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WELSH STATUTORY INSTRUMENTS

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**2009 No. 1356 (W.131)**

**SEEDS, WALES**

**The Seed (Conservation Varieties  
Amendments) (Wales) Regulations 2009**

<i>Made</i>	- - - -	<i>3 June 2009</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>5 June 2009</i>
<i>Coming into force</i>	- -	<i>30 June 2009</i>

The Welsh Ministers, in whom the powers conferred by sections 16(1) to (5A) and 36 of the Plant Varieties and Seeds Act 1964(1) are now vested(2), make these Regulations in exercise of those powers.

The Welsh Ministers have carried out a consultation in accordance with section 16(1) of that Act.

**PART 1**

Introduction and amendments

**Title, commencement and application**

1.—(1) The title of these Regulations is the Seed (Conservation Varieties Amendments) (Wales) Regulations 2009.

(2) These Regulations come into force on 30 June 2009, and they apply in relation to Wales.

**Amendments made by these Regulations**

2. These Regulations amend—

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- (1) 1964 c. 14. Section 16 has been amended by the European Communities Act 1972 (c. 68), section 4 and Schedule 4, paragraph 5; S.I. 1977/1112, and the Agriculture Act 1986 (c. 49), section 2.
- (2) See section 38(1) for the definition of “the Minister”.
- Under the Transfer of Functions (Wales) (No.1) Order 1978 (S.I. 1978/272) the functions of the Minister of Agriculture, Fisheries and Food under the Plant Varieties and Seeds Act 1967 were, so far as they are exercisable in relation to Wales, transferred to the Secretary of State; and under the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the functions transferred to the Secretary of State by the 1978 Order were transferred to the National Assembly for Wales. These functions were transferred from the National Assembly for Wales to the Welsh Ministers under the Government of Wales Act 2006 (c. 32).

- (a) the Beet Seed (Wales) Regulations 2005(3) in accordance with Part 2;
- (b) the Fodder Plant Seed (Wales) Regulations 2005(4) in accordance with Part 3;
- (c) the Cereal Seed (Wales) Regulations 2005(5) in accordance with Part 4; and
- (d) the Oil and Fibre Plant Seed (Wales) Regulations 2004(6) in accordance with Part 5.

## PART 2

### Amendments to the Beet Seed (Wales) Regulations 2005

#### Amendment

3. The Beet Seed (Wales) Regulations 2005 are amended as follows.

#### Regulation 2 (general interpretation)

4. In regulation 2(1)—
- (a) after the definition of “breeder’s seed”, insert—
 

““Commission Directive 2008/62” means Commission Directive [2008/62/EC](#) providing for certain derogations for acceptance of agricultural landraces and varieties which are naturally adapted to the local and regional conditions and threatened by genetic erosion and for marketing of seed and seed potatoes of those landraces and varieties(7);”;
  - (b) after the definition of “component”, insert—
 

““conservation variety” means a variety which is listed as a conservation variety in accordance with the Seeds (National Lists of Varieties) Regulations 2001(8);”.

#### Insertion of new regulation 18A

5. After regulation 18, insert—

##### “Exception for conservation varieties

**18A.**—(1) The prohibition in regulation 14(1) does not apply to the marketing of seed of a conservation variety, provided that the requirements of this regulation are met.

(2) The seed must be descended from seed produced according to well defined practices for maintenance of the variety.

(3) The seed must have been harvested from a crop that—

- (a) has been produced in the region of origin for the variety, and
- (b) satisfies the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which CS seed for the species in question is to be produced, except for the conditions in respect of minimum varietal purity and those concerning official examination or examination under official supervision.

(3) S.I. [2005/3037 \(W. 225\)](#), amended by S.I. [2007/119 \(W. 9\)](#) and [2007/2747 \(W. 230\)](#).

(4) S.I. [2005/1207 \(W. 79\)](#), amended by S.I. [2007/119 \(W. 9\)](#) and [2007/2747 \(W. 230\)](#).

(5) S.I. [2005/3036 \(W. 224\)](#), amended by S.I. [2007/119 \(W. 9\)](#) and [2007/2747 \(W. 230\)](#).

(6) S.I. [2004/2881 \(W. 251\)](#), amended by S.I. [2007/119 \(W. 9\)](#) and [2007/2747 \(W. 230\)](#).

(7) OJ No L 162, 21.6.08, p. 13.

(8) S.I. [2001/3510](#); relevant amendments are S.I. [2004/2949](#), [2007/1871](#) and [*to be inserted — ref to new NL amendment*].

(4) The seed must satisfy the conditions laid down in Parts II, III and IV of Schedule 4 for CS seed for the species in question, except for the conditions in respect of minimum varietal purity and those concerning official examination or examination under official supervision.

(5) The seed may only be marketed in its region of origin.

(6) A person proposing to produce seed of a conservation variety must supply the Welsh Ministers, in such manner and form as the Welsh Ministers require, with details in writing of the size and location of the area to be used to produce that seed.

(7) For the purposes of Articles 14 and 15(2) of Commission Directive 2008/62 (quantitative restrictions), the Welsh Ministers may specify the maximum amount of conservation variety seed which may be marketed in any given production season; and different maxima for different persons or classes of persons may be specified.

(8) The amount of seed marketed by a person must not exceed any maximum amount specified under paragraph (7) in relation to that person.

(9) Any person marketing seed of a conservation variety must supply the Welsh Ministers, on request, with details in writing of the amount and variety of the seed placed on the market during each production season.

(10) In this regulation—

(a) “official examination or examination under official supervision” means an official UK field inspection, a UK field inspection carried out under official supervision, or a seed test carried out by an official testing station or under official supervision by a licensed seed testing laboratory;

(b) “region of origin” has the meaning given to it by regulation 2(1) of the Seeds (National Lists of Varieties) Regulations 2001, but also includes any other area approved by the Welsh Ministers for the purposes of the second paragraph of Article 11(1) of Commission Directive 2008/62.”.

### **Regulation 20 (sampling)**

6. After regulation 20(1), insert—

“(1A) A sample of seed taken from a conservation variety for the purpose of checking compliance with these Regulations must be taken from a homogeneous seed lot.”.

### **Regulation 21 (packaging)**

7.—(1) Regulation 21 is amended as follows.

(2) In paragraph (2), for “breeder’s seed or officially certified pre-basic, basic, CS or test and trial seed”, substitute “breeder’s seed, officially certified pre-basic, basic or CS seed, test and trial seed or seed of a conservation variety”.

(3) In paragraph (4), after “breeder’s seed”, insert “and seed of a conservation variety”.

### **Regulation 23 (labelling of packages)**

8.—(1) Regulation 23 is amended as follows.

(2) In paragraph (1), for “breeder’s seed or officially certified pre-basic, basic, CS seed or test and trial seed”, substitute “breeder’s seed, officially certified pre-basic, basic or CS seed, test and trial seed or seed of a conservation variety”.

(3) In paragraph (3), after “test and trial seed”, insert “or seed of a conservation variety”.

(4) After paragraph (9A), insert—

- “(9B) A package of seed of a conservation variety must be labelled—
- (a) in the case of a package of seed sealed in Wales, in accordance with paragraph 19 of Schedule 8; and
  - (b) in the case of a package of seed sealed—
    - (i) in the United Kingdom, elsewhere than in Wales, or
    - (ii) in another member State,in accordance with the provisions of Article 18 of Commission Directive 2008/62.”.

### **Schedule 8 (labelling)**

9. After paragraph 18 of Schedule 8, insert—

## **“PART VI**

### **Labelling of Packages of Seed of a Conservation Variety**

#### **Supplier’s label or notice for a package of seed of a conservation variety**

- 19.**—(1) The package must be labelled, not later than the time of sealing, on the outside with a supplier’s label, or a printed or stamped notice, containing the following particulars—
- (a) the words “EC rules and standards”;
  - (b) the name and address, or the registration number, of the person responsible for affixing the label or notice;
  - (c) the year of sealing, or the year of last sampling for the purposes of the last testing of germination, expressed by the word “sealed” or “sampled” (as the case may be), followed by the year in question;
  - (d) the species;
  - (e) the denomination of the conservation variety;
  - (f) the words “conservation variety”;
  - (g) the region of origin;
  - (h) where the region of seed production is different from the region of origin, the indication of the region of seed production;
  - (i) the reference number of the lot given by the person responsible for affixing the label;
  - (j) the declared net or gross weight or declared number of seeds; and
  - (k) where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the chemical treatment or additive and the approximate ratio between the weight of clusters of pure seeds and the total weight.
- (2) The label or notice must be coloured brown.”.

## PART 3

### Amendments to the Fodder Plant Seed (Wales) Regulations 2005

#### Amendment

10. The Fodder Plant Seed (Wales) Regulations 2005 are amended as follows.

#### Regulation 2 (general interpretation)

11. In regulation 2(1)—

(a) after the definition of “breeder’s seed”, insert—

““Commission Directive 2008/62” means Commission Directive [2008/62/EC](#) providing for certain derogations for acceptance of agricultural landraces and varieties which are naturally adapted to the local and regional conditions and threatened by genetic erosion and for marketing of seed and seed potatoes of those landraces and varieties;”;

(b) after the definition of “component”, insert—

““conservation variety” means a variety which is listed as a conservation variety in accordance with the Seeds (National Lists of Varieties) Regulations 2001;”.

#### Insertion of new regulation 20A

12. After regulation 20, insert—

##### “Exception for conservation varieties

**20A.**—(1) The prohibition in regulation 15(1) does not apply to the marketing of seed of a conservation variety, provided that the requirements of this regulation are met.

(2) The seed must be descended from seed produced according to well defined practices for maintenance of the variety.

(3) The seed must have been harvested from a crop that—

(a) has been produced in the region of origin for the variety, and

(b) satisfies the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which CS, C1 or C2 seed (whichever is the final generation) for the species in question is to be produced, except for the conditions in respect of minimum varietal purity and those concerning official examination or examination under official supervision.

(4) The seed must satisfy the conditions laid down in Parts II, III and IV of Schedule 4 for CS, C1 or C2 seed (whichever is the final generation) for the species in question, except for the conditions in respect of minimum varietal purity and those concerning official examination or examination under official supervision.

(5) The seed may only be marketed in its region of origin.

(6) A person proposing to produce seed of a conservation variety must supply the Welsh Ministers, in such manner and form as the Welsh Ministers require, with details in writing of the size and location of the area to be used to produce that seed.

(7) For the purposes of Articles 14 and 15(2) of Commission Directive 2008/62 (quantitative restrictions), the Welsh Ministers may specify the maximum amount of

conservation variety seed which may be marketed in any given production season; and different maxima for different persons or classes of persons may be specified.

(8) The amount of seed marketed by a person must not exceed any maximum amount specified under paragraph (7) in relation to that person.

(9) Any person marketing seed of a conservation variety must supply the Welsh Ministers, on request, with details in writing of the amount and variety of the seed placed on the market during each production season.

(10) In this regulation—

- (a) “official examination or examination under official supervision” means an official UK field inspection, a UK field inspection carried out under official supervision, or a seed test carried out by an official testing station or under official supervision by a licensed seed testing laboratory;
- (b) “region of origin” has the meaning given to it by regulation 2(1) of the Seeds (National Lists of Varieties) Regulations 2001, but also includes any other area approved by the Welsh Ministers for the purposes of the second paragraph of Article 11(1) of Commission Directive 2008/62.”.

### **Regulation 23 (sampling)**

13. After regulation 23(1), insert—

“(1A) A sample of seed taken from a conservation variety for the purpose of checking compliance with these Regulations must be taken from a homogeneous seed lot.”.

### **Regulation 24 (packaging)**

14.—(1) Regulation 24 is amended as follows.

(2) In paragraph (2)—

- (a) after each of sub-paragraphs (b) and (c), omit “or”;
- (b) after sub-paragraph (d), insert “or”, and after that insert—  
“(e) seed of a conservation variety,”.

(3) In paragraph (4), after “breeder’s seed”, insert “and seed of a conservation variety”.

### **Regulation 26 (labelling of packages)**

15.—(1) Regulation 26 is amended as follows.

(2) In paragraph (1)—

- (a) after each of sub-paragraphs (b) and (c), omit “or”;
- (b) after sub-paragraph (d), insert “or”, and after that insert—  
“(e) seed of a conservation variety,”.

(3) In paragraph (4), after “test and trial seed”, insert “or seed of a conservation variety”.

(4) After paragraph (16A), insert—

“(16B) A package of seed of a conservation variety must be labelled—

- (a) in the case of a package of seed sealed in Wales, in accordance with paragraph 45 of Schedule 8; and
- (b) in the case of a package of seed sealed—
  - (i) in the United Kingdom, elsewhere than in Wales, or

- (ii) in another member State,  
in accordance with the provisions of Article 18 of Commission Directive 2008/62.”.

### **Schedule 8 (labelling)**

**16.**—(1) After paragraph 41 and before paragraph 42 of Schedule 8, for “Part VII” substitute “Part VIII”.

- (2) After paragraph 44 of Schedule 8, insert—

## **“PART IX**

### **Labelling of Packages of Seed of a Conservation Variety**

#### **Supplier’s label or notice for a package of seed of a conservation variety**

**45.**—(1) The package must be labelled, not later than the time of sealing, on the outside with a supplier’s label, or a printed or stamped notice, containing the following particulars—

- (a) the words “EC rules and standards”;
  - (b) the name and address, or the registration number, of the person responsible for affixing the label or notice;
  - (c) the year of sealing, or the year of last sampling for the purposes of the last testing of germination, expressed by the word “sealed” or “sampled” (as the case may be), followed by the year in question;
  - (d) the species;
  - (e) the denomination of the conservation variety;
  - (f) the words “conservation variety”;
  - (g) the region of origin;
  - (h) where the region of seed production is different from the region of origin, the indication of the region of seed production;
  - (i) the reference number of the lot given by the person responsible for affixing the label;
  - (j) the declared net or gross weight or declared number of seeds; and
  - (k) where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the chemical treatment or additive and the approximate ratio between the weight of clusters of pure seeds and the total weight.
- (2) The label or notice must be coloured brown.”.

## **PART 4**

### **Amendments to the Cereal Seed (Wales) Regulations 2005**

#### **Amendment**

- 17.** The Cereal Seed (Wales) Regulations 2005 are amended as follows.

**Regulation 2 (general interpretation)**

18. In regulation 2(1)—

(a) after the definition of “the Cereal Seed Directive”, insert—

““Commission Directive 2008/62” means Commission Directive 2008/62/EC providing for certain derogations for acceptance of agricultural landraces and varieties which are naturally adapted to the local and regional conditions and threatened by genetic erosion and for marketing of seed and seed potatoes of those landraces and varieties;”;

(b) after the definition of “component”, insert—

““conservation variety” means a variety which is listed as a conservation variety in accordance with the Seeds (National Lists of Varieties) Regulations 2001;”.

**Insertion of new regulation 20A**

19. After regulation 20, insert—

**“Exception for conservation varieties**

**20A.**—(1) The prohibition in regulation 15(1) does not apply to the marketing of seed of a conservation variety, provided that the requirements of this regulation are met.

(2) The seed must be descended from seed produced according to well defined practices for maintenance of the variety.

(3) The seed must have been harvested from a crop that—

(a) has been produced in the region of origin for the variety, and

(b) satisfies the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which CS, C1 or C2 seed (whichever is the final generation) for the species in question is to be produced, except for the conditions in respect of minimum varietal purity and those concerning official examination or examination under official supervision.

(4) The seed must satisfy the conditions laid down in Parts II and IV of Schedule 4 for CS, C1 or C2 seed (whichever is the final generation) for the species in question, except for the conditions in respect of minimum varietal purity and those concerning official examination or examination under official supervision.

(5) The seed may only be marketed in its region of origin.

(6) A person proposing to produce seed of a conservation variety must supply the Welsh Ministers, in such manner and form as the Welsh Ministers require, with details in writing of the size and location of the area to be used to produce that seed.

(7) For the purposes of Articles 14 and 15(2) of Commission Directive 2008/62, the Welsh Ministers may specify the maximum amount of conservation variety seed which may be marketed in any given production season; and different maxima for different persons or classes of persons may be specified.

(8) The amount of seed marketed by a person must not exceed any maximum amount specified under paragraph (7) in relation to that person.

(9) Any person marketing seed of a conservation variety must supply the Welsh Ministers, on request, with details in writing of the amount and variety of the seed placed on the market during each production season.

(10) In this regulation—



- (a) “official examination or examination under official supervision” means an official UK field inspection, a UK field inspection carried out under official supervision, or a seed test carried out by an official testing station or under official supervision by a licensed seed testing laboratory;
- (b) “region of origin” has the meaning given to it by regulation 2(1) of the Seeds (National Lists of Varieties) Regulations 2001, but also includes any other area approved by the Welsh Ministers for the purposes of the second paragraph of Article 11(1) of Commission Directive 2008/62.”.

### **Regulation 23 (sampling)**

20. After regulation 23(1), insert—

“(1A) A sample of seed taken from a conservation variety for the purpose of checking compliance with these Regulations must be taken from a homogeneous seed lot.”.

### **Regulation 24 (packaging)**

21.—(1) Regulation 24 is amended as follows.

(2) In paragraph (2)—

- (a) after each of sub-paragraphs (b) and (c), omit “or”;
- (b) after sub-paragraph (d), insert “or”, and after that insert—  
“(e) seed of a conservation variety,”.

(3) In paragraph (4), after “breeder’s seed”, insert “and seed of a conservation variety”.

### **Regulation 26 (labelling of packages)**

22.—(1) Regulation 26 is amended as follows.

(2) In paragraph (1)—

- (a) after each of sub-paragraphs (b) and (c), omit “or”;
- (b) after sub-paragraph (d), insert “or”, and after that insert—  
“(e) seed of a conservation variety,”.

(3) In paragraph (4), after “test and trial seed”, insert “or seed of a conservation variety”.

(4) After paragraph (13A), insert—

“(13B) A package of seed of a conservation variety must be labelled—

- (a) in the case of a package of seed sealed in Wales, in accordance with paragraph 35 of Schedule 8; and
- (b) in the case of a package of seed sealed—
  - (i) in the United Kingdom, elsewhere than in Wales, or
  - (ii) in another member State,

in accordance with the provisions of Article 18 of Commission Directive 2008/62.”.

### **Schedule 8 (labelling)**

23. After paragraph 34 of Schedule 8, insert—

## “PART VIII

### Labelling of Packages of Seed of a Conservation Variety

#### **Supplier’s label or notice for a package of seed of a conservation variety**

**35.**—(1) The package must be labelled, not later than the time of sealing, on the outside with a supplier’s label, or a printed or stamped notice, containing the following particulars—

- (a) the words “EC rules and standards”;
  - (b) the name and address, or the registration number, of the person responsible for affixing the label or notice;
  - (c) the year of sealing, or the year of last sampling for the purposes of the last testing of germination, expressed by the word “sealed” or “sampled” (as the case may be), followed by the year in question;
  - (d) the species;
  - (e) the denomination of the conservation variety;
  - (f) the words “conservation variety”;
  - (g) the region of origin;
  - (h) where the region of seed production is different from the region of origin, the indication of the region of seed production;
  - (i) the reference number of the lot given by the person responsible for affixing the label;
  - (j) the declared net or gross weight or declared number of seeds; and
  - (k) where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the chemical treatment or additive and the approximate ratio between the weight of clusters of pure seeds and the total weight.
- (2) The label or notice must be coloured brown.”.

## **PART 5**

### Amendments to the Oil and Fibre Plant Seed (Wales) Regulations 2004

#### **Amendment**

**24.** The Oil and Fibre Plant Seed (Wales) Regulations 2004 are amended as follows.

#### **Regulation 2 (general interpretation)**

**25.** In regulation 2(1)—

- (a) after the definition of “breeder’s seed”, insert—
  - ““Commission Directive 2008/62” means Commission Directive [2008/62/EC](#) providing for certain derogations for acceptance of agricultural landraces and varieties which are naturally adapted to the local and regional conditions and threatened by genetic erosion and for marketing of seed and seed potatoes of those landraces and varieties;”;
- (b) after the definition of “component”, insert—

““conservation variety” means a variety which is listed as a conservation variety in accordance with the Seeds (National Lists of Varieties) Regulations 2001;”.

### **Insertion of new regulation 19A**

**26.** After regulation 19, insert—

#### **“Exception for conservation varieties**

**19A.**—(1) The prohibition in regulation 15(1) does not apply to the marketing of seed of a conservation variety, provided that the requirements of this regulation are met.

(2) The seed must be descended from seed produced according to well defined practices for maintenance of the variety.

(3) The seed must have been harvested from a crop that—

(a) has been produced in the region of origin for the variety, and

(b) satisfies the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which CS, C1, C2 or C3 seed (whichever is the final generation) for the species in question is to be produced, except for the conditions in respect of minimum varietal purity and those concerning official examination or examination under official supervision.

(4) The seed must satisfy the conditions laid down in Parts II and IV of Schedule 4 for CS, C1, C2 or C3 seed (whichever is the final generation) for the species in question, except for the conditions in respect of minimum varietal purity and those concerning official examination or examination under official supervision.

(5) The seed may only be marketed in its region of origin.

(6) A person proposing to produce seed of a conservation variety must supply the Welsh Ministers, in such manner and form as the Welsh Ministers require, with details in writing of the size and location of the area to be used to produce that seed.

(7) For the purposes of Articles 14 and 15(2) of Commission Directive 2008/62 (quantitative restrictions), the Welsh Ministers may specify the maximum amount of conservation variety seed which may be marketed in any given production season; and different maxima for different persons or classes of persons may be specified.

(8) The amount of seed marketed by a person must not exceed any maximum amount specified under paragraph (7) in relation to that person.

(9) Any person marketing seed of a conservation variety must supply the Welsh Ministers, on request, with details in writing of the amount and variety of the seed placed on the market during each production season.

(10) In this regulation—

(a) “official examination or examination under official supervision” means an official UK field inspection, a UK field inspection carried out under official supervision, or a seed test carried out by an official testing station or under official supervision by a licensed seed testing laboratory;

(b) “region of origin” has the meaning given to it by regulation 2(1) of the Seeds (National Lists of Varieties) Regulations 2001, but also includes any other area approved by the Welsh Ministers for the purposes of the second paragraph of Article 11(1) of Commission Directive 2008/62.”.

**Regulation 23 (sampling)**

27. After regulation 23(1), insert—

“(1A) A sample of seed taken from a conservation variety for the purpose of checking compliance with these Regulations must be taken from a homogeneous seed lot.”.

**Regulation 24 (packaging)**

28.—(1) Regulation 24 is amended as follows.

(2) In paragraph (3)—

(a) after each of sub-paragraphs (b) and (c), omit “or”;

(b) after sub-paragraph (d), insert “or”, and after that insert—

“(e) seed of a conservation variety,”.

(3) In paragraph (5), after “breeder’s seed”, insert “and seed of a conservation variety”.

**Regulation 26 (labelling of packages)**

29.—(1) Regulation 26 is amended as follows.

(2) In paragraph (1), for “applies or test and trial seed”, substitute “applies, test and trial seed or seed of a conservation variety”.

(3) In paragraph (3), after “test and trial seed”, insert “or seed of a conservation variety”.

(4) After paragraph (12A), insert—

“(12B) A package of seed of a conservation variety must be labelled—

(a) in the case of a package of seed sealed in Wales, in accordance with paragraph 39 of Schedule 8; and

(b) in the case of a package of seed sealed—

(i) in the United Kingdom, elsewhere than in Wales, or

(ii) in another member State,

in accordance with the provisions of Article 18 of Commission Directive 2008/62.”.

**Schedule 8 (labelling)**

30. After paragraph 38 of Schedule 8, insert—

**“PART IX****Labelling of Packages of Seed of a Conservation Variety****Supplier’s label or notice for a package of seed of a conservation variety**

39.—(1) The package must be labelled, not later than the time of sealing, on the outside with a supplier’s label, or a printed or stamped notice, containing the following particulars—

(a) the words “EC rules and standards”;

(b) the name and address, or the registration number, of the person responsible for affixing the label or notice;

- (c) the year of sealing, or the year of last sampling for the purposes of the last testing of germination, expressed by the word “sealed” or “sampled” (as the case may be), followed by the year in question;
  - (d) the species;
  - (e) the denomination of the conservation variety;
  - (f) the words “conservation variety”;
  - (g) the region of origin;
  - (h) where the region of seed production is different from the region of origin, the indication of the region of seed production;
  - (i) the reference number of the lot given by the person responsible for affixing the label;
  - (j) the declared net or gross weight or declared number of seeds; and
  - (k) where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the chemical treatment or additive and the approximate ratio between the weight of clusters of pure seeds and the total weight.
- (2) The label or notice must be coloured brown.”.

3 June 2009

*Elin Jones*  
Minister for Rural Affairs, one of the Welsh  
Ministers

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## EXPLANATORY NOTE

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

These Regulations amend four sets of principal Regulations to implement, in relation to Wales, Commission Directive [2008/62/EC](#) providing for certain derogations for acceptance of agricultural landraces and varieties which are naturally adapted to the local and regional conditions and threatened by genetic erosion and for marketing of seed and seed potatoes of those landraces and varieties, in so far as it relates to seed production and marketing (OJ No L 162, 21.6.08, p 13).

The four sets of principal Regulations conferred functions upon the National Assembly for Wales. These functions have since been transferred to the Welsh Ministers. The four sets of principal Regulations were also previously amended by the Seed (Wales) (Amendments for Tests and Trials etc) Regulations 2007, S.I. [2007/119 \(W. 9\)](#) and the Seed (Miscellaneous Amendments) (Wales) Regulations 2007, S.I. [2007/2747 \(W. 230\)](#).

Part 2 of this S.I. amends the Beet Seed (Wales) Regulations 2005, S.I. [2005/3037 \(W. 225\)](#). Regulation 5 inserts a new provision to allow the marketing of seed of a conservation variety (“conservation variety” is defined in regulation 4), and regulations 6 to 9 make consequential amendments to provisions dealing with sampling, packaging and labelling.

Similar amendments are made in Part 3 to the Fodder Plant Seed (Wales) Regulations 2005, S.I. [2005/1207 \(W. 79\)](#); in Part 4 to the Cereal Seed (Wales) Regulations 2005, S.I. [2005/3036 \(W. 224\)](#); and in Part 5 to the Oil and Fibre Plant Seed (Wales) Regulations 2004, S.I. [2004/2881 \(W. 251\)](#).

A regulatory impact assessment has been prepared for this instrument. Copies can be obtained from the Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ.