

**EXPLANATORY MEMORANDUM TO
THE SEEDS (NATIONAL LISTS OF VARIETIES) (AMENDMENT)
REGULATIONS 2010**

2010 No. 1195

1. This explanatory memorandum has been prepared by the Food and Environment Research Agency (Fera), an Executive Agency of Defra, and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

The amending Regulations implement the variety listing provisions of Commission Directive 2009/74/EC and reinstate two species where temporary UK derogations have lapsed.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None

4. Legislative Context

4.1 This instrument amends the Seeds (National Lists of Varieties) Regulations 2001 to reflect scientific name changes and reclassifications. Corresponding changes to national seed marketing legislation will be made separately in a consolidation of the various England seed marketing regulations.

4.2 A transposition note can be seen in Annex 1.

5. Territorial Extent and Application

The Seeds (National Lists of Varieties) (Amendment) Regulations 2010 apply to the UK.

6. European Convention on Human Rights

As the instruments are subject to negative resolution procedure and do not amend primary legislation, no statement is required.

7. Policy background

7.1 Seeds of the main agricultural varieties can be legally marketed only if the variety is listed on a National List or on the EC Common Catalogue and if the seed has attained minimum certification/marketing standards. Variety listing and seed marketing requirements are covered by separate national legislation.

7.2 Commission Directive 2009/74/EC updates botanical names and reclassifies a number of subspecies in order to reflect developments in scientific/technical knowledge and revisions to the International Code of Botanical Nomenclature. This amendment to the National List Regulations implements these changes in the context of variety listing and also reinstates two vegetable species (Asparagus and Large leaved (Italian) chicory) to the list of species to which the Seeds (National Lists of Varieties) Regulations 2001 apply, following the expiry of two temporary derogations.

7.3 These changes will also need to be reflected in corresponding seeds marketing legislation and this is being done separately in a consolidation of the various England seed marketing regulations.

8. Consultation outcome

Fera has conducted an informal consultation with the main Industry representative organisations who fully accept the need for these changes.

9. Guidance

Current procedures and guidance remain the same but this new information will be placed on the Fera website.

10. Impact

An impact assessment is not required as there is no impact on businesses, the public sector, charities or voluntary bodies.

11. Regulating small business

Small firms will not be adversely affected by this legislation.

12. Monitoring & review

Success of this instrument will be measurable by monitoring that these new names appear on future applications received in the National Listing office.

13. Contact

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TRANSPOSITION NOTE

COMMISSION DIRECTIVE 2009/74/EC AMENDING COUNCIL DIRECTIVES 66/401/EEC, 66/402/EEC, 2002/55/EC AND 2002/57/EC AS REGARDS THE BOTANICAL NAMES OF PLANTS, THE SCIENTIFIC NAMES OF OTHER ORGANISMS AND CERTAIN ANNEXES TO DIRECTIVES 66/401/EEC, 66/402/EEC AND 2002/57/EC IN THE LIGHT OF DEVELOPMENTS OF SCIENTIFIC AND TECHNICAL KNOWLEDGE

“These regulations implement the Directive, in respect of National Listing. These regulations do not go beyond what is necessary to implement the Directive, including making consequential changes to domestic legislation to ensure its coherence in the area to which they apply”

Directive Article	Objectives	Implementation/ Regulation
Articles 1(1), 2(1) & 4(1)	Amends Directives 66/401/EEC, 66/402/EEC and 2002/57/EC as regards the botanical names of plants and reclassifies a number of subspecies.	Regulation 2 of The Seeds (National Lists of Varieties) (Amendments) Regulations 2010 Corresponding changes will be reflected in seeds marketing legislation and this is being done separately in a consolidation of the various England Seed Marketing Regulations which will be part of a separate submission due for transposition by 30 June 2010.
Article 1(2), 2(2), 3 & 4(2)	Amends Annexes II & III to Directive 66/401/EEC; Annexes I, II & III to Directive 66/402/EEC; Annexes II & III to Directive 2002/55/EC and Annexes I, II & III to Directive 2002/57/EC with revisions to technical standards to more closely align with international practice.	To be completed as part of the consolidation of the England Seed Marketing Regulations which will be part of a separate submission due for transposition by 30 June 2010.