



Llywodraeth Cymru
Welsh Government

IMPACT ASSESSMENT, DOCUMENT

The Seed Marketing (CMS Wheat Hybrids) (Temporary Experiment) (Wales) Regulations 2024: integrated impact assessment

An assessment of legislation for a temporary experiment to allow certain hybrid wheat seed to meet different certification standards than currently required for other hybrid wheat.

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Section 1: what action is the Welsh Government considering and why?

Introduction

The Welsh Government is introducing legislation which is expected to come into force on the 7 October 2024. The legislation is called “The Seed Marketing (CMS Wheat Hybrids) (Temporary Experiment) (Wales) Regulations 2024”.

The Regulations set up a temporary experiment, with a duration of seven years, to allow hybrid wheat seed produced via the means of Cytoplasmic Male Sterility (CMS) to meet different certification standards than currently required for hybrid wheat in the Seed Marketing (Wales) Regulations 2012 (“the 2012 Regulations”).

The purpose of the temporary experiment is to:

- test alternative requirements for the certification of hybrid wheat seed produced via the means of Cytoplasmic Male Sterility (CMS) so that it can be marketed
- set standards the crop must meet associated with production of hybrids by CMS, for example the level of male sterility.

Seed of key agricultural species, including wheat, can only be marketed if it has been certified, following crop inspection and laboratory analysis. The certification process ensures that growers access high quality seed that is pure, will germinate and grow and is substantially free of pests, diseases and weeds.

The certification requirements that seed must meet varies depending on the species, and if it is a hybrid variety or not. Hybrids can provide an advantage for growers as they often have higher yields and improved disease resistance.

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The current standards in the 2012 Regulations for hybrid wheat are based on those for hybrid wheat seed produced by a chemical hybridisation method. Production of hybrids via the CMS method uses a blend production system – where the sterile line of plants are pollinated by another, genetically different wheat line.

This blend production system can lead to a higher rate of “off-types” (plants that are not true to the variety description and therefore do not meet varietal purity standards) in the produced hybrid seed compared to hybrids produced using a chemical hybridisation agent. Consequently, seeds of CMS hybrid wheat may not meet the current varietal purity standard of 90% and this temporary experiment will allow them to be certified for marketing at a rate of varietal purity standard of 85%.

The proposed standards are based on international standards being trialled under a temporary experiment by the Organisation for Economic Co-operation and Development (OECD) schemes for the Varietal Certification of Seed, of which the UK is a member. The EU implemented the same standards as the OECD in 2022 under a temporary experiment. Scottish Ministers introduced an equivalent change to their legislation in 2023 - [The Cereal Seed \(Scotland\) Amendment Regulations 2023](#).

The requirements are provisional as once grown on a large scale, in different climatic conditions, CMS wheat hybrids may perform differently than expected – for example, they may be able to meet a higher varietal purity standard. Thus, the information collected from the temporary experiment will help us to ascertain if the provisional standards are appropriate and can be used to inform any future permanent change to the legislation.

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Long term, prevention, integration, collaboration and involvement

In line with the Well-being of Future Generations (Wales) Act 2015, these regulations are being introduced to allow growers to trial the use of CMS hybrid wheat material under a 7-year temporary experiment so they can be marketed with a lower varietal purity. It is anticipated CMS what hybrids will not be able to meet the current varietal purity standards and are therefore would not be available for marketing without this Regulatory change. Use of Hybrid wheat seed produced by the means of CMS could provide potential benefits in terms of higher yields and greater disease resistance compared to conventional varieties of wheat seed. Greater disease resistance is likely to mean fewer chemical inputs being required. Higher yields can mean increased profit for the grower and decreased costs to the buyers of the product thus contributing to sustainable food production.

The purpose of temporary experiments is to gain real world knowledge with a view to then make permanent changes to legislation if the results indicate this would be beneficial. Their use can prevent situations where seed crops that are still of use to farmers are unnecessarily removed from the market, because the current requirements are not suitable, or explore if there is a demand from industry for changes in the current processes for certification.

Powers in the Plant Varieties and Seeds Act 1964 (“the 1964) allows Welsh Ministers to make legislation to exempt authorised participants and their authorised seed varieties from meeting certain requirements set out in the Seed Marketing (Wales) Regulations 2012. Section 16(1) of the 1964 Act requires consultation with representatives of such interest prior to making regulations.

An informal bilingual consultation was carried out jointly by Welsh Government and Defra via email. The consultation was issued to interested stakeholders including plant breeders with an interest in hybrids and stakeholder groups

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representing growers, plant breeders and those from the seed and agricultural industry in England and Wales. The consultation asked stakeholders if they agreed with the introduction of a temporary experiment to allow CMS wheat hybrids to be marketed, and the proposed certification standards. Five responses were received, all supporting the proposals.

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How have people most likely to be affected by the proposal been involved in developing it?

An informal bilingual consultation was carried out jointly by Welsh Government and Defra via email. The consultation was issued to interested stakeholders including plant breeders with an interest in hybrids and stakeholder groups representing growers, plant breeders and those from the seed and agricultural industry in England and Wales. The consultation asked stakeholders if they agreed with the introduction of a temporary experiment to allow CMS wheat hybrids to be marketed, and the proposed certification standards. Five responses were received, all supporting the proposals.

What are the most significant impacts, positive and negative?

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In light of the impacts identified, how will the proposal support the Welsh Governments well-being goals?

These Regulations support the majority of the well-being goals and will have a positive impact on contributing to the national well-being goal of a 'resilient Wales' and associated impacts on a 'prosperous Wales'.

- a resilient Wales - hybrids can provide an advantage for growers as they often have higher yields and improved disease resistance which could contribute to building resilience to climate-related risks
- a prosperous Wales - hybrids can provide potential benefits in terms of higher yields and greater disease resistance compared to conventional varieties of wheat seed thus contributing to sustainable food production

How will the impact of the proposal be monitored and evaluated as it progresses and when it concludes?

The purpose of temporary experiments is to gain real world knowledge with a view to then make permanent changes to legislation if the results indicate this would be beneficial. Their use can prevent situations where seed crops that are still of use to farmers are unnecessarily removed from the market, because the current requirements are not suitable, or explore if there is a demand from industry for changes in the current processes for certification.

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