



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2001 Rhif 3658 (Cy. 295)

2001 No. 3658 (W. 295)

HADAU, CYMRU

SEEDS, WALES

**Rheoliadau Hadau Bety
(Diwygio) (Cymru) 2001**

**The Beet Seeds (Amendment)
(Wales) Regulations 2001**

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Hadau Bety 1993, O.S. 1993/2006, (fel y'i diwygiwyd gan O.S. 1997/616 a 1999/1861) ("Rheoliadau 1993"). Deuant i rym ar 29 Tachwedd 2001 ac maent yn gymwys i Gymru yn unig.

These Regulations amend the Beet Seeds Regulations 1993, S.I. 1993/2006, (as amended by S.I. 1997/616 and 1999/1861) ("the 1993 Regulations"). They come into force on 29th November 2001 and apply to Wales only.

Mae'r diwygiadau i Reoliadau 1993 yn peri bod Cyfarwyddbau canlynol y Cyngor, a ddiwygiodd gyfarwyddbau mewn perthynas â marchnata hadau a'r catalog cyffredin o amrywiadau o rywogaethau planhigion amaethyddol, yn effeithiol yng Nghymru :-

The amendments to the 1993 Regulations give effect in Wales to the following Council Directives, that amended directives in respect of the marketing of seeds and the common catalogue of varieties of agricultural plant species:-

- (a) 98/95/EC (OJ Rhif L25, 1.2.1999, t.1) mewn perthynas â chyfuno'r farchnad fewnol, adnoddau planhigion a addaswyd yn enetig ac adnoddau genetig planhigion; a
- (b) 98/96/EC (OJ Rhif L25, 1.2.1999, t.27) o ran archwiliadau maes answyddogol.

- (a) 98/95/EC (OJ No. L25, 1.2.1999, p.1) in respect of the consolidation of the internal market, genetically modified plant resources and plant genetic resources; and
- (b) 98/96/EC (OJ No. L25, 1.2.1999, p.27) as regards unofficial field inspections.

Mae'r cyfarwyddbau mewn perthynas â marchnata hadau a ddiwygiwyd gan Gyfarwyddbau y Cyngor 98/95/EC a 98/96/EC yn cynnwys Cyfarwydddeb y Cyngor 66/400/EEC (OJ Rhif L125, 11.7.66, t.2290) ar farchnata hadau betys.

The directives in respect of the marketing of seeds amended by Council Directives 98/95/EC and 98/96/EC include Council Directive 66/400/EEC (OJ No. L125, 11.7.66, p.2290) on the marketing of beet seed.

Mae'r Rheoliadau hyn -

These Regulations -

- (a) yn diwygio diffiniadau yn rheoliad 3 (o Reoliadau 1993), gan gynnwys y diffiniadau o "marketing" ac "official examination", ac yn hepgor y diffiniad o "small package" (rheoliad 3);
- (b) yn diwygio rheoliad 5 mewn perthynas â marchnata (gan gynnwys marchnata hadau betys a addaswyd yn enetig) ac awdurdodiadau marchnata, profion a threialon, hadau fel y cânt eu tyfu, gwaith dethol a dibenion gwyddonol

- (a) amend definitions in regulation 3 (of the 1993 Regulations), including the definitions of "marketing" and "official examination", and omit the definition of "small package" (regulation 3);
- (b) amend regulation 5 in relation to marketing (including the marketing of genetically modified beet seeds) and marketing authorisations, tests and trials, seed as grown, selection work and other scientific purposes;

eraill; ac yn gwneud diwygiadau canlyniadol i reoliad 4 (rheoliadau 4 a 5);

(c) yn diwygio rheoliadau 8 a 9 i ddileu darpariaethau mewn perthynas â phhecynnau bach ac yn diwygio rheoliad 9 i wneud darpariaeth mewn perthynas â dangos amrywiadau a addaswyd yn enetig yn glir (rheoliadau 6 a 7); ac

(ch) yn diwygio Atodlen 6 i wneud darpariaeth ar gyfer rhoi gwybodaeth ynghylch hadau sydd wedi'u mewnfario ac i ddileu darpariaethau mewn perthynas â phhecynnau bach (rheoliad 8).

Mae Rheoliadau tebyg wedi'u gwneud er mwyn diwygio Rheoliadau 1993 i'r graddau y maent yn gymwys i Loegr ac i'r Alban gan O.S. 2000/1791 ac O.S.A. 2000/246 yn y drefn honno ac mae Rheolau diwygio tebyg wedi eu gwneud gan yr awdurdod priodol yng Ngogledd Iwerddon.

Mae Rheoliadau tebyg yn cael eu gwneud mewn perthynas â Chymru ynglyn â'r canlynol:

- hadau llysiau
- hadau grawnfwydydd
- tatws hadyd
- hadau planhigion olew a ffibr
- hadau planhigion porthiant.

I gael rhagor o wybodaeth am y Rheoliadau hynny, cysylltwch â'r Is-adran Cefn Gwlad, Cynulliad Cenedlaethol Cymru, Parc Cathays, Caerdydd.

and make consequential amendments to regulation 4 (regulations 4 and 5);

(c) amend regulations 8 and 9 to remove provisions in respect of small packages and amend regulation 9 to make provision in relation to clear indications for genetically modified varieties (regulations 6 and 7); and

(d) amend Schedule 6 to make provision for the supply of information about imported seeds and remove provisions in respect of small packages (regulation 8).

Similar Regulations have been made to amend the 1993 Regulations in so far as they apply to England and to Scotland by respectively S.I. 2000/1791 and S.S.I 2000/246 and similar amendment Rules have been made by the appropriate authority in Northern Ireland.

Similar Regulations are being made in relation to Wales in respect of:

- vegetable seeds
- cereal seeds
- seed potatoes
- oil and fibre plant seeds
- fodder plant seeds.

For further information on those Regulations contact the Countryside Division, National Assembly for Wales, Cathays Park, Cardiff.

2001 Rhif 3658 (Cy. 295)**2001 No. 3658 (W. 295)****HADAU, CYMRU****SEEDS, WALES****Rheoliadau Hadau Betys
(Diwygio) (Cymru) 2001****The Beet Seeds (Amendment)
(Wales) Regulations 2001***Wedi'u gwneud* 8 Tachwedd 2001*Made* 8th November 2001*Yn dod i rym* 29 Tachwedd 2001*Coming into force* 29th November 2001

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau o dan adrannau 16(1), (1A), (2), (3), (4) a (5) a 36 o Ddeddf Amrywiadau a Hadau Planhigion 1964(a) sydd bellach wedi'u breinio ynddo(b) a phob pŵer arall sy'n ei alluogi yn y cyswllt hwnnw, ar ôl ymgynghori, yn unol ag adran 16(1) o'r Ddeddf honno, â chynrychiolwyr y buddiannau hynny y mae'n ymddangos iddo eu bod o bwys iddynt, drwy hyn yn gwneud y Rheoliadau canlynol:

The National Assembly for Wales, in exercise of the powers under sections 16(1), (1A), (2), (3), (4) and (5) and 36 of the Plant Varieties and Seeds Act 1964(a) now vested in it(b) and of all other powers enabling it in that behalf, after consultation, in accordance with section 16(1) of that Act with representatives of such interests as appear to it to be concerned, hereby makes the following Regulations:

Enwi, cychwyn a chymhwys**Title, commencement and application**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Hadau Betys (Diwygio) (Cymru) 2001 a deuant i rym ar 29 Tachwedd 2001.

1.-(1) These Regulations are called the Beet Seeds (Amendment) (Wales) Regulations 2001 and shall come into force on 29th November 2001.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig.

(2) These Regulations apply to Wales only.

Diwygio Rheoliadau Hadau Betys 1993**Amendment of the Beet Seeds Regulations 1993**

2.-(1) Diwygir Rheoliadau Hadau Betys 1993(c), i'r graddau y maent yn gymwys i Gymru, yn unol â darpariaethau canlynol y Rheoliadau hyn.

2.-(1) The Beet Seeds Regulations 1993(c) shall, in so far as they apply to Wales, be amended in accordance with the following provisions of these Regulations.

(2) Dehonglir unrhyw gyfeiriad yn y Rheoliadau hyn at reoliadau neu Atodlen â rhif fel cyfeiriad at y

(2) Any reference in these Regulations to a numbered regulation or Schedule shall be construed as

(a) 1964 p.14; diwygiwyd adran 16 gan adran 4(1) o Ddeddf Cymunedau Ewrop 1972 (p.68) a pharagraff 5(1), (2) a (3) o Atodlen 4 iddi.

(a) 1964 c.14; section 16 was amended by section 4(1) of and paragraph 5(1), (2) and (3) of Schedule 4 to the European Communities Act 1972 (c. 8).

(b) *Gweler* adran 38(1) i gael diffiniad o "the Minister". O dan Orchymyn Trosglwyddo Swyddogaethau (Cymru) (Rhif 1) 1978 (O.S. 1978/272), erthygl 2(1) ac Atodlen 1, trosglwyddwyd swyddogaethau'r Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd o dan Ddeddf Amrywiadau a Hadau Planhigion 1964, i'r graddau y maent yn arferadwy mewn perthynas â Chymru, i'r Ysgrifennydd Gwladol. O dan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), y cafwyd diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn, cafodd swyddogaethau'r Ysgrifennydd Gwladol eu trosglwyddo, mewn perthynas â Chymru, i Gynulliad Cenedlaethol Cymru.

(b) *See* section 38(1) for a definition of "the Minister". Under the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272), article 2(1) and Schedule 1, the functions of the Minister of Agriculture, Fisheries and Food under the Plant Varieties and Seeds Act 1964 were, so far as exercisable in relation to Wales, transferred to the Secretary of State. Under the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), to which there are amendments not relevant to these Regulations, the functions of the Secretary of State were transferred, in relation to Wales, to the National Assembly for Wales.

(c) O.S. 1993/2006, fel y'i diwygiwyd gan O.S. 1997/616 ac O.S. 1999/1861.

(c) S.I. 1993/2006, as amended by S.I. 1997/616 and S.I. 1999/1861.

rheoliad neu'r Atodlen sy'n dwyn y rhif hwnnw yn Rheoliadau Hadau Betys 1993.

Rheoliad 3 (Dehongli)

3.-(1) Ym mharagraff (1) o reoliad 3 -

(a) yn y lle priodol mewnosodwch y diffiniadau canlynol -

"genetically modified" has the same meaning as for the purposes of Council Directive 90/220/EEC(a) on the deliberate release into the environment of genetically modified organisms;"

"the National Assembly" means the National Assembly for Wales;" a

"third country" means a country listed in the Annex to Council Decision 95/514(b);"

(b) hepgorwch y diffiniad o "marketing" a'r cyfeiriad i ddehongli'r ymadroddion cysylltiedig, sef "market" a "marketed";

(c) yn lle'r diffiniad o "official examination" rhowch -

"official examination" means -

(a) in relation to Certified 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 Uncertified Pre-Basic 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

(a) OJ Rhif L117, 8.5.90, t.15; fel y'i diwygiwyd ddiwethaf gan Benderfyniad y Comisiwn 98/294/EC, OJ Rhif L131, 5.5.98, t.33.

(b) OJ Rhif L296, 8.12.95, t.34.

a reference to the regulation or Schedule bearing that number in the Beet Seeds Regulations 1993.

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(a) 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(b);"

(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 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 Uncertified Pre-Basic 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

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

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

Kingdom, an examination or a test approved by 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;"; ac

- (ch) hepgorwch y diffiniad o "small package".

(2) Ar ôl paragraff (3) o reoliad 3 mewnosodwch -

"(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 beet seeds in that Member State or third country containing information specified (in respect of packages of seed not finally certified) at paragraph C(b) of Part 1 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 such 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 beet seeds in that Member State or third country containing information 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 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 a third country;
- (b) labelled in accordance with the requirements of regulation 9; and
- (c) in the case of a small EC package of

Kingdom, an examination or a test approved by 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;"; and

- (d) omit the definition of "small package".

(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 or in a third country;
- (b) accompanied by a document issued by a competent authority concerned with the certification of beet seeds in that Member State or third country containing information 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 a breeder's confirmation under these Regulations,

shall be deemed to be seeds produced from seeds issued with such 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 beet seeds in that Member State or third country containing information 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 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 a third country;
- (b) labelled in accordance with the requirements of regulation 9; and
- (c) in the case of a small EC package of

seeds, sealed in accordance with the requirements of regulation 8(3), or, in the case of seeds other than a small EC package of seeds, sealed by a competent authority concerned with the certification of beet 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".

(3) Ar ôl paragraff (4) o reoliad 3, ychwanegwch -

"(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."

Rheoliad 4 (Hadau y mae Rheoliadau Hadau Betys 1993 yn gwmwys iddynt)

4. Yn rheoliad 4 -

- (a) ym mharagraff (1), yn lle "Subject to paragraph (2) and (3) below" rhwch "Subject to paragraph (2) below";
- (b) ym mharagraff (2), hepgorwch is-baragraffau (b),(c) a (d); ac
- (c) hepgorwch baragraff (3).

Rheoliad 5 (Marchnata hadau)

5. Yn rheoliad 5 -

- (a) ym mharagraff (1)(b), ar ôl "regulation 9(1)," mewnosodwch "(1B),";
- (b) ar ôl paragraff (1)(c), ychwanegwch -
", or
- (d) in the case of genetically modified seeds, clearly indicated, in the sales catalogue of the person marketing the seeds and in any other marketing information or marketing

seeds, sealed in accordance with the requirements of regulation 8(3), or, in the case of seeds other than a small EC package of seeds, sealed by a competent authority concerned with the certification of beet 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".

(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 that person does not acquire title to the seed supplied, shall not be treated as marketing of seed of that variety."

Regulation 4 (Seeds to which the Beet Seeds Regulations 1993 apply)

4. In regulation 4 -

- (a) in paragraph (1), for "Subject to paragraph (2) and (3) below" substitute "Subject to paragraph (2) below";
- (b) in paragraph (2), omit sub-paragraphs (b),(c) and (d); and
- (c) omit paragraph (3).

Regulation 5 (Marketing of seeds)

5. In regulation 5 -

- (a) in paragraph (1)(b), after "regulation 9(1)," insert "(1B),";
- (b) after paragraph (1)(c), add -
", or
- (d) in the case of genetically modified seeds, clearly indicated, in the sales catalogue of the person marketing the seeds and in any other marketing information or marketing

representations provided by that person, as having been genetically modified.";

(c) ar ôl paragraff (1), mewnosodwch -

"(1A) Paragraph (1) above shall not prevent the marketing of seed as grown, marketed for processing, provided that the identity of the seed is ensured.";

(ch) ar ôl paragraff (2), mewnosodwch-

"(2A) Where there is an arrangement under which-

(a) seed, other than seed which contains any genetically modified material, under the control of one person ("the first person") is used by another person ("the second person") for the purpose of -

(i) increasing the first person's stock of the seed for sowing; or

(ii) carrying out tests or trials on the seed; and

(b) everything produced from the seed, whether directly or indirectly, and any unused seed, become or remain the property of the first person,

the prohibitions in paragraph (1) above shall not apply to the marketing of the seed by the first person to the second person as part of that arrangement or to the marketing by the second person to the first person of any seed produced (whether directly or indirectly) from that seed.

(2B) The prohibitions in paragraph (1) above shall not apply to the marketing by producers of small quantities of seed, other than seed which contains any genetically modified material, for scientific purposes or selection work.

(2C) If the conditions specified in paragraph (2D) below are satisfied, the prohibitions in paragraph (1) above shall not apply to-

(a) the marketing, as part of any arrangement referred to in paragraph (2A) above by the first person referred to in that paragraph to the second person referred to in that paragraph, of seed which contains any genetically modified material;

(b) the marketing, as part of any arrangement referred to in paragraph (2A) above by the second person referred to in that paragraph to the first person referred to in that paragraph, of seed produced (whether directly or indirectly) from the seed marketed to him as part of any such arrangement which contains any genetically modified material; or

(c) the marketing by producers, for scientific

representations provided by that person, as having been genetically modified.";

(c) after paragraph (1), insert -

"(1A) Paragraph (1) above shall not prevent the marketing of seed as grown, marketed for processing, provided that the identity of the seed is ensured.";

(d) after paragraph (2), insert -

"(2A) Where there is an arrangement under which-

(a) seed, other than seed which contains any genetically modified material, under the control of one person ("the first person") is used by another person ("the second person") for the purpose of -

(i) increasing the first person's stock of the seed for sowing; or

(ii) carrying out tests or trials on the seed; and

(b) everything produced from the seed, whether directly or indirectly, and any unused seed, become or remain the property of the first person,

the prohibitions in paragraph (1) above shall not apply to the marketing of the seed by the first person to the second person as part of that arrangement or to the marketing by the second person to the first person of any seed produced (whether directly or indirectly) from that seed.

(2B) The prohibitions in paragraph (1) above shall not apply to the marketing by producers of small quantities of seed, other than seed which contains any genetically modified material, for scientific purposes or selection work.

(2C) If the conditions specified in paragraph (2D) below are satisfied, the prohibitions in paragraph (1) above shall not apply to-

(a) the marketing, as part of any arrangement referred to in paragraph (2A) above by the first person referred to in that paragraph to the second person referred to in that paragraph, of seed which contains any genetically modified material;

(b) the marketing, as part of any arrangement referred to in paragraph (2A) above by the second person referred to in that paragraph to the first person referred to in that paragraph, of seed produced (whether directly or indirectly) from the seed marketed to him as part of any such arrangement which contains any genetically modified material; or

(c) the marketing by producers, for scientific

purposes or selection work, of small quantities of seed which contains any genetically modified material.

(2D) The conditions referred to in paragraph (2C) above are -

- (a) the deliberate release of the genetically modified material has been authorised under a Part B consent, or the genetically modified material has been accepted for marketing in accordance with a Part C consent, issued for the purposes of Council Directive 90/220/EEC on the deliberate release into the environment of genetically modified organisms;
- (b) the seeds are accompanied during marketing by a copy of the consent;
- (c) all appropriate measures, in accordance with an environmental risk assessment in respect of the material carried out in accordance with article 7(4) of Council Directive 70/457/EEC(a) have been taken by the producer of the seed to avoid adverse effects on human health and the environment; and
- (d) in the case of genetically modified material accepted for marketing in accordance with a Part C consent, an authorisation has been granted by the National Assembly in accordance with paragraph (2E) below to the person marketing the seed.

(2E) An authorisation may be granted by the National Assembly for the purpose of paragraph (2D)(d) above if -

- (a) the person intending to market the seed has applied to the National Assembly no later than 15 working days before the seed is marketed -
 - (i) giving the National Assembly notice of that person's intention to market the seed and a description of the proposed marketing in respect of which the authorisation is sought; and
 - (ii) giving the National Assembly such information relating to the acceptance for marketing of the variety of the seed concerned under Council Directive 90/220/EEC, and the proposed marketing in respect of which the authorisation is sought, as the National Assembly may require for the purposes of determining whether or not to grant the authorisation; and
- (b) the National Assembly is satisfied that an authorisation should be granted.";
- (d) ar ôl paragraff (8), mewnosodwch -

"(8A) Beet seeds produced and packaged in a Member State other than the United Kingdom intended for official certification

purposes or selection work, of small quantities of seed which contains any genetically modified material.

(2D) The conditions referred to in paragraph (2C) above are -

- (a) the deliberate release of the genetically modified material has been authorised under a Part B consent, or the genetically modified material has been accepted for marketing in accordance with a Part C consent, issued for the purposes of Council Directive 90/220/EEC on the deliberate release into the environment of genetically modified organisms;
- (b) the seeds are accompanied during marketing by a copy of the consent;
- (c) all appropriate measures, in accordance with an environmental risk assessment in respect of the material carried out in accordance with article 7(4) of Council Directive 70/457/EEC(a) have been taken by the producer of the seed to avoid adverse effects on human health and the environment; and
- (d) in the case of genetically modified material accepted for marketing in accordance with a Part C consent, an authorisation has been granted by the National Assembly in accordance with paragraph (2E) below to the person marketing the seed.

(2E) An authorisation may be granted by the National Assembly for the purpose of paragraph (2D)(d) above if -

- (a) the person intending to market the seed has applied to the National Assembly no later than 15 working days before the seed is marketed -
 - (i) giving the National Assembly notice of that person's intention to market the seed and a description of the proposed marketing in respect of which the authorisation is sought; and
 - (ii) giving the National Assembly such information relating to the acceptance for marketing of the variety of the seed concerned under Council Directive 90/220/EEC, and the proposed marketing in respect of which the authorisation is sought, as the National Assembly may require for the purposes of determining whether or not to grant the authorisation; and
- (b) the National Assembly is satisfied that an authorisation should be granted.";
- (e) after paragraph (8), insert -

"(8A) Beet seeds produced and packaged in a Member State other than the United Kingdom intended for official certification

(a) OJ Rhif L225, 12.10.1970, t.1; fel y'i diwygiwyd ddiwethaf gan Gyfarwydddeb y Cyngor 98/96/EC (OJ Rhif L 25, 1.2.1999, t.27).

(a) OJ No. L225, 12.10.1970, p.1; as last amended by Council Directive 98/96/EC (OJ No. L 25, 1.2.1999, p.27).

in the United Kingdom shall not be marketed unless they are -

- (a) sealed and labelled as required by regulations 8 and 9; and
- (b) accompanied by an official document containing all the information in respect of the seeds specified at paragraph C of Part I of Schedule 6.

(8B) A person who imports a package containing a net weight of more than 2 kilograms of beet seeds produced in a country other than another Member State shall make available to the National Assembly, in such manner and at such time as the National Assembly may require, the information in respect of the seeds specified in Part IV of Schedule 6."; ac

- (dd) ym mharagraff (11), hepgorwch "may be imported but".

Rheoliad 8 (Selio pecynnau)

6. Ym mharagraffau (1) a (3) o reoliad 8, yn lle "a small package or a small EC package", (lle y maent yn digwydd yn eu tro yn y paragraffau hynny) rhowch "or a small EC package".

Rheoliad 9 (Labelu pecynnau)

7. Yn rheoliad 9 -

- (a) ar ôl paragraff (1A) mewnosodwch-
"(1B) If a variety has been genetically modified, any label or document, whether official or otherwise, affixed to or accompanying a seed lot or any part of a seed lot in accordance with the provisions of this regulation, shall clearly indicate that the variety has been genetically modified.";
- (b) ym mharagraffau (2) a (4) yn lle "a package other than a small package of Basic Seed", lle y maent yn digwydd yn eu tro yn y paragraffau hynny, rhowch "a package of Basic Seed";
- (c) hepgorwch baragraff (6); ac(ch) ym mharagraff (10)(b) yn lle "Part IV" rhowch "Part V".

Atodlen 6 (Gofynion labelu)

8. Yn Atodlen 6 -

- (a) hepgorwch baragraff A (Label Cyflenwr ar gyfer Pecyn Bach o Hadau Sylfaenol) o Ran III;
- (b) ailrifwch "Part IV" (Manylion sydd i'w marcio neu i'w harddangos wrth werthu hadau nad ydynt mewn pecyn) yn "Part V"; ac
- (c) ar ôl Rhan III mewnosodwch-

in the United Kingdom shall not be marketed unless they are -

- (a) sealed and labelled as required by regulations 8 and 9; and
- (b) accompanied by an official document containing all the information in respect of the seeds specified at paragraph C of Part I of Schedule 6.

(8B) A person who imports a package containing a net weight of more than 2 kilograms of beet seeds produced in a country other than another Member State shall make available to the National Assembly, in such manner and at such time as the National Assembly may require, the information in respect of the seeds specified in Part IV of Schedule 6."; and

- (f) in paragraph (11), omit "may be imported but".

Regulation 8 (Sealing of packages)

6. In paragraphs (1) and (3) of regulation 8, for "a small package or a small EC package", (where they respectively occur in those paragraphs) substitute "or a small EC package".

Regulation 9 (Labelling of packages)

7. In regulation 9 -

- (a) after paragraph (1A) insert -
"(1B) If a variety has been genetically modified, any label or document, whether official or otherwise, affixed to or accompanying a seed lot or any part of a seed lot in accordance with the provisions of this regulation, shall clearly indicate that the variety has been genetically modified.";
- (b) in paragraphs (2) and (4) for "a package other than a small package of Basic Seed", where they respectively occur in those paragraphs, substitute "a package of Basic Seed";
- (c) omit paragraph (6); and(d) in paragraph (10)(b) for "Part IV" substitute "Part V".

Schedule 6 (Labelling requirements)

8. In Schedule 6 -

- (a) omit paragraph A (Supplier's Label for a Small Package of Basic Seed) of Part III;
- (b) renumber "Part IV" (Particulars to be marked or displayed on the sale of unpacked seeds) as "Part V"; and
- (c) after Part III insert -

"Part IV

**Information in respect of seeds imported
from third countries in packages
more than 2 kilograms in net weight**

1. Species.
2. Variety.
3. Category.
4. Country of production and official inspection authority.
5. Country of despatch.
6. Importer.
7. Quantity of seed."

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a).

8 Tachwedd 2001

Llywydd y Cynulliad Cenedlaethol

"Part IV

**Information in respect of seeds imported
from third countries in packages
more than 2 kilograms in net weight**

1. Species.
2. Variety.
3. Category.
4. Country of production and official inspection authority.
5. Country of despatch.
6. Importer.
7. Quantity of seed."

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(a).

8th November 2001

The Presiding Officer of the National Assembly

D. Elis-Thomas

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2001 Rhif 3658 (Cy. 295)

HADAU, CYMRU

Rheoliadau Hadau Betys
(Diwygio) (Cymru) 2001

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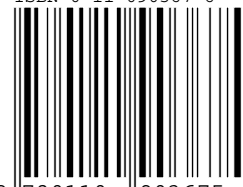
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