EXPLANATORY MEMORANDUM

THE CEREAL SEED (ENGLAND) (AMENDMENT) REGULATIONS 2004

2004 No. 2386

1. This explanatory memorandum has been prepared by Defra and is laid before Parliament by Command of Her Majesty.

2. Description

These Regulations reflect the provisions of Council Decision 2003/17/EC, as amended by Council Decision 2003/403/EC, and Council Regulation (EC) No 885/2004; and make minor amendments to take account of accession. The Regulations apply in England and amend Cereal Seed (England) Regulations 2002 (SI 2002/3173).

3. Matters of special interest to the Joint Committee on Statutory Instruments

None

4. Legislative Background

4.1 These Regulations amend legislation in England to reflect changes to the European regime on the marketing of cereal seed.

The principal changes:

- update and extend equivalence rules in respect of seed imported from third countries whose seed production control systems have been recognised by the EC Council of Ministers as equivalent to those in the Community. The definition of 'equivalent third country' is also amended to take account of the recent accession of new members to the EC;
- provide that, where there is a requirement for a consent to have been obtained in relation to seed of genetically modified varieties, a consent can be obtained either in accordance with Council Directive 2001/18/EC on the deliberate release to the environment of genetically modified organisms or in accordance with Council Regulation (EC) No 1829/2003 on genetically modified food and feed;
- update references to amended EC legislation.

4.2 A Transposition Table is attached as an Annex to this memorandum.

4.3 These Regulations also correct errors in the Cereal Seed (England) Regulations 2002.

5. Extent

This instrument applies to England.

6. European Convention on Human Rights

It is the view of Defra that these Regulations are compatible with the Convention Rights.

7. Policy background

7.1 EC Directives require official certification of seed of the main commercial crop species before marketing, to ensure that seed sold to farmers and growers meets specified standards. The Directives are implemented in England by 5 regulations concerned with different species groups (cereals, beet, oil and fibre plants, vegetables and fodder plants) and by a regulation controlling the registration and licensing of seed companies and personnel.

7.2. The regulations were substantially revised in 2002 to bring them into line with latest directive requirements, and to reduce official and industry costs by removing 'gold plating'. Amendments are now needed, as outlined in paragraph 4 above, to implement subsequent changes to EU legislation; and correct typographical errors in the current regulations.

8. Impact

A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

Kevin Johnson at Defra, Plant Variety Rights Office and Seeds Division Tel: 01223 342371 or e-mail: Kevin.Johnson@defra.gsi.gov.uk can answer any queries regarding the instrument.

Defra
Plant Varieties and Seeds Division
White House Lane
Huntingdon Road
Cambridge
CB3 0LF

Annex

Transposition Table

Table showing how the main elements of Council Decision **2003/17/EC** on the equivalence of field inspections carried out in third countries, as amended by Council Decision **2003/403/EC** and Council Regulation (EC) No **885/2004** have been implemented by **The Cereal Seed (England) (Amendment) Regulations 2004.**

The Regulations apply only to England and amend the **Cereal Seed (England) Regulations 2002 (SI 2002/3173)** ("the Cereal Regulations"). The devolved administrations are making separate provision with regard to implementation.

Council Decision 2003/17/EC			
Article	**Purpose**	**Implementation**	**Comment**
1	Field inspections carried out in the countries specified in Annex 1 to the Decision are deemed equivalent to inspections carried out in the Community provided that the conditions specified in part A of Annex II to the Decision are met.	Regulations 2(3); 2(4); 2(11)(d); 2(11)(f); 2(11)(i); 2(11)(l); 2(11)(m); and 2(11)(n)	These regulations incorporate third country equivalence into the Cereal Regulations. Equivalence is currently provided for by way of a general licence issued under regulation 20 of the Cereal Regulations. The general licence will be revoked on 30th September 2004.
2	Seed certified in the countries specified in Annex 1 to the Decision is deemed equivalent to seed certified in the Community provided that the conditions specified in part B of Annex II to the Decision are met.	Regulations 2(9); 2(10)(a); 2(10)(b); 2(11)(a); 2(11)(b); 2(11)(c); 2(11)(e); and 2(11)(h)	These regulations incorporate third country equivalence into the Cereal Regulations. Equivalence is currently provided for by way of a general licence issued under regulation 20 of the Cereal Regulations. The general licence will be revoked on 30th September 2004.
3	n/a	n/a	The provisions of article 3 are implemented in the Cereal Regulations.