Explanatory Memorandum to the Seed Potatoes (Wales) (Amendment) Regulations 2017

This Explanatory Memorandum has been prepared by the Plant Health and Environment Protection Branch within the Economy, Skills and Natural Resources 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 Seed Potatoes (Wales) (Amendment) Regulations 2017.

Lesley Griffiths

Cabinet Secretary for Environment and Rural Affairs

26 April 2017

1. Description

These Regulations amend the Seed Potatoes (Wales) Regulations 2016 (S.I. 2016/106 (W 52)) which control the production with a view to marketing, the certification and the marketing of seed potatoes in Wales other than those intended for export outside the EU. These Regulations implement Commission Implementing Directive 2016/317/EU.

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.

3. Legislative background

Section 16 of the Plant Varieties and Seeds Act 1964 ("the Act") confers a power on the Welsh Ministers to make Regulations in relation to seeds. The Regulation making power is very broad and includes, but is not limited to, the power to make regulations in relation to sales, marketing, importation or exportation, prevention of the spread of disease, licensing, ensuring seeds stay true to variety, packaging, information, tests, samples, exemptions and charges. References to seeds in this section include references to seed potatoes (section 29).

The powers in section 16 of the Act were transferred to the National Assembly for Wales by virtue of article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 and now vest in the Welsh Ministers pursuant to section 162 of, and paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

This Regulation is subject to the negative procedure.

4. Purpose & intended effect of the legislation

Council Directive 2002/56/EC on the marketing of seed potatoes lay down rules as regards the official labelling of seed packages. These measures are implemented in Wales through the Seed Potatoes (Wales) Regulations 2016. Similar legislation applies in England, Scotland and Northern Ireland.

In recent years some cases of fraudulent use of official labels has been detected. As a result, the security of the official labels is to be improved in line with the currently available technical knowledge to ensure such fraudulent practices are avoided.

The requirements are being introduced by EU measures which are summarised below:-

Commission Implementing Directive 2016/317/EU amending Council Directive 2002/56/EC as regards the official label of seed packages

In order to better record and control the printing, distribution and use of individual official labels by operators and to track seed lots, the security of the official labels should be improved by introducing an officially assigned serial number in the official labels of basic seed, pre-basic seed, certified seed, commercial seed and mixtures of seed, and also in the label and document provided in the case of seed not certified, harvested in another Member State.

The purpose of these Regulations is to amend applicable provisions in the Seed Potatoes (Wales) Regulations 2016 to make provision for officially assigned serial numbers.

5. Consultation

A targeted, six week consultation was launched on 12 December 2016 and ended 23 January 2017. No substantive responses were received.

6. Regulatory Impact Assessment (RIA)

There has been no regulatory impact assessment undertaken. Seed potato producers in Wales already use labels with unique numbers so the amendments will simply bring into law this existing industry practice.

No impact on charities or voluntary bodies is foreseen.

No impact on the public or private sector is foreseen.