
STATUTORY INSTRUMENTS

2020 No. 579

**AGRICULTURE
PLANT HEALTH, ENGLAND
SEEDS**

**The Vegetable Plant Material and Seed
(Miscellaneous Amendments) Regulations 2020**

<i>Made</i>	- - - -	<i>at 10.33 a.m. on 9th June 2020</i>
<i>Laid before Parliament</i>		<i>at 2.30 p.m. on 9th June 2020</i>
<i>Coming into force</i>	- -	<i>1st July 2020</i>

The Secretary of State is designated for the purposes of section 2(2) of the European Communities Act 1972(1) in relation to the common agricultural policy(2).

The Secretary of State has consulted representatives of such interests as appear to him to be concerned in accordance with section 16(1) of the Plant Varieties and Seeds Act 1964(3).

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 16(1) and (1A) of the Plant Varieties and Seeds Act 1964 and section 2(2) of the European Communities Act 1972(4).

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- (1) [1972 c. 68](#). The European Communities Act 1972 was repealed by section 1 of the European Union (Withdrawal) Act [2018 \(c. 16\)](#) with effect from exit day, but saved with modifications until IP completion day by section 1A of that Act (as inserted by section 1 of the European Union (Withdrawal Agreement) Act [2020 \(c. 1\)](#)). Section 2(2) of the European Communities Act 1972 was amended by section 27(1) of the Legislative and Regulatory Reform Act [2006 \(c. 51\)](#) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act [2008 \(c. 7\)](#).
- (2) [S.I. 1972/1811](#), to which there are amendments not relevant to these Regulations.
- (3) [1964 c. 14](#). Subsection 16(1A) was inserted by section 4 of, and paragraph 5 of Schedule 4 to, the European Communities Act 1972. See section 38(1) for the definition of “the Minister”. The function of the former Minister of Agriculture, Fisheries and Food of making regulations under section 2(2) of the 1972 Act and under the Plant Varieties and Seeds Act 1964 was transferred to the Secretary of State by article 2 of [S.I. 2002/794](#).
- (4) Under section 57(1) of the Scotland Act [1998 \(c. 46\)](#), despite the transfer to Scottish Ministers of functions in relation to implementing obligations under EU law in relation to devolved matters, the Secretary of State retains power to exercise such functions as regards Scotland. Under paragraph 5 of Schedule 3 to the Government of Wales Act [2006 \(c. 32\)](#), despite the transfer to the Welsh Ministers of functions in relation to implementing obligations under EU law in relation to devolved matters, the Secretary of State retains power to exercise such functions as regards Wales. 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](#).

Citation, commencement and application

1.—(1) These Regulations may be cited as the Vegetable Plant Material and Seed (Miscellaneous Amendments) Regulations 2020 and come into force on 1st July 2020.

(2) Regulation 2 applies in relation to England only.

Amendment of the Marketing of Vegetable Plant Material Regulations 1995

2.—(1) The Marketing of Vegetable Plant Material Regulations 1995(5) are amended as follows.

(2) In regulation 2—

(a) for the definition of “[Directive 93/61/EEC](#)” substitute—

““[Directive 93/61/EEC](#)” means Commission [Directive 93/61/EEC](#) setting out the schedules indicating the conditions to be met by vegetable propagating and planting material other than seed pursuant to [Directive 92/33/EEC\(6\)](#);”;

(b) for the definition of “[Directive 2008/72/EC](#)” substitute—

““[Directive 2008/72/EC](#)” means Council [Directive 2008/72/EC](#) on the marketing of vegetable propagating and planting material, other than seed(7);”.

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

3.—(1) The Seeds (National Lists of Varieties) Regulations 2001(8) are amended as follows.

(2) In regulation 2, for the definition of “the Vegetable Seed Marketing Directive” substitute—

““the Vegetable Seed Marketing Directive” means Council [Directive 2002/55/EC](#) on the marketing of vegetable seed(9).”.

(3) In Schedule 1—

(a) in Part 1, for the table in paragraph 2 substitute—

<i>Name</i>	<i>Common name</i>
<i>Allium cepa</i> L.	—
—Cepa Group	Onion, Echalion
—Aggregatum Group	Shallot
<i>Allium fistulosum</i> L.	Japanese bunching onion or Welsh onion
—all varieties	
<i>Allium porrum</i> L.	Leek
—all varieties	
<i>Allium sativum</i> L.	Garlic
—all varieties	

(5) [S.I. 1995/2652](#), amended by [S.I. 2014/487](#); there are other amending instruments but none is relevant.

(6) OJ No. L 250, 7.10.1993, p.19, as last amended by Commission Implementing Directive (EU) 2020/177 (OJ No. L 41, 13.2.2020, p.1).

(7) OJ No. L 205, 1.8.2008, p.28, as last amended by Commission Implementing Directive (EU) 2019/990 (OJ No. L 160, 18.6.2019, p.14).

(8) [S.I. 2001/3510](#); relevant amending instruments are [S.I. 2004/2949](#) and [2018/942](#); amended prospectively on IP completion day by [S.I. 2019/162](#).

(9) OJ No. L 193, 20.7.2002, p.33, as last amended by Commission Implementing Directive (EU) 2020/432 (OJ No. L 88, 24.3.2020, p.3).

<i>"Name</i>	<i>Common name</i>
<i>Allium schoenoprasum</i> L. —all varieties	Chives
<i>Apium graveolens</i> L. —Celery Group —Celeriac Group	— — —
<i>Asparagus officinalis</i> L. —all varieties	Asparagus
<i>Beta vulgaris</i> L. —Garden Beet Group —Leaf Beet Group	— Beetroot including Cheltenham beet Spinach beet or Chard
<i>Brassica oleracea</i> L. —Kale Group —Cauliflower Group —Capitata Group —Brussel Sprouts Group —Kohlrabi Group —Savoy Cabbage Group —Broccoli Group —Palm Kale Group —Tronchuda Group	— — — Red cabbage and White cabbage — — — — Calabrese type and Sprouting type — Portuguese cabbage
<i>Brassica rapa</i> L. —Chinese Cabbage Group —Vegetable Turnip Group	— — —
<i>Cichorium endivia</i> L. —all varieties	Endive
<i>Cucumis melo</i> L. —all varieties	Melon
<i>Cucumis sativus</i> L. —Cucumber Group —Gherkin Group	— — —
<i>Cucurbita maxima</i> Duchesne —all varieties	Gourd
<i>Cucurbita pepo</i> L.	Marrow, including mature pumpkin and scallop squash, or Courgette, including immature scallop squash

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<i>“Name</i>	<i>Common name</i>
—all varieties	
<i>Daucus carota</i> L.	Carrot and Fodder Carrot
—all varieties	
<i>Lactuca sativa</i> L.	Lettuce
—all varieties	
<i>Solanum lycopersicum</i> L.	Tomato
—all varieties	
<i>Petroselinum crispum</i> (Mill.) Nyman ex A. W. – Hill	
—Leaf Parsley Group	–
—Root Parsley Group	–
<i>Phaseolus coccineus</i> L.	Runner bean
—all varieties	
<i>Phaseolus vulgaris</i> L.	–
—Dwarf French Bean Group	–
—Climbing French Bean Group	–
<i>Pisum sativum</i> L.	–
—Round Pea Group	–
—Wrinkled Pea Group	–
—Sugar Pea Group	–
<i>Raphanus sativus</i> L.	–
—Radish Group	–
—Black Radish Group	–
<i>Rheum rhabarbarum</i> L.	Rhubarb
—all varieties	
<i>Spinacia oleracea</i> L.	Spinach
—all varieties	
<i>Vicia faba</i> L.	Broad bean
—all varieties	
<i>Zea mays</i> L.	–
—Sweet Corn Group	–
—Popcorn Group	–”;

(b) in Part 2—

(i) in paragraph 1, under the sub-heading “Vegetable species”, for the table substitute—

<i>Name</i>	<i>Common name</i>
None”;	

(ii) in paragraph 2, under the sub-heading “Vegetable species”, for the table substitute—

<i>Name</i>	<i>Common name</i>
<i>Anthriscus cerefolium</i> (L.) Hoffm.	Chervil
—all varieties	
<i>Capsicum annuum</i> L.	Chilli or Pepper
—all varieties	
<i>Cichorium intybus</i> L.	—
—Witloof Chicory Group	—
—Leaf Chicory Group	(Large-leaved chicory or Italian chicory)
—Industrial (Root) Chicory Group	—
<i>Citrullus lanatus</i> (Thunb.) Matsum. et Nakai	Watermelon
—all varieties	
<i>Cynara cardunculus</i> L.	—
—Globe Artichoke Group	—
—Cardoon Group	—
<i>Foeniculum vulgare</i> Mill.	Fennel
—Azoricum Group	—
<i>Scorzonera hispanica</i> L.	Scorzonera or Black salsify
—all varieties	
<i>Solanum melongena</i> L.	Aubergine or Eggplant
—all varieties	
<i>Valerianella locusta</i> (L.) Laterr.	Corn salad or Lamb’s lettuce
—all varieties”;	

(iii) in paragraph 3, for the sub-heading “Vegetable Species” and the table beneath that sub-heading substitute—

“Vegetable species

<i>Name</i>	<i>Common name</i>
<i>Allium cepa</i> L.	—
—Aggregatum Group	Shallot
<i>Allium fistulosum</i> L.	Japanese bunching onion or Welsh onion
—all varieties	
<i>Allium sativum</i> L.	Garlic

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<i>Name</i>	<i>Common name</i>
—all varieties	
<i>Allium schoenoprasum</i> L.	Chives
—all varieties	
<i>Rheum rhabarbarum</i> L.	Rhubarb
—all varieties”.	

Amendment of the Seed Marketing Regulations 2011

4.—(1) The Seed Marketing Regulations 2011(10) are amended as follows.

(2) In Schedule 1, in the table, for the sub-heading “Vegetables” and the entries beneath that sub-heading substitute—

“Vegetables	
<i>Allium cepa</i> L.	—
—Cepa Group	Onion, Echalion
<i>Allium porrum</i> L.	Leek
—all varieties	
<i>Apium graveolens</i> L.	—
—Celery Group	—
—Celeriac Group	—
<i>Asparagus officinalis</i> L.	Asparagus
—all varieties	
<i>Beta vulgaris</i> L.	—
—Garden Beet Group	Beetroot including Cheltenham beet
—Leaf Beet Group	Spinach beet or Chard
<i>Brassica oleracea</i> L.	—
—Kale Group	—
—Cauliflower Group	—
—Capitata Group	Red cabbage and White cabbage
—Brussel Sprouts Group	—
—Kohlrabi Group	—
—Savoy Cabbage Group	—
—Broccoli Group	Calabrese type and Sprouting type
—Palm Kale Group	—
—Tronchuda Group	Portuguese cabbage

(10) S.I. 2011/463; amended by S.I. 2014/487; there are other amending instruments but none is relevant.

<i>Brassica rapa</i> L.	—
—Chinese Cabbage Group	—
—Vegetable Turnip Group	—
<i>Cichorium endivia</i> L.	Endive
—all varieties	
<i>Cucumis melo</i> L.	Melon
—all varieties	
<i>Cucumis sativus</i> L.	—
—Cucumber Group	—
—Gherkin Group	—
<i>Cucurbita maxima</i> Duchesne	Gourd
—all varieties	
<i>Cucurbita pepo</i> L.	Marrow, including mature pumpkin and scallop squash, or Courgette, including immature scallop squash
—all varieties	
<i>Daucus carota</i> L.	Carrot and Fodder Carrot
—all varieties	
<i>Lactuca sativa</i> L.	Lettuce
—all varieties	
<i>Solanum lycopersicum</i> L.	Tomato
—all varieties	
<i>Petroselinum crispum</i> (Mill.) Nyman ex A. W. Hill	—
—Leaf Parsley Group	—
—Root Parsley Group	—
<i>Phaseolus coccineus</i> L.	Runner bean
—all varieties	
<i>Phaseolus vulgaris</i> L.	—
—Dwarf French Bean Group	—
—Climbing French Bean Group	—
<i>Pisum sativum</i> L.	—
—Round Pea Group	—
—Wrinkled Pea Group	—
—Sugar Pea Group	—

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<i>Raphanus sativus</i> L.	—
—Radish Group	—
—Black Radish Group	—
<i>Spinacia oleracea</i> L.	Spinach
—all varieties	
<i>Vicia faba</i> L.	Broad bean
—all varieties	
<i>Zea mays</i> L.	—
—Sweet Corn Group	—
—Popcorn Group	—
Any hybrid of the vegetable species or Groups listed above”.	

Gardiner of Kimble
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

At 10.33 a.m. on 9th June 2020

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend—

- the Marketing of Vegetable Plant Material Regulations 1995 (S.I. 1995/2652) (in relation to England only) (“the 1995 Regulations”);
- the Seeds (National Lists of Varieties) Regulations 2001 (S.I. 2001/3510) (“the 2001 Regulations”); and
- the Seed Marketing Regulations 2011 (S.I. 2011/463) (“the 2011 Regulations”).

These Regulations implement Commission Implementing Directive (EU) 2019/990 amending the list of genera and species in Article 2(1)(b) of Council Directive 2002/55/EC, in Annex II to Council Directive 2008/72/EC and in the Annex to Commission Directive 93/61/EEC (OJ No. L 160, 18.6.2019, p.14) (“the 2019 Directive”). They also implement Commission Implementing Directive (EU) 2020/432 amending Council Directive 2002/55/EC with regard to the definition of vegetables and the list of genera and species in Article 2(1)(b) (OJ No. L 88, 24.3.2020, p.3) (“the 2020 Directive”), superseding the amendments made by the 2019 Directive.

The 1995 Regulations implement Council Directive 2008/72/EC on the marketing of vegetable propagating and planting material, other than seed (OJ No. L 205, 1.8.2008, p.28), and Commission Directive 93/61/EEC setting out the schedules indicating the conditions to be met by vegetable propagating and planting material, other than seed pursuant to Council Directive 2008/72/EC (OJ No. L 250, 7.10.1993, p.19). The 2001 Regulations implement those elements of Council Directive 2002/55/EC on the marketing of vegetable seed (OJ No. L 193, 20.7.2002, p.33) which require Member States to establish national lists of vegetable varieties. The 2011 Regulations implement Council Directive 2002/55/EC on the marketing of vegetable seed.

Regulations 2 and 3 update definitions in the 1995 Regulations and the 2001 Regulations to ensure that references to Directives 2008/72/EC, 93/61/EEC and 2002/55/EC refer to those Directives as amended by the 2019 Directive and the 2020 Directive respectively⁽¹¹⁾.

Regulation 3 also amends the list of vegetable species on the national list and the lists of derogated vegetable species in Schedule 1 to the 2001 Regulations. It makes provision for the species *Cichorium intybus* L. to be excluded from the requirement to provide a national list and restrict marketing, in the light of Article 1(6) of Commission Implementing Decision (EU) 2017/478 (OJ No. L 73, 18.3.2017, p.29) which released the United Kingdom from the obligation to apply Directive 2002/55/EC to certain species identified in Part 6 of the Annex to that Decision.

Regulation 4 amends the list of vegetable plants and their associated common names in Schedule 1 to the 2011 Regulations (seed to which the Regulations apply) to make explicit where all varieties of a species are included and where only certain varieties of a species are included. It also provides for the application of the 2011 Regulations to hybrids of the species and Groups of vegetable plants listed.

The explanatory memorandum and transposition note in respect of these Regulations are available in hard copy from the Plant Varieties and Seeds Team, Department for Environment, Food and Rural Affairs, 1st floor, Eastbrook, Shaftesbury Road, Cambridge CB2 8DR, and published alongside these Regulations on www.legislation.gov.uk. A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

⁽¹¹⁾ See sections 20A and 23(1) of the Interpretation Act 1978 (c. 30).

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