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## EXPLANATORY NOTE

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

These Regulations revoke and replace the Seed Potatoes (Wales) Regulations 2006 (S.I. 2006/2929 (W. 264)), which have been amended on several occasions.

The Regulations control the production with a view to marketing, the certification and the marketing of seed potatoes in Wales, other than those intended for export outside the European Union. They implement various European instruments, in particular Council Directive 2002/56/EC on the marketing of seed potatoes (OJ No L 193, 20.7.2002, p. 60).

Regulation 5 prohibits the marketing of any seed potatoes unless they have been certified as either pre-basic, basic or certified seed potatoes, or unless they have been authorised for marketing for scientific purposes or selection work or for test and trial purposes. For seed potatoes produced in Wales, certification, including the determination of the category and grade at which the potatoes must be marketed, must take place in accordance with the requirements of regulation 10.

Regulations 8 and 9 allow the Welsh Ministers to authorise the marketing of small quantities of seed potatoes for scientific purposes or selection work and seed potatoes for test and trial purposes.

Regulation 12 provides that seed potatoes (other than retail sales of small quantities of seed potatoes meeting the conditions of regulation 18) may only be marketed in packages or containers. Seed potatoes in packages or containers (other than those authorised to be marketed for scientific purposes or selection work) can only be marketed if labelled and sealed (regulations 13 and 14), the labels bearing the particulars specified in Schedule 2. Documents accompanying seed potatoes that have been genetically modified must include reference to this fact (regulation 15).

Regulation 19 provides for the taking of samples as part of the certification process or to ensure compliance with the provisions of the Regulations.

Regulation 21 provides the Welsh Ministers with powers of examination and to require production of seed potatoes and relevant documents.

Regulation 22 allows the Welsh Ministers to withdraw official labels or official documents relating to seed potatoes which are found not to comply with the requirements imposed by the Regulations.

Contravention of any provision in the Regulations is an offence under section 16(7)(b) of the Plant Varieties and Seeds Act 1964 (c. 14), incurring liability on summary conviction to a fine.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.