
STATUTORY INSTRUMENTS

2019 No. 162

**The Marketing of Seeds and Plant Propagating
Material (Amendment etc.) (EU Exit) Regulations 2019**

PART 4

**Amendment of retained direct EU legislation
relating to withdrawal from the European Union**

Commission Regulation (EC) 217/2006

4.—(1) Commission Regulation 217/2006 laying down rules for the application of Council Directives [66/401/EEC](#), [66/402/EEC](#), [2002/54/EC](#), [2002/55/EC](#) and [2002/57/EC](#) as regards the authorisation of Member States to permit temporarily the marketing of seed not satisfying the requirements in respect of the minimum germination is amended as follows.

(2) Before Article 1 insert—

“Article 1

1. In this Regulation—

“the appropriate authority” means—

- (a) in relation to England, the Secretary of State;
- (b) in relation to Wales, the Welsh Ministers;
- (c) in relation to Scotland, the Scottish Ministers;
- (d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

“responsible authority” means any authority who, in relation to any part of the United Kingdom, is the appropriate authority and is the Secretary of State if consent is given by—

- (a) in relation to Wales, the Welsh Ministers;
- (b) in relation to Scotland, the Scottish Ministers;
- (c) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

“the Seeds Marketing Regulations” means—

- (a) in relation to England, the Seed Marketing Regulations 2011(1);
- (b) in relation to Wales, the Seed Marketing (Wales) Regulations 2012(2);
- (c) in relation to Scotland—

(1) [S.I. 2011/463](#), amended by [S.I. 2011/2992](#), [2012/3035](#), [2014/487](#), [2016/613](#), [2017/288](#).

(2) [S.I. 2012/245 \(W. 39\)](#), amended by [S.I. 2013/889 \(W. 101\)](#), [2014/519 \(W.61\)](#), [2016/1242 \(W. 294\)](#), [2017/1095 \(W. 276\)](#).

- (i) the Vegetable Seeds Regulations 1993⁽³⁾;
 - (ii) the Oil and Fibre Plant Seed (Scotland) Regulations 2004⁽⁴⁾;
 - (iii) the Cereal Seed (Scotland) Regulations 2005⁽⁵⁾;
 - (iv) the Fodder Plant Seed (Scotland) Regulations 2005⁽⁶⁾; and
 - (v) the Beet Seed (Scotland) (No 2) Regulations 2010⁽⁷⁾;
 - (d) in relation to Northern Ireland, the Seed Marketing Regulations (Northern Ireland) 2016⁽⁸⁾.”.
- (3) In Article 1—
- (a) for paragraph 1 substitute—

“1. This Regulation lays down the rules applying to requests for permission temporarily to market seed which does not satisfy the requirements in respect of minimum germination in accordance with the Seeds Marketing Regulations.”;
 - (b) in paragraph 2, for the words from “Directives” to the end substitute “Seeds Marketing Regulations”.
- (4) In Article 2—
- (a) for paragraph 1 substitute—

“1. Interested suppliers or supplier organisations affected by supply difficulties in the United Kingdom and wishing to be authorised temporarily to market seed not satisfying the requirements in respect of minimum germination must submit to a responsible authority a request setting out the information referred to in Article 3. That authority must thereupon notify the other responsible authorities of the request.”;
 - (b) in paragraph 2—
 - (i) in the words before sub-paragraph (a), for the words “other Member” to “requesting Member State” substitute “the other responsible authorities may notify the authority to whom the request was made”;
 - (ii) in sub-paragraph (b), for “Directives referred to in Article 1(1)” substitute “Seeds Marketing Regulations”;
 - (c) for paragraph 3 substitute—

“3. Seeds covered by the request up to the quantity requested may be marketed in the territory of the authority without satisfying the requirements of the Seeds Marketing Regulations if, within the period referred to in paragraph 2—

 - (a) no offers or objections are notified to the authority to whom the request was made, or
 - (b) where any offers are made, that authority and the responsible authority or authorities making those offers agree that the offers are unsuitable.

The authority to whom the request was made must publish the conditions under which the marketing is authorised, including the quantity allowed.”;
 - (d) omit paragraph 4.

(3) S.I. 1993/2008, amended by S.I. 1999/1863, 2011/1043 and by S.S.I. 2000/250, 2001/3510, 2007/305, 2010/219, 425, 2013/326, 2016/434.

(4) S.S.I. 2004/317, amended by S.I. 2011/1043 and by S.S.I. 2006/313, 2007/224, 536, 2009/223, 2010/219, 2016/68, 434.

(5) S.S.I. 2005/328, amended by S.S.I. 2006/313, 448, 2007/224, 536, 2009/223, 2010/219, 2016/68, 434.

(6) S.S.I. 2005/329, amended by S.S.I. 2006/313, /448, 2007/224, /536, 2009/223, 330, 2010/219, 2012/5, 2013/326, 2016/68, 434, 2017/384.

(7) S.S.I. 2010/148, amended by S.I. 2011/413, and by S.S.I. 2016/68, 434.

(8) S.R. 2016 No. 244, amended by S.R. 2017 No. 222.

- (5) In Article 3(e), for “of the requesting Member State” substitute “in the United Kingdom”.
- (6) In Article 4—
 - (a) for the words from “Without” to “Article 1(1)” substitute “In addition to any labelling required under the Seeds Marketing Regulations”;
 - (b) for “those Directives” substitute “the relevant Seeds Marketing Regulations”.
- (7) In Article 5—
 - (a) in paragraph 1—
 - (i) in the words before point (a), for “Member States” substitute “responsible authorities”;
 - (ii) in point (b), omit “for the Community”;
 - (b) omit paragraphs 2 and 3.
- (8) Omit the words after Article 6.

Commission Decision 80/512/EEC

5.—(1) Commission [Decision 80/512/EEC](#) authorising the Kingdom of Denmark, the Federal Republic of Germany, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the United Kingdom not to apply the conditions laid down in Council [Directive 66/401/EEC](#) on the marketing of fodder plant seed, as regards the weight of the sample for the determination of seed of *Cuscuta* is amended as follows.

- (2) Before Article 1 insert—

“Article 1

In this Decision, “the appropriate authority” means—

- (a) in relation to England, the Secretary of State;
 - (b) in relation to Wales, the Welsh Ministers;
 - (c) in relation to Scotland, the Scottish Ministers;
 - (d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.”.
- (3) In Article 1—
 - (a) in paragraph 1—
 - (i) for the words from “The Kingdom of Denmark” to “authorized” substitute “The appropriate authorities may decide”;
 - (ii) omit “for them”;
 - (iii) for “the Member State concerned” substitute “the territory in relation to which they have responsibility”;
 - (b) omit paragraph 2.
 - (4) Omit Article 3.
 - (5) In the Annex, omit paragraphs 1 to 4.

Council Decision 2003/17/EC

6.—(1) Council [Decision 2003/17/EC](#) on equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries is amended as follows.

(2) Before Article 1 insert—

“Article A1

1. In this Decision, “the Seeds Marketing Regulations” means—

- (a) in relation to England, the Seed Marketing Regulations 2011;
- (b) in relation to Wales, the Seed Marketing (Wales) Regulations 2012;
- (c) in relation to Scotland—
 - (i) in relation to vegetable seed, the Vegetable Seeds Regulations 1993;
 - (ii) in relation to oil and fibre plant seed, the Oil and Fibre Plant Seed (Scotland) Regulations 2004;
 - (iii) in relation to cereal seed, the Cereal Seed (Scotland) Regulations 2005;
 - (iv) in relation to fodder plant seed, the Fodder Plant Seed (Scotland) Regulations 2005;
 - (v) in relation to beet seed, the Beet Seed (Scotland) (No 2) Regulations 2010;
- (d) in relation to Northern Ireland, the Seed Marketing Regulations (Northern Ireland) 2016.”.

(3) In Articles 1 and 2—

- (a) omit “third”;
- (b) for “Directives [66/401/EEC](#), [66/402/EEC](#), [2002/54/EC](#), [2002/55/EC](#) and [2002/57/EC](#)” substitute “the Seeds Marketing Regulations”.

(4) In Article 3—

- (a) in paragraph 1—
 - (i) for “Community”, in both places where it occurs, substitute “United Kingdom”;
 - (ii) for “Directives [66/401/EEC](#), [66/402/EEC](#), [2002/54/EC](#), [2002/55/EC](#) and [2002/57/EC](#)” substitute “the Seeds Marketing Regulations”;
 - (iii) omit the second paragraph.
- (b) in paragraph 2—
 - (i) for “Community” substitute “United Kingdom”;
 - (ii) for “EC” substitute “UK”;
 - (iii) in point (a)—
 - (aa) for “Member States” substitute “the United Kingdom”;
 - (bb) for “third countries” substitute “countries listed in Annex 1”;
 - (iv) in point (b)—
 - (aa) for “small EC” substitute “beet, fodder or vegetable seed, small”;
 - (bb) for “Directives [66/401/EEC](#), [2002/54/EC](#) or [2002/55/EC](#)” substitute “the Seeds Marketing Regulations”.

(5) Omit Article 7.

(6) In Annex 2—

- (a) in paragraph A—
 - (i) in the heading, for “third countries” substitute “countries listed in Annex 1”;
 - (ii) in point 3, in the first indent, omit “Member State or third”;

- (b) in paragraph B—
 - (i) in the heading, for “third countries” substitute “countries listed in Annex 1”;
 - (ii) in point 1, in the second subparagraph, for “Community rules” substitute “the Seeds Marketing Regulations”;
 - (iii) in point 2.1, for “laid down in” substitute “specified by the Seeds Marketing Regulations and ”;
 - (iv) in point 3.1, in the first indent—
 - (aa) for “Community rules” substitute “the Seeds Marketing Regulations”;
 - (bb) for “EC” substitute “UK”;
 - (v) in point 3.2, for “Community law” substitute “the law of the United Kingdom”;
 - (vi) in point 3.5, for the words from “at least” to the end substitute “English and may also be given in other languages”;
 - (vii) in point 5—
 - (aa) in the first subparagraph, for “Community”, in both places where it occurs, substitute “United Kingdom”;
 - (bb) for the second subparagraph substitute—

“In the case of basic seed of other varieties, the seed of the preceding generations shall have been produced—

 - under the responsibility of the persons responsible for the maintenance of the variety referred to in the United Kingdom National Lists pursuant to regulation 3 of the Seeds (National Lists of Varieties) Regulations 2001;
 - in a country which has been granted equivalence of checks on practices for the maintenance of varieties, under Council [Decision 2005/834/EC](#); or
 - in an EEA State or Switzerland, provided the seed of the preceding generations was produced before the end of the period of two years beginning with exit day.”;
 - (viii) in point 6—
 - (aa) in the first indent, for “Community,” substitute “United Kingdom”;
 - (bb) in the second indent, omit “third” and, at the end, insert “or”;
 - (cc) after the second indent, insert—
 - “in an EEA State or Switzerland, provided the seed of the preceding generations was produced before the end of the period of two years beginning with exit day.”.

Council Decision 2005/834/EC

7.—(1) Council [Decision 2005/834/EC](#) on the equivalence of checks on practices for the maintenance of varieties carried out in certain third countries is amended as follows.

- (2) In Article 1—
 - (a) omit “third”;
 - (b) for “by the Member States” substitute “in the United Kingdom”.
- (3) Omit Articles 2, 3 and 6.

Commission Implementing Decision 2012/340/EU

8.—(1) Commission Implementing Decision 2012/340/EU on the organisation of a temporary experiment under Council Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC and 2002/57/EC as regards field inspection under official supervision for basic seed and bred seed of generations prior to basic seed is amended as follows.

(2) Before Article 1 insert—

“Article 1

In this Decision—

“the appropriate authority” means—

- (a) in relation to England, the Secretary of State;
- (b) in relation to Wales, the Welsh Ministers;
- (c) in relation to Scotland, the Scottish Ministers;
- (d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.

“the Seeds Marketing Regulations” means—

- (a) in relation to England, the Seed Marketing Regulations 2011;
 - (b) in relation to Wales, the Seed Marketing (Wales) Regulations 2012;
 - (c) in relation to Scotland--
 - (i) the Vegetable Seeds Regulations 1993;
 - (ii) the Oil and Fibre Plant Seed (Scotland) Regulations 2004;
 - (iii) the Cereal Seed (Scotland) Regulations 2005;
 - (iv) the Fodder Plant Seed (Scotland) Regulations 2005; and
 - (v) the Beet Seed (Scotland) (No 2) Regulations 2010;
 - (d) in relation to Northern Ireland, the Seed Marketing Regulations (Northern Ireland) 2016;
- “responsible authority” means any authority who, in relation to any part of the United Kingdom, is the appropriate authority.”.

(3) In Article 1—

- (a) in the first paragraph, omit “at Union level”;
- (b) in the second paragraph, omit the words from “as regards the following provisions” to the end.

(4) In Article 2—

- (a) in the words before point (a), for “Member States” substitute “responsible authorities”;
- (b) in point (c), for “the seed certification authority of the Member State concerned” substitute “the appropriate authority”;
- (c) in point (d), for “competent seed certification” substitute “appropriate”.

(5) In Article 3—

- (a) in paragraphs 1, 4 and 5, for “Member States” substitute “responsible authorities”;
- (b) in paragraph 2, for the words from “laid down in” to the end, substitute “specified in the Seeds Marketing Regulations”;
- (c) in paragraph 3—
 - (i) for “competent” substitute “appropriate”;

- (ii) omit “covered by [Directive 2002/55/EC](#)”.
- (6) In Article 4 —
 - (a) in the first paragraph, for “Member State” substitute “responsible authority”;
 - (b) in the second paragraph—
 - (i) for “Member States”, in each place where it occurs, substitute “responsible authorities”;
 - (ii) omit “the Commission and”;
 - (c) in the third paragraph—
 - (i) for “Member States” substitute “responsible authorities”;
 - (ii) for “Commission” substitute “other responsible authorities”.
- (7) In Article 5—
 - (a) for “Member States” substitute “responsible authorities”;
 - (b) for “in respect of” substitute “from”;
 - (c) omit the words from “, from” to the end.
- (8) In Article 6—
 - (a) for “Member States”, in each place where it occurs, substitute “responsible authorities”;
 - (b) in both places it occurs, omit “to the Commission and”.
- (9) Omit Article 8.

Commission Implementing [Decision 2014/150/EU](#)

9.—(1) Commission Implementing [Decision 2014/150/EU](#) on the organisation of a temporary experiment providing for certain derogations for the marketing of populations of the plant species wheat, barley, oats and maize pursuant to Council [Directive 66/402/EEC](#) is amended as follows.

- (2) Before Article 1 insert—

“Article 1

In this Decision--

“the appropriate authority” means—

- (a) in relation to England, the Secretary of State;
- (b) in relation to Wales, the Welsh Ministers;
- (c) in relation to Scotland, the Scottish Ministers;
- (d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

“responsible authority” means any authority who, in relation to any part of the United Kingdom, is the appropriate authority.”.

- (3) In Article 1(1) omit “at Union level”.
- (4) In Article 3—
 - (a) in the heading omit “of Member States”;
 - (b) for “Member State” substitute “responsible authority”;
 - (c) for “Member States”, in each place where it occurs, substitute “responsible authorities”;
 - (d) in paragraph 2, omit “the Commission and”;

- (e) in paragraph 3, for “Commission” substitute “other responsible authorities”.
- (5) In Articles 4, 6, 7, 10, 12, 17 and 18—
 - (a) for “Member State”, in each place where it occurs, substitute “appropriate authority”;
 - (b) for “Member States”, in each place where it occurs, substitute “responsible authorities”;
 - (c) for “seed certification authority”, in each place where it occurs, substitute “appropriate authority”.
- (6) In Article 7(4) omit “and the Commission”.
- (7) In Article 8(1), for “Article 9(6) of Council [Directive 2002/53/EC](#)” substitute “the Plant Breeders’ Rights (Naming and Fees) Regulations 2006”.
- (8) In Article 12(1), for “in the participating Member State” substitute “in the territory for which the responsible authority in question is the appropriate authority”.
- (9) In Article 14, in the words before point (a), for the words from “seed” to “States” substitute “appropriate authority”.
- (10) In Article 18, in paragraphs 1 and 2, omit “the Commission and”.
- (11) Omit Article 20.
- (12) In Annex 1—
 - (a) in point 2, for “seed certification authority and the Member state” substitute “appropriate authority”;
 - (b) in point 9, for “Member State” substitute “Country”.
- (13) In Annex 2, in the last subparagraph, for “Member States” substitute “responsible authorities”.
- (14) In Annex 3—
 - (a) in point (c), for “Member State” substitute “country”;
 - (b) in point (d), for “Member States” substitute “responsible authorities”.

Commission Implementing [Decision 2017/547/EU](#)

10.—(1) Commission Implementing [Decision 2017/547/EU](#) on the organisation of a temporary experiment under Council [Directive 2002/56/EC](#) as regards seed potato tubers derived from true potato seed is amended as follows.

- (2) In Article 1—
 - (a) in paragraph (1), omit “at Union level”;
 - (b) in paragraph (2)(h), for “Union” substitute “United Kingdom”.
- (3) In Article 2—
 - (a) for “Union”, in each place where it occurs, substitute “United Kingdom”;
 - (b) after point (d) insert—
 - “(e) “appropriate authority” means—
 - (i) in relation to England, the Secretary of State;
 - (ii) in relation to Wales, the Welsh Ministers;
 - (iii) in relation to Scotland, the Scottish Ministers;
 - (iv) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

- (f) “responsible authority” means any authority who, in relation to any part of the United Kingdom, is the appropriate authority;
- (g) “the Seed Potatoes Regulations” means—
 - (i) in relation to England, the Seed Potatoes (England) Regulations 2015⁽⁹⁾;
 - (ii) in relation to Wales, the Seed Potatoes (Wales) Regulations 2016⁽¹⁰⁾;
 - (iii) in relation to Scotland, the Seed Potatoes (Scotland) Regulations 2015⁽¹¹⁾;
 - (iv) in relation to Northern Ireland, the Seed Potatoes Regulations (Northern Ireland) 2016⁽¹²⁾.”.
- (4) In Article 3—
 - (a) for “Member State”, in each place where it occurs, substitute “responsible authority”;
 - (b) for “Commission and the other Member States”, in both places it occurs, substitute “other responsible authorities”.
- (5) In Article 4—
 - (a) in the first paragraph —
 - (i) for “Member States” substitute “responsible authorities”;
 - (ii) for “[Directive 2002/56/EC](#)” substitute “the Seed Potatoes Regulations,”;
 - (iii) for point (a), substitute—
 - “(a) it is listed in the National Lists of plant varieties under regulation 3 of the Seeds (National Lists of Varieties) Regulations 2001;”;
 - (iv) omit point (b);
 - (v) in point (c), for the words from “pursuant” to the end substitute “under regulation 4 of the Seeds (National Lists of Varieties) Regulations 2001”;
 - (b) in the second paragraph—
 - (i) omit “as referred to in Article 2(b)(i) of [Directive 2002/56/EC](#)”;
 - (ii) omit the words from “as referred to in Article 2(c)(i)” to the end.
- (6) In Article 5, in the first paragraph—
 - (a) in the first place where it occurs, for “Member State” substitute “responsible authority”;
 - (b) for “participating Member State concerned” substitute “territory for which the responsible authority concerned is the appropriate authority”;
 - (c) for “certification authority” substitute “appropriate authority”.
- (7) In Article 8(1)—
 - (a) for “Member State” substitute “responsible authority”;
 - (b) for “certification authority” substitute “appropriate authority”.
- (8) In Article 9—
 - (a) in the first paragraph, for “[Directive 2002/56/EC](#)” substitute “the Seed Potatoes Regulations”;
 - (b) in the last paragraph, for “at least one of the official languages of the Union” substitute “English and may also be given in other languages”.

⁽⁹⁾ S.I. 2015/1953, amended by S.I. 2017/288, 2018/575.

⁽¹⁰⁾ S.I. 2016/106 (W. 52), amended by 2017/596 (W. 139), 1095 (W. 276).

⁽¹¹⁾ S.S.I. 2015/395, amended by S.S.I. 2016/68, 434.

⁽¹²⁾ S.R. 2016 No. 190, amended by S.R. 2017 No. 155.

- (9) In Article 10, in the first paragraph, for “Member States” substitute “responsible authorities”.
- (10) In Article 11, in the first paragraph—
- (a) for the words from “certification” to “States” substitute “responsible authorities”;
 - (b) omit “Without prejudice to Article 23 of [Directive 2002/56/EC](#), ”.
- (11) In Article 12—
- (a) in paragraph 1—
 - (i) for “responsible official body in the participating Member State” substitute “appropriate authority”;
 - (ii) for “Member States” substitute “responsible authorities”;
 - (iii) omit the third sentence;
 - (b) in paragraphs 2, 3 and 4—
 - (i) for “Member State”, in each place where it occurs, substitute “responsible authority”;
 - (ii) for “Commission and the other Member States”, in each place where it occurs, substitute “other responsible authorities”.
- (12) Omit Article 13.
- (13) In Annex 2—
- (a) in paragraph A, for “EU” substitute “UK”;
 - (b) in paragraph B—
 - (i) in point 1, for “EU” substitute “UK”;
 - (ii) in point 2, for “responsible official body and the respective Member State,” substitute “appropriate authority”;
 - (iii) in point 9, for “Member State” substitute “Country”;
 - (c) in paragraph C—
 - (i) in point 1, for “EU” substitute “UK”;
 - (ii) in point 2, for “responsible official body and the respective Member State” substitute “appropriate authority”;
 - (iii) in point 7, for “Member State” substitute “Country”.
- (14) In Annex 3, in point 2, omit the words from “, and,” to the end.

Amendment of the EEA agreement

11. In Annex 1 to the EEA agreement, in Chapter 3 (Phytosanitary matters), in Section 2 (Application texts), in paragraphs 16, 22, 36 and 39, omit the words from “The provisions of the Decision shall” to the end.