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WELSH STATUTORY INSTRUMENTS

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**2012 No. 245**

**The Seed Marketing (Wales) Regulations 2012**

**PART 1**

Introduction

**Title, application and commencement**

- 1.—(1) The title of these Regulations is the Seed Marketing (Wales) Regulations 2012.  
(2) These Regulations apply in relation to Wales and come into force on 27 February 2012.

**Meaning of “marketing”**

2.—(1) In these Regulations “marketing” (“*marchnata*”) means the sale, holding with a view to sale, offer for sale or any disposal, supply or transfer aimed in each case at commercial exploitation of seed to third parties, whether or not for consideration.

- (2) But marketing does not include trade that is not aimed at commercial exploitation, such as—
- (a) the supply of seed to official testing and inspection bodies; or
  - (b) the supply of seed to a person who provides processing services but who does not acquire title to the seed.

**Interpretation of other terms**

- 3.—(1) For the purposes of these Regulations—
- (a) the “United Kingdom National List” (“*Rhestr Genedlaethol y Deyrnas Unedig*”) is the list of plant varieties published by the Secretary of State in accordance with the provisions of the Seeds (National Lists of Varieties) Regulations 2001(1);
  - (b) the “Common Catalogue” (“*Catalog Cyffredin*”) is the catalogue provided for in Council Directive 2002/53/EC on the common catalogue of varieties of agricultural plant species(2) and in Council Directive 2002/55/EC on the marketing of vegetable seed(3).
- (2) In these Regulations all references to—
- (a) Council Directive 2002/54/EC on the marketing of beet seed(4),
  - (b) Council Directive 66/402/EEC on the marketing of cereal seed(5),
  - (c) Council Directive 66/401/EEC on the marketing of fodder plant seed(6),
  - (d) Council Directive 2002/57/EC on the marketing of seed of oil and fibre plants(7),

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(1) S.I.2001/3510, as amended by S.I. 2004/2949, 2007/1871, 2008/2683, 2009/1273, 2010/1195 and 2011/464.

(2) OJ No L 193, 20.7.2002, p. 1, as last amended by Regulation (EC) No 1829/2003 (OJ No L 268, 18.10.2003, p. 1).

(3) OJ No L 193, 20.7.2002, p. 33, as last amended by Commission Directive 2009/74/EC (OJ No L 166, 27.6.2009, p. 40).

(4) OJ No L 193, 20.7.2002, p. 12, as last amended by Council Directive 2004/117/EC (OJ No L 14, 18.1.2005, p. 18).

(5) OJ No L 125, 11.7.1966, p. 2309, as last amended by Commission Directive 2009/74/EC (OJ No L 166, 27.6.2009, p. 40).

(6) OJ No L 125, 11.7.1966, p. 2298, as last amended by Commission Directive 2009/74/EC (OJ No L 166, 27.6.2009, p. 40).

(7) OJ No L 193, 20.7.2002, p. 74, as last amended by Commission Directive 2009/74/EC (OJ No L 166, 27.6.2009, p. 40).

- (e) Council Directive [2002/55/EC](#) on the marketing of vegetable seed,
  - (f) Commission Directive [2008/62/EC](#) providing for certain derogations for acceptance of agricultural landraces and varieties which are naturally adapted to the local and regional conditions and threatened by genetic erosion and for marketing of seed and seed potatoes of those landraces and varieties<sup>(8)</sup>,
  - (g) Commission Directive [2009/145/EC](#) providing for certain derogations, for acceptance of vegetable landraces and varieties which have been traditionally grown in particular localities and regions and are threatened by genetic erosion and of vegetable varieties with no intrinsic value for commercial crop production but developed for growing under particular conditions and for marketing of seed of those landraces and varieties<sup>(9)</sup>, and
  - (h) Commission Directive [2010/60/EU](#) providing for certain derogations for marketing of fodder plant seed mixtures intended for use in the preservation of the natural environment<sup>(10)</sup>,
- are references to those Directives as amended from time to time.

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<sup>(8)</sup> OJ No L 162, 21.6.2008, p. 13.

<sup>(9)</sup> OJ No L 312, 27.11.2009, p. 44.

<sup>(10)</sup> OJ No L 228, 31.8.2010, p. 10.