandrinum</i> L	Berseem, Egyptian clover
<i>Trifolium fragiferum</i>	Strawberry clover
<i>Trifolium glanduliferum</i>	Glandular clover
<i>Trifolium hirtum</i>	Rose clover
<i>Trifolium incarnatum</i> L	Crimson clover
<i>Trifolium isthmocarpum</i>	Moroccan clover
<i>Trifolium michelianum</i>	Balansa clover
<i>Trifolium resupinatum</i> L	Persian clover
<i>Trifolium squarrosum</i>	Squarrose clover
<i>Trifolium subterraneum</i>	Subterranean clover

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<i>Trifolium vesiculosum</i>	Arrow-leaf clover
<i>Trigonella foenum-graecum</i> L	Fenugreek
<i>Vicia benghalensis</i>	Purple vetch”

(b) after the table headed “Vegetable species” insert—

“Vine species

<i>Name</i>	<i>Common Name</i>
<i>Vitis</i>	Vine”

Commencement Information

I2 Reg. 2 in force at 25.2.2019, see reg. 1(2)(a)

Marginal Citations

M4 [S.I. 2001/3510](#); relevant amending instruments are [S.I. 2004/2949](#), 2010/1195, 2011/1043, 2018/942.

M5 OJ No L 043, 14.02.1997, p.1; as last amended by Council Regulation (EC) No 596/2009 (OJ No L 188, 18.7.2009, p. 14).

VALID FROM 31/12/2020

PART 3

Amendments relating to withdrawal from the European Union

The Seeds (National Lists of Varieties) Regulations 2001

3.—(1) The Seeds (National Lists of Varieties) Regulations 2001 are amended as follows.

(2) In regulation 2—

(a) in paragraph (1)—

(i) omit the definition of “the Commission Regulation”;

(ii) in the definition of “the relevant legislation”, in sub-paragraph (c), for paragraphs (i) and (ii) substitute—

“(i) in relation to material authorised before [^{F1}IP completion day]—

(aa) the 1990 Directive, or

(bb) the Deliberate Release Directive; and

(ii) in relation to material authorised after [^{F1}IP completion day]—

(aa) in relation to England, the Genetically Modified Organisms (Deliberate Release) Regulations 2002 ^{M6};

(bb) in relation to Wales, the Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002 ^{M7};

(cc) in relation to Scotland, the Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002 ^{M8};

- (dd) in relation to Northern Ireland, the Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003 ^{M9}”;
- (iii) in the definition of “varietal association”, in both places where it occurs, omit “or a Common Catalogue”;
- ^{F2}(iv)
- (b) omit paragraph 5.
- (3) In regulation 3(3)(b), for “to third countries” substitute “ from the United Kingdom ”.
- (4) In regulation 4(3)(b)—
 - (a) for “Member State” substitute “ country, the Channel islands or the Isle of Man ”;
 - (b) for “state” substitute “ place ”.
- ^{F3}(5)
- (6) In regulation 6—
 - (a) in paragraph (2)—
 - (i) in sub-paragraph (a), for the words from “European Union” to the end substitute “ United Kingdom is precluded by a prior right of a third party ”;
 - (ii) in sub-paragraph (c), for “article 4 of the Commission Regulation” substitute “regulation 3 of the Plant Breeders' Rights (Naming and Fees) Regulations 2006 ^{M10}”;
 - (iii) in sub-paragraph (e), omit “in a member State”;
 - (b) in paragraph (3)—
 - (i) in sub-paragraph (a), for the words from “, as defined” to the end substitute “ of a member of the International Union for the Protection of New Varieties of Plants ”;
 - (ii) in sub-paragraph (b) omit the words from “, a list” to the end;
 - (iii) in sub-paragraph (c), in the words before paragraph (i), for the words from “those” to the end substitute “ these Regulations, in a country ”;
 - (iv) in sub-paragraph (d) omit the words from “, on a list” to the end;
 - (c) in paragraph (4), for “a third” substitute “ another ”.
- (7) In regulation 8—
 - (a) in paragraph (2), for “European Union” substitute “ United Kingdom and available comparable varieties accepted onto the national lists of countries outside the United Kingdom which have comparable varietal listing procedures and similar growing conditions ”;
 - (b) in paragraph (3)—
 - (i) omit “also”;
 - (ii) for “not known in the European Union” substitute “ in addition to those specified in paragraph (2) ”.
- (8) In regulation 11—
 - (a) in paragraph (2)—
 - (i) in sub-paragraph (a)—
 - (aa) for “a Common Catalogue” substitute “ the [^{F4}GB Variety] Lists ”;

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- (bb) for the words from “that an” to the end substitute “ published by the [F5 appropriate authority] that ”;
- (ii) in sub-paragraph (b), for “a Common Catalogue” substitute “ the [F6 GB Variety] Lists ”;
- F7(iii)
- (b) in paragraph (4)—
- (i) in sub-paragraph (a), omit “ or a Common Catalogue; or”;
- (ii) omit sub-paragraph (b);
- (c) in paragraph (5), omit “or a Common Catalogue”.
- F8(9)
- (10) In regulation 14—
- (a) in paragraph (2), for the words from “the Common” to “Marketing Directive” substitute “ these Regulations ”;
- (b) in paragraph (3), for the words from “European Union” to the end substitute “ United Kingdom ”.
- (11) In Schedule 2, in Part 1, in paragraph 1—
- (a) in sub-paragraph (1), for “European Union” substitute “ United Kingdom or accepted onto an official register of plant varieties corresponding to a [F9 GB Variety List] in a country outside the United Kingdom with similar growing conditions ”;
- (b) for sub-paragraph (3) substitute —
- “(3) Where, at the time when an application for acceptance of a variety is duly made, a variety is known in the United Kingdom (or accepted onto an official register of plant varieties corresponding to a [F10 GB Variety List] in a country outside the United Kingdom with similar growing conditions), but when that application is determined the variety is no longer known in the United Kingdom (or accepted onto that official register), that variety must be disregarded for the purpose of determining distinctness as part of that application.”.
- [F11(12) In Schedule 2, in Part 3, omit paragraph (c).]

Textual Amendments

- F1** Words in reg. 3(2)(a)(ii) substituted (31.12.2020 immediately before IP completion day) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(a), **4(3)(a)(i)**
- F2** Reg. 3(2)(a)(iv) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(a), **4(3)(a)(ii)**
- F3** Reg. 3(5) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(a), **4(3)(b)**
- F4** Words in reg. 3(8)(a)(i)(aa) substituted (31.12.2020 immediately before IP completion day) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(a), **4(3)(c)(i)**
- F5** Words in reg. 3(8)(a)(i)(bb) substituted (31.12.2020 immediately before IP completion day) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(a), **4(3)(c)(ii)**
- F6** Words in reg. 3(8)(a)(ii) substituted (31.12.2020 immediately before IP completion day) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(a), **4(3)(c)(i)**
- F7** Reg. 3(8)(a)(iii) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(a), **4(3)(c)(iii)**

- F8** Reg. 3(9) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(a), **4(3)(d)**
- F9** Words in reg. 3(11)(a) substituted (31.12.2020 immediately before IP completion day) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(a), **4(3)(e)(i)**
- F10** Words in reg. 3(11)(b) substituted (31.12.2020 immediately before IP completion day) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(a), **4(3)(e)(ii)**
- F11** Reg. 3(12) inserted (31.12.2020 immediately before IP completion day) by [The Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1294\)](#), regs. 1(2)(a), **4(3)(f)**

Commencement Information

- I3** Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)\(b\)](#)

Marginal Citations

- M6** [S.I. 2002/2443](#), as amended by [S.I. 2004/2411](#), 2018/575.
- M7** [S.I. 2002/3188](#) (W. 304), amended by [S.I. 2005/2759](#), 2013/755 (W. 90).
- M8** [S.S. I. 2002/541](#), amended by [S.I. 2004/439](#), 2015/100.
- M9** [S. R. 2003 No. 167](#).
- M10** [S.I. 2006/648](#), amended by [S.I. 2018/942](#).

VALID FROM 31/12/2020

PART 4

Amendment of retained direct EU legislation relating to withdrawal from the European Union

Commission Regulation [\(EC\) 217/2006](#)

4.—(1) Commission Regulation 217/2006 laying down rules for the application of Council Directives [66/401/EEC](#), [66/402/EEC](#), [2002/54/EC](#), [2002/55/EC](#) and [2002/57/EC](#) as regards the authorisation of Member States to permit temporarily the marketing of seed not satisfying the requirements in respect of the minimum germination is amended as follows.

(2) Before Article 1 insert—

“Article A1

1. In this Regulation—

“the appropriate authority” means—

- (a) in relation to England, the Secretary of State;
- (b) in relation to Wales, the Welsh Ministers;
- (c) in relation to Scotland, the Scottish Ministers;
- (d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

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“responsible authority” means any authority who, in relation to any part of the United Kingdom, is the appropriate authority and is the Secretary of State if consent is given by—

- (a) in relation to Wales, the Welsh Ministers;
- (b) in relation to Scotland, the Scottish Ministers;
- (c) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

“the Seeds Marketing Regulations” means—

- (a) in relation to England, the Seed Marketing Regulations 2011 ^{M11};
- (b) in relation to Wales, the Seed Marketing (Wales) Regulations 2012 ^{M12};
- (c) in relation to Scotland—
 - (i) the Vegetable Seeds Regulations 1993 ^{M13};
 - (ii) the Oil and Fibre Plant Seed (Scotland) Regulations 2004 ^{M14};
 - (iii) the Cereal Seed (Scotland) Regulations 2005 ^{M15};
 - (iv) the Fodder Plant Seed (Scotland) Regulations 2005 ^{M16}; and
 - (v) the Beet Seed (Scotland) (No 2) Regulations 2010 ^{M17};
- (d) in relation to Northern Ireland, the Seed Marketing Regulations (Northern Ireland) 2016 ^{M18}.”.

(3) In Article 1—

- (a) for paragraph 1 substitute—

“1. This Regulation lays down the rules applying to requests for permission temporarily to market seed which does not satisfy the requirements in respect of minimum germination in accordance with the Seeds Marketing Regulations.”;

- (b) in paragraph 2, for the words from “Directives” to the end substitute “ Seeds Marketing Regulations ”.

(4) In Article 2—

- (a) for paragraph 1 substitute—

“1. Interested suppliers or supplier organisations affected by supply difficulties in the United Kingdom and wishing to be authorised temporarily to market seed not satisfying the requirements in respect of minimum germination must submit to a responsible authority a request setting out the information referred to in Article 3. That authority must thereupon notify the other responsible authorities of the request.”;

- (b) in paragraph 2—

- (i) in the words before sub-paragraph (a), for the words “other Member” to “requesting Member State” substitute “ the other responsible authorities may notify the authority to whom the request was made ”;
- (ii) in sub-paragraph (b), for “Directives referred to in Article 1(1)” substitute “ Seeds Marketing Regulations ”;

- (c) for paragraph 3 substitute—

“3. Seeds covered by the request up to the quantity requested may be marketed in the territory of the authority without satisfying the requirements of the Seeds Marketing Regulations if, within the period referred to in paragraph 2—

- (a) no offers or objections are notified to the authority to whom the request was made, or
- (b) where any offers are made, that authority and the responsible authority or authorities making those offers agree that the offers are unsuitable.

The authority to whom the request was made must publish the conditions under which the marketing is authorised, including the quantity allowed.”;

- (d) omit paragraph 4.
- (5) In Article 3(e), for “of the requesting Member State” substitute “ in the United Kingdom ”.
- (6) In Article 4—
 - (a) for the words from “Without” to “Article 1(1)” substitute “ In addition to any labelling required under the Seeds Marketing Regulations ”;
 - (b) for “those Directives” substitute “ the relevant Seeds Marketing Regulations ”.
- (7) In Article 5—
 - (a) in paragraph 1—
 - (i) in the words before point (a), for “Member States” substitute “ responsible authorities ”;
 - (ii) in point (b), omit “for the Community”;
 - (b) omit paragraphs 2 and 3.
- (8) Omit the words after Article 6.

Commencement Information

- I4** Reg. 4 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)\(b\)](#)

Marginal Citations

- M11** [S.I. 2011/463](#), amended by [S.I. 2011/2992](#), [2012/3035](#), [2014/487](#), [2016/613](#), [2017/288](#).
- M12** [S.I. 2012/245](#) (W. 39), amended by [S.I. 2013/889](#) (W. 101), [2014/519](#) (W.61), [2016/1242](#) (W. 294), [2017/1095](#) (W. 276).
- M13** [S.I. 1993/2008](#), amended by [S.I. 1999/1863](#), [2011/1043](#) and by [S.S.I. 2000/250](#), [2001/3510](#), [2007/305](#), [2010/219](#), [425](#), [2013/326](#), [2016/434](#).
- M14** [S.S.I. 2004/317](#), amended by [S.I. 2011/1043](#) and by [S.S.I. 2006/313](#), [2007/224](#), [536](#), [2009/223](#), [2010/219](#), [2016/68](#), [434](#).
- M15** [S.S.I. 2005/328](#), amended by [S.S.I. 2006/313](#), [448](#), [2007/224](#), [536](#), [2009/223](#), [2010/219](#), [2016/68](#), [434](#).
- M16** [S.S.I. 2005/329](#), amended by [S.S.I. 2006/313](#), [/448](#), [2007/224](#), [/536](#), [2009/223](#), [330](#), [2010/219](#), [2012/5](#), [2013/326](#), [2016/68](#), [434](#), [2017/384](#).
- M17** [S.S.I. 2010/148](#), amended by [S.I. 2011/413](#), and by [S.S.I. 2016/68](#), [434](#).
- M18** [S.R. 2016 No. 244](#), amended by [S.R. 2017 No. 222](#).

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Commission Decision [80/512/EEC](#)

5.—(1) Commission Decision [80/512/EEC](#) authorising the Kingdom of Denmark, the Federal Republic of Germany, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the United Kingdom not to apply the conditions laid down in Council Directive [66/401/EEC](#) on the marketing of fodder plant seed, as regards the weight of the sample for the determination of seed of *Cuscuta* is amended as follows.

(2) Before Article 1 insert—

“Article A1

In this Decision, “the appropriate authority” means—

- (a) in relation to England, the Secretary of State;
 - (b) in relation to Wales, the Welsh Ministers;
 - (c) in relation to Scotland, the Scottish Ministers;
 - (d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.”.
- (3) In Article 1—
- (a) in paragraph 1—
 - (i) for the words from “The Kingdom of Denmark” to “authorized” substitute “ The appropriate authorities may decide ”;
 - (ii) omit “for them”;
 - (iii) for “the Member State concerned” substitute “ the territory in relation to which they have responsibility ”;
 - (b) omit paragraph 2.
- (4) Omit Article 3.
- (5) In the Annex, omit paragraphs 1 to 4.

Commencement Information

- I5** Reg. 5 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)\(b\)](#)

Council Decision [2003/17/EC](#)

6.—(1) Council Decision [2003/17/EC](#) on equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries is amended as follows.

(2) Before Article 1 insert—

“Article A1

1. In this Decision, “the Seeds Marketing Regulations” means—

- (a) in relation to England, the Seed Marketing Regulations 2011;
- (b) in relation to Wales, the Seed Marketing (Wales) Regulations 2012;
- (c) in relation to Scotland—

- (i) in relation to vegetable seed, the Vegetable Seeds Regulations 1993;
 - (ii) in relation to oil and fibre plant seed, the Oil and Fibre Plant Seed (Scotland) Regulations 2004;
 - (iii) in relation to cereal seed, the Cereal Seed (Scotland) Regulations 2005;
 - (iv) in relation to fodder plant seed, the Fodder Plant Seed (Scotland) Regulations 2005;
 - (v) in relation to beet seed, the Beet Seed (Scotland) (No 2) Regulations 2010;
 - (d) in relation to Northern Ireland, the Seed Marketing Regulations (Northern Ireland) 2016.”.
- (3) In Articles 1 and 2—
- (a) omit “third”;
 - (b) for “Directives [66/401/EEC](#), [66/402/EEC](#), [2002/54/EC](#), [2002/55/EC](#) and [2002/57/EC](#)” substitute “ the Seeds Marketing Regulations ”.
- (4) In Article 3—
- (a) in paragraph 1—
 - (i) for “Community”, in both places where it occurs, substitute “ United Kingdom ”;
 - (ii) for “Directives [66/401/EEC](#), [66/402/EEC](#), [2002/54/EC](#), [2002/55/EC](#) and [2002/57/EC](#)” substitute “ the Seeds Marketing Regulations ”;
 - (iii) omit the second paragraph.
 - (b) in paragraph 2—
 - (i) for “Community” substitute “ United Kingdom ”;
 - (ii) for “EC” substitute “ UK ”;
 - (iii) in point (a)—
 - (aa) for “Member States” substitute “ the United Kingdom ”;
 - (bb) for “third countries” substitute “ countries listed in Annex 1 ”;
 - (iv) in point (b)—
 - (aa) for “small EC” substitute “ beet, fodder or vegetable seed, small ”;
 - (bb) for “Directives [66/401/EEC](#), [2002/54/EC](#) or [2002/55/EC](#)” substitute “ the Seeds Marketing Regulations ”.
- (5) Omit Article 7.
- (6) In Annex 2—
- (a) in paragraph A—
 - (i) in the heading, for “third countries” substitute “ countries listed in Annex 1 ”;
 - (ii) in point 3, in the first indent, omit “Member State or third”;
 - (b) in paragraph B—
 - (i) in the heading, for “third countries” substitute “ countries listed in Annex 1 ”;
 - (ii) in point 1, in the second subparagraph, for “Community rules” substitute “ the Seeds Marketing Regulations ”;
 - (iii) in point 2.1, for “laid down in” substitute “ specified by the Seeds Marketing Regulations and ”;
 - (iv) in point 3.1, in the first indent—

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- (aa) for “Community rules” substitute “ the Seeds Marketing Regulations ”;
- (bb) for “EC” substitute “ UK ”;
- (v) in point 3.2, for “Community law” substitute “ the law of the United Kingdom ”;
- (vi) in point 3.5, for the words from “at least” to the end substitute “ English and may also be given in other languages ”;
- (vii) in point 5—
 - (aa) in the first subparagraph, for “Community”, in both places where it occurs, substitute “ United Kingdom ”;
 - (bb) for the second subparagraph substitute—
 - “In the case of basic seed of other varieties, the seed of the preceding generations shall have been produced—
 - under the responsibility of the persons responsible for the maintenance of the variety referred to in the United Kingdom National Lists pursuant to regulation 3 of the Seeds (National Lists of Varieties) Regulations 2001;
 - in a country which has been granted equivalence of checks on practices for the maintenance of varieties, under Council Decision [2005/834/EC](#); or
 - in an EEA State or Switzerland, provided the seed of the preceding generations was produced before the end of the period of two years beginning with exit day.”;
- (viii) in point 6—
 - (aa) in the first indent, for “Community,” substitute “ United Kingdom ”;
 - (bb) in the second indent, omit “third” and, at the end, insert “ or ”;
 - (cc) after the second indent, insert— “ — in an EEA State or Switzerland, provided the seed of the preceding generations was produced before the end of the period of two years beginning with exit day. ”.

Commencement Information

- I6** Reg. 6 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)\(b\)](#)

PROSPECTIVE

Council Decision [2005/834/EC](#)

^{F12}7.

Textual Amendments

- F12** Reg. 7 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(a), **30(4)**

PROSPECTIVE

Commission Implementing Decision 2012/340/EU

^{F13}8.

Textual Amendments

F13 Reg. 8 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(a), **30(5)**

Commission Implementing Decision 2014/150/EU

9.—(1) Commission Implementing Decision 2014/150/EU on the organisation of a temporary experiment providing for certain derogations for the marketing of populations of the plant species wheat, barley, oats and maize pursuant to Council Directive [66/402/EEC](#) is amended as follows.

(2) Before Article 1 insert—

“Article 1

In this Decision--

“the appropriate authority” means—

- (a) in relation to England, the Secretary of State;
- (b) in relation to Wales, the Welsh Ministers;
- (c) in relation to Scotland, the Scottish Ministers;
- (d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

“responsible authority” means any authority who, in relation to any part of the United Kingdom, is the appropriate authority.”.

(3) In Article 1(1) omit “at Union level”.

(4) In Article 3—

- (a) in the heading omit “of Member States”;
- (b) for “Member State” substitute “responsible authority”;
- (c) for “Member States”, in each place where it occurs, substitute “responsible authorities”;
- (d) in paragraph 2, omit “the Commission and”;
- (e) in paragraph 3, for “Commission” substitute “other responsible authorities”.

(5) In Articles 4, 6, 7, 10, 12, 17 and 18—

- (a) for “Member State”, in each place where it occurs, substitute “appropriate authority”;
- (b) for “Member States”, in each place where it occurs, substitute “responsible authorities”;
- (c) for “seed certification authority”, in each place where it occurs, substitute “appropriate authority”.

Status: Point in time view as at 25/02/2019. This version of this

Instrument contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the The Marketing of Seeds and Plant Propagating Material (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

- (6) In Article 7(4) omit “and the Commission”.
- (7) In Article 8(1), for “Article 9(6) of Council Directive 2002/53/EC” substitute “the Plant Breeders' Rights (Naming and Fees) Regulations 2006”.
- (8) In Article 12(1), for “in the participating Member State” substitute “ in the territory for which the responsible authority in question is the appropriate authority ”.
- (9) In Article 14, in the words before point (a), for the words from “seed” to “States” substitute “ appropriate authority ”.
- (10) In Article 18, in paragraphs 1 and 2, omit “the Commission and”.
- (11) Omit Article 20.
- (12) In Annex 1—
- (a) in point 2, for “seed certification authority and the Member state” substitute “ appropriate authority ”;
- (b) in point 9, for “Member State” substitute “ Country ”.
- (13) In Annex 2, in the last subparagraph, for “Member States” substitute “ responsible authorities ”.
- (14) In Annex 3—
- (a) in point (c), for “Member State” substitute “ country ”;
- (b) in point (d), for “Member States” substitute “ responsible authorities ”.

Commencement Information

- I7** Reg. 9 in force on IP in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)\(b\)](#)

Commission Implementing Decision 2017/547/EU

10.—(1) Commission Implementing Decision 2017/547/EU on the organisation of a temporary experiment under Council Directive 2002/56/EC as regards seed potato tubers derived from true potato seed is amended as follows.

- (2) In Article 1—
- (a) in paragraph (1), omit “at Union level”;
- (b) in paragraph (2)(h), for “Union” substitute “ United Kingdom ”.
- (3) In Article 2—
- (a) for “Union”, in each place where it occurs, substitute “ United Kingdom ”;
- (b) after point (d) insert—
- “**(e)** “appropriate authority” means—
- (i) in relation to England, the Secretary of State;
- (ii) in relation to Wales, the Welsh Ministers;
- (iii) in relation to Scotland, the Scottish Ministers;
- (iv) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
- (f) “responsible authority” means any authority who, in relation to any part of the United Kingdom, is the appropriate authority;
- (g) “the Seed Potatoes Regulations” means—

- (i) in relation to England, the Seed Potatoes (England) Regulations 2015^{M19},
 - (ii) in relation to Wales, the Seed Potatoes (Wales) Regulations 2016^{M20};
 - (iii) in relation to Scotland, the Seed Potatoes (Scotland) Regulations 2015^{M21},
 - (iv) in relation to Northern Ireland, the Seed Potatoes Regulations (Northern Ireland) 2016^{M22}”.
- (4) In Article 3—
- (a) for “Member State”, in each place where it occurs, substitute “responsible authority”;
 - (b) for “Commission and the other Member States”, in both places it occurs, substitute “other responsible authorities”.
- (5) In Article 4—
- (a) in the first paragraph —
 - (i) for “Member States” substitute “responsible authorities”;
 - (ii) for “Directive 2002/56/EC” substitute “the Seed Potatoes Regulations,”;
 - (iii) for point (a), substitute—
 - “(a) it is listed in the National Lists of plant varieties under regulation 3 of the Seeds (National Lists of Varieties) Regulations 2001;”;
 - (iv) omit point (b);
 - (v) in point (c), for the words from “pursuant” to the end substitute “under regulation 4 of the Seeds (National Lists of Varieties) Regulations 2001”;
 - (b) in the second paragraph—
 - (i) omit “as referred to in Article 2(b)(i) of Directive 2002/56/EC”;
 - (ii) omit the words from “as referred to in Article 2(c)(i)” to the end.
- (6) In Article 5, in the first paragraph—
- (a) in the first place where it occurs, for “Member State” substitute “responsible authority”;
 - (b) for “participating Member State concerned” substitute “territory for which the responsible authority concerned is the appropriate authority”;
 - (c) for “certification authority” substitute “appropriate authority”.
- (7) In Article 8(1)—
- (a) for “Member State” substitute “responsible authority”;
 - (b) for “certification authority” substitute “appropriate authority”.
- (8) In Article 9—
- (a) in the first paragraph, for “Directive 2002/56/EC” substitute “the Seed Potatoes Regulations”;
 - (b) in the last paragraph, for “at least one of the official languages of the Union” substitute “English and may also be given in other languages”.
- (9) In Article 10, in the first paragraph, for “Member States” substitute “responsible authorities”.
- (10) In Article 11, in the first paragraph—
- (a) for the words from “certification” to “States” substitute “responsible authorities”;

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Changes to legislation: There are currently no known outstanding effects for the The Marketing of Seeds and Plant Propagating Material (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

- (b) omit “Without prejudice to Article 23 of Directive [2002/56/EC](#), ”.
- (11) In Article 12—
- (a) in paragraph 1—
- (i) for “responsible official body in the participating Member State” substitute “appropriate authority”;
- (ii) for “Member States” substitute “responsible authorities”;
- (iii) omit the third sentence;
- (b) in paragraphs 2, 3 and 4—
- (i) for “Member State”, in each place where it occurs, substitute “responsible authority”;
- (ii) for “Commission and the other Member States”, in each place where it occurs, substitute “other responsible authorities”.
- (12) Omit Article 13.
- (13) In Annex 2—
- (a) in paragraph A, for “EU” substitute “UK”;
- (b) in paragraph B—
- (i) in point 1, for “EU” substitute “UK”;
- (ii) in point 2, for “responsible official body and the respective Member State,” substitute “appropriate authority”;
- (iii) in point 9, for “Member State” substitute “Country”;
- (c) in paragraph C—
- (i) in point 1, for “EU” substitute “UK”;
- (ii) in point 2, for “responsible official body and the respective Member State” substitute “appropriate authority”;
- (iii) in point 7, for “Member State” substitute “Country”.
- (14) In Annex 3, in point 2, omit the words from “, and,” to the end.

Commencement Information

- I8** Reg. 10 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)\(b\)](#)

Marginal Citations

- M19** [S.I. 2015/1953](#), amended by [S.I. 2017/288](#), 2018/575.
- M20** [S.I. 2016/106](#) (W. 52), amended by 2017/596 (W. 139), 1095 (W. 276).
- M21** [S.S.I. 2015/395](#), amended by [S.S.I. 2016/68](#), 434.
- M22** [S.R. 2016 No. 190](#), amended by [S.R. 2017 No. 155](#).

Amendment of the EEA agreement

11. In Annex 1 to the EEA agreement, in Chapter 3 (Phytosanitary matters), in Section 2 (Application texts), in paragraphs 16, 22, 36 and 39, omit the words from “The provisions of the Decision shall” to the end.

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Changes to legislation: There are currently no known outstanding effects for the The Marketing of Seeds and Plant Propagating Material (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

Commencement Information

- I9** Reg. 11 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)(b)

VALID FROM 31/12/2020

PART 5

Revocation of retained direct EU legislation
relating to withdrawal from the European Union

Revocation of retained direct EU legislation

- 12.** The retained direct EU legislation listed in the Schedule is revoked.

Commencement Information

- I10** Reg. 12 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)(b)

Department for Environment, Food and Rural
Affairs

Gardiner of Kimble
Parliamentary Under Secretary of State

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VALID FROM 31/12/2020

SCHEDULE

Regulation 12

Revocation of retained direct EU legislation

Regulations

1. Commission Regulation (EC) No 1597/2002 laying down detailed rules for the application of Council Directive 1999/105/EC as regards the format for national lists of the basic material of forest reproductive material.

Commencement Information

I11 Sch. para. 1 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)\(b\)](#)

2. Commission Regulation (EC) No 1598/2002 laying down detailed rules for the application of Council Directive 1999/105/EC as regards the provision of mutual administrative assistance by official bodies.

Commencement Information

I12 Sch. para. 2 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)\(b\)](#)

3. Commission Regulation (EC) No 1602/2002 laying down detailed rules for the application of Council Directive 1999/105/EC as regards the authorisation of a Member State to prohibit the marketing of specified forest reproductive material to the end-user.

Commencement Information

I13 Sch. para. 3 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)\(b\)](#)

Decisions

4. Commission Decision 2000/165/EC setting out the arrangements for Community comparative trials and tests on seeds and propagating material of certain plants under Council Directives 66/401/EEC, 66/402/EEC, 66/403/EEC and 69/208/EEC.

Commencement Information

I14 Sch. para. 4 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)\(b\)](#)

5. Commission Decision 2002/984/EC on the continuation of Community comparative trials and tests on seeds and propagating material of gramineae, *Triticum aestivum*, *Vitis vinifera*,

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Brassica napus and Allium ascalonicum under Council Directives [66/401/EEC](#), [66/402/EEC](#), [68/193/EEC](#), [92/33/EEC](#), [2002/54/EC](#), [2002/55/EC](#), [2002/56/EC](#) and [2002/57/EC](#).

Commencement Information

I15 Sch. para. 5 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)\(b\)](#)

6. Commission Decision [2005/5/EC](#) setting out the arrangements for Community comparative trials and tests on seeds and propagating material of certain plants of agricultural and vegetable species and vine under Council Directives [66/401/EEC](#), [66/402/EEC](#), [68/193/EEC](#), [92/33/EEC](#), [2002/54/EC](#), [2002/55/EC](#), [2002/56/EC](#) and [2002/57/EC](#) for the years 2005 to 2009.

Commencement Information

I16 Sch. para. 6 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)\(b\)](#)

7. Commission Decision [2007/321/EC](#) releasing the United Kingdom from certain obligations for the marketing of vegetable seed under Council Directive [2002/55/EC](#).

Commencement Information

I17 Sch. para. 7 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)\(b\)](#)

8. Commission Implementing Decision (EU) 2017/478 releasing certain Member States from the obligation to apply to certain species Council Directives [66/401/EEC](#), [66/402/EEC](#), [68/193/EEC](#), [1999/105/EC](#), [2002/54/EC](#), [2002/55/EC](#) and [2002/57/EC](#) on the marketing of fodder plant seed, cereal seed, material for the vegetative propagation of the vine, forest reproductive material, beet seed, vegetable seed and seed of oil and fibre plants respectively.

Commencement Information

I18 Sch. para. 8 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)\(b\)](#)

9. Commission Implementing Decision (EU) 2017/925 temporarily authorising certain Member States to certify pre-basic material of certain species of fruit plants, produced in the field under non-insect proof conditions.

Commencement Information

I19 Sch. para. 9 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1\(2\)\(b\)](#)

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under sections 8(2)(c), (d) and (g)) arising from the withdrawal of the United Kingdom from the European Union. They are also made in part to amend legislation that is out of date.

These Regulations make amendments to legislation in the field of marketing of seed and plant propagating material.

Part 2 makes amendments to the Seeds (National Lists of Varieties) Regulations 2001 to amend a definition that is incorrect and to update the list of derogated species pursuant to Commission Implementing Decision (EU) 2017/478 releasing certain Member States from the obligation to apply to certain species Council Directives [66/401/EEC](#), [66/402/EEC](#), [68/193/EEC](#), [1999/105/EC](#), [2002/54/EC](#), [2002/55/EC](#) and [2002/57/EC](#) on the marketing of fodder plant seed, cereal seed, material for the vegetative propagation of the vine, forest reproductive material, beet seed, vegetable seed and seed of oil and fibre plants respectively (OJ No L 73, 18.3.2017, p. 29).

The remainder of the Regulations make amendments resulting from the United Kingdom's withdrawal from the European Union. Part 3 amends subordinate legislation, Part 4 amends retained direct EU legislation and Part 5 contains revocations.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

Status:

Point in time view as at 25/02/2019. This version of this Instrument contains provisions that are not valid for this point in time.

Changes to legislation:

There are currently no known outstanding effects for the The Marketing of Seeds and Plant Propagating Material (Amendment etc.) (EU Exit) Regulations 2019.