
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 445

**The Seed, Plant Propagating Material and
Forest Reproductive Material (EU Exit)
(Scotland) (Amendment etc.) Regulations 2020**

PART 3

**Amendment of Secondary Legislation Relating
to Withdrawal from the European Union**

The Forestry (EU Exit) (Scotland) (Amendment etc.) Regulations 2019

19.—(1) Regulation 66 (the Forest Reproductive Material (Great Britain) Regulations 2002) of the Forestry (EU Exit) (Scotland) (Amendment etc.) Regulations 2019⁽¹⁾ is amended as follows.

(2) In paragraph (3)—

(a) omit sub-paragraph (a),

(b) after sub-paragraph (b) insert—

“(ba) before the definition of “crossing design” insert—

““country granted equivalence” means a country that has been assessed by Scottish Ministers as producing the categories of forest reproductive material referred to in regulation 4 under conditions equivalent to those required by these Regulations;”

(c) in sub-paragraph (c), for the new definition of “the Department” to be inserted by that sub-paragraph, substitute—

““Crown Dependency” means the Isle of Man or any of the Channel Islands;

“the Department” has the meaning given in the NI Regulations;”

(d) for sub-paragraph (g) substitute—

“(g) in the definition of “Master Certificate”—

(i) in paragraph (b), for “official body for Northern Ireland” to the end substitute “Department in accordance with regulation 13 of the NI Regulations”;

(ii) omit paragraph (c);

(iii) in paragraph (d)—

(aa) for “EU-approved third country” substitute “OECD country granted equivalence”;

(bb) for the words from “a relevant” to the end substitute “the Department in accordance with the NI Regulations”;

- (iv) in paragraph (e)—
 - (aa) for “permitted third country” substitute “non-OECD country granted equivalence”;
 - (bb) for “an official body of a member State” substitute “the Department”;
 - (v) after paragraph (e) insert—
 - “(f) in the case of forest reproductive material produced in a Crown Dependency, an official certificate issued in relation to the material by an official body of that Crown Dependency under legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations;”,
 - (e) after sub-paragraph (i) insert—
 - “(ia) after the definition of “the 1973 Regulations” insert—
 - ““non-OECD country granted equivalence” means a country granted equivalence and which is not a member of the OECD Scheme;
 - “OECD country granted equivalence” means a country granted equivalence and which is a member the OECD Scheme;
 - the “OECD Scheme” means the OECD Scheme for the Certification of Forest Reproductive Material Moving in International Trade adopted by Decision C(2007)69 of the Council of the Organisation for Economic Co-operation and development, as last amended by Decision CA(2018)14 of the Committee for Agriculture(2),”
 - (f) in sub-paragraph (j)—
 - (i) in paragraph (i), for “paragraph (b)” substitute “paragraphs (a) and (b)”;
 - (ii) for paragraph (ii) substitute—
 - “(ii) in paragraph (c), for “a permitted third country” substitute “a country granted equivalence or a Crown Dependency”;
 - (g) for sub-paragraph (k) substitute—
 - “(k) omit the definitions of “permitted third countries” and “plant passport”,
 - (h) in sub-paragraph (m), in the new definition of “third country” to be inserted by that sub-paragraph, for “United Kingdom” substitute “British Islands”,
 - (i) in sub-paragraph (n), for “Plant Health (Forestry) order 2005” substitute “EU Plant Health Regulation”.
- (3) After paragraph (4) insert—
 - “(4A) In regulation 3, for “to third countries” substitute “outside of Great Britain”.
- (4) In paragraph (7)(a)(ii), for the words from “for “an EU-approved”” to the end, substitute “for “an EU-approved third country or a permitted third country” substitute “a country granted equivalence”.
- (5) In paragraph (8)(a)—
 - (a) omit head (ii),
 - (b) for head (iii) substitute—
 - “(iii) in sub-paragraph (c), for “EU-approved third country and imported from a third country” substitute “OECD country granted equivalence and imported”;

- (c) after head (iv) insert—
 - “(iva) in sub-paragraph (e) for “permitted third country and imported from a third country” substitute “non-OECD country granted equivalence and imported”,”
- (d) for head (v) substitute—
 - “(v) after sub-paragraph (e) insert—
 - “(ea) in the case of forest reproductive material imported into Northern Ireland, it met the requirements set out in the NI Regulations as to entry into Northern Ireland and was accompanied on its entry into Scotland by the supplier’s label or document required by regulation 19 of the NI Regulations;
 - (eb) in the case of forest reproductive material produced in a Crown Dependency and imported into Scotland, it has met the requirements set out in legislation of that Crown Dependency which is recognised by Scottish Ministers to have equivalent effect to these Regulations and was accompanied on its entry into Scotland by a supplier’s label or document as required by regulation 23A;”,”.
- (6) In paragraph (10)—
 - (a) in sub-paragraph (a), for head (i) substitute—
 - “(i) in sub-paragraph (e), for “another member State or a third country” substitute “a Crown Dependency or a country granted equivalence”,”
 - (b) for sub-paragraph (b) substitute—
 - “(b) in paragraph (3), for “an EU-approved third country” substitute “a country granted equivalence”.”.
- (7) In paragraph (11), for “United Kingdom” substitute “British Islands”.
- (8) For paragraph (12) substitute—
 - “(12) Omit regulation 21.”.
- (9) After paragraph (14) insert—
 - “(14A) After regulation 23 insert—

“Imports into Great Britain from a Crown Dependency

23A. No person acting in the course of a business or trade whether or not for profit will import from a Crown Dependency forest reproductive material into a relevant territory intending to market that material unless it is accompanied by a supplier’s label or document setting out the particulars required under legislation of that Crown Dependency which is recognised by the Scottish Ministers as having equivalent effect to regulation 19 of these Regulations.””

- (10) For paragraph (16) substitute—
 - “(16) In regulation 25A—
 - (a) in the heading, for “third countries” substitute “countries granted equivalence”,
 - (b) in paragraphs (1) and (2), for “an EU-approved third country or a permitted third country” substitute “a country granted equivalence”,
 - (c) in paragraph (6), for “EU-approved third country” substitute “OECD country granted equivalence”.”.
- (11) In paragraph (25)—
 - (a) for sub-paragraph (a) substitute—

- “(a) in paragraph 1, for “an EU-approved third country or a permitted third country” substitute “a country granted equivalence”,”
- (b) in sub-paragraph (b)—
 - (i) after head (i) insert—
 - “(ia) omit the definition of “the OECD Scheme”,”
 - (ii) for head (ii) substitute—
 - “(ii) in the definition of “permitted material”—
 - (aa) in sub-paragraph (a), for “an EU-approved third country” substitute “an OECD country granted equivalence”,
 - (bb) in sub-paragraph (a)(iii), after ““selected”” insert “, “tested””,
 - (cc) in sub-paragraph (b), for “permitted third country” substitute “non-OECD country granted equivalence”,
 - (dd) in sub-paragraph (b)(i), for the words from “second” to the end, substitute “authorisation for that country published by the Scottish Ministers;”,
 - (ee) omit the table below sub-paragraph (b),”,
- (c) for sub-paragraph (c) substitute—
 - “(c) in paragraph 3, for “EU-approved third country” substitute “OECD country granted equivalence”,
 - (d) in paragraph 6 and in the heading, after “the “qualified category”” insert “or the “tested category””,
 - (e) in paragraph 7, for “permitted third country” substitute “non-OECD country granted equivalence”.”.