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WELSH STATUTORY INSTRUMENTS

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**2001 No. 3665**

**The Fodder Plant Seeds (Amendment)  
(Wales) Regulations 2001**

**Regulation 3 (Interpretation)**

3.—(1) In paragraph (1) of regulation 3 —

(a) in the appropriate place, insert the following definitions —

““genetically modified” has the same meaning as for the purposes of Council Directive [90/220/EEC\(1\)](#) on the deliberate release into the environment of genetically modified organisms;”;

““the National Assembly” means the National Assembly for Wales”; and

““third country” means a country listed in the Annex to Council Decision [95/514\(2\)](#).”

(b) omit the definition of “marketing” and the reference to the construction of the related expressions of “market” and “marketed”.

(c) for the definition of “official examination” substitute —

““official examination” means —

(a) in relation to Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation or Commercial Seed produced in the United Kingdom —

(i) an examination or a test carried out by or on behalf of the National Assembly, the Minister of Agriculture, Fisheries and Food, the Secretary of State, the Scottish Ministers or the (Northern Ireland) Department of Agriculture and Rural Development;

(ii) an examination carried out under official supervision; or

(iii) a test carried out by an establishment licensed as a seed testing station under official supervision;

(b) in relation to Breeder’s Seed, Pre-basic Seed and Basic Seed, produced in the United Kingdom —

(i) an examination or a test carried out by or on behalf of the National Assembly, the Minister of Agriculture, Fisheries and Food, the Secretary of State, the Scottish Ministers or the (Northern Ireland) Department of Agriculture and Rural Development; or

(ii) a test carried out by an establishment licensed as a seed testing station under official supervision; and

(c) in relation to any description of seed produced elsewhere than in the United Kingdom, an examination or a test approved by the National Assembly, the

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(1) OJNo. L117, 8.5.90, p.15; last affected by Directive [2001/18/EC](#) of the European Parliament and of the Council (OJ No. L 106, 17.04.2001, p.1) by which [90/220/EEC](#) will be repealed on 17th October 2002.

(2) OJ No. L296, 9.2.95. p.34.

Minister of Agriculture, Fisheries and Food, the Secretary of State, the Scottish Ministers or the (Northern Ireland) Department of Agriculture and Rural Development.”;

- (d) omit the definition of “small package”; and
  - (e) in the definition of “small EC B package” for “Certified Seed or Commercial Seed” substitute “Basic Seed, Certified Seed or Commercial Seed”.
- (2) In paragraph (3) of regulation 3 —
- (a) in the definition of “Certified Seed”, for “field peas or field beans” substitute “field peas, field beans, white lupin, narrow-leaved lupin (blue lupin), yellow lupin, Hungarian vetch, common vetch, hairy vetch or lucerne”; and
  - (b) in the definition of “Certified Seed of the First Generation”, for “field peas or field beans” substitute “field peas, field beans, white lupin, narrow-leaved lupin (blue lupin), yellow lupin, Hungarian vetch, common vetch, hairy vetch or lucerne”.
- (3) After paragraph (3) of regulation 3 insert —
- “(3A) For the purposes of these Regulations, seeds —
- (a) produced and packaged in a Member State other than the United Kingdom or in a third country;
  - (b) accompanied by a document issued by a competent authority concerned with the certification of fodder plant seeds in that Member State or third country containing information specified at paragraph G(b) of Part I of Schedule 6; and
  - (c) in respect of which an application has been made for a breeder’s confirmation under these Regulations,
- shall be deemed to be seeds produced from seeds issued with a breeder’s confirmation.
- (3B) For the purposes of these Regulations, seeds —
- (a) produced and packaged in a Member State other than the United Kingdom or in a third country;
  - (b) accompanied by a document issued by a competent authority concerned with the certification of fodder plant seeds in that Member State or third country containing information specified (in respect of packages of seed not finally certified) at paragraph G(b) of Part I of Schedule 6; and
  - (c) in respect of which an application has been made for an official certificate under these Regulations,
- shall be deemed to be seeds produced from seeds issued with a breeder’s confirmation or an official certificate.
- (3C) For the purposes of these Regulations, seeds —
- (a) produced and packaged in a Member State other than the United Kingdom or in a third country;
  - (b) labelled in accordance with the requirements of regulation 9; and
  - (c) in the case of small EC A packages and small EC B packages sealed in accordance with the requirements of regulation 8(3), or, in the case of seeds other than small EC A packages and small EC B packages, sealed by a competent authority concerned with the certification of fodder plant seeds in that Member State or third country,
- shall be deemed to fall within the meaning of the appropriate category of seeds set out in paragraph (3) above”.

(4) After paragraph (4) of regulation 3, add —

“(5) In these Regulations “marketing” means —

- (a) selling, holding with a view to sale and offering for sale; and
- (b) any disposal, supply or transfer for the purpose of commercial exploitation of seed to third parties,

whether or not for consideration; and “market” and “marketed” shall be construed accordingly.

(6) Trade in seed not aimed at commercial exploitation of the variety, such as the following operations —

- (a) the supply of seed to official testing and inspection bodies; or
- (b) the supply of seed to any person for the purpose of processing or packaging the seed provided that person does not acquire title to the seed supplied,

shall not be treated as marketing of seed of that variety.”.