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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 2**

**AMENDMENTS MADE UNDER SECTION 2(2)  
OF THE EUROPEAN COMMUNITIES ACT 1972**

**The Oil and Fibre Plant Seed (Scotland) Regulations 2004**

- 3.—(1) The Oil and Fibre Plant Seed (Scotland) Regulations 2004<sup>M1</sup> are amended as follows.
- (2) In regulation 2(1) (interpretation)—
- (a) at the end of the definition of “the 2004 Commission Decision” insert “, as amended by Commission Implementing Decision (EU) 2016/320<sup>M2</sup>”,
  - (b) in the definition of “the 2001 Deliberate Release Directive”, for the words from “amended by” to the end substitute “ last amended by Directive (EU) 2015/412<sup>M3</sup>”,
  - (c) in the definition of “EEA State”, at the end insert “, and for the purposes of these Regulations includes Switzerland”,
  - (d) in the definition of “Equivalence Decision”, for the words from “amended by” to the end substitute “ last amended by Decision (EU) 2018/1674<sup>M4</sup>”,
  - (e) in the definition of “the Food and Feed Regulation”, at the end insert “, as last amended by Regulation (EC) No 298/2008 of the European Parliament and of the Council<sup>M5</sup>”,
  - (f) in the definition of “third country”, omit “or Switzerland”.
- (3) In regulation 5(2) (seed to which the Regulations apply), after “EEA State” insert “ (other than regulation 13A (certification and labelling for export)) ”.
- (4) After regulation 6 (marketing of seed) insert—

**“Importation from outside the European Union**

**6A.** Seed imported from outside the European Union 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.”.

- (5) In regulation 8A(10) (exception for test and trial seed)<sup>M6</sup>, after “Member State” insert “ or, as the case may be, Switzerland ”.
- (6) After regulation 13 (requirement for homogeneity) insert—

**“Certification and labelling for export**

**13A.**—(1) The Scottish Ministers may certify the quality of any seed intended for export.

(2) Following certification in accordance with paragraph (1), any seed exported 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.”.

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**Commencement Information**

**I1** [Reg. 3](#) in force at 28.3.2019, see [reg. 1\(1\)\(a\)](#)

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**Marginal Citations**

- M1** [S.S.I. 2004/317](#), amended by [S.S.I. 2006/313](#), [S.S.I. 2007/224](#), [S.S.I. 2007/536](#), [S.S.I. 2009/223](#), [S.S.I. 2010/219](#), [S.I. 2011/1043](#), [S.S.I. 2016/68](#) and [S.S.I. 2016/434](#).
- M2** OJ L 60, 5.3.2016, p.88. The definition was inserted by [S.S.I. 2007/224](#).
- M3** OJ L 68, 13.3.2015, p.1.
- M4** OJ L 284, 12.11.2018, p.31.
- M5** OJ L 97, 9.4.2008, p.64.
- M6** [Regulation 8A](#) was inserted by [S.S.I. 2007/224](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019, Section 3.