

Explanatory Memorandum to The Seeds and Vegetable Plant Material (Nomenclature Changes) (Wales) Regulations 2014

This Explanatory Memorandum has been prepared by the Natural Environment and Agriculture Team within the Natural Resources and Food Department and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Seeds and Vegetable Plant Material (Nomenclature Changes) (Wales) Regulations 2014.

Alun Davies
Minister for Natural Resources and Food
5 March 2014

1. Description

These Regulations amend the Seed Marketing (Wales) Regulations 2012 and the Marketing of Vegetable Plant Material Regulations 1995 in relation to Wales in respect of the botanical name for the species tomato.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

There are no matters of special interest to the Constitutional and Legislative Affairs Committee.

1. Legislative background

The Welsh Ministers are designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to the common agricultural policy of the European Union, by virtue of The European Communities (Designation) (No. 5) Order 2010/2690.

Section 16(1) of the Plant Varieties and Seeds Act 1964 (the “Act”), allows the Minister, after consultation with representatives of such interests as appear to him to be concerned, to make regulations as appear to him to be necessary or expedient for a number of purposes in relation to the sale of seeds. Section 38(1) of the Act defines “the Minister” in relation to England and Wales as the Minister for Agriculture, Fisheries and Food.

Under the Transfer of Functions (Wales) (No 1) Order 1978/272, article 2(1) and Schedule 1, the functions of the Minister for Agriculture, Fisheries and Food under the Act were so far as exercisable in relation to Wales transferred to the Secretary of State and under the National Assembly for Wales (Transfer of Functions) Order 1999/672, article 2 and Schedule 1, 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 those functions are now exercisable by the Welsh Ministers.

This instrument will follow the negative resolution procedure.

2. Purpose & intended effect of the legislation

In light of new genetic evidence, the International Code of Botanical Nomenclature has been revised in respect of the botanical name for the species tomato. This will now be known as ‘*Solanum lycopersicum L.*’.

In order to reflect this change, the European Commission has published Implementing Directive 2013/45/EU, which came into force on 28 August 2013.

Commission Implementing Directive 2013/45/EU amends three key Directives;

- Council Directive 2002/55/EC on the marketing of vegetable seed;
- Council Directive 2008/72/EC on the marketing of vegetable propagating and planting material, other than seed; and

- Commission Directive 2009/145/EC providing for certain derogations, for acceptance of vegetable landraces and varieties which have been traditionally grown in particular localities and regions and are threatened by genetic erosion of vegetable varieties with no intrinsic value for commercial crop production but developed for growing under particular conditions and for marketing of seed of those landraces and varieties.

Commission Implementing Directive 2013/45/EU instructs Member States to transpose these amendments into domestic legislation. In Wales we are of the view that amendments will need to be made to the Seed Marketing (Wales) Regulations 2012 and the Marketing of Vegetable Plant Material Regulations 1995 in relation to Wales.

5. Consultation

A four week consultation was launched on this proposal in Wales on 5 December 2013 and ended 10 January 2014. No responses were received. The Food and Environmental Research Agency (FERA) advised key industry representatives and interest groups about the forthcoming changes. Support was expressed by the organisations consulted.

7. Regulatory Impact Assessment (RIA)

There has been no regulatory impact assessment undertaken, as the amendments are technical changes only. There is no impact on charities, voluntary bodies or on the public sector.