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OFFERYNNAU STATUDOL CYMRU

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## 2007 Rhif 119 (Cy.9)

### HADAU, CYMRU

#### Rheoliadau Hadau (Cymru) (Diwygiadau ar gyfer Cynnal Profion a Threialu etc.) 2007

*Wedi'u gwneud* - - 23 Ionawr 2007  
*Yn dod i rym* - - 31 Ionawr 2007

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd gan adrannau 16(1), (1A), (2), (3) a (5) a 36 o Ddeddf Amrywogaethau a Hadau Planhigion 1964(1) ac sydd bellach wedi'u breinio ynddo, yn gwneud y Rheoliadau a ganlyn.

Yn unol ag adran 16(1) o'r Ddeddf honno mae wedi ymgynghori â chynrychiolwyr y buddiannau hynny y mae'n ymddangos iddo yr effeithir arnynt.

#### Enwi, cychwyn a chymhwyso

1. Enw'r Rheoliadau hyn yw Rheoliadau Hadau (Cymru) (Diwygiadau ar gyfer Cynnal Profion a Threialu etc.) 2006 a deuant i rym ar 31 Ionawr 2007.

#### Diwygio Rheoliadau Hadau Betys (Cymru) 2005

2.—(1) Diwygier Rheoliadau Hadau Betys (Cymru) 2005(2) fel a ganlyn.

(2) Yn rheoliad 2(1)—

(a) ar ôl “In these Regulations—”, mewnosoder y diffiniad canlynol—

““the 2004 Commission Decision” means Commission Decision [2004/842/EC](#) concerning implementing rules whereby member States may authorise the placing on the market of seed belonging to varieties for which an application for entry in

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- (1) [1964 p.14](#); diwygiwyd adran 16 gan adran 4(1) o Ddeddf y Cymunedau Ewropeaidd 1972 a pharagraff 5(1), (2) a (3) o Atodlen 4 iddi, [O.S. 1977/1112](#) ac adran 2 o Ddeddf Amaethyddiaeth 1986; *gweler* adran 38(1) i gael diffiniad o “the Secretary of State”. O dan Orchymyn Trosglwyddo Swyddogaethau (Cymru) (Rhif 1) 1978 ([O.S. 1978/272](#)), erthygl 2(1) ac Atodlen 2, trosglwyddwyd swyddogaethau'r Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd o dan y Ddeddf Amrywogaethau a Hadau Planhigion 1964, i'r graddau y maent yn arferadwy mewn perthynas â Chymru, i'r Ysgrifennydd Gwladol ac o dan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 ([O.S. 1999/672](#)), erthygl 2(1) ac Atodlen 1, trosglwyddwyd y swyddogaethau a drosglwyddwyd i'r Ysgrifennydd Gwladol gan Orchymyn trosglwyddo 1978 i Gynulliad Cenedlaethol Cymru. O dan Orchymyn y Weinyddiaeth Amaethyddiaeth, Pysgodfeydd a Bwyd (Diddymu) 2002 ([O.S. 2002/794](#)) trosglwyddwyd swyddogaethau'r Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd o dan Ddeddf Amrywogaethau a Hadau Planhigion 1964, i'r graddau y maent yn arferadwy mewn perthynas â Lloegr, i'r Ysgrifennydd Gwladol.
- (2) [O.S. 2005/3037 \(Cy.225\)](#).

the national catalogue of varieties of agricultural plant species or vegetable species has been submitted<sup>(3)</sup>”; a

(b) ar ôl y diffiniad o “sugar beet” —”, mewnosoder y diffiniad canlynol —

““test and trial seed” means seed which is the subject of a regulation 18 authorisation;”.

(3) Yn lle rheoliad 18 rhodder y rheoliad canlynol—

**“Exception for test and trial seed**

**18.**—(1) The prohibition in regulation 14(1) shall not apply to the marketing by a producer of seed for test and trial purposes in accordance with—

- (a) an authorisation which has been granted to the producer by the National Assembly in accordance with this regulation; or
- (b) an authorisation which has been granted to the producer by or on behalf of—
  - (i) the Secretary of State;
  - (ii) the Scottish Ministers;
  - (iii) the Department of Agriculture and Rural Development; or
  - (iv) a competent seed certification authority in another member State, in accordance with Article 2(1) of the 2004 Commission Decision.

(2) No producer shall market test and trial seed—

- (a) except for the purposes of tests or trials carried out at agricultural enterprises to gather information on the cultivation or use of a variety of a beet species specified in Schedule 2;
- (b) unless a field inspection report has been issued by the National Assembly or by a licensed crop inspector stating that the seed satisfies the conditions for CS seed laid down in Schedule 3;
- (c) unless a seed test report has been issued by the National Assembly or by a licensed seed testing station stating that the seed satisfies the conditions for CS seed laid down in Schedule 4; or
- (d) if such marketing would contravene a prohibition on the use of the variety published by the National Assembly in the gazette that complies with Article 14 of the 2004 Commission Decision.

(3) A producer of seed established in Wales may apply to the National Assembly for the grant or renewal of a regulation 18 authorisation.

(4) A regulation 18 authorisation granted by the National Assembly shall last for a period of one year or such shorter period as the National Assembly may specify.

(5) An application for authorisation or renewal of a regulation 18 authorisation shall be made in writing to the National Assembly and shall be accompanied by such information as the National Assembly may require.

(6) The National Assembly shall not grant a regulation 18 authorisation unless it is satisfied that—

- (a) the seed is of a variety for which an application has been made by the producer under regulation 4(1)(a) of the Seeds (National Lists of Varieties) Regulations 2001<sup>(4)</sup> for

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(3) OJ L 362, 9.12.2004, t21.

(4) O.S. 2001/3510 fel y'i diwygiwyd gan O.S. 2004/2949

acceptance on to a National List and which application has not been withdrawn or finally determined; and

- (b) in the case of seed of a genetically modified variety, an authorisation is in force in respect of the variety under either—
  - (i) Part C of the Deliberate Release Directive; or
  - (ii) the Food and Feed Regulation.

(7) The National Assembly shall not authorise marketing of an amount of seed in excess of that permitted by Article 7 of the 2004 Commission Decision.

(8) A regulation 18 authorisation may impose such conditions as the National Assembly may think necessary or desirable having regard to the nature of the test or trial and the nature of the seed to which the authorisation relates.

(9) The National Assembly may withdraw a regulation 18 authorisation where there is a breach of any condition referred to in paragraph (8).

(10) A regulation 18 authorisation shall cease to have effect where the application referred to in paragraph (6)(a) is withdrawn or rejected or the variety is entered in a National List or the Common Catalogue.

(11) The National Assembly may require a producer to whom it has granted a regulation 18 authorisation to provide it with information about—

- (a) the results of the tests and trials to which the authorisation relates; or
- (b) the quantities of seed marketed during the authorised period and the name of the member State for which the seed was destined.

(12) A producer to whom a regulation 18 authorisation has been granted must, within such period as is specified by the National Assembly, lodge copies of the reports referred to in paragraphs (2)(b) and (c) with it.”

(4) Yn rheoliad 20(1) a (6), yn lle “regulation 5, 10 or 12”, rhodder “regulation 5, 10, 12 or 18”.

(5) Yn rheoliad 21—

- (a) ym mharagraff (2), yn lle “or CS seed” rhodder “, CS or test and trial seed”;
- (b) ym mharagraff (3), yn lle “Paragraph (2)” rhodder “Except in relation to test and trial seed, paragraph (2)”;
- (c) ar ôl paragraff (8), mewnosoder—

“(9) In this regulation, in the case of test and trial seed, a “properly sealed package” means—

- (a) in the case of a package of seed sealed in Wales, a package of seed that has been sealed—
  - (i) by a person to whom regulation 22(5) applies;
  - (ii) using a non-reusable sealing system or some other sealing system that includes the use of an official label or the affixing of an official seal; and
  - (iii) in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the official label or package; and
- (b) in the case of a package of seed sealed in—
  - (i) the United Kingdom, elsewhere than in Wales, or
  - (ii) another member State,

a package of seed that has been sealed in accordance with the provisions of Article 8 of the 2004 Commission Decision.”.

- (6) Yn rheoliad 22, ar ôl paragraff (4), mewnosoder—  
 “(4A) No person shall seal or reseal a package of test and trial seed except a person to whom paragraph (5) applies.”.
- (7) Yn rheoliad 23—  
 (a) ym mharagraff (1), yn lle “or CS seed” mewnosoder “, CS seed or test and trial seed”;  
 (b) ym mharagraff (3), ar ôl “A person may market any seeds” mewnosoder “, other than test and trial seed”;  
 (c) ar ôl paragraff (9), mewnosoder—  
 “(9A) A package of test and trial seed must be labelled—  
 (a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 16, 17 and 18 of Schedule 8; and  
 (b) in the case of a package of seed sealed—  
 (i) in the United Kingdom, elsewhere than in Wales, or  
 (ii) in another member State,  
 in accordance with the provisions of Article 9 of the 2004 Commission Decision.”;  
 (ch) ym mharagraff (11), yn lle “or CS seed”, rhodder “, CS seed or test and trial seed”; a  
 (d) ym mharagraff (11)(b)(ii), yn lle “or (7)” rhodder “, (7) or (9A)”.
- (8) Yn Atodlen 8, ar ôl “Part IV” mewnosoder—

## “PART V

### Labelling of Packages of Test and Trial Seed

#### Official label for a package of test and trial seed

**16.** The package must be labelled, not later than the time of sealing, on the outside with an official label which has not previously been used containing the following particulars—

- (a) the name of the certifying authority and member State or their distinguishing abbreviations;
- (b) the reference number of the lot;
- (c) the month and year of sealing;
- (d) the species;
- (e) the denomination of the variety under which the seed is to be marketed (which may be the breeder’s reference, the proposed denomination or the approved denomination) and the official application number for listing the variety, if any;
- (f) the statements “variety not yet officially listed” and “for tests and trials only”;
- (g) the declared net or gross weight or declared number of pure seeds or, where applicable, clusters; and
- (h) where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and the approximate ratio between the weight of pure seeds or, where applicable, clusters and the total weight.

17. The label referred to in paragraph 16 must be coloured orange.
18. The label referred to in paragraph 16 must be—
- (a) adhesive; and
  - (b) affixed to the package by—
    - (i) an authorised officer or any person being supervised by such a person; or
    - (ii) a licensed seed sampler or any person being supervised by such a person.”.
- (9) Yn Atodlen 10—
- (a) o flaen y cofnod ar gyfer “the Act” mewnosoder y cofnod canlynol—  
“the 2004 Commission Decision Regulation 2(1)”; a
  - (b) ar ôl y cofnod ar gyfer “sugar beet” mewnosoder y cofnod canlynol —  
“test and trial seed Regulation 2(1)”.
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### **Diwygio Rheoliadau Hadau Yd (Cymru) 2005**

- 3.—(1) Diwygier Rheoliadau Hadau Yd (Cymru) 2005(5) fel a ganlyn.
- (2) Yn rheoliad 2(1)—
- (a) ar ôl “In these Regulations—”, mewnosoder y diffiniad canlynol—  
““the 2004 Commission Decision” means Commission Decision [2004/842/EC](#) concerning implementing rules whereby member States may authorise the placing on the market of seed belonging to varieties for which an application for entry in the national catalogue of varieties of agricultural plant species or vegetable species has been submitted;”; a
  - (b) ar ôl y diffiniad o “small package” mewnosoder y diffiniad canlynol —  
““test and trial seed” means seed which is the subject of a regulation 20 authorisation;”.
- (3) Yn lle rheoliad 20 rhodder y rheoliad canlynol—

#### **“Exception for test and trial seed**

- 20.—(1) The prohibition in regulation 15(1) does not apply to the marketing by a producer of seed for test and trial purposes in accordance with—
- (a) an authorisation which has been granted to the producer by the National Assembly in accordance with this regulation; or
  - (b) an authorisation which has been granted to the producer by or on behalf of—
    - (i) the Secretary of State;
    - (ii) the Scottish Ministers;
    - (iii) the Department of Agriculture and Rural Development; or
    - (iv) a competent seed certification authority in another member State, in accordance with Article 2(1) of the 2004 Commission Decision.
- (2) A producer cannot market test and trial seed—

- (a) except for the purposes of tests or trials carried out at agricultural enterprises to gather information on the cultivation or use of a variety of a cereal species specified in Schedule 2;
  - (b) unless a field inspection report has been issued by the National Assembly or by a licensed crop inspector stating that—
    - (i) for the following varieties, the seed satisfies the conditions for CS seed laid down in Schedule 3—
      - (aa) rye and maize (including hybrids of rye and maize); and
      - (bb) hybrids of barley, durum wheat, oats, spelt wheat, triticale other than self-pollinating varieties and wheat; and
    - (ii) for non-hybrid varieties of barley, durum wheat, oats, self-pollinating triticale, spelt wheat and wheat, the seed satisfies the conditions for C2 seed laid down in Schedule 3;
  - (c) unless a seed test report has been issued by the National Assembly or by a licensed seed testing station stating that—
    - (i) for the following varieties, the seed to which the application relates has been found to meet the conditions for CS seed laid down in Schedule 4—
      - (aa) rye and maize (including hybrids of rye and maize); and
      - (bb) hybrids of barley, durum wheat, oats, spelt wheat, triticale other than self-pollinating varieties and wheat; and
    - (ii) for non-hybrid varieties of barley, durum wheat, oats, self-pollinating triticale, spelt wheat and wheat, the seed satisfies the conditions for C2 seed laid down in Schedule 4; or
  - (d) if such marketing would contravene a prohibition on the use of the variety published by the National Assembly in the gazette that complies with Article 14 of the 2004 Commission Decision.
- (3) A producer of seed established in Wales may apply to the National Assembly for the grant or renewal of a regulation 20 authorisation.
- (4) A regulation 20 authorisation granted by the National Assembly will last for a period of one year or such shorter period as the National Assembly may specify.
- (5) An application for authorisation or renewal of a regulation 20 authorisation must be made in writing to the National Assembly and be accompanied by such information as the National Assembly may require.
- (6) The National Assembly will not grant a regulation 20 authorisation unless it is satisfied that—
- (a) the seed is of a variety for which an application has been made by the producer under regulation 4(1)(a) of the Seeds (National Lists of Varieties) Regulations 2001 for acceptance on to a National List and which application has not been withdrawn or finally determined; and
  - (b) in the case of seed of a genetically modified variety, an authorisation is in force in respect of the variety under either—
    - (i) Part C of the Deliberate Release Directive; or
    - (ii) the Food and Feed Regulation.
- (7) The National Assembly will not authorise marketing of an amount of seed in excess of that permitted by Article 7 of the 2004 Commission Decision.

(8) A regulation 20 authorisation may impose such conditions as the National Assembly may think necessary or desirable having regard to the nature of the test or trial and the nature of the seed to which the authorisation relates.

(9) The Assembly may vary, suspend, revoke or add conditions to authorisations to which paragraph (1) applies by service of a notice on the producer.

(10) Where an authorisation to which paragraph (1) applies has been granted, the marketing by a producer of seed for test and trial purposes shall be in accordance with the conditions attached to that authorisation, whether granted by the Assembly or, subject to paragraph (9), any other competent seed certification authority in the United Kingdom or in another member State.

(11) The Assembly may revoke or suspend an authorisation that has effect in Wales by virtue of this regulation by service of a notice in writing on the producer concerned, and where such a notice has been served, marketing of seed for test and trial purposes may only be authorised subsequently by the National Assembly for Wales in accordance with this regulation.

(12) A regulation 20 authorisation shall cease to have effect where the application referred to in paragraph (6)(a) is withdrawn or rejected or the variety is entered in a National List or the Common Catalogue.

(13) The National Assembly may require a person to whom it has granted a regulation 20 authorisation to provide it with information about—

- (a) the results of the tests and trials to which the authorisation relates; or
- (b) the quantities of seed marketed during the authorised period and the name of the member State for which the seed was destined.

(14) A producer to whom a regulation 20 authorisation has been granted must, within such period as is specified by the National Assembly, lodge copies of the reports referred to in paragraphs (2)(b) and (c) with it”.

(4) Yn rheoliad 23(1) a (6), yn lle “regulation 6, 11 or 13”, rhodder “regulation 6, 11, 13 or 20”.

(5) Yn rheoliad 24—

(a) Ar ôl paragraff (2)(c), mewnosoder—

“; or

(d) test and trial seed.”;

(b) ym mharagraff (3), yn lle “Paragraph (2)” rhodder “Paragraph (2)(a), (b) and (c)”;

(c) ar ôl paragraff (11), mewnosoder—

“(12) In this regulation, in the case of test and trial seed, a “properly sealed package” means—

(a) in the case of a package of seed sealed in Wales, a package of seed that has been sealed—

- (i) by a person to whom regulation 25(5) applies;
- (ii) using a non-reusable sealing system or some other sealing system that includes the use of an official label or the affixing of an official seal; and
- (iii) in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the official label or package; and

(b) in the case of a package of seed sealed in—

- (i) the United Kingdom, elsewhere than in Wales, or
- (ii) another member State,

- a package of seed that has been sealed in accordance with the provisions of Article 8 of the 2004 Commission Decision.”.
- (6) Yn rheoliad 25, ar ôl paragraff (4), mewnosoder—
- “(4A) A person will not seal or reseal a package of test and trial seed unless paragraph (5) applies to that person.”.
- (7) Yn rheoliad 26—
- (a) Ar ôl paragraff (1)(c), mewnosoder—
- “; or
- (d) test and trial seed,”;
- (b) ym mharagraff (4), ar ôl “A person may market any seed” mewnosoder “, other than test and trial seed”;
- (c) ar ôl paragraff (13), mewnosoder—
- “(13A) A package of test and trial seed must be labelled—
- (a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 32, 33 and 34 of Schedule 8; and
- (b) in the case of a package of seed sealed—
- (i) in the United Kingdom, elsewhere than in Wales, or
- (ii) in another member State,
- in accordance with the provisions of Article 9 of the 2004 Commission Decision.”;
- (ch) ym mharagraff (15), yn lle “or C2 seed”, rhodder “, C2 seed or test and trial seed”; a
- (d) ym mharagraff (15)(b)(ii), yn lle “or (10)” rhodder “, (10) or (13A)”.
- (8) Yn Atodlen 8, ar ôl “Part VI” mewnosoder—

## “PART VII

### *Labelling of Packages of Test and Trial Seed*

#### **Official label for a package of test and trial seed**

**32.** The package must be labelled, not later than the time of sealing, on the outside with an official label which has not previously been used containing the following particulars—

- (a) the name of the certifying authority and member State or their distinguishing abbreviations;
- (b) the reference number of the lot;
- (c) the month and year of sealing;
- (d) the species;
- (e) the denomination of the variety under which the seed is to be marketed (which may be the breeder’s reference, the proposed denomination or the approved denomination) and the official application number for listing the variety, if any;
- (f) the statements “variety not yet officially listed” and “for tests and trials only”;
- (g) the declared net or gross weight or declared number of pure seeds or, where applicable, clusters; and



- (h) where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and the approximate ratio between the weight of pure seeds or, where applicable, clusters and the total weight.
- 33. The label referred to in paragraph 32 must be coloured orange.
- 34. The label referred to in paragraph 32 must be—
  - (a) adhesive; and
  - (b) affixed to the package by—
    - (i) an authorised officer or any person being supervised by such a person; or
    - (ii) a licensed seed sampler or any person being supervised by such a person.”.
- (9) Yn Atodlen 10—
  - (a) o flaen y cofnod ar gyfer “the Act” mewnosoder y cofnod canlynol—  
“the 2004 Commission Decision Regulation 2(1)”; a
  - (b) ar ôl y cofnod ar gyfer “sterile brome” mewnosoder y cofnod canlynol —  
“test and trial seed Regulation 2(1)”.

#### **Diwygio Rheoliadau Hadau Planhigion Porthiant (Cymru) 2005**

- 4.—(1) Diwygier Rheoliadau Hadau Planhigion Porthiant (Cymru) 2005(6) fel a ganlyn.
- (2) Yn rheoliad 2(1)—
  - (a) ar ôl “In these Regulations—”, mewnosoder y diffiniad canlynol—  
““the 2004 Commission Decision” means Commission Decision [2004/842/EC](#) concerning implementing rules whereby member States may authorise the placing on the market of seed belonging to varieties for which an application for entry in the national catalogue of varieties of agricultural plant species or vegetable species has been submitted;”; a
  - (b) ar ôl y diffiniad o “small EC B package of seed” mewnosoder y diffiniad canlynol —  
““test and trial seed” means seed which is the subject of a regulation 20 authorisation;”.
- (3) Yn lle rheoliad 20 rhodder y rheoliad canlynol—

#### **“Exception for test and trial seed**

- 20.—(1) The prohibition in regulation 15(1) shall not apply to the marketing by a producer of seed for test and trial purposes in accordance with—
  - (a) an authorisation which has been granted to the producer by the National Assembly in accordance with this regulation; or
  - (b) an authorisation which has been granted to the producer by or on behalf of—
    - (i) the Secretary of State;
    - (ii) the Scottish Ministers;
    - (iii) the Department of Agriculture and Rural Development; or
    - (iv) a competent seed certification authority in another member State, in accordance with Article 2(1) of the 2004 Commission Decision.

- (2) A producer will not market test and trial seed—
- (a) except for the purposes of tests or trials carried out at agricultural enterprises to gather information on the cultivation or use of a variety of a fodder plant species specified in Schedule 2.
  - (b) unless a field inspection report has been issued by the National Assembly or by a licensed crop inspector stating that—
    - (i) for the following plant species, the seed satisfies the conditions for C2 seed laid down in Schedule 3—
      - (aa) field bean; and
      - (bb) field pea;
    - (ii) for plant species other than field bean and field pea, the seed satisfies the conditions for CS seed laid down in Schedule 3;
  - (c) unless a seed test report has been issued by the National Assembly or by a licensed seed testing station stating that—
    - (i) for the following plant species, the seed meets the conditions for C2 seed laid down in Schedule 4—
      - (aa) field bean; and
      - (bb) field pea;
    - (ii) for plant species other than field bean and field pea, the seed satisfies the conditions for CS seed laid down in Schedule 4; or
  - (d) if such marketing would contravene a prohibition on the use of the variety published by the National Assembly in the gazette that complies with Article 14 of the 2004 Commission Decision.
- (3) A producer of seed established in Wales may apply to the National Assembly for the grant or renewal of a regulation 20 authorisation.
- (4) A regulation 20 authorisation granted by the National Assembly will last for a period of one year or such shorter period as the National Assembly may specify.
- (5) An application for authorisation or renewal of a regulation 20 authorisation must be made in writing to the National Assembly and must be accompanied by such information as the National Assembly may require.
- (6) The National Assembly will not grant a regulation 20 authorisation unless it is satisfied that—
- (a) the seed is of a variety for which an application has been made by the producer under regulation 4(1)(a) of the Seeds (National Lists of Varieties) Regulations 2001 for acceptance on to a National List and which application has not been withdrawn or finally determined; and
  - (d) in the case of seed of a genetically modified variety, an authorisation is in force in respect of the variety under either—
    - (i) Part C of the Deliberate Release Directive; or
    - (ii) the Food and Feed Regulation.
- (7) The National Assembly will not authorise marketing of an amount of seed in excess of that permitted by Article 7 of the 2004 Commission Decision.
- (8) A regulation 20 authorisation may impose such conditions as the National Assembly may think necessary or desirable having regard to the nature of the test or trial and the nature of the seed to which the authorisation relates.

(9) The Assembly may vary, suspend, revoke or add conditions to authorisations to which paragraph (1) applies by service of a notice on the producer.

(10) Where an authorisation to which paragraph (1) applies has been granted, the marketing by a producer of seed for test and trial purposes shall be in accordance with the conditions attached to that authorisation, whether granted by the Assembly or, subject to paragraph (9), any other competent seed certification authority in the United Kingdom or in another member State.

(11) The Assembly may revoke or suspend an authorisation that has effect in Wales by virtue of this regulation by service of a notice in writing on the producer concerned, and where such a notice has been served, marketing of seed for test and trial purposes may only be authorised subsequently by the National Assembly for Wales in accordance with this regulation.

(12) A regulation 20 authorisation shall cease to have effect where the application referred to in paragraph (6)(a) is withdrawn or rejected or the variety is entered in a National List or the Common Catalogue.

(13) The National Assembly may require a person to whom it has granted a regulation 20 authorisation to provide it with information about—

- (a) the results of the tests and trials to which the authorisation relates; or
- (b) the quantities of seed marketed during the authorised period and the name of the member State for which the seed was destined.

(14) A producer to whom a regulation 20 authorisation has been granted shall, within such period as is specified by the National Assembly, lodge copies of the reports referred to in paragraphs (2)(b) and (c) with it.”.

(4) Yn rheoliad 23(1) a (6), yn lle “regulation 6, 11 or 13”, rhodder “regulation 6, 11, 13 or 20”.

(5) Yn rheoliad 24—

(a) ar ôl paragraff (2)(c), mewnosoder—

“; or

(d) test and trial seed.”;

(b) ym mharagraff (3), yn lle “Paragraph (2)” rhodder “Paragraph (2)(a), (b) and (c)”;

(c) ar ôl paragraff (14), mewnosoder—

“(15) In this regulation, in the case of test and trial seed, a “properly sealed package” means—

(a) in the case of a package of seed sealed in Wales, a package of seed that has been sealed—

- (i) by a person to whom regulation 25(5) applies;
- (ii) using a non-reusable sealing system or some other sealing system that includes the use of an official label or the affixing of an official seal; and
- (iii) in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the official label or package; and

(b) in the case of a package of seed sealed in—

- (i) the United Kingdom, elsewhere than in Wales, or
- (ii) another member State,

a package of seed that has been sealed in accordance with the provisions of Article 8 of the 2004 Commission Decision.”.

(6) Yn rheoliad 25, ar ôl paragraff (4), mewnosoder—

“(4A) No person shall seal or reseal a package of test and trial seed except a person to whom paragraph (5) applies.”.

(7) Yn rheoliad 26—

(a) ar ôl paragraff (1)(c), mewnosoder—

“; or

(d) test and trial seed.”;

(b) ym mharagraff (4), ar ôl “A person may market any seed” mewnosoder “, other than test and trial seeds.”;

(c) ar ôl paragraff (16), mewnosoder—

“(16A) A package of test and trial seed must be labelled—

(a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 42, 43 and 44 of Schedule 8; and

(b) in the case of a package of seed sealed—

(i) in the United Kingdom, elsewhere than in Wales, or

(ii) in another member State,

in accordance with the provisions of Article 9 of the 2004 Commission Decision.”;

(ch) ym mharagraff (18), yn lle “or a mixture of seeds to which regulation 22(1) or (2) applies”, rhodder “, a mixture of seeds to which regulation 22(1) or (2) applies or test and trial seed”; a

(d) ym mharagraff (18)(b)(ii), yn lle “or (13)” rhodder “, (13) or (16A)”.

(8) Yn Atodlen 8, ar ôl “Part VI” mewnosoder—

## “PART VII

### *Labelling of Packages of Test and Trial Seed*

#### **Official label for a package of test and trial seed**

**42.** The package must be labelled, not later than the time of sealing, on the outside with an official label which has not previously been used containing the following particulars—

- (a) the name of the certifying authority and member State or their distinguishing abbreviations;
- (b) the reference number of the lot;
- (c) the month and year of sealing;
- (d) the species;
- (e) the denomination of the variety under which the seed is to be marketed (which may be the breeder’s reference, the proposed denomination or the approved denomination) and the official application number for listing the variety, if any;
- (f) the statements “variety not yet officially listed” and “for tests and trials only”;
- (g) the declared net or gross weight or declared number of pure seeds or, where applicable, clusters; and

- (h) where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and the approximate ratio between the weight of pure seeds or, where applicable, clusters and the total weight.
- 43. The label referred to in paragraph 42 must be coloured orange.
- 44. The label referred to in paragraph 42 must be—
  - (a) adhesive; and
  - (b) affixed to the package by—
    - (i) an authorised officer or any person being supervised by such a person; or
    - (ii) a licensed seed sampler or any person being supervised by such a person.”.
- (9) Yn Atodlen 10—
  - (a) o flaen y cofnod ar gyfer “the Act” mewnosoder y cofnod canlynol—  
“the 2004 Commission Decision Regulation 2(1)”; a
  - (b) ar ôl y cofnod ar gyfer “tall oatgrass” mewnosoder y cofnod canlynol —  
“test and trial seed Regulation 2(1)”.

#### **Diwygio Rheoliadau Hadau Planhigion Olew a Ffibr(Cymru) 2004**

- 5.—(1) Diwygier Rheoliadau Hadau Planhigion Olew a Ffibr (Cymru) 2004(7) fel a ganlyn.
- (2) Yn rheoliad 2(1)—
  - (a) ar ôl “In these Regulations—”, mewnosoder y diffiniad canlynol—  
““the 2004 Commission Decision” means Commission Decision [2004/842/EC](#) concerning implementing rules whereby member States may authorise the placing on the market of seed belonging to varieties for which an application for entry in the national catalogue of varieties of agricultural plant species or vegetable species has been submitted;”; a
  - (b) ar ôl y diffiniad o “small package” mewnosoder y diffiniad canlynol —  
““test and trial seed” means seed which is the subject of a regulation 19 authorisation;”.
- (3) Yn lle rheoliad 19 rhodder y rheoliad canlynol—

#### **“Exception for test and trial seed**

- 19.—(1) The prohibition in regulation 15(1) does not apply to the marketing by a producer of seed for test and trial purposes in accordance with—
  - (a) an authorisation which has been granted to the producer by the National Assembly in accordance with this regulation; or
  - (b) an authorisation which has been granted to the producer by or on behalf of—
    - (i) the Secretary of State;
    - (ii) the Scottish Ministers;
    - (iii) the Department of Agriculture and Rural Development; or
    - (iv) a competent seed certification authority in another member State, in accordance with Article 2(1) of the 2004 Commission Decision.

- (2) No producer shall market test and trial seed—
- (a) except for the purposes of tests or trials carried out at agricultural enterprises to gather information on the cultivation or use of a variety of an oil and fibre plant species specified in Schedule 2;
  - (b) unless a field inspection report has been issued by the National Assembly or by a licensed crop inspector stating that—
    - (i) for linseed, the seed satisfies the conditions for C2 or C3 seed laid down in Schedule 3; and
    - (ii) for species other than linseed, the seed satisfies the conditions for CS seed laid down in Schedule 3;
  - (c) unless a seed test report has been issued by the National Assembly or by a licensed seed testing station stating that—
    - (i) for linseed, the seed satisfies the conditions for C2 or C3 seed laid down in Schedule 4; and
    - (ii) for species other than linseed, the seed satisfies the conditions for CS seed laid down in Schedule 4; or
  - (d) if such marketing would contravene a prohibition on the use of the variety published by the National Assembly in the gazette that complies with Article 14 of the 2004 Commission Decision.
- (3) A producer of seed established in Wales may apply to the National Assembly for the grant or renewal of a regulation 19 authorisation.
- (4) A regulation 19 authorisation granted by the National Assembly will last for a period of one year or such shorter period as the National Assembly may specify.
- (5) An application for authorisation or renewal of a regulation 19 authorisation must be made in writing to the National Assembly and must be accompanied by such information as the National Assembly may require.
- (6) The National Assembly will not grant a regulation 19 authorisation unless it is satisfied that—
- (a) the seed is of a variety for which an application has been made by the producer under regulation 4(1)(a) of the Seeds (National Lists of Varieties) Regulations 2001 for acceptance on to a National List and which application has not been withdrawn or finally determined; and
  - (b) in the case of seed of a genetically modified variety, an authorisation is in force in respect of the variety under either—
    - (i) Part C of the Deliberate Release Directive; or
    - (ii) the Food and Feed Regulation.
- (7) The National Assembly will not authorise marketing of an amount of seed in excess of that permitted by Article 7 of the 2004 Commission Decision.
- (8) A regulation 19 authorisation may impose such conditions as the National Assembly may think necessary or desirable having regard to the nature of the test or trial and the nature of the seed to which the authorisation relates.
- (9) The National Assembly may withdraw a regulation 19 authorisation where there is a breach of any condition referred to in paragraph (8).
- (10) A regulation 19 authorisation shall cease to have effect where the application referred to in paragraph (6)(a) is withdrawn or rejected or the variety is entered in a National List or the Common Catalogue.

- (11) The National Assembly may require a person to whom it has granted a regulation 19 authorisation to provide it with information about—
- (a) the results of the tests and trials to which the authorisation relates; or
  - (b) the quantities of seed marketed during the authorised period and the name of the member State for which the seed was destined.
- (12) A producer to whom a regulation 19 authorisation has been granted must, within such period as is specified by the National Assembly, lodge copies of the reports referred to in paragraphs (2)(b) and (c) with it.”.
- (4) Yn rheoliad 23(1) a (5), yn lle “regulation 6, 11 or 13”, rhodder “regulation 6, 11, 13 or 19”.
- (5) Yn rheoliad 24—
- (a) ar ôl paragraff (3)(c), mewnosoder—
    - “; or
    - (d) test and trial seed.”;
  - (b) ym mharagraff (4), yn lle “Paragraph (3)” rhodder “Paragraph (3)(a), (b) and (c)”;
  - (c) ar ôl paragraff (10), mewnosoder—
    - “(11) In this regulation, in the case of test and trial seed, a “properly sealed package” means—
      - (a) in the case of a package of seed sealed in Wales, a package of seed that has been sealed—
        - (i) by a person to whom regulation 25(5) applies;
        - (ii) using a non-reusable sealing system or some other sealing system that includes the use of an official label or the affixing of an official seal; and
        - (iii) in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the official label or package; and
      - (b) in the case of a package of seed sealed in—
        - (i) the United Kingdom, elsewhere than in Wales, or
        - (ii) another member State,
- a package of seed that has been sealed in accordance with the provisions of Article 8 of the 2004 Commission Decision.”.
- (6) Yn rheoliad 25, ar ôl paragraff (4), mewnosoder—
- “(4A) No person shall seal or reseal a package of test and trial seed except a person to whom paragraph (5) applies.”.
- (7) Yn rheoliad 26—
- (a) Ym mharagraff (1), yn lle “or a varietal association of seeds to which regulation 22 applies” rhodder “a varietal association of seeds to which regulation 22 applies or test and trial seed”;
  - (b) ym mharagraff (3), ar ôl “A person may market any seeds” mewnosoder “, other than test and trial seed.”;
  - (c) ar ôl paragraff (12), mewnosoder—
    - “(12A) A package of test and trial seed shall be labelled—
      - (a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 36, 37 and 38 of Schedule 8; and

- (b) in the case of a package of seed sealed—
    - (i) in the United Kingdom, elsewhere than in Wales, or
    - (ii) in another member State,
 in accordance with the provisions of Article 9 of the 2004 Commission Decision.”; and
  - (ch) ym mharagraff (14), yn lle “or a varietal association of seed” rhodder “a varietal association of seeds to which regulation 22 applies or test and trial seed”; a
  - (d) ym mharagraff (14)(b)(ii), yn lle “or (12)” rhodder “, (12) or (12A)”.
- (8) Yn Atodlen 8, ar ôl “Part VII” mewnosoder—

## “PART VIII

### Labelling of Packages of Test and Trial Seed

#### Official label for a package of test and trial seed

- 36.** The package must be labelled, not later than the time of sealing, on the outside with an official label which has not previously been used containing the following particulars—
- (a) the name of the certifying authority and member State or their distinguishing abbreviations;
  - (b) the reference number of the lot;
  - (c) the month and year of sealing;
  - (d) the species;
  - (e) the denomination of the variety under which the seed is to be marketed (which may be the breeder’s reference, the proposed denomination or the approved denomination) and the official application number for listing the variety, if any;
  - (f) the statements “variety not yet officially listed” and “for tests and trials only”;
  - (g) the declared net or gross weight or declared number of pure seeds or, where applicable, clusters; and
  - (h) where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and the approximate ratio between the weight of pure seeds or, where applicable, clusters and the total weight.
- 37.** The label referred to in paragraph 36 must be coloured orange.
- 38.** The label referred to in paragraph 36 must be—
- (a) adhesive; and
  - (b) affixed to the package by—
    - (i) an authorised officer or any person being supervised by such a person; or
    - (ii) a licensed seed sampler or any person being supervised by such a person.”.
- (9) Yn Atodlen 10—
- (a) o flaen y cofnod ar gyfer “the Act” mewnosoder y cofnod canlynol—  
“the 2004 Commission Decision Regulation 2(1)”;
  - (b) ar ôl y cofnod ar gyfer “swede rape” mewnosoder y cofnod canlynol —  
“test and trial seed Regulation 2(1)”.



## Diwygio Rheoliadau Hadau Llysiâu (Cymru) 2005

6.—(1) Diwygier Rheoliadau Hadau Llysiâu (Cymru) 2005(8) fel a ganlyn.

(2) Yn rheoliad 2(1)—

(a) ar ôl “In these Regulations—”, mewnosoder y diffiniad canlynol—

““the 2004 Commission Decision” means Commission Decision [2004/842/EC](#) concerning implementing rules whereby member States may authorise the placing on the market of seed belonging to varieties for which an application for entry in the national catalogue of varieties of agricultural plant species or vegetable species has been submitted;”;

(b) ar ôl y diffiniad o “marketing year” mewnosoder y diffiniad canlynol —

““market test seed” means seed which is the subject of a regulation 19 authorisation;”.

(3) Yn lle rheoliad 19 rhodder y rheoliad canlynol—

### “Exception for market test seed

19.—(1) The prohibition in regulation 15(1) does not apply to the marketing by a breeder of seed in accordance with—

(a) an authorisation which has been granted to the breeder by the National Assembly in accordance with this regulation; or

(b) an authorisation which has been granted to the breeder by or on behalf of—

(i) the Secretary of State;

(ii) the Scottish Ministers;

(iii) the Department of Agriculture and Rural Development; or

(iv) a competent seed certification authority in another member State, in accordance with Article 20(1) of the 2004 Commission Decision.

(2) A breeder must not market market test seed—

(a) except for the purposes of gaining knowledge from practical experience during cultivation;

(b) unless the seed satisfies the conditions laid down in Schedule 4; or

(c) if such marketing would contravene a prohibition on the use of the variety published by the National Assembly in the gazette that complies with Article 33 of the 2004 Commission Decision.

(3) A breeder of seed established in Wales may apply to the National Assembly for the grant or renewal of a regulation 19 authorisation.

(4) A regulation 19 authorisation granted by the National Assembly—

(a) shall last for a period of one year or such shorter period as the National Assembly may specify; and

(b) may be renewed no more than twice.

(5) An application for authorisation or renewal of a regulation 19 authorisation shall be made in writing to the National Assembly and shall be accompanied by such information as the National Assembly may require.

- (6) The National Assembly must not grant a regulation 19 authorisation unless it is satisfied that—
- (a) an application has been submitted by the breeder to the relevant authority—
    - (i) under regulation 4(1)(a) of the Seeds (National Lists of Varieties) Regulations 2001 for acceptance of the variety on to a National List; or
    - (ii) in another member State for inclusion of the variety in a national catalogue equivalent to a National List,
 

that has not been withdrawn or finally determined and for which any technical information that may be required in support of such an application has been submitted; and
  - (b) in the case of seed of a genetically modified variety, an authorisation is in force in respect of the variety under either—
    - (i) Part C of the Deliberate Release Directive; or
    - (ii) the Food and Feed Regulation.
- (7) A regulation 19 authorisation may impose such conditions as the National Assembly may think necessary or desirable having regard to the nature of the cultivation and the nature of the seed to which the authorisation relates.
- (8) The National Assembly may withdraw a regulation 19 authorisation where there is a breach of any condition referred to in paragraph (7).
- (9) A regulation 19 authorisation ceases to have effect where the application referred to in paragraph (6)(a) is withdrawn or rejected or the variety is entered in a National List or the Common Catalogue.
- (10) The National Assembly may require a person to whom it has granted a regulation 19 authorisation to provide it with information about—
- (a) the knowledge gained from practical experience during cultivation of the variety; or
  - (b) the quantities of seed marketed during the authorised period and the name of the member State for which the seed was destined.”.
- (4) Yn rheoliad 22—
- (a) ar ôl paragraff (1), mewnosoder—
 

“(1A) A sample of seeds taken in connection with a regulation 19 application shall be drawn from a homogeneous lot.”; a
  - (b) ym mharagraff (6)—
    - (i) yn lle “regulation 6, 11 or 13”, rhodder “regulation 6, 11, 13 or 19”; a
    - (ii) yn is-baragraff (a), yn lle “paragraph (1)”, rhodder “paragraph (1) or (1A)”.
- (5) Yn rheoliad 23—
- (a) ar ôl paragraff (2)(c), mewnosoder—
 

“; or

(d) market test seed.”;
  - (b) ym mharagraff (3), yn lle “Paragraph (2)” rhodder “Paragraph (2)(a), (b) and (c)”;
  - (c) ar ôl paragraff (12), ychwaneger—
 

“(13) In this regulation, in the case of market test seed, a “properly sealed package” means a package of seed that has been sealed in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the label or package.”.

- (6) Yn rheoliad 25—
- (a) ar ôl paragraff (1)(c), mewnosoder—
    - “; or
    - (d) market test seed,”;
  - (b) ym mharagraff (3), ar ôl “A person may market any seeds” mewnosoder “, other than market test seed,”;
  - (c) ar ôl paragraff (12), mewnosoder—
    - “(12A) A package of market test seed must be labelled—
      - (a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 33, 34 and 35 of Schedule 8; and
      - (b) in the case of a package of seed sealed—
        - (i) in the United Kingdom, elsewhere than in Wales, or
        - (ii) in another member State,
    - in accordance with the provisions of Article 28 of the 2004 Commission Decision.”;
  - (ch) ym mharagraff (14), yn lle “or standard seed”, rhodder “standard seed or market test seed”; a
  - (d) ym mharagraff (14)(b)(ii), yn lle “or (10)” rhodder “, (10) or (12A)”.
- (7) Ar ôl rheoliad 26, mewnosoder—

**“Special provisions that apply in connection with the marketing of market test seed**

**26A.** A person who, in the course of marketing any market test seed, affixes a label or prints or stamps any particulars, or causes any of those things to be done, in accordance with regulation 25(12A) must—

- (a) keep for a period of three years a record of the seed lots of the market test seed and, if so required by the National Assembly, must produce such record to it.
  - (b) keep for a period of two years a sample of seed from each seed lot and, if so required by the National Assembly, must deliver such sample to it”.
- (8) Yn Atodlen 8—
- (a) Ym mharagraff 28 (Rhan VI), yn lle “20 or 24” rhodder “20, 24 or 30”; a
  - (b) Ar ôl “Part VI” mewnosoder—

## “PART VII

### *Labelling of Packages of Market Test Seed*

#### **Official label for a package of market test seed**

**30.** The package must be labelled, not later than the time of sealing, on the outside with a supplier’s label or a printed or stamped notice which has not previously been used containing the following particulars—

- (a) the reference number of the lot;
- (b) the month and year of sealing;
- (c) the species;

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*Statws* This is the original version (as it was originally made). Dim ond ar ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.

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- (d) the denomination of the variety under which the seed is to be marketed (which may be the breeder's reference, the proposed denomination or the approved denomination) and the official application number for listing the variety, if any;
- (e) the statement "variety not yet officially listed";
- (f) the declared net or gross weight or declared number of pure seeds or, where applicable, clusters; and
- (g) where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and the approximate ratio between the weight of pure seeds or, where applicable, clusters and the total weight.

**31.** The label or notice referred to in paragraph 30 must be coloured orange.

**32.** The label or notice referred to in paragraph 30 must be an adhesive label.”.

(9) Yn Atodlen 10—

(a) o flaen y cofnod ar gyfer “the Act” mewnosoder y cofnod canlynol—

“the 2004 Commission Decision Regulation 2(1)”; a

(b) ar ôl y cofnod ar gyfer “marketing year” mewnosoder y cofnod canlynol—

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“market test seed

Regulation 2(1)”.

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Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(9)

23 Ionawr 2007

*D. Elis-Thomas*  
Llywydd y Cynulliad Cenedlaethol

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## EXPLANATORY NOTE

*(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)*

Mae'r Rheoliadau hyn yn gymwys o ran Cymru ac maent yn diwygio'r rheoliadau canlynol:

- (a) Rheoliadau Hadau Betys (Cymru) 2005 ([O.S. 2005/3037](#));
- (b) Rheoliadau Hadau yd (Cymru) 2005 ([O.S. 2005/3036](#));
- (c) Rheoliadau Hadau Planhigion Porthiant (Cymru) 2005 ([O.S. 2005/1207](#));
- (ch) Rheoliadau Hadau Planhigion Olew a Ffibr (Cymru) 2004 ([O.S. 2004/2881](#)); a
- (d) Rheoliadau Hadau Llysiau (Cymru) 2005 ([O.S. 2005/3035](#)).

Maent yn rhoi effaith i Benderfyniad y Comisiwn 2004/842/EC ar 1 Rhagfyr 2004 ynghylch gweithredu rheolau lle y caiff Aelod-wladwriaethau awdurdodi rhoi ar y farchnad hadau sy'n perthyn i amrywogaethau y cyflwynwyd cais ar eu cyfer i gael eu cofnodi yn y catalog cenedlaethol o amrywogaethau rhywogaethau planhigion amaethyddol neu rywogaethau llysiau (OJ L 362, 9.12.2004, t.21), sy'n gosod yr amodau y ceir marchnata hadau betys, ydau, planhigion porthiant, planhigion olew a ffibr a llysiau na chawsant hyd yn hyn eu hychwanegu at Restr Genedlaethol at ddibenion cynnal profion a threalu neu, yn achos hadau llysiau, at ddibenion ennill gwybodaeth oddi wrth brofiad ymarferol wrth drin y tir.

Mae Arfarniad Rheoliadol wedi cael ei baratoi. Gellir cael copïau oddi wrth Is-adran Datblygu Bwyd a'r Farchnad Llywodraeth Cynulliad Cymru, Parc Cathays, Caerdydd, CF10 3NQ.