
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Seeds (National Lists of Varieties) Regulations 2001 ([SI 2001/3510](#)) (“the 2001 Regulations”).

The amendments to the 2001 Regulations give effect to the consequential amendments made to Council Directive [2002/53/EC](#) (OJNo. L193, 20.7.01, p. 1) on the common catalogue of varieties of agricultural plant species by Council Regulation (EC) No [1829/2003](#) (OJ No. L286, 18.10.03, p. 1) on genetically modified food and feed.

The amendments make consequential amendments resulting from Commission Decision [2003/234/EC](#) (OJ No. L86, 3.4.2003, p. 48) amending Decision [74/360/EEC](#) as regards the United Kingdom’s exemption from applying to hemp (*Cannabis sativa*) Council Directive [2002/57/EC](#) on the marketing of seed of oil and fibre plants, by adding hemp to the list of species of oleaginous and fibrous plants included on the National Lists; and from Commission Directive [2004/55/EC](#) (OJ No. L114, 21.4.2004, p. 18) amending Council Directive [66/401/EEC](#) on the marketing of fodder plant seed by amending the definition of festulolium.

These amending regulations—

- (a) update references to relevant EC and National legislation (*Regulations 2(2)(a); 2(2)(b); 2(2)(c); 2(2)(d); 2(2)(e); 2(2)(f); 2(2)(g); 2(2)(i); 2(2)(j); 2(2)(k); 2(2)(l); 2(3)(a); 2(5); and 2(7)*);
- (b) amend the provisions relating to the records that must be kept and information that must be published by the Secretary of State in relation to the National Listing of genetically modified varieties (*Regulations 2(3)(b) and 2(9)*);
- (c) remove the requirement for details of a proposed maintainer, substitution or addition of maintainer to be published in the Gazette before an application for inclusion on the National List has been determined (*Regulation 2(3)(c)*);
- (d) amend the provisions relating to the marketing authorisations required in respect of genetically modified varieties in order for National Listing to take place (*Regulations 2(2)(h); and 2(4)*);
- (e) amend the provisions relating to the variation, suspension, or revocation of arrangements for official measures (*Regulation 2(6)*);
- (f) provide that the National Listing of a genetically modified variety can be revoked where an authorisation issued under the relevant legislation has been revoked or has otherwise expired (*Regulation 2(8)*); and
- (g) amend the definition of festulolium (*Regulation 2(10)(a)(i)*).
- (h) add hemp to the National List of agricultural crop varieties (*Regulations 2(10)(a)(ii); and 2(10)(b)*).

A Regulatory Impact Assessment has been prepared and placed in the library of each House of Parliament. Copies can be obtained from the Plant Variety Rights Office and Seeds Division of the Department for Environment, Food and Rural Affairs, White House Lane, Huntingdon Road, Cambridge CB3 0LF.

Changes to legislation:

There are currently no known outstanding effects for the The Seeds (National Lists of Varieties) (Amendment) Regulations 2004.