EXECUTIVE NOTE
THE FODDER PLANT SEED (SCOTLAND) AMENDMENTS REGULATIONS 2009
(S.S.I 2009/330)

1. The above instrument was made in exercise of the powers conferred by sections 16(1), (1A), (3), and 36 of the Plant Varieties and Seeds Act 1964[1] and in accordance with section 16(1) of that Act they have consulted with representatives of such interests as appears to them to be concerned. The instrument is subject to negative resolution procedure.

Policy Objectives

2. The principal purpose of the instrument is to amend Council Directive 66/401/EEC, to implement Commission Directive 2009/74/EC as regards the botanical names of plants, the scientific names of other organisms and certain Annexes to Directives 66/401/EEC, 66/402/EEC and 2002/57/EC in the light of developments of scientific and technical knowledge.

3. Directive 66/401/EEC, known as the 'Marketing of Fodder Plant Seed' Directive, sets out in Annex III the lot and sample weights of species of seed for the marketing of particular species of fodder plant seed.

4. Article 1 of Directive 2009/74 amends the table in Annex III of the Marketing of Fodder Plant Seed Directive so as to increase the seed lot weights for certain agricultural species of seed.

Background

5. After the European Commission increased the seed lot weights for cereals in 2006, the Scottish Seed Trade lobbied the International Seed Federation to increase the seed lot weights for fodder peas and beans from 25 to 30 tonnes. Scottish Government supported the seed industries calls for these increases, as this change brings economical and environmental benefits.

6. A prerequisite to amendment of Council Directive 66/401/EEC was approval by the International Seed Testing Association (ISTA) and the Organisation for Economic Co-operation and Development (OECD). ISTA and OECD duly sanctioned the change and a Commission proposal to amend Annex III to Directive 66/401/EEC was adopted by the EC Standing Committee on Seeds on 26 June 2009

7. It is our intention to make the amendment as quickly as possible to allow industry to benefit from the change. Certification of Spring fodder peas and beans begins in mid-November and it is our intention to have legislation in place by then. This measure will reduce the cost of certifying a seed lot and at the same time reduce the number of lorry movements by an estimated 17%, thereby benefitting the environment through reduced carbon emissions.

---

[1] Section 16 was amended by the European Communities Act 1972 (c.68), section 4(1) and Schedule 4, paragraph 5(1) and (2). See section 38(1) for the definition of "the Ministers". The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46)

8. The other changes brought about by Commission Directive 2009/74/EC will be implemented into the relevant Seed Marketing Regulations[2] by way of a consolidation/amalgamation exercise currently being carried out by Scottish Government.

Consultation

9. To ensure that the legislation can be introduced before the seed industry start submitting applications to certify fodder peas and beans, the certifying authority ,Science and Advice for Scottish Agriculture (SASA) have contacted the following interested parties

- National Farmers Union Scotland;
- Agricultural Industries Confederation (AIC) Association - Scottish Council and;
- Five individuals who have certified fodder pea/bean seed in the last five years

They were informed about the changes that Commission Directive 2009/74/EC had brought about and were asked if they were apposed or had any concerns regarding the increased seed lot weights. All parties welcomed the news.

Financial Effects

10. By increasing the maximum size of seed lots from 25 to 30 tonnes, the seed industry will make some savings.

11. There will be no additional costs to citizens, the environment or Government.

12. A Regulatory Impact Assessment has therefore not been prepared.

Relationship to Current Policy/Practise

13. This is one of a number of requirements under the Principal Regulations, which regulates the marketing of Fodder Plant seed.

Scottish Executive: Rural Directorate
September 2009

[2] The Beet Seed Regulations 1993, The Cereal Seed (Scotland) Regulations 2005, The Fodder Plant Seed (Scotland) Regulations 2005, The Oil and Fibre Plant Seed (Scotland) Regulations 2004 and The Vegetable Seed Regulations 1993.

TRANSPOSITION NOTE

THE FODDER PLANT SEED (SCOTLAND) AMENDMENT REGULATIONS 2009

TRANSPOSING ELEMENTS OF COMMISSION DIRECTIVE 2009/74/EC OF 26TH JUNE 2009 AMENDING ANNEX III OF COUNCIL DIRECTIVE 66/401/EEC IN LIGHT OF DEVELOPMENTS OF SCIENTIFIC AND TECHNICAL KNOWLEDGE.

COMMISSION DIRECTIVE 2009/74/EC & COUNCIL DIRECTIVE 66/401/EEC

Commission Directive 2009/74/EC (the "Directive") amends Council Directives 66/401/EEC, 66/402/EEC, 2002/55/EC and 2002/57/EC as regards the botanical names of plants, the scientific names of other organisms and certain Annexes to Directives 66/401/EEC, 66/402/EEC and 2002/57/EC in the light of developments of scientific and technical knowledge.

Directive 66/401/EEC, known as the 'Marketing of Fodder Plant Seed' Directive, sets out in Annex III the lot and sample weights of species of seed for the marketing of particular species of fodder plant seed.

Article 1 of the Directive amends the table in Annex III of the Marketing of Fodder Plant Seed Directive so as to increase the seed lot weights for certain agricultural species of seed.

TRANSPOSITION MEASURES IN SCOTLAND

The Fodder Plant Seed (Scotland) Amendment Regulations 2009 (SSI 2009 No. 330) (the "Regulations") transpose the provisions in the Directive relating to the new maximum weights for certain seeds. The regulations do not address other aspects of the Directive, which are to be transposed during the forthcoming consolidation of all of the seed marketing regulations.

These regulations do not go beyond what is necessary to implement the Directive, including making consequential changes to domestic legislation to ensure its coherence in the area to which they apply.

Directive Article	**Objectives**	**Implementation/Regulation**
Article 1	Amending Annex III of Directive 66/401/EEC in order to increase the maximum weight of a seed lot of certain fodder species.	Regulation 2 of The Fodder Plant Seed (Scotland) Amendment Regulations 2009 amends the table in Part II of Schedule 5, paragraph 26 of The Fodder Plant Seed (Scotland) Regulations 2005. This table is referred to in Regulation 15 of The Fodder Plant Seed (Scotland) Regulations 2005.