

2007 No. 1871

AGRICULTURE

**The Seeds (National Lists of Varieties) (Amendment)
Regulations 2007**

<i>Made</i> - - - -	<i>27th June 2007</i>
<i>Laid before Parliament</i>	<i>2nd July 2007</i>
<i>Laid before the National Assembly for Wales</i>	<i>2nd July 2007</i>
<i>Coming into force</i> - -	<i>27th July 2007</i>

The Secretary of State and the Welsh Ministers have been designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to the common agricultural policy of the European Community.

They make the following Regulations acting jointly (the Welsh Ministers acting in relation to Wales only) under the powers conferred by that section.

Title and commencement

1. These Regulations may be cited as the Seeds (National Lists of Varieties) (Amendment) Regulations 2007 and come into force on 27th July 2007.

Amendment of the Seeds (National Lists of Varieties) Regulations 2001

2.—(1) The Seeds (National Lists of Varieties) Regulations 2001^(c) are amended as follows.

(2) In regulation 2(1) for the definition of “the Equivalence Decision” substitute the following definition—

““the Equivalence Decision” means Council Decision 2005/834/EC on the equivalence of checks on practices for the maintenance of varieties carried out in certain third countries and amending Decision 2003/17/EC^(d)”.

(3) In regulation 11(2)(b) for “paragraph 2” substitute “paragraph 2 or 3”.

(4) For paragraph 2 of Part I of Schedule 1 substitute the following paragraph—

(a) For the Secretary of State, see S.I. 1972/1811; for the Welsh Ministers, see S.I. 2005/2766 and section 162 of, and paragraphs 28(1) and 30(1) and (2)(b) of Schedule 11 to, the Government of Wales Act 2006 (c.32). The power of the Secretary of State, as a Minister designated by virtue of S.I. 1972/1811 in relation to the common agricultural policy of the European Community, to make regulations which extend to Scotland remains exercisable by virtue of section 57(1) of the Scotland Act 1998 (1998 c. 46). The Secretary of State’s power, as a Minister so designated, to make regulations which extend to Northern Ireland is confirmed by article 3(2) of S.I. 2000/2812.

(b) 1972 c. 68.

(c) S.I. 2001/3510, as amended by S.I. 2004/2949, and to which there are amendments made in relation to Scotland which are not relevant.

(d) OJ No L 312, 29.11.2005, p 51.

“Vegetable varieties

2. Plants conforming with the characteristics of cultivated plant varieties of the following species intended for agricultural or horticultural production but not for ornamental use:

<i>Name</i>	<i>Common name</i>
<i>Allium cepa</i> L. (<i>Cepa</i> Group)	Onion, Echalion
<i>Allium cepa</i> L. (<i>Aggregatum</i> Group)	Shallot
<i>Allium fistulosum</i> L.	Japanese bunching onion or Welsh onion
<i>Allium porrum</i> L.	Leek
<i>Allium sativum</i> L.	Garlic
<i>Allium schoenoprasum</i> L.	Chives
<i>Apium graveolens</i> L.	Celery, Celeriac
<i>Beta vulgaris</i> L.	Beetroot including Cheltenham beet, Spinach beet or Chard
<i>Brassica oleracea</i> L.	Curly kale, Cauliflower, Sprouting broccoli or Calabrese, Brussels sprouts, Savoy cabbage, White cabbage, Red cabbage, Kohlrabi
<i>Brassica rapa</i> L.	Chinese cabbage, Turnip
<i>Cichorium endivia</i> L.	Curled-leaved endive, Plain-leaved endive
<i>Cucumis melo</i> L.	Melon
<i>Cucumis sativus</i> L.	Cucumber, Gherkin
<i>Cucurbita maxima</i> Duchesne	Gourd
<i>Cucurbita pepo</i> L.	Marrow or Courgette
<i>Daucus carota</i> L.	Carrot, Fodder carrot
<i>Lactuca sativa</i> L.	Lettuce
<i>Lycopersicon esculentum</i> Mill.	Tomato
<i>Petroselinum crispum</i> (Mill.) Nyman ex A.W.Hill	Parsley
<i>Phaseolus coccineus</i> L.	Runner bean
<i>Phaseolus vulgaris</i> L.	Dwarf French bean, Climbing French bean
<i>Pisum sativum</i> L. (partim)	Wrinkled pea, Round pea, Sugar pea
<i>Raphanus sativus</i> L.	Radish, Black radish
<i>Rheum rhabarbarum</i> L.	Rhubarb
<i>Spinacia oleracea</i> L.	Spinach
<i>Vicia faba</i> L. (partim)	Broad bean
<i>Zea mays</i> L. (partim)	Sweet corn, Popcorn”.

(5) In paragraph 1 of Part II of Schedule 1 in the table of vegetable species omit “(partim)” both times.

(6) In paragraph 2 of Part II of Schedule 1 in the table of vegetable species—

- (a) for the common name “Chilli pepper or Capsicum” substitute “Chilli or Pepper”;
- (b) omit “(partim)” from the name “*Cichorium intybus* L. (partim)”;
- (c) for the name “*Citrullus vulgaris* (*C. lanatus*)” substitute “*Citrullus lanatus* (Thunb.) Matsum. et Nakai”;
- (d) for the common name “Cardoon” substitute “Cardoon, Globe artichoke”;
- (e) for the common name “Scorzonera” substitute “Scorzonera or Black salsify”; and
- (f) for the name “*Valerianella locusta* (L.) Betcke” substitute “*Valerianella locusta* (L.) Laterr.”.

(7) After paragraph 2 of Part II of Schedule 1 insert the following paragraph—

“Derogation in respect of marketing restrictions

3. Other plants conforming with the characteristics of cultivated plant varieties of the following species intended for agricultural or horticultural production but not for ornamental use:

Vegetable Species

<i>Name</i>	<i>Common name</i>
<i>Allium cepa</i> L.	
— <i>Aggregatum</i> Group	Shallot
<i>Allium fistulosum</i> L.	Japanese bunching onion or Welsh onion
<i>Allium sativum</i> L.	Garlic
<i>Allium schoenoprasum</i> L.	Chives
<i>Rheum rhabarbarum</i> L.	Rhubarb”.

26th June 2007

Jeff Rooker
Minister of State
Department for Environment, Food and Rural Affairs

Signed on behalf of the Welsh Ministers

27th June 2007

Jane Davidson
Minister for Sustainability and Rural Development, one of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Seeds (National Lists of Varieties) Regulations 2001 (S.I. 2001/3510) (“the 2001 Regulations”).

These Regulations give effect to Council Decision 2005/834/EC on the equivalence of checks on practices for the maintenance of varieties carried out in certain third countries and amending Decision 2003/17/EC (OJ No L 312, 29.11.2005, p 51) (regulation 2(2)).

They amend the 2001 Regulations to give effect to Commission Directive 2006/124/EC amending Council Directive 2002/55/EC on the marketing of vegetable seed (OJ L 339, 6.12.2006, p 12). Commission Directive 2006/124/EC replaces the list of species of vegetable the seed of which are subject to control in relation to marketing. Several new species of vegetable are added to the list of species which may be accepted onto a national list, and the names and common names of several species in the 2001 Regulations are amended to reflect changes made by Commission Directive 2006/124/EC (regulation 2(4) to (6)).

They also give effect to Commission Decision 2007/321/EC (OJ L 119, 9.5.2007, p 48), which releases the United Kingdom from its obligation to apply some of the provisions of Directive 2002/55/EC relating to the restriction on marketing of seed of four species and one sub-species of vegetable (regulation 2(7)).

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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