
WELSH STATUTORY INSTRUMENTS

2001 No. 3667

The Vegetable Seeds (Amendment) (Wales) Regulations 2001

Regulation 3 (Interpretation)

3.—(1) In regulation 3(1) —

(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;”;

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

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

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

““official examination” means —

(a) in relation to seed produced in the United Kingdom, 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

(b) in relation to seed produced elsewhere, an examination or a test approved by the National Assembly;”.

(2) 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;

(b) accompanied by a document issued by a competent authority concerned with the certification of vegetable seeds in that Member State containing information specified at paragraph C(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;

(b) accompanied by a document issued by a competent authority concerned with the certification of vegetable seeds in that Member State containing information

(1) OJNo. L117, 8.5.90, p.15; as last amended by Commission Decision [98/294/EC](#), OJ No. L131, 5.5.98, p.33.

(2) OJ No. L296, 8.12.95, p.34.

specified (in respect of packages of seed not finally certified) at paragraph C(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 such 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;
- (b) labelled in accordance with the requirements of regulation 9; and
- (c) in the case of a small package of seeds, sealed in accordance with the requirements of regulation 8(3), or, in the case of seeds other than a small package of seeds, sealed by a competent authority concerned with the certification of vegetable seeds in that Member State,

shall be deemed to fall within the meaning of the appropriate category of seeds set out in paragraph (3) above”.

(3) 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 he does not acquire title to the seed supplied,

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