

2020 No. 601 (W. 138)

PLANT HEALTH, WALES

SEEDS, WALES

**The Vegetable Plant Material and
Seed (Miscellaneous Amendments)
(Wales) Regulations 2020**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend—

- the Marketing of Vegetable Plant Material Regulations 1995 (S.I. 1995/2652) (in relation to Wales only) (“the 1995 Regulations”), and
- the Seed Marketing (Wales) Regulations 2012 (S.I. 2012/245) (W. 39) (“the 2012 Regulations”).

These Regulations implement Commission Implementing Directive (EU) 2019/990 amending the list of genera and species in Article 2(1)(b) of Council Directive 2002/55/EC, in Annex II to Council Directive 2008/72/EC and in the Annex to Commission Directive 93/61/EEC (OJ No. L 160, 18.6.2019, p. 14) (“the 2019 Directive”).

The 1995 Regulations implement Council Directive 2008/72/EC on the marketing of vegetable propagating and planting material, other than seed (OJ No. L 205, 1.8.2008, p. 28), and Commission Directive 93/61/EEC setting out the schedules indicating the conditions to be met by vegetable propagating and planting material, other than seed pursuant to Council Directive 2008/72/EC (OJ No. L 250, 7.10.1993, p. 19). The 2012 Regulations implement Council Directive 2002/55/EC on the marketing of vegetable seed.

Regulation 2 updates definitions in the 1995 Regulations to ensure that references to Directives 2008/72/EC and 93/61/EEC refer to those Directives as amended by the 2019 Directive (see section 26 of the Legislation (Wales) Act 2019 (anaw 4)).

Regulation 3 amends the list of vegetable plants and their associated common names in Schedule 1 to the 2012 Regulations (seed to which these Regulations apply) to make explicit where all varieties of a species are included and where only certain varieties of a species are included. It also provides for the application of the 2012 Regulations to hybrids of the species and groups of vegetable plants listed.

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.

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(Wales) Regulations 2020**

Made 16 June 2020

Laid before Senedd Cymru 17 June 2020

Coming into force 10 July 2020

The Welsh Ministers are designated for the purposes of section 2(2) of the European Communities Act 1972⁽¹⁾ in relation to the common agricultural policy⁽²⁾.

(1) 1972 c. 68. The European Communities Act 1972 (“the 1972 Act”) was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c. 16) (“the 2018 Act”) with effect from exit day. “Exit day” is defined in section 20 of the 2018 Act as 31 January 2020 at 11pm. Despite that repeal the 1972 Act continues to have effect with modifications until IP completion day, by virtue of section 1A of the 2018 Act. Section 1A was inserted by section 1 of the European Union (Withdrawal Agreement) Act 2020 (c. 1) (“the 2020 Act”). “IP completion day” is defined in section 1A as 31 December 2020 at 11pm (the meaning given in section 39 of the 2020 Act). Section 2(2) of the 1972 Act was previously amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).

(2) S.I. 2010/2690, which is prospectively revoked by S.I. 2018/1011 from IP completion day.

The Welsh Ministers have consulted representatives of such interests as appear to them to be concerned in accordance with section 16(1) of the Plant Varieties and Seeds Act 1964⁽¹⁾.

The Welsh Ministers make these Regulations in exercise of the powers conferred by section 16(1) and (1A) of the Plant Varieties and Seeds Act 1964 and section 2(2) of the European Communities Act 1972.

Title, application and commencement

1. The title of these Regulations is the Vegetable Plant Material and Seed (Miscellaneous Amendments) (Wales) Regulations 2020, they apply in relation to Wales and come into force on 10 July 2020.

Amendment of the Marketing of Vegetable Plant Material Regulations 1995

2.—(1) The Marketing of Vegetable Plant Material Regulations 1995⁽²⁾ are amended as follows.

(2) In regulation 2(1)—

(a) for the definition of “Directive 93/61/EEC” substitute—

““Directive 93/61/EEC” means Commission Directive 93/61/EEC setting out the schedules indicating the conditions to be met by vegetable propagating and planting material, other than seed pursuant to Directive 92/33/EEC⁽³⁾”;

(b) for the definition of “Directive 2008/72/EC” substitute—

““Directive 2008/72/EC” means Council Directive 2008/72/EC on the marketing of

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- (1) 1964 c. 14. Section 16(1A) was inserted by section 4 of, and paragraph 5 of Schedule 4 to, the European Communities Act 1972. *See* section 38(1) for a definition of “the Minister”. In accordance with article 2(1) of, and Schedule 1 to, 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 1964 were, so far as exercisable in relation to Wales, transferred to the Secretary of State. In accordance with article 2 of, and Schedule 1 to, 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. By virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32) those functions are now exercisable by the Welsh Ministers.
- (2) S.I. 1995/2652, amended by S.I. 2014/519 (W. 61); there are other amending instruments but none are relevant.
- (3) OJ No. L 250, 7.10.1993, p. 19, as last amended by Commission Implementing Directive (EU) 2020/177 (OJ No. L 41, 13.2.2020, p. 1).

vegetable propagating and planting material, other than seed(1);”.

Amendment of the Seed Marketing (Wales) Regulations 2012

3.—(1) The Seed Marketing (Wales) Regulations 2012(2) are amended as follows.

(2) In Schedule 1, in the table, for the sub-heading “Vegetables” and the entries beneath that sub-heading substitute—

| “Vegetables | |
|-------------------------------------|---------------------------------------|
| <i>Allium cepa</i> L. | — |
| —Cepa Group | Onion, Echalion |
| <i>Allium porrum</i> L. | Leek |
| —all varieties | |
| <i>Apium graveolens</i> L. | — |
| —Celery Group | — |
| —Celeriac Group | — |
| <i>Asparagus officinalis</i> L. | Asparagus |
| —all varieties | |
| <i>Beta vulgaris</i> L. | — |
| —Garden Beet Group | Beetroot including Cheltenham beet |
| —Leaf Beet Group | Spinach beet or Chard |
| <i>Brassica oleracea</i> L. | — |
| —Kale Group | — |
| —Cauliflower Group | — |
| —Capitata Group | Red cabbage and White cabbage |
| —Brussel Sprouts Group | — |
| —Kohlrabi Group | — |
| —Savoy Cabbage Group | — |
| —Broccoli Group | Calabrese type and Sprouting type |
| —Palm Kale Group | — |
| —Tronchuda Group | Portuguese cabbage |
| <i>Brassica rapa</i> L. | — |
| —Chinese Cabbage Group | — |
| —Vegetable Turnip Group | — |
| <i>Cichorium endivia</i> L. | Endive |
| —all varieties | |
| <i>Cucumis melo</i> L. | Melon |
| —all varieties | |
| <i>Cucumis sativus</i> L. | — |
| —Cucumber Group | — |
| —Gherkin Group | — |
| <i>Cucurbita maxima</i> Duchesne | Gourd |
| —all varieties | |

(1) OJ No. L 205, 1.8.2008, p. 28, as last amended by Commission Implementing Directive (EU) 2019/990 (OJ No. L 160, 18.6.2019, p. 14).

(2) S.I. 2012/245 (W. 39), amended by S.I. 2014/519 (W. 61); there are other amending instruments but none are relevant.

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| <i>Cucurbita pepo</i> L. | Marrow, including mature pumpkin and scallop squash, or Courgette, including immature scallop squash |
| —all varieties | |
| <i>Daucus carota</i> L. | Carrot and Fodder Carrot |
| —all varieties | |
| <i>Lactuca sativa</i> L. | Lettuce |
| —all varieties | |
| <i>Solanum lycopersicum</i> L. | Tomato |
| —all varieties | |
| <i>Petroselinum crispum</i> (Mill.) Nyman ex A. W. Hill | — |
| —Leaf Parsley Group | — |
| —Root Parsley Group | — |
| <i>Phaseolus coccineus</i> L. | Runner bean |
| —all varieties | |
| <i>Phaseolus vulgaris</i> L. | — |
| —Dwarf French Bean Group | — |
| —Climbing French Bean Group | — |
| <i>Pisum sativum</i> L. | — |
| —Round Pea Group | — |
| —Wrinkled Pea Group | — |
| —Sugar Pea Group | — |
| <i>Raphanus sativus</i> L. | — |
| —Radish Group | — |
| —Black Radish Group | — |
| <i>Spinacia oleracea</i> L. | Spinach |
| —all varieties | |
| <i>Vicia faba</i> L. | Broad bean |
| —all varieties | |
| <i>Zea mays</i> L. | — |
| —Sweet Corn Group | — |
| —Popcorn Group | — |
| Any hybrid of the vegetable species or Groups listed above”. | |

Lesley Griffiths
Minister for Environment, Energy and Rural Affairs,
one of the Welsh Ministers
16 June 2020