
WELSH STATUTORY INSTRUMENTS

2007 No. 2747

**The Seed (Miscellaneous Amendments)
(Wales) Regulations 2007**

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

5.—(1) The Oil and Fibre Plant Seed (Wales) Regulations 2004⁽¹⁾ are amended as follows.

(2) In regulation 2(1)—

- (a) in the definition of “equivalent third country” omit “Bulgaria” and “Romania”; and
- (b) for the definition of “the Third Country Equivalence Decision” substitute the following definition—

““the Third Country Equivalence Decision” means Council Decision [2003/17/EC](#) on the equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries;”.

(3) In regulation 10(4)(b)(i), (c)(i) and (d)(i) for “UK, EC or overseas tested” substitute “UK, EC, third country or overseas tested”.

(4) In regulation 13(3)(a)(i), (5)(c) and (d) after “EC” insert “, third country”.

(5) In regulation 19(2)(b)(i) and (ii), for “the seed satisfies” substitute “the crop satisfies”.

(6) In regulation 26—

(a) for paragraph (5) substitute—

“(5) A package of officially certified pre-basic seed shall be labelled—

(a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 4 to 7 of Schedule 8;

(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 18(c) of the Oil and Fibre Plant Seed Directive; and

(c) in the case of a package of seed sealed in an equivalent third country, in accordance with the provisions of paragraphs 1 and 3 of Part B of Annex II to the Third Country Equivalence Decision.”; and

(b) in paragraph (16) after “paragraph” insert “3A, 8A,”.

(7) In Part I of Schedule 1—

(a) after paragraph 3, insert—

“Third country officially certified pre-basic seed of a listed variety

3A.—(1) In these Regulations “third country officially certified pre-basic seed of a listed variety” means seed to which sub-paragraph (2) or (4) applies.

- (2) This sub-paragraph applies to pre-basic seed of a listed variety—
- (a) that was harvested from a crop that was produced—
 - (i) in an equivalent third country; and
 - (ii) from a preceding generation of seed that was produced in accordance with the provisions applicable to basic seed specified in paragraph 5 of Part B of Annex II to the Third Country Equivalence Decision;
 - (b) that has been officially certified as pre-basic seed by the approved seed certification authority in that country in accordance with—
 - (i) in the case of seed other than soya bean seed, the OECD Crucifer and Oil and Fibre Seed Scheme;
 - (ii) in the case of soya bean seed, the OECD Grass and Legume Seed Scheme; and
 - (iii) in both cases, the conditions specified in paragraphs 1 and 2 of Part B of Annex II to the Third Country Equivalence Decision;
 - (c) that has been packed in packages that have been officially closed and marked in accordance with—
 - (i) in the case of seed other than soya bean seed, the OECD Crucifer and Oil and Fibre Seed Scheme; and
 - (ii) in the case of soya bean seed, the OECD Grass and Legume Seed Scheme, and, as regards the packaging, in accordance with the relevant conditions specified in paragraph 3 of Part B of Annex II to the Third Country Equivalence Decision; and
 - (d) that has been imported into the United Kingdom accompanied by the appropriate documentation.
- (3) For the purposes of sub-paragraph (2)(d), the appropriate documentation is—
- (a) in a case where the seed has been certified in Canada or the United States of America, a Lot Inspection Certificate issued by the Official Seed Testing Laboratory under the authority of the State Seed Testing Agency showing that it has been found to satisfy those conditions; and
 - (b) in all other cases—
 - (i) an OECD Certificate issued by the approved seed certification authority in respect of the seed lot from which the seed was taken approving the seed in that lot as pre-basic seed; and
 - (ii) an Orange or Green International Seed Lot Certificate issued under the Rules of ISTA showing that it has been found to satisfy the relevant Directive seed conditions for pre-basic seed other than those relating to varietal identity and varietal purity.
- (4) This sub-paragraph applies to pre-basic seed—
- (a) of a previously listed variety that is on the OECD List and for which a marketing extension is in force; and
 - (b) that complies with sub-paragraph (2)(a) to (d).”; and

(b) after paragraph 8 insert—

“Third country officially certified pre-basic seed of a component used in the production of a listed hybrid variety

8A.—(1) In these Regulations “third country officially certified pre-basic seed of a component used in the production of a listed hybrid variety” means seed to which sub-paragraph (2) or (4) applies.

(2) This sub-paragraph applies to pre-basic seed of a component used in the production of a listed hybrid variety—

- (a) that was harvested from a crop that was produced—
 - (i) in an equivalent third country; and
 - (ii) from a preceding generation of seed that was produced in accordance with the provisions applicable to basic seed specified in paragraph 5 of Part B of Annex II to the Third Country Equivalence Decision;
 - (b) that has been officially certified as pre-basic seed by the approved seed certification authority in that country in accordance with—
 - (i) in the case of seed other than soya bean seed, the OECD Crucifer and Oil and Fibre Seed Scheme; and
 - (ii) in the case of soya bean seed, the OECD Grass and Legume Seed Scheme; and
 - (iii) in both cases, the conditions specified in paragraphs 1 and 2 of Part B of Annex II to the Third Country Equivalence Decision;
 - (c) that has been packed in packages that have been officially closed and marked in accordance with—
 - (i) in the case of seed other than soya bean seed, the OECD Crucifer and Oil and Fibre Seed Scheme, and
 - (ii) in the case of soya bean seed, the OECD Grass and Legume Seed Scheme, and, as regards the packaging, in accordance with the relevant conditions specified in paragraph 3 of Part B of Annex II to the Third Country Equivalence Decision; and
 - (d) that has been imported into the United Kingdom accompanied by the appropriate documentation.
- (3) For the purposes of sub-paragraph (2)(d), the appropriate documentation is—
- (a) in a case where the seed has been certified in Canada or the United States of America, a Lot Inspection Certificate issued by the Official Seed Testing Laboratory under the authority of the State Seed Testing Agency showing that it has been found to satisfy those conditions; and
 - (b) in all other cases—
 - (i) an OECD Certificate issued by the approved seed certification authority in respect of the seed lot from which the seed was taken approving the seed in that lot as pre-basic seed; and
 - (ii) an Orange or Green International Seed Lot Certificate issued under the Rules of ISTA showing that it has been found to satisfy the relevant Directive seed conditions for pre-basic seed other than those relating to varietal identity and varietal purity.
- (4) This sub-paragraph applies to pre-basic seed of a component—

- (a) of a previously listed hybrid variety that is on the OECD List and for which a marketing extension is in force; and
- (b) that complies with sub-paragraph (2)(a) to (d).”; and
- (c) for paragraph 12, substitute—

“12. In these Regulations “officially certified pre-basic seed” means—

- (a) UK officially certified pre-basic seed of a listed variety;
- (b) EC officially certified pre-basic seed of a listed variety;
- (c) third country officially certified pre-basic seed of a listed variety;
- (d) overseas tested officially certified pre-basic seed of a listed variety;
- (e) UK officially certified early movement pre-basic seed of a listed variety;
- (f) EC officially certified early movement pre-basic seed of a listed variety;
- (g) UK officially certified pre-basic seed of a component used in the production of a listed hybrid variety;
- (h) EC officially certified pre-basic seed of a component used in the production of a listed hybrid variety;
- (i) third country officially certified pre-basic seed of a component used in the production of a listed hybrid variety;
- (j) overseas tested officially certified pre-basic seed of a component used in the production of a listed hybrid variety;
- (k) UK officially certified early movement pre-basic seed of a component used in the production of a listed hybrid variety; and
- (l) EC officially certified early movement pre-basic seed of a component used in the production of a listed hybrid variety.”.

(8) In Schedule 5 in column (1) of the table, after “EC” in the entries numbered 1(a) and 3(a) insert “, third country”.

(9) In Schedule 6—

- (a) after paragraph 3 insert—

“3A. Third country officially certified pre-basic seed of a listed variety.”; and

- (b) after paragraph 40 insert—

“40A. Third country officially certified pre-basic seed of a component used in the production of a listed hybrid variety.”.

(10) In Schedule 10 in the table, after the entry for “third country officially certified CS seed of a listed variety” insert the following rows—

“third country officially certified pre-basic seed of a component used in the production of a listed hybrid variety Paragraph 8A of Schedule 1

third country officially certified pre-basic seed of a listed variety Paragraph 3A of Schedule 1”.
