



Environment and Rural Affairs Department
Plants, Horticulture and Potatoes

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21 August 2003

AMENDMENT OF THE SEEDS (NATIONAL LISTS OF VARIETIES) REGULATIONS 2001

I am writing to consult you about the proposed amendment of the Seeds (National Lists of Varieties) Regulations 2001. These regulations with the agreement of Scottish Ministers apply to Scotland. The proposed amendment regulations update various Directive references following changes at EU level and make a number of other relatively routine changes (See Annex 1). The two most substantive amendments are:-

- to remove the present derogation from applying the National List and marketing regulations to hemp; and
- following comments by the Westminster Parliament's Joint Committee on Statutory Instruments (JCSI) improve and clarify the drafting of regulations 9(5) and 9(6) dealing with "Official Measures", but have no substantive effect on their meaning.

If you wish to comment on the proposed amendments to the Seeds (National Lists of Varieties) Regulations 2001 please submit these in writing, by fax or by E-mail, to reach Ms Sylvia Korn at the following address, no later than **17 November 2003**.

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In order to help inform debate on the questions covered by this consultation letter, the Department intends to follow its normal practice of making available to the public, on request, copies of the responses received. The Department will assume, therefore, that responses can be made publicly available in this way. If respondents indicate that they wish all, or part, of their reply excluded from this arrangements, its confidentiality will be strictly respected.

Copies of the responses made available to the public will be held on an “open file” held in the Library at Saughton House, Edinburgh. Copies of documents from the “open file” will be forwarded to members of the public on request. A charge will normally be levied to cover the cost of copying.

Yours sincerely

BA Cockwell
Plants, Horticulture and Potatoes

Removal of derogation for HEMP

1. Hemp has not normally been cultivated, propagated or marketed in the UK. However, because imported hemp has been propagated and marketed in the UK in recent years, it was decided that the justification for the UK derogation was no longer valid. Removal of the derogation will also allow the industry to develop and market hemp seed varieties in the UK rather than continuing to rely on foreign imports. At the UK's request, the derogation was formally revoked in April this year by Commission Decision 2003/234/EC and as a consequence, seeds of hemp now need to be brought within our regulatory framework.

2. Applicants will be required to pay statutory fees set at the same rates as those for all other oil and fibre plant species.

Other Changes

3. Make a clarifying amendment to the drafting of regulations 9(5) and 9(6) which deal with the revocation of arrangements made with third parties to carry out official measures (for example growing trials). This change was requested by the Joint Committee on Statutory Instruments and will have no effect on the meaning of the regulations.

4. Update references to other legislation. The National List regulations contain a number of references to EU and UK legislation. In a number of cases, this legislation has subsequently been revised and the National List regulations need to be updated to reflect the changed references.

5. Clarify the provisions on maintainers to require that publication of applications or changes to maintainers need only be made after the National List application has been determined. At present the regulations require the publication of applications for a change in maintainer even before a National List decision has been determined. It is proposed to simplify the procedures and publish such changes when the NL decision has been reached.