

*This Statutory Instrument has been made in part to correct an error in S.I. 2019/162 and is being issued free of charge to all known recipients of that Statutory Instrument.*

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STATUTORY INSTRUMENTS

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**2021 No. 393**

**EXITING THE EUROPEAN UNION  
AGRICULTURE  
SEEDS**

**The Vegetable and Ornamental Plant Propagating Material  
and Fodder Plant Seed (Amendment) Regulations 2021**

<i>Made</i>	- - - -	<i>24th March 2021</i>
<i>Laid before Parliament</i>		<i>25th March 2021</i>
<i>Coming into force</i>	- -	<i>15th April 2021</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8C(1) of the European Union (Withdrawal) Act 2018(1).

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Vegetable and Ornamental Plant Propagating Material and Fodder Plant Seed (Amendment) Regulations 2021, and come into force 21 days after the day on which they are laid.

(2) Regulations 2 and 3 extend to England and Wales only.

**The Marketing of Vegetable Plant Material Regulations 1995**

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

(2) In regulation 3(2)(a), for “the United Kingdom” substitute “Great Britain”.

(3) In Schedule 2, in Parts A and B, in paragraph 1, for “UK” substitute “GB”.

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(1) 2018 c. 16. Section 8C was inserted by section 21 of the European Union (Withdrawal Agreement) Act 2020 (c. 1).  
(2) S.I. 1995/2652, amended by S.I. 2019/131; there are other amending instruments but none is relevant.

### **The Marketing of Ornamental Plant Propagating Material Regulations 1999**

3.—(1) The Marketing of Ornamental Plant Propagating Material Regulations 1999<sup>(3)</sup> are amended as follows.

- (2) In regulation 3(2)(a), for “the United Kingdom” substitute “Great Britain”.
- (3) In the Schedule, in paragraph 1, for “UK” substitute “GB”.

### **Commission Regulation 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<sup>(4)</sup> is amended as follows.

- (2) In Article A1(1)—
  - (a) in the definition of “responsible authority”—
    - (i) omit point (a);
    - (ii) in point (b), omit “other than fodder seed”;
  - (b) in the definition of “the Seeds Marketing Regulations”, omit point (d).
- (3) In Article 2—
  - (a) in paragraph (1)—
    - (i) omit “of fodder seed in the United Kingdom, or of seed other than fodder seed”;
    - (ii) after “the other responsible authorities” insert “and the Department of Agriculture”;
  - (b) for paragraph (2) substitute—
    - “2. Within 15 days after the communication provided for in paragraph 1—
      - (a) the other responsible authorities may notify the authority to whom the request was made of—
        - (i) an offer of available seed which can overcome the temporary difficulties in supply; or
        - (ii) their objections to the marketing of seed which does not satisfy the requirements of the Seeds Marketing Regulations;
      - (b) the Department of Agriculture may notify the authority to whom the request was made and the other responsible authorities of an offer of available seeds which can overcome the temporary difficulties in supply.”;
    - (c) in paragraph (3), in the first sub-paragraph, in the words before point (a), for “of the authority” substitute “for which the authority to whom the request was made is responsible”.
  - (4) In Article 3, in point (e), for “in the United Kingdom” substitute “of Great Britain”.

### **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

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<sup>(3)</sup> [S.I. 1999/1801](#), amended by [S.I. 2019/131](#); there are other amending instruments but none is relevant.

<sup>(4)</sup> [EUR 2006/217](#), as amended by [S.I. 2019/162](#).

marketing of fodder plant seed, as regards the weight of the sample for the determination of seed of *Cuscuta*(5) is amended as follows.

- (2) In Article A1, omit paragraph (d).
- (3) In the Annex, in paragraph 5, for “United Kingdom” substitute “Great Britain”.

### **Council Decision 2003/17/EC**

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

- (2) In Article A1(1), in the definition of “the Seeds Marketing Regulations”, omit point (d).
- (3) In Articles 1 and 2, omit the words from “and, in relation to Northern Ireland” to “fodder plant seed only”.

- (4) In Article 3—
  - (a) in paragraph (1)—
    - (i) for “the United Kingdom”, in the first place where it occurs, substitute “Great Britain”;
    - (ii) for “the United Kingdom”, in the second place where it occurs, substitute “England, Wales or Scotland, as the case may be,”;
  - (b) in paragraph (2)—
    - (i) in the words before point (a)—
      - (aa) for “the United Kingdom” substitute “Great Britain”;
      - (bb) omit “, in relation to fodder seed, “UK rules and standards”, and in relation to all other seed”;
    - (ii) in point (a), for “the United Kingdom” substitute “Great Britain”.

- (5) In Annex 2, in paragraph B—
  - (a) in point 3.1, omit “in relation to fodder seed “UK rules and standards, and in relation to all other seed”;
  - (b) in point 3.2, omit “, in relation to fodder seed, the law of the United Kingdom, and in relation to seed other than fodder seed,”;
  - (c) in point 5—
    - (i) in the first subparagraph, for “the United Kingdom”, in the first place where it occurs, substitute “Great Britain or Northern Ireland”;
    - (ii) for the second subparagraph substitute—

“In the case of basic seed of other varieties, the seed for the preceding generations shall have been produced under the responsibility of the persons responsible for the maintenance of the variety—

— referred to in the GB Variety Lists pursuant to regulation 3 of the Seeds (National Lists of Varieties) Regulations 2001(7) or the NI Variety Lists pursuant to regulation 3 of the Seeds (Variety Lists) Regulations (Northern Ireland) 2020(8); or

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(5) EUDN 1980/512, as amended by [S.I. 2019/162](#).

(6) EUDN 2003/17, as amended by [S.I. 2019/162](#).

(7) [S.I. 2001/3510](#), amended by [S.I. 2004/2949](#); [2007/1871](#); [2009/1273](#); [2011/464](#); [2016/106 \(W 52\)](#); [2018/942](#); [2019/162](#); [2020/1294](#); and [S.S. I. 2015/395](#).

(8) [S.R. 2020/302](#).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- in a country which has been granted equivalence under Council [Decision 2005/834/EC](#) on the equivalence of checks on practices for the maintenance of varieties carried out in certain third countries; or
  - in a country granted equivalence.”;
- (d) in point 6, in the first indent, for “the United Kingdom” substitute “England, Scotland, Wales or Northern Ireland”.

**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<sup>(9)</sup> is amended as follows.

(2) In Article 1, for the words from “those carried out” to the end substitute “those carried out in Great Britain”.

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

24th March 2021

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(9) EUDN 2005/834, as amended by [S.I. 2020/1388](#).

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers conferred by section 8C(1) of the European Union (Withdrawal) Act 2018 (c. 16) (the “2018 Act”) to implement the Protocol on Ireland/Northern Ireland to the withdrawal agreement (the “Protocol”), in consequence of Article 1.6 of Decision 3/2020 of the Joint Committee<sup>(10)</sup> established by that agreement.

These Regulations make amendments to legislation concerning vegetable and ornamental plants and plant propagating material and fodder seed to remove provisions relating to Northern Ireland which are no longer necessary in consequence of EU legislation added to paragraph 42 of Annex 2 to the Protocol.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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<sup>(10)</sup> Decision No 3/2020 of the Joint Committee amending the Protocol on Ireland and Northern Ireland amended Annex 2 to the Protocol, under the heading “42. Plant reproductive material”, to add Council Directive 66/401/EEC on the marketing of fodder plant seed, Council Directive 98/56/EC on the marketing of propagating material of ornamental plants and Council Directive 2008/72/EC on the marketing of vegetable propagating and planting material, other than seed.