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WELSH STATUTORY INSTRUMENTS

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**2020 No. 1573 (W. 330)**

**EXITING THE EUROPEAN UNION, WALES  
SEEDS, WALES**

**The Marketing of Seeds and Plant Propagating Material  
(Amendment) (Wales) (EU Exit) Regulations 2020**

*Approved by Senedd Cymru*

*Made - - - - 15 December 2020*

*Laid before Senedd Cymru 18 December 2020*

*Coming into force in accordance with regulation 1(2)*

The Welsh Ministers make these Regulations in exercise of the powers conferred by paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018<sup>(1)</sup>.

In accordance with paragraph 4(a) of Schedule 2 to that Act, the Welsh Ministers have consulted the Secretary of State with regard to these Regulations that come into force before implementation period completion day.

The Welsh Ministers are of the opinion that, by reason of urgency, it is necessary to make these Regulations without a draft of the instrument being laid before, and approved by resolution of, Senedd Cymru<sup>(2)</sup>.

**Title and commencement**

1.—(1) The title of these Regulations is the Marketing of Seeds and Plant Propagating Material (Amendment) (Wales) (EU Exit) Regulations 2020.

(2) These Regulations come into force as follows—

- (a) regulations 1, 3 and 5 come into force on 30 December 2020;
- (b) regulations 2 and 4 come into force immediately before implementation period completion day.

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(1) [2018 c. 16](#); see section 20(1) for the definition of “devolved authority”. Paragraph 21 of Schedule 7 was amended by section 41(4) of, and paragraph 53(2) of Schedule 5 to, the European Union (Withdrawal Agreement) Act [2020 \(c. 1\)](#).

(2) The references in the European Union (Withdrawal) Act 2018 to the National Assembly for Wales now have effect as references to Senedd Cymru, by virtue of section 150A(2) of the Government of Wales Act [2006 \(c. 32\)](#).

## The Seed Potato (Wales) (Amendment) (EU Exit) Regulations 2019

2.—(1) The Seed Potato (Wales) (Amendment) (EU Exit) Regulations 2019<sup>(3)</sup> are amended as follows.

- (2) In regulation 1—
- (a) in paragraph (2), omit “, apart from regulations 3 and 4,”;
  - (b) omit paragraph (3).
- (3) In regulation 2—
- (a) in paragraph (2)—
    - (i) in sub-paragraphs (a), (c), (d), (i), (j), (k) and (o)—
      - (aa) in the new sub-paragraph (ii) to be inserted by each of those sub-paragraphs, after “Crown Dependency” insert “or a country granted equivalence”;
      - (bb) omit the new sub-paragraph (iii) to be inserted by each of those sub-paragraphs;
    - (ii) in sub-paragraph (b), for “in accordance with the Swiss trade agreement” substitute “from “(or, in relation” to the end”;
    - (iii) in sub-paragraph (d), for the new sub-paragraph (i) to be inserted by that sub-paragraph substitute—
 

“(i) in the case of seed potatoes produced in England, Part 1 of Schedule 2 to the Seed Potatoes (England) Regulations 2015<sup>(4)</sup>,”;
    - (iv) in sub-paragraphs (e), (f) and (n), for the words before the new definitions to be inserted by those sub-paragraphs substitute “in paragraph (1), at the appropriate place insert—”;
    - (v) in sub-paragraph (g), for the new definition of “grade” to be inserted by that sub-paragraph substitute—
 

““grade” (“*gradd*”) includes the GB grade;”;
    - (vi) for sub-paragraph (h) substitute—
 

“(h) omit the definition of “National List”,”;
    - (vii) in sub-paragraph (l), in the new definition of “seed potatoes of a conservation variety” to be inserted by that sub-paragraph, for “National List” substitute “GB Variety List”;
    - (viii) in sub-paragraph (m), for “in paragraph (b) omit “other than the United Kingdom”” substitute omit paragraphs (b) and (c) and, at the end insert—
 

“or

(b) seed potatoes produced in a country granted equivalence;”
    - (ix) in sub-paragraph (p), in the new definition of “Union grade” to be inserted by that sub-paragraph, for “a member State or Switzerland” substitute “Northern Ireland”;
    - (x) for sub-paragraph (q) substitute—
 

“(q) in paragraph (1), at the appropriate places insert—

““country granted equivalence” (“*gwlad y caniatawyd cywerthedd iddi*”) means a country that has been assessed by the Welsh

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(3) [S.I. 2019/738 \(W. 141\)](#), prospectively amended by [S.I. 2019/1281 \(W. 225\)](#), regulation 5: that regulation is being omitted by these Regulations.

(4) [S.I. 2015/1953](#), amended by [S.I. 2017/288](#), [S.I. 2019/472](#), [S.I. 2019/1517](#) and prospectively amended by [S.I. 2019/809](#).

Ministers that seed potatoes from that country are produced under conditions equivalent to the requirements of these Regulations;”;

““equivalent grade” (“*gradd gyfatebol*”) means—

- (a) for Northern Ireland, an equivalent Union grade;
- (b) for a Crown Dependency or a country granted equivalence, a grade recognised by the Welsh Ministers as being equivalent to a GB grade;”;

““equivalent Union grade” (“*gradd Undeb gyfatebol*”) means—

- (a) for “GB Grade PBTC”, “Union grade PBTC”;
- (b) for “GB Grade PB”, “Union grade PB”;
- (c) for “GB Grade S”, “Union grade S”;
- (d) for “GB Grade SE”, “Union grade SE”;
- (e) for “GB Grade E”, “Union grade E”;
- (f) for “GB Grade A”, “Union grade A”;
- (g) for “GB Grade B”, “Union grade B”;”;

““GB grade” (“*gradd Prydain Fawr*”) means—

- (a) in relation to seed potatoes produced in Wales, the GB grade determined in accordance with Schedule 4 during certification, this being—
  - (i) in the case of pre-basic seed potatoes, GB grade PBTC or GB grade PB;
  - (ii) in the case of basic seed potatoes, GB grade S, GB grade SE or GB grade E;
  - (iii) in the case of certified seed potatoes, GB grade A or GB grade B;
- (b) in relation to seed potatoes produced in England or Scotland, the GB grade determined in accordance with the relevant seed potatoes regulations;”;

““GB Variety List” (“*Rhestr Amrywogaethau Prydain Fawr*”) means a list of varieties of potato species prepared and published in accordance with regulation 3 of the National Lists Regulations;”;

(xi) for sub-paragraph (r) substitute—

“(r) omit paragraph (2);”;

(b) for paragraph (3) substitute—

“(3) In regulation 4, for “the European Union” substitute “Great Britain”.”;

(c) in paragraph (4)—

(i) in the English language text, after “accordance with”, in the first place where it occurs, insert “to the end substitute”;

(ii) in the new paragraph (ii), after “Crown Dependency” insert “or a country granted equivalence”;

(iii) omit the new paragraph (iii) to be inserted by that paragraph;

(d) in paragraph (5)—

(i) before sub-paragraph (a) insert—

- “(za) in paragraph (1)(a), for “National List” substitute “GB Variety List”.”;
- (ii) in sub-paragraph (b), in the new paragraph (3A), for “the United Kingdom”, in each place where it occurs, substitute “Great Britain”;
- (e) in paragraph (6), in the new sub-paragraph (c) to be inserted by that paragraph, for “exit day” substitute “implementation period completion day”;
- (f) in paragraph (7)—
  - (i) in sub-paragraph (a)—
    - (aa) in paragraph (i), for “the United Kingdom” substitute “Great Britain”;
    - (bb) in paragraph (ii), in the new sub-paragraph (iii) to be inserted by that paragraph, for “exit day” substitute “implementation period completion day”;
  - (ii) for sub-paragraph (b) substitute—
    - “(b) in paragraph (6)(b), for “National List or the Common Catalogue” substitute “GB Variety List”.”;
- (g) in paragraphs (8) and (9)—
  - (i) in the new paragraph (ii) to be inserted by those paragraphs, after “Crown Dependency” insert “or a country granted equivalence”;
  - (ii) omit the new paragraph (iii) to be inserted by those paragraphs;
- (h) for paragraph (10) substitute—
  - “(10) In regulation 16 and in the heading, for “European Union” substitute “British Islands”.”;
- (i) in paragraph (11), in the new regulation 23A and its heading, to be inserted by that paragraph—
  - (i) for “exit day”, in each place where it occurs, substitute “implementation period completion day”;
  - (ii) after “official label for”, in the second place where it occurs, insert “basic seed potatoes or certified seed potatoes for”;
- (j) for paragraph (12) substitute—
  - “(12) In Schedule 1—
    - (a) in paragraph 3(a), for “National List or the Common Catalogue” substitute “GB Variety List”;
    - (b) in paragraphs 5, 6 and 10, for “Union”, in each place where it occurs, substitute “GB”;
    - (c) in paragraph 8(b)—
      - (i) in the English language text, for “Union”, in each place where it occurs, substitute “GB”;
      - (ii) in the Welsh language text—
        - (aa) in paragraph (i), after “gradd S” insert “Prydain Fawr”;
        - (bb) in paragraph (ii), after “gradd SE” insert “Prydain Fawr”; and
        - (cc) in paragraph (iii), after “gradd E” insert “Prydain Fawr”.”;
- (k) in paragraph (13)—
  - (i) in sub-paragraph (b)(i), for “UK” substitute “GB”;

- (ii) for sub-paragraph (c) substitute—
  - “(c) in paragraph 8(b)—
    - (i) in paragraph (i), for “member State” substitute “country”;
    - (ii) in paragraph (vi), for “a National List” substitute “a GB Variety List”;
  - (iii) in sub-paragraphs (d)(ii) and (e), for “UK” substitute “GB”;
- (l) in paragraph (14)(a) and (b), for “UK” substitute “GB”;
- (m) in paragraph (16)—
  - (i) in sub-paragraph (a), for “United Kingdom” substitute “GB”;
  - (ii) in sub-paragraph (b)(i), for “UK” substitute “GB”;
  - (iii) for sub-paragraph (b)(ii) substitute—
    - “(ii) in the row relating to grade “PB” in column 2, in paragraph (1)(b), for “Union grade PB” substitute “GB grade PB or equivalent grade”;
- (n) in paragraph (17)—
  - (i) in sub-paragraph (a), for “United Kingdom” substitute “GB”;
  - (ii) in sub-paragraph (b)(i), for “UK” substitute “GB”;
  - (iii) for sub-paragraph (b)(ii) to (iv) substitute—
    - “(ii) in the row relating to grade “S”, in column 2, in paragraph (1)(a), for “Union grade S” substitute “GB grade S or equivalent grade”;
    - (iii) in the row relating to grade “SE”, in column 2, in paragraph (1)(a), for “Union grade S or Union grade SE” substitute “GB grade S, GB grade SE or equivalent grade”;
    - (iv) in the row relating to grade “E”, in column 2—
      - (aa) in paragraph (1)(a), for “Union grade S or Union grade SE” substitute “GB grade S, GB grade SE or equivalent grade”;
      - (bb) in paragraph (1)(b), for “Union grade S, Union grade SE or Union grade E” substitute “GB grade S, GB grade SE, GB grade E or equivalent grade.”;
- (o) for paragraph (18) substitute—
  - “(18) In Part 3, in Table 3—
    - (a) in the heading to column 1, for “Union” substitute “GB”;
    - (b) in column 2, for “Union grade A”, in both places where it occurs, substitute “GB grade A or equivalent grade”;
    - (c) in column 2, for “Union grade B” substitute “GB grade B or equivalent grade.”
- (4) Omit regulations 3 and 4.

### **The Retained EU Law (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019**

3.—(1) The Retained EU Law (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019(5) are amended as follows.

- (2) In regulation 1(3), omit “, 5”.
- (3) Omit regulation 5.

## **The Marketing of Seeds and Plant Propagating Material (Amendment) (Wales) (EU Exit) Regulations 2019**

4.—(1) The Marketing of Seeds and Plant Propagating Material (Amendment) (Wales) (EU Exit) Regulations 2019<sup>(6)</sup> are amended as follows.

(2) In the Welsh language text, regulations 2 to 6 are renumbered as regulations 1 to 5 and the following paragraphs refer to those regulations as renumbered.

(3) In regulation 4—

(a) for paragraph (2) substitute—

“(2) In regulation 3, for paragraph (1) substitute—

“(1) For the purposes of these Regulations—

(a) the “GB Variety List” is the list of plant varieties prepared and published by the Secretary of State in accordance with the provisions of the Seeds (National Lists of Varieties) Regulations 2001<sup>(7)</sup>;

(b) a “country granted equivalence” means—

(i) a country that has been granted equivalence under 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; or

(ii) a country that has been assessed by the Welsh Ministers that the seed from that country is produced under conditions equivalent to the requirements in these Regulations for seed to which these Regulations apply;

(c) “Crown Dependency” means any of the Channel Islands or the Isle of Man;

(d) the “NI Variety List” means the list of plant varieties prepared and published by the Department of Agriculture, Environment and Rural Affairs in Northern Ireland in accordance with legislation having equivalent effect to the Seeds (National Lists of Varieties) Regulations 2001.”;

(b) for paragraph (3) substitute—

“(3) In regulation 4(2), for “the European Union” substitute “Great Britain”;

(c) for paragraph (4) substitute—

“(4) In regulation 7, for the words from “United Kingdom” to the end substitute “GB Variety List, NI Variety List or an equivalent list in a country granted equivalence”;

(d) omit paragraph (5);

(e) for paragraph (6) substitute—

“(6) In regulation 10, in paragraph (a), for “United Kingdom National List or the Common Catalogue” substitute “GB Variety List”;

(f) in paragraph (9)—

(i) for sub-paragraph (a) substitute—

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<sup>(6)</sup> S.I. 2019/368 (W. 90); prospectively amended by S.I. 2019/1382 (W. 245), regulation 3: that regulation is being omitted by these Regulations.

<sup>(7)</sup> S.I. 2001/3510, amended by S.S.I. 2004/317, S.I. 2004/2949, S.S.I. 2005/328, 329, S.I. 2007/1871, 2009/1273, 2010/1195, 2011/464, 2012/2897, 2013/2042, 2014/487, S.S.I. 2015/395, S.I. 2016/106 (W. 52), 2018/942, 2020/579. It is prospectively amended by S.I. 2019/162.

- “(a) in the heading, for “outside the European Union” substitute “a country granted equivalence”;
- (ii) after sub-paragraph (a) insert—
  - “(aa) for paragraph (1) substitute—
    - “(1) Seed imported from a country granted equivalence must—
      - (a) be a variety listed in the GB Variety List; and
      - (b) be labelled with—
        - (i) for standard vegetable seed, a supplier’s label in accordance with paragraph 25(4) or (5) of Schedule 3;
        - (ii) for all other seed, a label approved by the Organisation for Economic Cooperation and Development for the varietal certification on the control of seed moving in international trade.”;
  - (iii) in sub-paragraph (b), for “into the United Kingdom” substitute “from a country granted equivalence”;
  - (iv) omit sub-paragraph (c);
- (g) in paragraph (10)—
  - (i) in the new regulation 32A and in its heading to be inserted by that paragraph, after “Crown Dependency” insert “or a country granted equivalence”;
  - (ii) in the new regulation 32B and in its heading to be inserted by that paragraph—
    - (aa) for “exit day”, in each place where it occurs, substitute “implementation period completion day”;
    - (bb) for “two years” substitute “one year”;
- (h) in paragraph (11)—
  - (i) in sub-paragraph (a)(iii), in the new sub-paragraph (6)(b)(i)(bb) to be inserted by that sub-paragraph, for “United Kingdom National” substitute “GB Variety”;
  - (ii) for sub-paragraph (e) substitute—
    - “(e) in paragraph 43(2), for “United Kingdom National List or the Common Catalogue” substitute “GB Variety List”;
- (i) in paragraph (12)—
  - (i) in sub-paragraph (c)(i), for “UK” substitute “GB”;
  - (ii) for sub-paragraph (e) substitute—
    - “(e) in paragraphs 12(2)(a) and 14(1)(a), for “United Kingdom National List or the Common Catalogue” substitute “GB Variety List”;
  - (iii) in sub-paragraphs (g) and (j), for “UK” substitute “GB”;
- (j) in paragraph (13)—
  - (i) in sub-paragraph (d)—
    - (aa) before paragraph (i), insert—
      - “(ai) in sub-paragraphs (2) and (3), for “United Kingdom National” substitute “GB Variety”;
    - (bb) in paragraph (i), in the new sub-paragraph (5A) to be inserted by that paragraph, for “the United Kingdom”, in each place where it occurs, substitute “Great Britain”;

- (ii) in sub-paragraph (e)(ii), for “UK” substitute “GB”;
  - (iii) after sub-paragraph (e) insert—
    - “(ea) in paragraph 9—
      - (i) in sub-paragraphs (1), (5) and (6), for “United Kingdom National” substitute “GB Variety”;
      - (ii) in sub-paragraph (8), in the words before paragraph (a), for “the United Kingdom” substitute “Great Britain”;
  - (iv) for sub-paragraph (f) substitute—
    - “(f) in paragraph 10—
      - (i) in sub-paragraph (1), for the words from “United Kingdom” to the end substitute “GB Variety List provided an application has been made for entry into the GB Variety List or the NI Variety List”;
      - (ii) in sub-paragraph (4), for “relevant National List” substitute “GB Variety List, NI Variety List or an equivalent list of a country granted equivalence”;
      - (iii) omit sub-paragraphs (7) and (8);”;
  - (v) for sub-paragraph (g) substitute—
    - “(g) in paragraph 11(2), for “United Kingdom National List or the Common Catalogue” substitute “GB Variety List”;
  - (vi) in sub-paragraph (h)(ii)(bb), for “exit day” substitute “implementation period completion day”;
  - (vii) for sub-paragraph (l) substitute—
    - “(l) omit paragraph 16;”;
  - (viii) for sub-paragraph (n) substitute—
    - “(n) in paragraph 18, for “United Kingdom National List or the Common Catalogue” substitute “GB Variety List”;
- (4) In regulation 5—
- (a) in paragraph (2)—
    - (i) in sub-paragraphs (a), (b), (c), (f), and (i)—
      - (aa) in the new sub-paragraph (ii) to be inserted by each of those sub-paragraphs, after “Crown Dependency” insert “or a country granted equivalence”;
      - (bb) omit the new sub-paragraph (iii) to be inserted by each of those sub-paragraphs;
    - (ii) after sub-paragraph (c) insert—
      - “(ca) in the appropriate place insert—
        - ““country granted equivalence” (“*gwlad y caniatawyd cywerthedd iddi*”) means a country that has been assessed under regulation 5(3) and the Welsh Ministers are satisfied that the plant material from the country is produced under conditions equivalent to the requirements in these Regulations for plant material;”;
    - (iii) in sub-paragraph (g), for “, any member State or any Crown Dependency” substitute “, any Crown Dependency or country granted equivalence”;
  - (b) for paragraph (3) substitute—



- “(3) In regulation 4(3), for “the European Union” substitute “Great Britain.”;
- (c) for paragraph (4) substitute—
  - “(4) In regulation 5, in paragraph (3), for “European Union” substitute “United Kingdom.”;
- (d) omit paragraphs (6), (7) and (8);
- (e) in paragraph (9)—
  - (i) in sub-paragraphs (a) and (c)(i), for “UK” substitute “GB”;
  - (ii) in sub-paragraph (c)(ii), for “sub-paragraphs (b)(i) and (x)” substitute “sub-paragraph (b)(i)”;
- (f) in paragraphs (13)(a), (15)(a) and (16), in the new sub-paragraph (ii) to be inserted by those paragraphs, for “exit day” substitute “implementation period completion day”.

### **The Seeds (Amendment etc.) (Wales) (EU Exit) Regulations 2019**

5.—(1) The Seeds (Amendment etc.) (Wales) (EU Exit) Regulations 2019<sup>(8)</sup> are amended as follows.

- (2) Omit regulation 1(2)(b) and Part 3.

15 December 2020

*Lesley Griffiths*  
Minister for Environment, Energy and Rural  
Affairs, one of the Welsh Ministers

**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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## EXPLANATORY NOTE

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

These Regulations are made in exercise of the powers conferred by the European Union (Withdrawal) Act 2018 (c. 16) to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

These Regulations amend domestic secondary EU Exit legislation relating to seeds, plants for planting and reproductive material as a consequence of EU Exit. Regulation 2 also addresses errors identified in domestic secondary EU Exit legislation.

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.