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SCOTTISH STATUTORY INSTRUMENTS

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**2019 No. 59**

**The Seed and Propagating Material (EU Exit)  
(Scotland) (Amendment) Regulations 2019**

**PART 3**

**AMENDMENT OF SECONDARY LEGISLATION RELATING  
TO WITHDRAWAL FROM THE EUROPEAN UNION**

**The Fodder Plant Seed (Scotland) Regulations 2005**

- 14.—**(1) The Fodder Plant Seed (Scotland) Regulations 2005<sup>(1)</sup> are amended as follows.
- (2) In regulation 2(1) (interpretation)—
- (a) omit the definition of “Annex V(C) document”,
  - (b) in the definition of “blended seed lot”, omit “or Annex I (crop conditions) of the Fodder Plant Seed Directive”,
  - (c) in the definition of “breeder”, in paragraph (a), after “UK National List or” insert “, at any time before the end of the period of two years beginning with the day after the day on which exit day falls,”,
  - (d) in the definition of “bulked seed lot”, omit “or Annex I (crop conditions) of the Fodder Plant Seed Directive”,
  - (e) omit the definition of “the Common Catalogue Directive”,
  - (f) in the definition of “control plot”<sup>(2)</sup>, for “European” in both places where it occurs substitute “National”,
  - (g) after the definition of “control plot” insert—  
““country granted equivalence” means a country that has been granted equivalence under the Equivalence Decision;”
  - (h) after the definition of “crop-grown preservation mixture”<sup>(3)</sup> insert—  
““Crown Dependency” means any of the Channel Islands or the Isle of Man;”,
  - (i) in the definition of “EEA State”, omit “, and for the purposes of these Regulations includes Switzerland”<sup>(4)</sup>,
  - (j) in the definition of “European Authority”, for “an EEA State other than the United Kingdom” substitute “a European Single Market State”,

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(1) S.S.I. 2005/329, amended by S.S.I. 2006/313, S.S.I. 2006/448, S.S.I. 2007/224, S.S.I. 2007/536, S.S.I. 2009/223, S.S.I. 2009/330, S.S.I. 2010/219, S.I. 2011/1043, S.S.I. 2012/5, S.S.I. 2013/326, S.S.I. 2016/68, S.S.I. 2016/434, S.S.I. 2017/384 and Part 2 of this instrument.

(2) That definition was substituted by S.S.I. 2009/223.

(3) That definition was inserted by S.S.I. 2012/5.

(4) The definition of “EEA State” is amended by Part 2 of this instrument.

- (k) in the definition of “by a European Authority”, for “an EEA State other than the United Kingdom” substitute “a European Single Market State”,
- (l) after the definition of “European Authority” insert—  
 ““European Single Market State” means an EEA State or Switzerland;”,
- (m) after the definition of “genetically modified” insert—  
 ““the GMO Regulations” means—
- (a) in relation to Scotland, the Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002<sup>(5)</sup>;
  - (b) in relation to England, the Genetically Modified Organisms (Deliberate Release) Regulations 2002<sup>(6)</sup>;
  - (c) in relation to Wales, the Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002<sup>(7)</sup>;
  - (d) in relation to Northern Ireland, the Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003<sup>(8)</sup>;
- (n) in the definition of “licensed EC crop inspector”—
- (i) for “an EEA State other than the United Kingdom” substitute “a European Single Market State”,
  - (ii) for “EEA” substitute “European Single Market”,
- (o) in the definition of “small EC A package”, omit “EC”,
- (p) in the definition of “small EC B package”, in both places where it occurs omit “EC”,
- (q) in the definition of “source area”<sup>(9)</sup>, for “Commission Directive 2010/60” substitute “Article 1(a) of Commission Directive 2010/60, which is to be read as if the definition of “source area” contained in that Article defined it to mean an area designated as a special area of conservation or an area contributing to the conservation of plant genetic resources in accordance with retained EU law”.
- (3) In regulation 3 (definitions of seed categories)—
- (a) in the definition of “Pre-basic Seed”, for paragraph (c) substitute—  
 “(c) has been—
    - (i) subject to regulation 12, officially certified, or confirmed by the Scottish Ministers by means of a breeder’s confirmation, as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Basic Seed specified in Schedule 4;
    - (ii) certified by a National Authority other than the Scottish Ministers as satisfying the conditions specified in paragraphs (a) and (b) and the applicable requirements for Basic Seed in the relevant part of the United Kingdom; or
    - (iii) before the end of the period of two years beginning with the day after the day on which exit day falls, certified by the competent seed certification authority of a European Single Market State as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Basic Seed

(5) S.S.I. 2002/541, amended by S.S.I. 2004/439, S.I. 2005/2759, S.I. 2011/1043; S.S.I. 2015/100 and S.S.I. 2019/XXX.

(6) S.I. 2002/2443, as amended by S.I. 2004/2411, S.I. 2005/2759, S.I. 2009/1892 and S.I. 2018/575.

(7) S.I. 2002/3188 (W. 304), amended by S.I. 2005/2759 and S.I. 2013/755 (W. 90).

(8) S.R. 2003 No. 167.

(9) That definition was inserted by S.S.I. 2012/5.

- specified in Annexes I (crop conditions) and II (seed conditions) of the Fodder Plant Seed Directive;”
- (b) in the definition of “Basic Seed” (other than in relation to a component of a hybrid variety of fodder kale), for paragraph (d) substitute—
- “(d) has been—
- (i) subject to regulation 12, officially certified, or confirmed by the Scottish Ministers by means of a breeder’s confirmation, as satisfying the conditions specified in paragraph (a) or (b) and paragraph (c) and the requirements for Basic Seed specified in Schedule 4;
  - (ii) certified by a National Authority other than the Scottish Ministers as satisfying the conditions specified in paragraph (a) or (b) and paragraph (c) and the applicable requirements for Basic Seed in the relevant part of the United Kingdom; or
  - (iii) before the end of the period of two years beginning with the day after the day on which exit day falls, certified by the competent seed certification authority of a European Single Market State as satisfying the conditions specified in paragraph (a) or (b) and paragraph (c) and the requirements for Basic Seed specified in Annexes I (crop conditions) and II (seed conditions) of the Fodder Plant Seed Directive;”
- (c) in the definition of “Basic Seed” (in relation to a component of a hybrid variety of fodder kale), for paragraph (c) substitute—
- “(c) has been—
- (i) subject to regulation 12, officially certified, or confirmed by the Scottish Ministers by means of a breeder’s confirmation, as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Basic Seed specified in Schedule 4; or
  - (ii) before the end of the period of two years beginning with the day after the day on which exit day falls, certified by the competent seed certification authority of a European Single Market State as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Basic Seed specified in Annexes I (crop conditions) and II (seed conditions) of the Fodder Plant Seed Directive;”
- (d) in the definition of “Certified Seed”, for paragraph (c) substitute—
- “(c) has been—
- (i) subject to regulation 12, officially certified as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Certified Seed specified in Schedule 4;
  - (ii) certified by a National Authority other than the Scottish Ministers as satisfying the conditions specified in paragraphs (a) and (b) and the applicable requirements for Certified Seed in the relevant part of the United Kingdom; or
  - (iii) before the end of the period of two years beginning with the day after the day on which exit day falls, certified by the competent seed certification authority of a European Single Market State as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Certified Seed specified in Annexes I (crop conditions) and II (seed conditions) of the Fodder Plant Seed Directive;”
- (e) in the definition of “Certified Seed of the First Generation”, for paragraph (c) substitute—

- “(c) has been—
- (i) subject to regulation 12, officially certified as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Certified Seed of the First Generation specified in Schedule 4;
  - (ii) certified by a National Authority other than the Scottish Ministers as satisfying the conditions specified in paragraphs (a) and (b) and the applicable requirements for Certified Seed of the First Generation in the relevant part of the United Kingdom; or
  - (iii) before the end of the period of two years beginning with the day after the day on which exit day falls, certified by the competent seed certification authority of a European Single Market State as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Certified Seed of the First Generation specified in Annexes I (crop conditions) and II (seed conditions) of the Fodder Plant Seed Directive;”
- (f) in the definition of “Certified Seed of the Second Generation”, for paragraph (c) substitute—
- “(c) has been—
- (i) subject to regulation 12, officially certified as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Certified Seed of the Second Generation specified in Schedule 4;
  - (ii) certified by a National Authority other than the Scottish Ministers as satisfying the conditions specified in paragraphs (a) and (b) and the applicable requirements for Certified Seed of the Second Generation in the relevant part of the United Kingdom; or
  - (iii) before the end of the period of two years beginning with the day after the day on which exit day falls, certified by the competent seed certification authority of a European Single Market State as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Certified Seed of the Second Generation specified in Annexes I (crop conditions) and II (seed conditions) of the Fodder Plant Seed Directive;”
- (g) in the definition of “Commercial Seed”, for paragraph (b) substitute—
- “(b) certified by—
- (i) a National Authority other than the Scottish Ministers as satisfying the applicable requirements for Commercial Seed in the relevant part of the United Kingdom; or
  - (ii) before the end of the period of two years beginning with the day after the day on which exit day falls, the competent seed certification authority of a European Single Market State as satisfying the requirements for Commercial Seed specified in Annexes I (crop conditions) and II (seed conditions) of the Fodder Plant Seed Directive;”
- (4) For regulation 5(2) (seed to which the Regulations apply)(**10**), substitute—
- “(2) These Regulations do not apply to seed intended for export outside the United Kingdom (other than regulation 13A (certification and labelling for export)).”
- (5) In regulation 6 (marketing of seed)—
- (a) in paragraph (1)—

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**(10)** Regulation 5(2) is amended, and regulation 13A is inserted, by Part 2 of this instrument.

- (i) after sub-paragraph (a), omit “and”,
- (ii) in sub-paragraph (b)(ii), for “the Common Catalogue” substitute “accepted on to the Common Catalogue at any time before the end of the period of two years beginning with the day after the day on which exit day falls.”,
- (iii) after sub-paragraph (b)(iii) insert—
  - “; and
  - (c) in the case of seed which has been produced in a European Single Market State, it—
    - (i) has otherwise been produced in compliance with the applicable requirements set out in EU law, including the Fodder Plant Seed Directive, Commission Directive 2008/62 and Commission Directive 2010/60, and
    - (ii) has been imported into Scotland before the end of the period of two years beginning with the day after the day on which exit day falls.”,
- (b) in paragraph (5), for “a country which is not an EEA State” substitute “outside the United Kingdom”,
- (c) after paragraph (5) insert—
  - “(6) Paragraph (5) does not apply to seed imported into Scotland from a European Single Market State before the end of the period of two years beginning with the day after the day on which exit day falls.”.
- (6) For regulation 6A (importation from outside the European Union)(11) substitute—

#### **“Importation into the United Kingdom**

- 6A.**—(1) Subject to paragraph (2), seed imported into the United Kingdom must be labelled with a label approved by the Organisation for Economic Cooperation and Development for the varietal certification on the control of seed moving in international trade.
- (2) Paragraph (1) does not apply to seed imported from a European Single Market State before the end of the period of two years beginning with the day after the day on which exit day falls.”.
- (7) In regulation 8 (mixtures)—
  - (a) in paragraph (2), omit “for the purposes of Article 4(1) of the Common Catalogue Directive”,
  - (b) in paragraphs (6) and (7), omit “EC” in each place where it occurs.
- (8) In regulation 8A (preservation mixtures)(12)—
  - (a) in paragraph (4)(e), for “the provisions in Commission Directive 2008/62” substitute “regulation 9B”,
  - (b) in paragraph (9), for “For the purposes of Article 8 (quantitative restriction) of Commission Directive 2010/60, the” substitute “The”,
  - (c) in paragraph (11), for “for the purposes of Article 3 of Commission Directive 2010/60” substitute “having taken account of any available information from plant genetic resource organisations”.
- (9) In regulation 9 (exception for scientific purposes or selection work)—

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(11) Regulation 6A is inserted by Part 2 of this instrument.

(12) Regulation 8A was inserted by [S.S.I. 2012/5](#).

- (a) for paragraph (1)(b) substitute—
- “(b) an authorisation has been granted to the producer in respect of small quantities of seed for scientific purposes or selection work—
- (i) by a National Authority other than the Scottish Ministers, in accordance with the applicable requirements in the relevant part of the United Kingdom;
  - (ii) before the end of the period of two years beginning with the day after the day on which exit day falls, by the competent seed certification authority of a European Single Market State, in accordance with Article 4a(1)(a) of the Fodder Plant Seed Directive.”
- (b) for paragraph (4) substitute—
- “(4) The Scottish Ministers may only grant an authorisation under this regulation in respect of a genetically modified variety if the marketing and release of the genetically modified material by the applicant has—
- (a) before the day on which exit day falls, been authorised under Part C of the 2001 Deliberate Release Directive,
  - (b) been authorised under the Food and Feed Regulation, or
  - (c) been authorised under the GMO Regulations.”
- (10) In regulation 9A (exception for test and trial seed)(**13**)—
- (a) for paragraph (1) substitute—
- “(1) Regulation 6(1)(b) does not apply to the marketing by a producer of seed for test and trial purposes in accordance with—
- (a) a tests and trials authorisation; or
  - (b) an authorisation which has been granted to the producer—
    - (i) by a National Authority other than the Scottish Ministers, in accordance with the applicable requirements in the relevant part of the United Kingdom;
    - (ii) before the end of the period of two years beginning with the day after the day on which exit day falls, by the competent seed certification authority of a European Single Market State, in accordance with Article 4a(1)(b) of the Fodder Plant Seed Directive.”
- (b) in paragraph (4), for sub-paragraph (b) substitute—
- “(b) in the case of seed of a genetically modified variety, the marketing and release of the genetically modified material by the applicant has been authorised—
- (i) before the day on which exit day falls, under Part C of the 2001 Deliberate Release Directive,
  - (ii) under the Food and Feed Regulation, or
  - (iii) under the GMO Regulations;”
- (c) in paragraph (6), for “that permitted by Article 7 of the 2004 Commission Decision” substitute—
- “the greater of—
- (a) (i) in the case of field pea and field bean, 0.3%,
  - (ii) in all other cases, 0.1%,
- of the annual number of seeds used in the United Kingdom, and

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(13) Regulation 9A was inserted by [S.S.I. 2007/224](#).

- (b) such quantity as the Scottish Ministers consider is sufficient to sow 10 hectares”,
- (d) in paragraph (9), omit “or the Common Catalogue”,
- (e) in paragraph (10), omit “or, as the case may be, Switzerland”(14).
- (11) In regulation 9B (exception for conservation varieties)(15)—
  - (a) after paragraph (8), insert—
    - “(8A) For the purposes of paragraph (8), Article 14 of Commission Directive 2008/62 is to be read as if—
      - (a) in the first paragraph—
        - (i) “Each Member State shall ensure that,” was omitted,
        - (ii) for “does not exceed”, there were substituted “may not exceed”,
        - (iii) for “that Member State”, there were substituted “the United Kingdom”,
      - (b) in the second paragraph—
        - (i) for “each Member State”, there were substituted “the United Kingdom”,
        - (ii) for “the Member State” in both places where it occurs, there were substituted “the United Kingdom”.”,
  - (b) in paragraph (11)—
    - (i) in the definition of “additional region”, insert at the end “, with Article 11(1) of Commission Directive 2008/62 being read as if for the reference to “Member States” in each place where it occurs and “the Member States” there were substituted “the Scottish Ministers””,
    - (ii) in the definition of “region of origin”, insert at the end—
      - “, with Article 8.1 of Commission Directive 2008/62 being read as if—
        - (a) in the first sub-paragraph—
          - (i) for “a Member State accepts”, there were substituted “the Scottish Ministers accept”,
          - (ii) for “it shall”, there were substituted “they must”,
          - (iii) for “It shall”, there were substituted “The Scottish Ministers must”,
          - (iv) for “Member States”, there were substituted “Scottish Ministers”,
        - (b) the second sub-paragraph was omitted.”.
- (12) For regulation 10(2) (general exemptions) substitute—
  - “(2) The Scottish Ministers may exercise the power under paragraph (1) for the purposes of a temporary experiment seeking improved alternatives to provisions of these Regulations and organised in accordance with regulations made under section 16(5) of the Act.
  - (2A) The duration of a temporary experiment must not exceed 7 years.”.
- (13) In regulation 11 (marketing of officially certified lower germination seed)—
  - (a) in paragraph (1)—
    - (i) in the words before sub-paragraph (a), omit “or Annex II (seed conditions) of the Fodder Plant Seed Directive”,
    - (ii) for sub-paragraph (b) substitute—

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(14) Regulation 9A(10) is amended by Part 2 of this instrument.

(15) Regulation 9B was inserted by [S.S.I. 2009/223](#).

- “(b) which has been certified as satisfying the conditions for the relevant category of seed although it attains a lower percentage of germination than that specified in paragraph 13 of Part II of Schedule 4 in relation to Basic Seed—
  - (i) by a National Authority other than the Scottish Ministers, in accordance with the applicable requirements in the relevant part of the United Kingdom;
  - (ii) before the end of the period of two years beginning with the day after the day on which exit day falls, by the competent seed certification authority of a European Single Market State, in accordance with Article 4(a) (marketing of lower germination seed) of the Fodder Plant Seed Directive.”
- (iii) for sub-paragraph (c)(ii) substitute—
  - “(ii) in the case of seed which has been fully certified as being Pre-basic Seed or Basic Seed—
    - (aa) by a National Authority other than the Scottish Ministers, in accordance with the applicable requirements in the relevant part of the United Kingdom, irrespective of the findings of the National Authority;
    - (bb) before the end of the period of two years beginning with the day after the day on which exit day falls, by the competent seed certification authority of a European Single Market State, in Annex II (seed conditions) of the Fodder Plant Seed Directive, irrespective of the finding of the relevant competent seed certification authority.”
- (b) for paragraph (3) substitute—
  - “(3) Paragraph (1) does not apply to seed which has been imported into the United Kingdom from—
    - (a) a European Single Market State, after the end of the period of two years beginning with the day after the day on which exit day falls, or
    - (b) a country other than a European Single Market State.”
- (14) In regulation 12 (marketing of early movement seed)—
  - (a) in paragraph (1)—
    - (i) in sub-paragraph (a), for “the Common Catalogue” substitute “accepted on to the Common Catalogue at any time before the end of the period of two years beginning with the day after the day on which exit day falls,”
    - (ii) for sub-paragraph (b) substitute—
      - “(b) any seed lot has been certified by a National Authority other than the Scottish Ministers in order to make seed rapidly available, and the provisional germination report on the seed has been presented by the producer to the Scottish Ministers,”
  - (b) in paragraph (3)—
    - (i) for “European” substitute “National”,
    - (ii) omit “or Annex II (seed conditions) of the Fodder Plant Seed Directive”,
  - (c) for paragraph (5) substitute—

“(5) Paragraph (1) does not apply to seed which has been imported into the United Kingdom from—

- (a) a European Single Market State, after the end of the period of two years beginning with the day after the day on which exit day falls, or
- (b) a country other than a European Single Market State.”.

(15) In regulation 14 (applications for official certificates)—

- (a) in paragraph (3), for “(or an equivalent list in another EEA State)” in both places where it occurs, substitute “(or entered into an equivalent list in a European Single Market State before the end of the period of two years beginning with the day after the day on which exit day falls)”,
- (b) in paragraph (4)(d), after “licensed crop inspector or” insert “, where paragraph (4A) applies, the”,
- (c) after paragraph (4) insert—

“(4A) This paragraph applies where a licensed EC crop inspector as mentioned in paragraph (4)(d) inspected the crop before the end of the period of two years beginning with the day after the day on which exit day falls.”.

(16) In regulation 15(1)(a)(i) (sampling), for “European Authority” substitute “National Authority”.

(17) In regulation 16 (sealing of packages of fully certified seed)—

- (a) in paragraph (1)—
  - (i) omit “EC” in both places where it occurs,
  - (ii) for sub-paragraph (b) substitute—
    - “(b) sealed—
      - (i) in any other part of the United Kingdom, in accordance with the applicable requirements for sealing in the relevant part of the United Kingdom,
      - (ii) before the end of the period of two years beginning with the day after the day on which exit day falls, in a European Single Market State, in accordance with Article 9(1) (sealing of packages) of the Fodder Plant Seed Directive or, where appropriate, Article 10 (sealing of packages and containers of preservation mixtures) of Commission Directive 2010/60.”,
- (b) for paragraph (3)(b) substitute—
  - “(b) (i) in any other part of the United Kingdom, in accordance with the applicable requirements for re sealing in the relevant part of the United Kingdom,
  - (ii) before the end of the period of two years beginning with the day after the day on which exit day falls, in a European Single Market State, in accordance with Article 9(2) (re sealing of packages) of the Fodder Plant Seed Directive.”,
- (c) in paragraphs (4) and (5), omit “EC” in each place where it occurs.

(18) In regulation 17 (labelling of packages of fully certified seed)—

- (a) for paragraph (4A)(b)(16) substitute—
  - “(b) where seed is sealed—

- (i) in any other part of the United Kingdom, be labelled in accordance with the requirements for labelling applicable to a Conservation Variety in the relevant part of the United Kingdom,
  - (ii) in a European Single Market State, before the end of the period of two years beginning with the day after the day on which exit day falls, be labelled in accordance with Article 18 of Commission Directive 2008/62.”,
- (b) for paragraph (5)(b) substitute—
- “(b) which is sealed—
- (i) in any other part of the United Kingdom, in accordance with the applicable requirements for re sealing and labelling in the relevant part of the United Kingdom in relation to the relevant category of seed and the seed or mixture of seeds itself,
  - (ii) in a European Single Market State, before the end of the period of two years beginning with the day after the day on which exit day falls, in accordance with Article 9(2) (resealing), 10(1)(a) (labelling of packages), 13(2) (labelling of packages of mixtures of seeds) and 14a(c) (labelling of packages of Pre-basic Seed) of the Fodder Plant Seed Directive and of Article 11 (labelling of preservation mixtures) of Commission Directive 2010/60 appropriate to the relevant category of seed and the seed or mixture of seeds itself.”,
- (c) for paragraph (8)(b) substitute—
- “(b) which is sealed—
- (i) in any other part of the United Kingdom, shall contain an official document in accordance with the applicable requirements for official documents and, as the case may be, for labelling of packages of mixtures of seeds, in the relevant part of the United Kingdom,
  - (ii) in a European Single Market State, before the end of the period of two years beginning with the day after the day on which exit day falls, shall contain an official document in accordance with Articles 10(1)(b) (official documents) and 13(2) (labelling of packages of mixtures of seeds) of the Fodder Plant Seed Directive.”,
- (d) in paragraph (10)—
- (i) for sub-paragraph (a) substitute—
- “(a) (i) for packages sealed in Scotland, the appropriate particulars of the matters specified in Part II of Schedule 6 and paragraphs (3), (6) (a), (12) and (13), are printed or stamped indelibly on the package in a panel of at least the size and of the colour so specified;
- (ii) for packages sealed in any other part of the United Kingdom, the appropriate particulars of the matters specified in accordance with the applicable requirements in the relevant part of the United Kingdom, are printed or stamped indelibly on the package in a panel of at least the size and of the colour so specified;
- (iii) for packages sealed in a European Single Market State, before the end of the period of two years beginning with the day after the day on which exit day falls, the appropriate particulars of the matters specified in Articles 4 (lower germination and early movement seed), 9(2) (resealing), 10(1)(a) (labelling), 11a (identification of genetically modified varieties) and Annex IV

(labels) of the Fodder Plant Seed Directive and Article 11 (labelling of preservation mixtures) of Commission Directive 2010/60, are printed or stamped indelibly on the package in a panel of at least the size and of the colour so specified; and”,

(ii) for sub-paragraph (c) substitute—

“(c) the requirements of paragraph 17 of Part VI of Schedule 6 are satisfied in the case of a package sealed—

(i) in another part of the United Kingdom; or

(ii) in a European Single Market State, before the end of the period of two years beginning with the day after the day on which exit day falls.”,

(e) in paragraph (11), omit “EC” in both places where it occurs,

(f) in paragraph (14), for “one of the official languages of the European Union” substitute “English but may also be given in other languages”.

(19) In regulation 20 (breeder’s confirmations)—

(a) for paragraph (1)(c) substitute—

“(c) shall only be made—

(i) for seed of a variety for which an application has been made to have that variety accepted on to—

(aa) a UK National List, or

(bb) an equivalent list in a European Single Market State, before the end of the period of two years beginning with the day after the day on which exit day falls,

(ii) for seed of a component of a hybrid variety for which an application has been made to have that hybrid variety accepted on to—

(aa) a UK National List, or

(bb) an equivalent list in a European Single Market State, before the end of the period of two years beginning with the day after the day on which exit day falls.”,

(b) in paragraphs (5) and (6), for “another EEA State” substitute “a European Single Market State”.

(20) In regulation 22(11) (labelling of packages of seed in relation to breeder’s confirmation), for “one of the official languages of the European Union” substitute “English but may also be given in other languages”.

(21) Regulation 23 (comparative tests and trials) is omitted.

(22) After regulation 26 (written and electronic communication) insert—

#### **“Certification in a Crown Dependency**

**26A.** Any seed certified and labelled in a Crown Dependency under legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations may be marketed in Scotland.

#### **Transitional provision for official or producer’s labels on exit day**

**26B.** A label pre-printed before exit day which at the date on which it was printed was an official label or a producer’s label for the purposes of these Regulations is to be treated as an

official label or, as the case may be, a producer’s label for a package of Basic Seed, Seed of a Certified Generation, Commercial Seed, seed of a Conservation Variety, seed of a preservation mixture or, as the case may be, a small A package or a small B package of Pre-basic Seed, Basic Seed, Seed of a Certified Generation or Commercial Seed, for the purposes of any use of that label before the end of the period of two years beginning with the day after the day on which exit day falls.”.

(23) In schedule 2 (official certificates and breeder’s confirmations), in Part I (official certificates)

- (a) in paragraph 1 (applications for seed harvested in the United Kingdom), omit “but not made in pursuance of Article 15 (certification of seed from other EEA States or equivalent third countries) of the Fodder Plant Seed Directive”,
- (b) for paragraph 4 (applications for seed harvested in an EEA State or third country) substitute—

**“Applications for seed harvested outside the United Kingdom**

4.—(1) Notwithstanding paragraphs 2 and 3, and subject to sub-paragraphs (2) and (3), on receipt of an application made in accordance with regulation 14(1) for the issue of an official certificate in respect of a seed lot as Pre basic Seed, Basic Seed, Seed of a Certified Generation or Commercial Seed, the Scottish Ministers may issue an official certificate in respect of the seed lot containing the particulars specified in paragraph 1 of Schedule 3.

(2) An official certificate may only be issued under sub-paragraph (1) if—

- (a) the seed has been—
  - (i) produced directly from—
    - (aa) fully certified Basic Seed or Certified Seed of the First Generation, or
    - (bb) seed certified in the United Kingdom, a Crown Dependency (provided the seed has been produced under legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations), a European Single Market State or a country granted equivalence, which is permitted to be sold as Basic Seed or Certified Seed of the First Generation in accordance with these Regulations,
  - (ii) harvested outside the United Kingdom, and
  - (iii) shown on official examination to have satisfied the conditions specified in Part II of Schedule 4 for the relevant category of seed;
- (b) the seed has been—
  - (i) produced directly from the crossing of fully certified Basic Seed with seed certified in the United Kingdom, a Crown Dependency (provided the seed has been produced under legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations), a European Single Market State or a country granted equivalence, which is permitted to be sold as Basic Seed in accordance with these Regulations,
  - (ii) harvested outside the United Kingdom, and
  - (iii) shown on official examination to have satisfied the conditions specified in Part II of Schedule 4 for the relevant category of seed; or
- (c) the seed—
  - (i) is to be certified by the Scottish Ministers as Basic Seed,

- (ii) has been produced directly from—
  - (aa) fully certified Pre-basic Seed, or
  - (bb) seed certified in the United Kingdom, a Crown Dependency (provided the seed has been produced under legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations), a European Single Market State or a country granted equivalence, which is permitted to be sold as Pre-basic Seed in accordance with these Regulations,
- (iii) has been harvested outside the United Kingdom, and
- (iv) has been shown on official examination to have satisfied the conditions specified in Part II of Schedule 4 for the relevant category of seed.

(3) In the case of seed which has been harvested in a European Single Market State, an official certificate may only be issued under sub-paragraph (1)—

- (a) before the end of the period of two years beginning with the day after the day on which exit day falls, and
- (b) provided the seed—
  - (i) has been harvested from a crop which has been found by official field inspection to satisfy the crop conditions specified in Annex I (crop standards) of the Fodder Plant Seed Directive for the relevant category of seed,
  - (ii) has been packed in a sealed package in accordance with the requirements of Article 9(1) (sealing) of the Fodder Plant Seed Directive and has been labelled in accordance with the requirements of the second indented sub-paragraph of the first paragraph of Article 15(2) (labelling requirements for certification of seed from other EEA States or equivalent third countries) of the Fodder Plant Seed Directive, and
  - (iii) is accompanied by an Annex V(C) document relating to the seed issued by the relevant competent seed certification authority.

(4) In this paragraph, “Annex V(C) document” means a document issued by the relevant competent seed certification authority of the type specified in the following provisions of the Fodder Plant Seed Directive—

- (a) the second indented sub-paragraph of the first paragraph of Article 15(2), and
- (b) Part C of Annex V.”,
- (c) in paragraph 7(d) (when applications may be refused), for “(or to an equivalent list in an EEA State)” substitute “(or to an equivalent list in a European Single Market State where the application was made before the end of the period of two years beginning with the day after the day on which exit day falls)”.

(24) In schedule 4 (requirements for Pre-basic Seed, Basic Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation and Commercial Seed), in paragraph 2 (varietal identity and varietal purity), for “, an equivalent list in another EEA State or the Common Catalogue” substitute “or before the end of the period of two years beginning with the day after the day on which exit day falls accepted on to an equivalent list in a European Single Market State or the Common Catalogue”.

(25) In schedule 4A(17) (standards for certification of Conservation Varieties)—

- (a) in Part III (conditions relating to crops from which seed is obtained), in paragraph 1 (varietal identity and varietal purity), for “, an equivalent list in another EEA State or the Common Catalogue” substitute “or before the end of the period of two years beginning with the day after the day on which exit day falls accepted on to an equivalent list in a European Single Market State or the Common Catalogue”,
- (b) in Part IV (conditions relating to seed of a Conservation Variety), in paragraph 1 (standards of germination, analytical purity and content of seed of other plant species), omit “EC”.
- (26) In schedule 6—
- (a) in paragraph 4(a)(i) (official label for a package of Pre-basic Seed), for “EEA State or their commonly used initials”, substitute “country or country initials”,
- (b) in paragraph 5(a) (official label for a package of Basic Seed or Seed of a Certified Generation)—
- (i) in sub-paragraph (i), for “EC” substitute “UK”,
- (ii) in sub-paragraph (ii), for “EEA State or their commonly used initials”, substitute “country or country initials”,
- (c) in paragraph 6(a)(official label for a package of Commercial Seed)—
- (i) in sub-paragraph (i), for “EC” substitute “UK”,
- (ii) in sub-paragraph (ii), for “EEA State or their commonly used initials”, substitute “country or country initials”,
- (d) in paragraph 6A(a)(official label for a package of test and trial seed)(**18**), for “EEA State or their distinguishing abbreviation”, substitute “country or country initials”,
- (e) in paragraph 6B(a)(i) (official label for a package of seed of a Conservation Variety)(**19**), for “EC” substitute “UK”,
- (f) in paragraph 7(a)(ii) (official label for a package of mixtures to which regulation 8 applies), for “EEA State or their commonly used initials” substitute “country or country initials”,
- (g) in paragraph 8A(1)(a) (producer’s label for a package of seed of a preservation mixture)(**20**), for “EU” substitute “UK”,
- (h) in part III (labels for small EC A or small EC B packages)—
- (i) in the heading for that part, omit “EC” in both places where it occurs,
- (ii) in paragraph 9 (label for a small EC B package of Basic Seed, Seed of a Certified Generation or Commercial Seed)—
- (aa) in the heading, omit “EC”,
- (bb) in the words before sub-paragraph (a), omit “EC”,
- (cc) in sub-paragraph (a)(i), omit “EC”,
- (iii) in paragraph 10 (label for a small EC A or small EC B package of Mixtures)(**21**)—
- (aa) in the heading, omit “EC” in both places where it occurs,
- (bb) in the words before sub-paragraph (a), omit “EC” in both places where it occurs,
- (cc) in sub-paragraph (a), omit “EC” in both places where it occurs,
- (dd) in sub-paragraph (e), for “Member State or Switzerland” substitute “country”,

**(18)** Paragraph 6A was inserted by [S.S.I. 2007/224](#).**(19)** Paragraph 6B was inserted by [S.S.I. 2009/223](#).**(20)** Paragraph 8A was inserted by [S.S.I. 2012/5](#).**(21)** Paragraph 10 is amended by Part 2 of this instrument.

- (ee) in sub-paragraphs (h) and (i), omit “EC”,
- (ff) in sub-paragraph (h)(ii), for “Member State or Switzerland or its initials” substitute “country or country initials”,
- (gg) in sub-paragraph (i)(ii), for “Member State or Switzerland or their initials” substitute “country or country initials”,
- (i) in paragraph 12 (information to be supplied in respect of seed imported from a country which is not an EEA State in a package exceeding 2 kilograms net weight)—
  - (i) in the heading, for “a country which is not an EEA State” substitute “outside the United Kingdom”,
  - (ii) the existing text becomes sub-paragraph (1),
  - (iii) in sub-paragraph (1), for “a country which is not an EEA State” substitute “outside the United Kingdom”,
  - (iv) after sub-paragraph (1) insert—

“(2) Sub-paragraph (1) does not apply to seed imported from a European Single Market State before the end of the period of two years beginning with the day after the day on which exit day falls.”,
- (j) in paragraph 17 (seed packages sealed in the United Kingdom but not in Scotland, or in an EEA State other than the United Kingdom)(22)—
  - (i) in the heading, for “an EEA State other than the United Kingdom” substitute “a European Single Market State”,
  - (ii) for “EEA State” in the first place where it occurs, substitute “European Single Market State as applied before the end of the period of two years beginning with the day after the day on which exit day falls”,
  - (iii) for “EEA State” in the second place where it occurs substitute “European Single Market State”.

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(22) Paragraph 17 was substituted by [S.S.I. 2007/224](#).