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**S T A T U T O R Y   I N S T R U M E N T S**

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**2005 No. (W. )****SEEDS, WALES****The Fodder Plant Seed (Wales) Regulations 2005****EXPLANATORY NOTE***(This note is not part of the Regulations)*

These Regulations apply to Wales and come into force on 30 April 2005. They revoke and replace, with modifications, the Fodder Plant Seeds Regulation 1993 (S.I. 1993/2009) insofar as they extend to Wales. They also revoke the Fodder Plant Seeds (Amendment) Regulations 1993 (S.I. 1993/2529), the Fodder Plant Seeds (Amendment) Regulations 1996 (S.I. 1996/1453) and the Fodder Plant Seeds (Amendment) Regulations 1999 (S.I. 1999/1864) insofar as they extend to Wales and the Fodder Plant Seeds (Amendment) (Wales) Regulations 2001 (S.I. 2000/3665 (W.)), all of which amended the 1993 Regulations.

The 1993 Regulations implemented the provisions of Council Directive 66/401/EEC on the marketing of fodder plant seed (O.J. No. L125, 11.7.66, p. 2298/66, OJ/SE 1965-66 p.132)). These Regulations continue to implement the provisions of that Directive as last amended by Commission Directive 2004/55/EC (O.J. No. L 114 21.4.2004, p.18.). These Regulations also give effect to Commission Decision 2004/266/EC (O.J. L 83 20.3.2004, p23) authorising the indelible printing of prescribed information on packages of seed of fodder plants.

The Regulations apply to the certification and marketing of fodder plant seed of the species specified in Schedule 2 to these Regulations (regulation 5).

The Regulations include provisions that lay down the procedures relating to the certification of fodder plant seed in Wales (Part II), including provisions relating to the entry of seed lots (regulation 6), the entry of crops (regulation 7), the field inspection of crops (regulation 8), the lodging of field inspection reports and similar documents (regulation 9), the re-grading of crops (regulation 10), seed testing (regulation 11), the lodging of seed test reports (regulation 12), the re-grading of seed (regulation 13) and the withdrawal of official certification (regulation 14).

The Regulations include provisions that prohibit the marketing of fodder seed in Wales except for seed that falls into one of the categories listed in Schedule 6 (regulation 15). These categories are defined in Schedule 1. The prohibition does not apply in the case of seed of a category that is not listed in Schedule 6 where an authorisation has been granted for scientific purposes or selection work (regulation 19) or for the purpose of tests and trials (regulation 20) or is authorised by a general licence made under regulation 21.

The Regulations lay down requirements relating to the sampling (regulation 23) and packaging (regulation 24) of seed and the sealing (regulation 25) and labelling of packages (regulation 26) of seed.

The Regulations enable the National Assembly for Wales to make arrangements for any person to act under its responsibility in carrying out official measures (regulation 28) and include provisions relating to the charging of fees (regulation 29).

The contravention of these Regulations is a criminal offence (section 16(7) of the Plant Varieties and Seeds Act 1964).

A Regulatory Appraisal has been prepared for these Regulations and a copy can be obtained from the Animal and Plant Health Division, National Assembly for Wales, Cathays Park, Cardiff, CF10 3NQ.

**2005 No. (W. )**

**SEEDS, WALES**

**The Fodder Plant Seed (Wales) Regulations 2005**

*Made* - - - - 2005

*Coming into force* - - 30 April 2005

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The National Assembly for Wales in exercise of the powers conferred on it by sections 16(1), (1A), (2), (3), (4), (5) and (5A) and 36 of the Plant Varieties and Seeds Act 1964<sup>(1)</sup> after consultation in accordance with section 16(1) of that Act with representatives of such interests as appear to it to be concerned, makes the following Regulations:

## PART I GENERAL

### **Title, application and commencement**

1. These Regulations may be cited as the Fodder Plant Seed (Wales) Regulations 2005, they apply to Wales and come into force on 30 April 2005.

### **General interpretation**

2.—(1) In these Regulations –

“the Act” means the Plant Varieties and Seeds Act 1964;

“Annex II.A(3) official certificate” means an official certificate of the type specified in paragraph 3 of Part A of Annex II to the Third Country Equivalence Decision;

“Annex V(C) document” means an official document of the type specified in the second indented sub-paragraph of Article 15(2) of the Fodder Plant Seed Directive containing the particulars specified in Part C of Annex V to the Directive;

“another member State” means an EEA State other than the United Kingdom;

“approved seed certification authority” means an authority specified in column 2 of the table set out in Annex 1 to the Third Country Equivalence Decision;

“authorised officer” means an officer authorised for the purposes of these Regulations by the National Assembly for Wales, the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development;

“blended seed lot” means a seed lot obtained by blending seed where the seed that goes into the blend is —

- (a) of the same variety;
- (b) has come from different sources; and
- (c) either —
  - (i) has been officially certified;
  - (ii) has not been officially certified but has been harvested from a seed crop for which a field inspection report has been issued showing that the crop met the Directive crop conditions for the relevant category of seed; or
  - (iii) is made up of seed that has been officially certified and seed that has not but for which a field inspection report of the type specified in paragraph (ii) has been issued;

“breeder” —

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<sup>(1)</sup> 1964 c.14; section 16 was amended by section 4(1) of, and paragraph 5(1), (2) and (3) of Schedule 4 to, the European Communities Act 1972, S.I. 1977/1112 and section 2 of the Agriculture Act 1986 (c.49). Under the Transfer of Functions (Wales)(No.1) Order 1978 (S.I. 1978/272), article 2(1) and Schedule 1, the functions of the Minister of Agriculture, Fisheries and Food under the Plant Varieties and Seeds Act 1964 were, so far as they are exercisable in relation to Wales, transferred to the Secretary of State and under the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2(1) and Schedule 1, the functions transferred to the Secretary of State by the 1978 transfer Order were transferred to the National Assembly for Wales.

(a) in relation to a variety that has not been entered in a National List or the Common Catalogue, includes any person lawfully multiplying (on his or her own account) seed bred by another, and

(b) in relation to a variety that has been so entered, means the maintainer of the variety;

“breeder’s seed” means seed which has been produced by or under the responsibility of the breeder and which is intended for the production of pre-basic or basic seed;

“Common Catalogue” means the Common Catalogue of varieties of species of agricultural plants published in the Official Journal of the European Communities;

“the Common Catalogue Directive” means Council Directive 2002/53/EC(2) on the common catalogue of varieties of agricultural plant species, as last amended by the Food and Feed Regulation;

“component” means a component of a hybrid variety;

“control plot” means a plot sown with seed from an official sample of seed from a seed lot (whether the official sample of the seed submitted with an application made under regulation 6(1) or another official sample of the seed);

“the Deliberate Release Directive” means Council Directive 2001/18/EC(3) on the deliberate release into the environment of genetically modified organisms, as last amended by Council Regulation (EC) No 1830/2003(4) concerning the traceability and labelling of genetically modified organisms and the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms;

“Department of Agriculture and Rural Development” means the Department of Agriculture and Rural Development in Northern Ireland;

“Directive crop conditions” means the conditions laid down in Annex I to the Fodder Plant Seed Directive;

“Directive seed conditions” means the conditions laid down in Annex II to the Fodder Plant Seed Directive;

“the EC minimum percentage of germination” means the appropriate percentage of germination specified in column 2 of the table in paragraph 14 of Schedule 4;

“EEA State” means —

(a) a State which is a member of the Communities; and

(b) Iceland, Liechtenstein and Norway;

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“entered seed lot” means a seed lot in respect of which an application has been made under regulation 6 in accordance with regulation 6(2)(a), (b)(i) and (c);

“equivalent third country” means Argentina, Australia, Bulgaria, Canada, Chile, Croatia, Israel, Morocco, New Zealand, Romania, Serbia and Montenegro, South Africa, Turkey, the United States of America, and Uruguay;

“the Fodder Plant Seed Directive” means Council Directive 66/401/EEC(5) on the marketing of fodder plant seed, to which the relevant amendments are Commission Decision 2004/266/EC(6); Commission Decision 2004/55/EC(7) and Commission Decision 2004/371/EC(8);“the Food and Feed Regulation” means Council Regulation (EC) No 1829/2003(9) on genetically modified food and feed;

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(2) O.J. No. L193, 20.7.2002,, p.1.

(3) O J. No. L106, 17.4.2001, p.1.

(4) O.J. No. L268, 18.10.2003, p.24.

(5) O.J. No. L125, 11.7.66, p.2298/66.

(6) O.J. No. L83, 20.3.2004, p.23.

(7) O.J. No. L114, 21.4.2004, p.18.

(8) O.J. No. L116, 22.4.2004, p.39.

(9) O.J. No. L268, 18.10.2003.

“genetically modified” has the same meaning as for the purposes of the Deliberate Release Directive; “germination condition” means the condition in paragraph 14 of Schedule 4;

“Higher Voluntary Standards” means the standards specified in Schedule 4 as being HVS standards and the abbreviation “HVS” shall be construed accordingly;

“an HVS species of seed” means seed of any of the following species —

- (a) cocksfoot;
- (b) festulolium;
- (c) hybrid ryegrass;
- (d) Italian ryegrass;
- (e) lucerne;
- (f) meadow fescue;
- (g) perennial ryegrass;
- (h) red clover;
- (i) red fescue;
- (j) sainfoin;
- (k) small Timothy;
- (l) smooth-stalked meadowgrass;
- (m) tall fescue;
- (n) Timothy; and
- (o) white clover;

“homogeneous seed lot” means a seed lot that has been subject to appropriate mixing and blending techniques so that the seed in the lot is as uniform as practicable;

“ISTA” means the International Seed Testing Association;

“late entered seed lot” means a seed lot in respect of which an application has been made under regulation 6(1) in accordance with regulation 6(2)(a), (b)(ii) and (c);

“licensed crop inspector” means a person who has been granted a licence under regulation 11 of the Seed (Registration, Licensing and Enforcement)(England) Regulations 2002<sup>(10)</sup> or by the National Assembly for Wales, the Scottish Ministers or the Department of Agriculture and Rural Development under provisions equivalent to that regulation;

“licensed EC crop inspector” means a person authorised by a competent seed certification authority in another member State, pursuant to Article 2(3)(i)(c) of the Fodder Plant Seed Directive, to carry out field inspections of crops in that member State;

“licensed EC seed testing station” means a seed testing laboratory authorised by the competent seed certification authority in another member State, pursuant to Article 3 of Commission Decision 98/320/EC<sup>(11)</sup> on the organisation of a temporary experiment on seed sampling and seed testing pursuant to Council Directives 66/400/EEC, 66/401/EEC, 66/402/EEC and 69/208/EEC as last amended by Commission Decision 2002/280/EC<sup>(12)</sup>, to carry out seed testing in that member State;

“licensed seed sampler” means a person who has been granted a licence under regulation 18 of the Seed (Registration, Licensing and Enforcement)(England) Regulations 2002 or by the National Assembly for Wales, the Scottish Ministers or the Department of Agriculture and Rural Development under provisions equivalent to that regulation;

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<sup>(10)</sup> S.I. 2002/3176.

<sup>(11)</sup> O.J. No. L140, 12.5.98, p.14.

<sup>(12)</sup> O.J. No. L99, 16.4.2002, p.22.

“licensed seed testing station” means a laboratory in respect of which a licence has been granted under regulation 25 of the Seed (Registration, Licensing and Enforcement)(England) Regulations 2002 or by the National Assembly for Wales, the Scottish Ministers or the Department of Agriculture and Rural Development under provisions equivalent to that regulation;

“licensed third country crop inspector” means a person authorised by an approved seed certification authority in an equivalent third country pursuant to —

- (a) in the case of fine grasses, fodder grasses, small seeded legumes and large seeded legumes, the OECD Grass and Legume Seed Scheme, and
  - (b) in the case of crucifers, the OECD Crucifer and Oil and Fibre Seed Scheme;
- to carry out field inspections of crops in that country;

“licensed third country seed testing station” means a seed testing laboratory authorised by the approved seed certification authority in an equivalent third country, pursuant to the provisions of the second paragraph of Article 2(4) of, and Annex V to, the OECD Decision, to carry out seed testing in that country;

“listed variety” means a plant variety that is entered in a National List or the Common Catalogue;

“listing” means the entry of a variety on a National List or the Common Catalogue and “listed” shall be construed accordingly;

“maintainer” means a person who is indicated in a National List or in the Common Catalogue as responsible for maintaining a plant variety in accordance with the characteristics to which regard was had when the plant variety was entered in the List or the Common Catalogue;

“marketing extension” means an extension granted by the National Assembly for Wales, the Secretary of State, the Scottish Ministers, the Department for Agriculture and Rural Development or the competent seed certification authority in another member State pursuant to Article 15 of the Common Catalogue Directive allowing an extended period for the certification and marketing of seed of a variety that has been deleted from its catalogue and the Common Catalogue;

“member State” means, in addition to a State which is a member of the Communities, any other EEA State and Switzerland;

“a National List” means a list of varieties of fodder species for the time being published in accordance with the Seeds (National Lists of Varieties) Regulations 2001(13);

“a non-fodder grass variety” means a variety that has not been examined for value for cultivation and use;

“OECD” means the Organisation for Economic Co-operation and Development;

“OECD Certificate” means a certificate issued by or on behalf of an approved seed certification authority in an equivalent third country under —

- (a) in the case of fine grasses, fodder grasses, small seeded legumes and large seeded legumes, the OECD Grass and Legume Seed Scheme, and
- (b) in the case of crucifers, the OECD Crucifer and Oil and Fibre Seed Scheme;

“OECD Crucifer and Oil and Fibre Seed Scheme” means the OECD Scheme for the varietal certification of crucifer seed and other oil and fibre species seed moving in international trade in Annex VII to the OECD Decision;

“OECD Decision” means the Decision of the OECD Council revising the OECD Schemes for Varietal Certification of the Control of Seed Moving in International Trade(14);

“OECD Grass and Legume Seed Scheme” means the OECD Scheme for the varietal certification of grass and legume seed moving in international trade in Annex VI to the OECD Decision;

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(13) S.I. 2001/3510.  
(14) c.(2000) 146/Final.



“OECD List” means the OECD List of Varieties Eligible for Certification;

“official label” means a label issued or authorised by or on behalf of the National Assembly for Wales, the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development;

“official measures” includes —

- (a) the disposal and determination, where applicable, of applications made in accordance with regulation 6, 8, 9, 10, 11, 12, 13, 19 and 20, including the growing and assessment of control plots and the carrying out of field inspections and seed testing in connection with the disposal and determination of such applications; and
- (b) the receipt and acknowledgement of notifications given under regulation 7, and such other activities as may be necessary for those purposes;

“official sample” means a sample of seed taken from a seed lot in accordance with regulation 23 and “official sampling” shall be construed accordingly;

“official stamp” means a stamp issued or authorised by or on behalf of the National Assembly for Wales, the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development;

“official UK field inspection” means a field inspection carried out by or on behalf of the National Assembly for Wales, the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development;

“official UK seed test” means a seed test carried out by or on behalf of the National Assembly for Wales, the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development;

“previously listed variety” means a plant variety that was previously entered in —

- (a) a National List or, in the case of another member State, the catalogue maintained by that State pursuant to Article 3 of the Common Catalogue Directive, and
- (b) the Common Catalogue,

but which has been removed from both of them;

“registered name”, in relation to a mixture of seeds to which regulation 22(1) or (2) applies means the name under which such a mixture has been registered under regulation 22(5);

“registered person” means a person registered under regulation 5 of the Seed (Registration, Licensing and Enforcement)(England) Regulations 2002 as a person who may engage in a relevant seed industry activity; “Schedule 4 germination test” means a test to determine whether the seed being tested attains the percentage of germination specified in column 2 of the table in paragraph 14 of Schedule 4;

“the Secretary of State” means the Secretary of State for Environment, Food and Rural Affairs”;

“seed industry activity” has the same meaning as in regulation 2 of the Seed (Registration, Licensing and Enforcement)(England) Regulations 2002;

“seed lot” means an identifiable consignment of seeds of a weight that does not exceed the weight specified in column 2 of the table in Schedule 7 for the species specified in column 1 of that table by more than 5% and that bears a unique seed lot reference number, and includes a blended seed lot and a seed lot that contains seed from different crops of the same variety grown on the same holding and combined on the grower’s holding prior to processing;

“seed that has been subject to satisfactory official post control” means seed taken from a seed lot for which a control plot has been sown by or on behalf of the National Assembly for Wales, the Secretary of State, the Scottish or the Department of Agriculture and Rural Development and which has produced plants which have been examined by or on behalf of the National Assembly for Wales, the Secretary of State, the Scottish Ministers or the Department

of Agriculture and Rural Development, as the case may be, and has been found, having regard to —

- (a) the conditions laid down in —
  - (i) paragraphs 4 to 8, 10 and 12 of Schedule 3, and
  - (ii) paragraphs 1 to 3 of Schedule 4, and

(b) the category of the seed to be produced,  
to be satisfactory seed from which to produce that category of seed;

“small EC A package of seed” means a package containing a mixture of seeds to which regulation 22(1) applies with a net weight of not more than 2 kilograms excluding any granulated pesticides, pelleting substances or other solid additives that may be in the mixture;

“small EC B package of seed” means —

- (a) a package containing basic, CS, C1, C2 or commercial seed with a net weight of not more than 10 kilograms excluding any granulated pesticides, pelleting substances or other solid additives in the seed;
- (b) a package, other than a small EC A package of seed, containing a mixture of seeds to which regulation 22(1) applies with a net weight of not more than 10 kilograms excluding any granulated pesticides, pelleting substances or other solid additives in the seed; or
- (c) a package containing a mixture of seeds to which regulation 22(2) applies with a net weight of not more than 10 kilograms excluding any granulated pesticides, pelleting substances or other solid additives in the seed;

“third country” means a country other than a member State;

“the Third Country Equivalence Decision” means Council Decision 2003/17/EC (15) on the equivalence of field inspections carried out in third countries on seed- producing crops and on the equivalence of seed produced in third countries as last amended by Council Regulation (EC) No 885/2004 (16);

“a UK field inspection carried out under official supervision” means an examination of a crop carried out under official supervision by a licensed crop inspector;

“a UK seed test carried out under official supervision” means a seed test carried out under official supervision by a licensed seed testing laboratory;

“unlisted variety” means a variety that is not a listed variety;

“whenever carried out” —

- (a) in relation to an official UK field inspection of a crop being grown to produce seed of a listed variety or a component of a listed hybrid variety, means an inspection carried out before or after the listing of the variety or hybrid variety;
- (b) in relation to an official UK field inspection of a crop being grown to produce seed of a previously listed variety or a component of a previously listed hybrid variety, means an inspection carried out while the variety or hybrid variety was listed or after it became unlisted;
- (c) in relation to an official UK seed test or a UK seed test carried out under official supervision of seed of a listed variety or a component of a listed hybrid variety, means a test carried out before or after the listing of the variety or hybrid variety; and
- (d) in relation to an official UK seed test or a UK seed test carried out under official supervision of seed of a previously listed variety or a component of a previously listed hybrid variety, means a test carried out while the variety or hybrid variety was listed or after it became unlisted.

(2) All applications, approvals, authorisations, notices, notifications and approvals and statements to which these Regulations apply shall be made in writing.

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(15) O.J. No. L8, 14.1.2003, p 10.  
(16) O.J. L168, 1.5.2004, p.1.

(3) “Writing” in paragraph (2) shall include an electronic communication within the meaning of the Electronic Communications Act 2000(17) provided that —

- (a) any document of the type referred to in paragraph (2) shall only be sent to the National Assembly for Wales by an electronic communication if the National Assembly for Wales has represented that electronic communication is a means by which persons can send such a document to it, and
- (b) notifications required to be made by the National Assembly for Wales to any person shall only be made by an electronic communication if the intended recipient has himself or herself used the same form of electronic communication in communicating with the National Assembly for Wales for the purpose of these Regulations or has otherwise represented that that form of electronic communication is a means by which the National Assembly for Wales can communicate with him or her.

(4) Expressions in these Regulations which are not defined in this regulation or elsewhere in these Regulations, or in the Schedules to these Regulations, and which appear in the Fodder Plant Seed Directive have the same meaning in these Regulations as they have in that Directive.

(5) Schedule 1, which contains definitions of pre-basic seed and similar expressions, basic seed and similar expressions, CS, C1 and C2 seed and similar expressions, commercial seed and similar expressions and expressions relating to imported not finally certified seed, shall apply to the interpretation of these Regulations.

### Definitions relating to plant species

3. In these Regulations—

“Alaska brome-grass” means plants of the species *Bromus sitchensis* Trin.;

“Alsike clover” means plants of the species *Trifolium hybridum* L.;

“annual meadowgrass” means plants of the species *Poa annua* L.;

“birdsfoot trefoil” means plants of the species *Lotus corniculatus* L.;

“blue lupin” means plants of the species *Lupinus angustifolius* L. which is also commonly known as “narrow-leaved lupin”;

“brown top” means plants of the species *Agrostis capillaris* L.;

“cocksfoot” means plants of the species *Dactylis glomerata* L.;

“common vetch” means plants of the species *Vicia sativa* L.;

“creeping bent grass” means plants of the species *Agrostis stolonifera* L.;

“crucifers” means fodder kale, fodder radish and swede;

“dodder” means plants of the species *Cuscuta*;

“festulolium” means plants of the species *Festuca arundinacea* Schreber; *Festuca ovina* L.; *Festuca pratensis* Hudson; or *Festuca rubra* L. x *Lolium multiflorum* Lam.; *Lolium multiflorum* Lam.; *Lolium perenne* L.; or *Lolium x boucheanum* Kunth;

“field bean” means plants of the species *Vicia faba* L. (*partim*);

“field pea” means plants of the species *Pisum sativum* L. (*partim*);

“fine grasses” means grasses of the species specified in paragraph 1 of Schedule 2;

“fodder grasses” means grasses of the species specified in paragraph 2 of Schedule 2;

“fodder kale” means plants of the species *Brassica oleracea* L. convar. *acephala* (DC) Alef. var. *medullosa* Thell + var. *viridis* L.;

“fodder radish” means plants of the species *Raphanus sativus* L. var. *Oleiformis* Pers.;

“hairy vetch” means plants of the species *Vicia villosa* Roth;

“Hungarian vetch” means plants of the species *Vicia pannonica* Crantz;

“hybrid ryegrass” means plants of the species *Lolium x boucheanum* Kunth;

“Italian ryegrass ” means plants of the species *Lolium multiflorum* Lam. including Westerwolds ryegrass;

“large seeded legumes” means large seeded legumes of the species specified in paragraph 4 of Schedule 2;

“lucerne” means plants of the species *Medicago sativa* L. and *Medicago x varia* T. Martyn;

“lupins” means blue, white and yellow lupins;

“meadow fescue” means plants of the species *Festuca pratensis* Hudson;

“perennial ryegrass” means plants of the species *Lolium perenne* L.;

“red clover” means plants of the species *Trifolium pratense* L.;

“red fescue ” means plants of the species *Festuca rubra* L. including chewings fescue;

“red top” means plants of the species *Agrostis gigantea* Roth;

“rescue grass” means plants of the species *Bromus catharticus* Vahl.;

“rough stalked meadowgrass” means plants of the species *Poa trivialis* L.;

“sainfoin” means plants of the species *Onobrychis viciifolia* Scop.;

“sheep’s fescue” means plants of the species *Festuca ovina* L. including the plants commonly known as fine-leaved fescue and hard fescue;

“small seeded legumes” means small seeded legumes of the species specified in paragraph 3 of Schedule 2;

“small Timothy” means plants of the species *Phleum bertolonii* DC.;

“smooth-stalked meadowgrass” means plants of the species *Poa pratensis* L.;

“swede” means plants of the species *Brassica napus* L. var. *napobrassica* (L.) Rehb.;

“tall fescue” means plants of the species *Festuca arundinacea* Schreber;

“tall oatgrass” means plants of the species *Arrhenatherum elatius* (L.) J. and C. Presl;

“Timothy” means plants of the species *Phleum pratense* L.;

“trefoil, black medick” means plants of the species *Medicago lupulina* L.;

“velvet bent” means plants of the species *Agrostis canina* L.;

“vetches” means common, hairy and Hungarian vetches;

“white clover” means plants of the species *Trifolium repens* L.;

“white lupin” means plants of the species *Lupinus albus* L.;

“wood meadowgrass” means plants of the species *Poa nemoralis* L.; and

“yellow lupin” means plants of the species *Lupinus luteus* L.

### **Definition of marketing**

**4.—(1)** Subject to paragraph (2), in these Regulations “marketing” means —

- (a) selling, holding with a view to sale or offering for sale, or
- (b) any disposal, supply or transfer for the purpose of commercial exploitation of seed to third parties,

whether or not for consideration, and “market” and “marketed” shall be construed accordingly.

(2) Trade in seed not aimed at commercial exploitation of the variety, such as the following operations —

- (a) the supply of seed to official testing and inspection bodies, and
- (b) the supply of seed to a person who provides processing or packaging services but who does not thereby acquire title to the seed supplied,

shall not be regarded as marketing of seed of that variety.

### **Seed to which these Regulations apply**

5.—(1) Subject to paragraph (2), these Regulations apply to fodder plant seed of the species specified in Schedule 2.

(2) These Regulations shall not apply to seed that is intended for export to a third country.

## **PART II**

### **PROCEDURES RELATING TO THE OFFICIAL CERTIFICATION OF SEED**

#### **Entry of seed lots**

6.—(1) Subject to paragraph (2), an application to enter a seed lot from which it is intended that a crop is to be produced from which —

- (a) pre-basic seed;
- (b) basic seed;
- (c) CS seed;
- (d) C1 seed; or
- (e) C2 seed of field beans or field peas,

is to be harvested may be made to the National Assembly for Wales by a registered person.

(2) An application made under this regulation —

- (a) shall be made in such form and manner as the National Assembly for Wales may require;
- (b) shall be made —
  - (i) at such time as the National Assembly for Wales may require, or
  - (ii) in the case of an application to enter a seed lot made after that time, at such time as the National Assembly for Wales may otherwise allow; and
- (c) shall be accompanied
  - (i) unless otherwise agreed by the National Assembly for Wales, by an official sample of seed taken from the seed lot that is identified by the reference number of the seed lot from which it was taken, and
  - (ii) by such information and other documents as the National Assembly for Wales may require, including, if required, a copy of a qualifying seed test report relating to the seed lot.

(3) At an appropriate time following the receipt of an application made under this regulation, the National Assembly for Wales may sow a control plot with seed taken from an official sample of seed taken from the seed lot (whether the official sample submitted in accordance with paragraph (2)(c)(i) or another official sample of seed taken from the seed lot).

(4) In this regulation —

“appropriate time” means a time during the period when seed of the relevant species is usually sown, and

“qualifying seed test report” means —

- (a) a seed test report issued in accordance with regulation 11(8), (9), (10) or (11), or
- (b) in a case where an official sample taken from the seed lot has been found to meet the conditions for the category of seed for which it was tested under regulation 11(6)(b), a seed test report issued in accordance with regulation 11(12)(b).

### **Entry of crop**

7.—(1) A registered person who has sown seed from an entered or late entered seed lot from which it is intended to produce a crop from which —

- (a) pre-basic seed;
- (b) basic seed;
- (c) CS seed;
- (d) C1 seed; or
- (e) C2 seed of field beans or field peas,

is to be harvested shall notify the National Assembly for Wales that he or she has sown the seed.

(2) A notification given under this regulation —

- (a) shall be given in such form and manner as the National Assembly for Wales may require;
- (b) shall be given within such time as the National Assembly for Wales may require;
- (c) shall specify the reference number of the seed lot from which the sown seed has been taken; and
- (d) shall be accompanied by such information and other documents as the Secretary of State may require.

(3) Subject to paragraph (4), the National Assembly for Wales shall acknowledge receipt of a notification given under this regulation.

(4) Subject to paragraph (5), unless specifically requested to do so by the applicant, the National Assembly for Wales shall not individually acknowledge the receipt of each notification given under this regulation that it receives but shall periodically provide the applicant with a list of those crops for which it has received such a notification from him or her.

(5) Where the National Assembly for Wales has previously provided the applicant with a list of those crops for which it has received a notification under this regulation from him or her, any subsequent list periodically provided to the applicant under paragraph (4) shall list only those crops in respect of which the National Assembly for Wales has received a notification under this regulation from him or her since last providing the applicant with the last such list.

### **Field inspection of crops**

8.—(1) Subject to paragraph (2), an application may be made to the National Assembly for Wales by a registered person for the field inspection of a crop being produced in Wales—

- (a) from an entered or late entered seed lot from which it is intended that pre-basic seed is to be harvested (“a regulation 8(1)(a) crop”);
- (b) from an entered or late entered seed lot from which it is intended that basic seed is to be harvested (“a regulation 8(1)(b) crop”);
- (c) a late entered seed lot from which it is intended that CS seed (other than seed of field beans, field peas, Lucerne *Medicago sativa*, lupins and vetches) is to be harvested (“a regulation 8(1)(c) crop”);
- (d) from a late entered seed lot from which it is intended that C1 seed of field beans, field peas, lucerne *Medicago sativa*, lupins or vetches is to be harvested (“a regulation 8(1)(d) crop”);
- (e) from a late entered seed lot from which it is intended that C2 seed of field beans or field peas is to be harvested (“a regulation 8(1)(e) crop”);
- (f) from an entered seed lot from which it is intended that CS seed (other than seed of field beans, field peas, lucerne *Medicago sativa*, lupins and vetches) is to be harvested of a variety that is not listed but for which an outstanding application for listing has been made (“a regulation 8(1)(f) crop”);

- (g) from an entered seed lot from which it is intended that C1 seed of field beans, field peas, lucerne *Medicago sativa*, lupins or vetches is to be harvested of a variety that is not listed but for which an outstanding application for listing has been made (“a regulation 8(1)(g) crop”); or
- (h) from an entered seed lot from which it is intended that C2 seed of field beans or field peas is to be harvested of a variety that is not listed but for which an outstanding application for listing has been made (“a regulation 8(1)(h) crop”).

(2) An application made under paragraph (1) shall not be made in respect of a regulation 8(1)(a), (b), (c), (d) or (e) crop to produce seed of a variety that is not listed, or seed of a component of a hybrid variety that is not listed, unless —

- (a) an application for the listing of the variety or the hybrid variety has been made which has not been withdrawn or finally determined, or
- (b) a marketing extension is in force in respect of the variety or hybrid variety.

(3) Subject to paragraph (4), an application may be made to a licensed crop inspector by a registered person for the field inspection of a crop being produced in Wales —

- (a) from an entered seed lot from which it is intended that CS seed (other than seed of field beans, field peas, Lucerne *Medicago sativa*, lupins and vetches) is to be harvested (“a regulation 8(3)(a) crop”);
- (b) from an entered seed lot from which it is intended that C1 seed of field beans, field peas, lucerne *Medicago sativa*, lupins or vetches is to be harvested (“a regulation 8(3)(b) crop”); or
- (c) from an entered seed lot from which it is intended that C2 seed of field beans or field peas is to be harvested (“a regulation 8(3)(c) crop”).

(4) An application under paragraph (3) shall not be made —

- (a) in respect of a crop to produce seed of a variety or a hybrid variety that is not listed unless a marketing extension is in force in respect of the variety or hybrid variety, and
- (b) except in respect of a crop that is being produced from —
  - (i) seed that has been subject to satisfactory official post control, or
  - (ii) seed that is subject to official post control and for which a determination as to whether the seed is satisfactory seed from which to produce seed of the category and, where applicable, level to which the application relates is awaited.

(5) If required by the National Assembly for Wales, an application made under paragraph (3) shall be considered by it instead of a licensed crop inspector.

(6) If permitted by the National Assembly for Wales, an application made under paragraph (3) may be made to it instead of to a licensed crop inspector.

(7) An application made under paragraph (1) or (3) shall be made in such form and manner and at such time as the National Assembly for Wales may require and shall be accompanied by such information, material, records, illustrations and other documents as it may require.

(8) Following the receipt of an application made under paragraph (1) or (3), the National Assembly for Wales (in the case of an application made under paragraph (1) or an application made under paragraph (3) that is being considered by it under paragraph (5) or has been made to it under paragraph (6)), or the licensed crop inspector to whom an application under paragraph (3) has been made (as the case may be) shall inspect the crop in accordance with the relevant provisions of paragraph 11 of Schedule 3 to determine —

- (a) whether the crop meets the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of the category of seed intended to be harvested, and
- (b) unless requested not to do so by the applicant, whether it meets the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of any other category of seed to which paragraph (17) applies.

(9) Subject to paragraph (13), where in the case of an application made to the National Assembly for Wales under paragraph (1) or an application made under paragraph (3) that is being

considered by it under paragraph (5) or has been made to it under paragraph (6), the inspected crop is found to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of —

- (a) the category of seed intended to be harvested, and
- (b) where applicable, any other category and level of seed to which paragraph (17) applies,

the National Assembly for Wales shall issue a field inspection report (which it shall retain as a lodged report unless instructed not to do so by the applicant) stating (by reference to the relevant category or categories) that the crop has been found to meet those conditions and shall send the report, or (in a case where the original report is to be retained as a lodged report by the National Assembly for Wales) a copy of the report, to the applicant.

(10) Where in the case of an application made under paragraph (3) to a licensed crop inspector the inspected crop is found to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production —

- (a) of the category of seed intended to be harvested, and
- (b) where applicable, any other category of seed to which paragraph (17) applies,

the licensed crop inspector shall issue a field inspection report to the applicant stating (by reference to the relevant category or categories of seed) that the crop has been found to meet those conditions.

(11) Subject to paragraph (13), where in the case of an application made to the National Assembly for Wales under paragraph (1) or an application made under paragraph (3) that is being considered by it under paragraph (5) or has been made to it under paragraph (6), the inspected crop is found not to satisfy the conditions laid down in Schedule 3 or Part I of Schedule 4 for the production of the category of seed intended to be harvested, the National Assembly for Wales shall issue a field inspection report (which it shall retain as a lodged report unless instructed not to do so by the applicant) —

- (a) stating that the crop has been found not to meet those conditions, and
- (b) in a case where the crop has been inspected to determine whether it meets the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of any other category of seed to which paragraph (17) applies, stating the conditions (by reference to the relevant category or categories of seed), if any, met by the crop,

and shall send the report, or (in a case where the original report is to be retained as a lodged report by the National Assembly for Wales) a copy of the report, to the applicant.

(12) Where in the case of an application made to a licensed crop inspector under paragraph (3) the inspected crop is found not to satisfy the conditions laid down in Schedule 3 or Part I of Schedule 4 for the production of the category of seed intended to be harvested, the licensed crop inspector shall issue a field inspection report to the applicant —

- (a) stating that the crop has been found not to meet those conditions, and
- (b) in a case where the crop has been inspected to determine whether it meets the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of any other category of seed to which paragraph (17) applies, stating the conditions (by reference to the relevant category or categories of seed), if any, met by the crop.

(13) Where —

- (a) an application has been made to the National Assembly for Wales under paragraph (1), or an application has been made under paragraph (3) that is being considered by it under paragraph (5) or has been made to it under paragraph (6), in respect of a crop produced from seed which was taken from a seed lot for which a control plot has been sown, and
- (b) the results of the examination of the control plot show that the plants produced in the plot do not meet the appropriate conditions laid down in Schedule 3 or Part I or III of Schedule 4 for the production of the category of seed intended to be harvested,



the National Assembly for Wales may take account of the results of that examination when carrying out an inspection of the crop to which the application relates and in determining whether it should issue a field inspection report under paragraph (9) or (11).

(14) Where paragraph (15) applies, the National Assembly for Wales may carry out its own examination of —

- (i) a crop to which an application made under paragraph (3) relates;
- (ii) any other crops that are being produced from seed that has been taken from the same seed lot and in respect of which an application has been made under paragraph (3);  
or
- (iii) both the crops referred to in paragraphs (i) and (ii).

(15) This paragraph applies where —

- (a) an application has been made to a licensed crop inspector under paragraph (3) in respect of seed that is subject to official postcontrol;
- (b) the plants produced in the control plot being used for the purpose of the official post control have been examined by or on behalf of the National Assembly for Wales, the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development; and
- (c) it has been determined by or on behalf of the National Assembly for Wales, the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, having regard to —
  - (i) the conditions laid down in paragraphs 4 to 8, 10 and 12 of Schedule 3, and paragraphs 1 and 2 of Schedule 4, and
  - (ii) the category of seed to which the application relates,

that the plants produced in the control plot are not satisfactory plants from which to produce seed of that category.

(16) Where the National Assembly for Wales has carried out an examination of the crop referred to in paragraph (14)(i) or the crops referred to in paragraph (14)(ii), or has carried out an examination of both the crop referred to in paragraph (14)(i) and the crops referred to in paragraph (14)(ii), it shall inform the applicant whether it is satisfied that the seed used to produce the crop to which his or her application relates was satisfactory seed to be used for the production of the category of seed to which his or her application relates, and, if the National Assembly for Wales is satisfied that this is the case, the seed shall be treated as seed that has been subject to satisfactory official post control in relation to seed of that category.

(17) This paragraph applies to the following categories of seed —

- (a) in the case of an application made under paragraph (1) relating to a regulation 8(1)(a) crop that has been produced from breeder's seed, to the category of basic seed;
- (b) in the case of an application made under paragraph (1) relating to a regulation 8(1)(a) crop, other than a crop of field beans, field peas, Lucerne *Medicago sativa*, lupins or vetches, that has been produced from officially certified pre-basic seed, to the categories of basic and CS seed;
- (c) in the case of an application made under paragraph (1) relating to a regulation 8(1)(a) crop of lucerne *Medicago sativa*, lupins or vetches that has been produced from officially certified pre-basic seed, to the categories of basic and C1 seed;
- (d) in the case of an application made under paragraph (1) relating to a regulation 8(1)(a) crop of field beans or field peas that has been produced from officially certified pre-basic seed, to the categories of basic, C1 and C2 seed;
- (e) in the case of an application made under paragraph (1) relating to a regulation 8(1)(b) crop that has been produced from breeder's seed, to the category of pre-basic seed;
- (f) in the case of an application made under paragraph (1) relating to a regulation 8(1)(b) crop, other than a crop of field beans, field peas, Lucerne *Medicago sativa*, lupins or

vetches or a component of a hybrid variety of fodder kale, produced from officially certified pre-basic seed, to the categories of pre-basic and CS seed;

- (g) in the case of an application made under paragraph (1) relating to a regulation 8(1)(b) crop of lucerne *Medicago sativa*, lupins or vetches produced from officially certified pre-basic seed, to the categories of pre-basic and C1 seed;
- (h) in the case of an application made under paragraph (1) relating to a regulation 8(1)(b) crop of field beans or field peas produced from officially certified pre-basic seed, to the categories of pre-basic, C1 and C2 seed; and
- (i) in the case of an application made under paragraph (1) relating to a regulation 8(1)(d) crop or a regulation 8(3) application relating to a regulation 8(3)(b) crop of field beans or field peas, to the category of C2 seed.

(18) In this regulation “seed that is subject to official post control” means seed from a seed lot for which a control plot has been sown by or on behalf of the National Assembly for Wales, the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development to produce plants which are to be, or have been, examined by or on behalf of the National Assembly for Wales, the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, as the case may be, to determine whether, having regard to —

- (a) the conditions laid down in —
  - (i) paragraphs 4 to 8, 10 and 12 of Schedule 3, and
  - (ii) paragraphs 1 to 3 of Schedule 4, and
- (b) the category of the seed,

the plants produced in the plot indicate that the corresponding plants in the field are satisfactory plants from which to harvest the category of seed in respect of which the paragraph (3) application has been made.

### **Lodging of field inspection reports and similar documents**

**9.**—(1) Subject to paragraphs (2) and (3), an application to lodge a copy of a document to which paragraph (2) applies may be made to the National Assembly for Wales by a registered person.

(2) This paragraph applies —

- (a) in relation to a crop produced in Wales, to a field inspection report issued under regulation 8(9), (10), (11) or (12);
- (b) in relation to a crop produced in the United Kingdom elsewhere than in Wales, to a report relating to the crop equivalent to that specified in paragraph (a) issued —
  - (i) by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, or
  - (ii) by a licensed crop inspector;
- (c) in relation to a crop produced in another member State, to an Annex V(C) document relating to the crop issued by or on behalf of the competent seed certification authority in the member State; and
- (d) in relation to a crop produced in an equivalent third country, to an Annex II.A(3) official certificate relating to the crop issued by the approved seed certification authority in that country.

(3) An application made under this regulation —

- (a) shall be made in such form and manner as the National Assembly for Wales may require;
- (b) shall be made within such time as the National Assembly for Wales may require but, unless otherwise permitted by the National Assembly for Wales, shall be made not later than the time when any seed test report relating to the seed harvested from the crop is lodged with the National Assembly for Wales under regulation 12;

- (c) shall, subject to paragraph (4), be accompanied —
- (i) in relation to a crop produced in Wales, by a copy of the document referred to in paragraph (2)(a);
  - (ii) in relation to a crop produced in the United Kingdom elsewhere than in Wales, by a copy of the document referred to in paragraph 2(b) except that this need not be provided in a case where confirmation that the crop meets the conditions for the production of the appropriate category of seed has already been provided to the National Assembly for Wales by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development (as the case may be);
  - (iii) in relation to a crop produced in another member State, by a copy of the document referred to in paragraph 2(c);
  - (iv) in relation to a crop produced in an equivalent third country, by a copy of the document referred to in paragraph 2(d); and
  - (v) by such other information and documents as the National Assembly for Wales may require.

(4) The National Assembly for Wales may permit, subject to any conditions that it may impose, an application made under this regulation relating to a crop for which the applicant previously made an application under regulation 8(3) to be accompanied by the following document instead of the field inspection report issued under regulation 8(10) or (12), namely a document relating to the crop (whether relating to that crop alone or relating to other crops in respect of which a regulation 8(3) application has been made by the applicant) —

- (a) that states, by reference to the relevant category of seed, the conditions met by that crop;
- (b) that identifies the licensed crop inspector or inspectors who inspected the crop;
- (c) that states that during a period of three years from the date of issue of the field inspection report, the original report will be produced to the National Assembly for Wales on demand and that a copy of the report will be made available to it on request during that period; and
- (d) that contains such other information as the National Assembly for Wales may require.

(5) Where a document of the type specified in paragraph (4) accompanies an application made under this regulation instead of a field inspection report, the applicant shall produce the field inspection report referred to in paragraph (3) to the National Assembly for Wales on demand during the period of three years from the date of the issue of the field inspection report and shall make a copy of the report available to it on request during that period.

### **Re-grading of crops**

**10.**—(1) An application to re-grade a crop for the production of a category of seed to which paragraph (6) applies as a crop for the production of another category of seed (“the new category”) to which that paragraph applies may be made to the National Assembly for Wales by a registered person.

(2) An application made under this regulation shall be made in such form and manner and at such time as the National Assembly for Wales shall require and shall be accompanied by —

- (a) a copy of the field inspection report previously issued in respect of the crop unless this has previously been lodged with it, and
- (b) such other information as the National Assembly for Wales may require for the purpose of determining the application.

(3) Where an application under this regulation has been made in respect of a crop that has not been harvested —

- (a) the National Assembly for Wales shall, in the case of an application to re-grade a crop as a crop to produce pre-basic or basic seed, carry out a field inspection of the crop to

determine whether it meets the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of the new category of seed if —

- (i) the previous field inspection report issued in respect of the crop was not issued by it, and
  - (ii) the condition and stage of development of the crop permit an adequate examination, and
- (b) the National Assembly for Wales may, in the case of an application to re-grade a crop as a crop to produce CS, C1 or C2 seed, carry out a field inspection of the crop to determine whether it meets the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of the new category of seed if the condition and stage of development of the crop permit an adequate examination.
- (4) If the National Assembly for Wales —
- (a) in the case of an application to re-grade a crop as a crop to produce pre-basic or basic seed —
    - (i) has carried out a field inspection of the crop (whether in connection with the original application for a field inspection of the crop or in accordance with paragraph (3));
    - (ii) is satisfied that the crop has been produced by or under the responsibility of the breeder according to accepted practices for the maintenance of the variety; and
    - (iii) is satisfied that the crop meets or (if the crop has already been harvested) would have met the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of the new category of seed;
  - (b) in the case of an application to re-grade a crop as a crop to produce CS or C1 seed, —
    - (i) is satisfied that the crop has been produced directly from UK, EC, third country or overseas tested officially certified basic seed of a listed variety, or, with the breeder's written authority, from UK, EC or overseas tested officially certified pre-basic seed of a listed variety; and
    - (ii) is satisfied that the crop meets or (if the crop has already been harvested) would have met the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of the new category of seed;
  - (c) in the case of an application to re-grade a crop as a crop to produce C2 seed —
    - (i) is satisfied that the crop has been produced directly from UK, EC, third country or overseas tested officially certified basic or C1 seed of a listed variety, or, with the breeder's written authority, from UK, EC or overseas tested officially certified pre-basic seed of a listed variety; and
    - (ii) is satisfied that the crop meets or (if the crop has already been harvested) would have met the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of the new category of seed,

it shall notify the applicant that the crop has been found to meet or (if the crop has already been harvested) it has been found that it would have met the conditions referred to in paragraph (a)(iii), (b)(ii) or (c)(ii), as the case may be, and that his or her application to re-grade the crop has been successful.

(5) If the National Assembly for Wales is satisfied that the conditions specified in paragraph (4) for the relevant category of seed have not been met it shall notify the applicant that his or her application to re-grade the crop has been unsuccessful.

- (6) This paragraph applies to the following categories of seed —
- (a) pre-basic seed;
  - (b) basic seed;
  - (c) in the case of seed other than field beans, field peas, lucerne *Medicago sativa*, lupins or vetches, CS seed;

- (d) in the case of field beans, field peas, lucerne *Medicago sativa*, lupins or vetches, C1 seed; and
- (e) in the case of field beans and field peas, C2 seed.

### Seed testing

**11.**—(1) Subject to paragraphs (2), (3) and (4), an application may be made to a licensed seed testing station by a registered person for the testing of an official sample of a qualifying seed lot of —

- (a) seed as pre-basic seed (“a regulation 11(1)(a) seed lot”);
- (b) seed as basic seed (“a regulation 11(1)(b) seed lot”);
- (c) seed of an HVS species of seed as HVS level CS seed (“a regulation 11(1)(c) seed lot”);
- (d) seed of a species other than field beans, field peas, lucerne *Medicago sativa*, lupins or vetches, as minimum level CS seed;
- (e) seed of field beans, field peas, lucerne *Medicago sativa*, lupins or vetches as C1 seed (“a regulation 11(1)(e) seed lot”);
- (f) seed of field beans or field peas as C2 seed;
- (g) seed of an unlisted variety as basic seed intended for use solely as a component for a hybrid variety of fodder kale.

(2) An application made under this regulation shall not be made in respect of seed of a variety, or a component of a hybrid variety of fodder kale, that is not listed unless —

- (a) an application for listing of the variety, or hybrid variety, has been made which has not been withdrawn or finally determined; or
- (b) a marketing extension is in force in respect of the variety or hybrid variety.

(2A) Subject to paragraphs (3) and (4), an application may be made to a licensed seed testing station for the testing of an official sample of a seed lot or commercial seed of annual meadowgrass, Hugarian vetch or sainfoin.

(3) An application made under this regulation may be considered by the National Assembly for Wales instead of a licensed seed testing station.

(4) If permitted by the National Assembly for Wales, an application made under this regulation may be made to it instead of a licensed seed testing station.

(5) An application made under this regulation —

- (a) shall be made in such form and manner and at such time as the National Assembly for Wales may require, and
- (b) shall be accompanied by an official sample of the seed to be tested and such other information, material, seeds, records, illustrations and other documents as the National Assembly for Wales may require.

(6) Following the receipt of an application made under this regulation the licensed seed testing station (or the National Assembly for Wales in a case where an application made under this regulation is being considered by it under paragraph (3) or has been made to it under paragraph (4)) shall, subject to paragraph (7), test seed taken from the official sample provided under paragraph (5)(b) to determine whether it meets the conditions laid down in Part II of Schedule 4 —

- (a) for the category and, where applicable, level of seed for which the application is being made, and
- (b) unless requested not to do so by the applicant, for any other category and level of seed to which paragraph (14) applies.

(7) Where a seed test report has previously been issued by a licensed seed testing station (or the National Assembly for Wales in a case where an application made under this regulation is being

considered by it under paragraph (3) or has been made to it under paragraph (4)) in accordance with paragraph (8)(a), (9), (10), (11) or (12) in respect of a seed lot, the licensed seed testing station (or the National Assembly for Wales where paragraph (3) or (4) applies) may decide not to test any further official sample of that seed lot for the purposes of paragraph (6) if the information contained in the previously issued report contains sufficient information to enable it (or the National Assembly for Wales) to determine that the official sample would meet the conditions laid down in Part II of Schedule 4 —

- (a) for the appropriate category and, where applicable, level of seed, and
- (b) where applicable, for any other category and level of seed to which paragraph (14) applies.

(8) Subject to paragraph (13), where —

- (a) the official sample is found to satisfy the conditions laid down in Part II of Schedule 4 for
  - (i) the appropriate category and, where applicable, level of seed, and
  - (ii) where applicable, for any other category and level of seed to which paragraph (14) applies, or
- (b) the provisions of paragraph (7) apply,

the licensed seed testing station (or the National Assembly for Wales where paragraph (3) or (4) applies) shall issue a seed test report to the applicant stating (by reference to the relevant category or categories and, where applicable, level of seed) that the seed lot has been found to meet those conditions.

(9) Subject to paragraph (13), where it has been determined, by way of a Schedule 4 germination test, that the official sample taken from a regulation 11(1)(a) or (b) seed lot will not meet the applicable germination condition but the sample is found to satisfy all the other conditions laid down in Part II of Schedule 4 for the appropriate category of seed, the licensed seed testing station (or the National Assembly for Wales where paragraph (3) or (4) applies), shall issue a seed test report to the applicant containing a statement to that effect.

(10) Where (otherwise than in connection with a retest of the seed) the results of a Schedule 4 germination test of an official sample of a seed lot referred to in paragraph (1) are awaited, and, except for the result of that test, the official sample has otherwise been found to meet all the other conditions laid down in Part II of Schedule 4 —

- (a) for the appropriate category and, where applicable, level of seed, and
- (b) where applicable, for any other category and, where applicable, level of seed to which paragraph (14) applies,

the licensed seed testing station (or the National Assembly for Wales in a case where paragraph (3) or (4) applies), shall, subject to paragraph (13), issue an interim seed test report to the applicant stating that the results of the Schedule 4 germination test for the official sample are awaited but that it has otherwise been found to meet all the other conditions laid down in Part II of Schedule 4 for the appropriate category and, where applicable, level of seed, and, where applicable, for any other category and level of seed to which paragraph (14) applies.

(11) Where, following the issue of an interim seed test report under paragraph (10), the tested seed is found to meet the applicable germination condition, the licensed seed testing station (or the National Assembly for Wales in a case where paragraph (3) or (4) applies), shall, subject to paragraph (13), issue a seed test report to the applicant stating that the official sample has been found to meet the conditions laid down in Part II of Schedule 4 for the appropriate category and, where applicable, level of seed, and, where applicable, for any other category and level of seed to which paragraph (14) applies.

(12) Subject to paragraphs (9) and (10), where an official sample of a seed lot referred to in paragraph (1) is found not to satisfy the conditions laid down in Part II of Schedule 4 for the appropriate category and, where applicable, level of seed, the licensed seed testing station (or the National Assembly for Wales in a case where paragraph (3) or (4) applies) shall issue and send the applicant a seed test report —

- (a) stating that the official sample has been found not to meet those conditions, and
- (b) subject to paragraph (13), in a case where the seed has been tested to determine whether it meets the conditions laid down in Part II of Schedule 4 for any other category and, where applicable, level of seed to which paragraph (14) applies, stating (by reference to the relevant category and level) whether the seed has been found to meet the conditions for any such category and level.

(13) If it appears to the National Assembly for Wales that an official sample of the seed lot taken for the purpose of a test in order to ascertain whether it met the appropriate conditions laid down in Part II of Schedule 4 was not taken in accordance with the requirements of regulation 23 the National Assembly for Wales may —

- (a) in a case where paragraph (3) or (4) applies, refuse to issue a seed test report in accordance with paragraph (8), (9), (10), (11) or (12)(b), and, in such a case, shall notify the applicant of its decision and the reason for it, or
- (b) in a case where paragraph (3) or (4) does not apply, direct the licensed seed testing station to refuse to issue a seed test report in accordance with those paragraphs and the licensed seed testing station shall comply with that direction and shall notify the applicant of the reason for its refusal to issue the report.

(14) This paragraph applies to the following categories and levels of seed —

- (a) in the case of an application made under paragraph (1) relating to a regulation 11(1)(a) seed lot of field beans or field peas, to the categories of basic, C1 and C2 categories of seed;
- (b) in the case of an application made under paragraph (1) relating to a regulation 11(1)(a) seed lot of lucerne *Medicago sativa*, lupins or vetches, to the categories of basic and C1 seed;
- (c) in the case of an application made under paragraph (1) relating to a regulation 11(1)(a) seed lot of an HVS species of seed, to the categories of basic and minimum level CS seed and, if the applicant so requests, HVS level CS seed;
- (d) in the case of an application made under paragraph (1) relating to a regulation 11(1)(b) seed lot of field beans or field peas to the categories of pre-basic, C1 and C2 seed;
- (e) in the case of an application made under paragraph (1) relating to a regulation 11(1)(b) seed lot of lucerne *Medicago sativa*, lupins or vetches, to the categories of pre-basic and C1 seed;
- (f) in the case of an application made under paragraph (1) relating to a regulation 11(1)(b) seed lot of an HVS species of seed, to the categories of pre-basic and minimum level CS seed and, if the applicant so requests, HVS level CS seed;
- (g) in the case of an application made under paragraph (1) relating to a regulation 11(1)(c) seed lot, to the category of minimum level CS seed; and
- (h) in the case of an application made under paragraph (1) relating to a regulation 11(1)(e) seed lot of field beans or field peas to the category of C2 seed.

(15) In this regulation “qualifying seed lot” means a seed lot —

- (a) containing seed harvested from a crop produced in Wales for which a field inspection report has been issued in accordance with —
  - (i) regulation 8(9);
  - (ii) regulation 8(10);
  - (iii) regulation 8(11) in a case where the crop has been found to meet the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of any category of seed referred to in regulation 8(11)(b);
  - (iv) regulation 8(12) in a case where the crop has been found to meet the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of any category of seed referred to in regulation 8(12)(b);

- (b) containing seed harvested from a crop produced in the United Kingdom elsewhere than in Wales —
  - (i) in respect of which the National Assembly for Wales has received confirmation of crop approval by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development (as the case may be) that the crop meets conditions equivalent to those laid down in Schedule 3 and Part I of Schedule 4, or
  - (ii) for which a copy of the field inspection report relating to the crop has been lodged with the National Assembly for Wales in accordance with regulation 9; or
- (c) imported into the United Kingdom as —
  - (i) not finally certified pre-basic, basic, CS, C1 or C2 seed harvested in another member State and for which the Annex V(C) document relating to the crop from which the seed in the seed lot was harvested has been lodged with the National Assembly for Wales in accordance with regulation 9, or
  - (ii) not finally certified CS or C1 seed harvested in an equivalent third country and for which the Annex II.A(3) official certificate relating to the crop from which the seed in the seed lot was harvested has been lodged with the National Assembly for Wales in accordance with regulation 9.

### **Lodging of seed test reports**

**12.**—(1) A registered person to whom a final seed test report has been sent shall lodge the report with the National Assembly for Wales —

- (a) except in relation to seed to which paragraph (b) applies, within one month of the report being issued or within such other time as the National Assembly for Wales may otherwise allow; and
- (b) in a case where the seed to which the final seed test report relates —
  - (i) is of a variety that is not listed, or
  - (ii) is an unlisted component of a hybrid variety of fodder kale that is not listed,

within one month of the date on which the variety or hybrid variety (as the case may be) is listed or within such other time as the National Assembly for Wales may otherwise allow.

(2) An application to lodge a final seed test report —

- (a) shall be made in such form and manner as the National Assembly for Wales may require, and
- (b) shall be accompanied by the final seed test report and such other information and documents as the National Assembly for Wales may require.

(3) Subject to paragraph (4), the National Assembly for Wales shall acknowledge receipt of each final seed test report lodged with it.

(4) Subject to paragraph (5), unless specifically requested to do so by the applicant, the National Assembly for Wales shall not individually acknowledge the receipt of each final seed test report lodged with it by the applicant but shall periodically provide the applicant with a list of those seed lots for which the applicant has lodged a final seed test report with it.

(5) Where the National Assembly for Wales has previously provided the applicant with a seed test report list, any list subsequently provided to the applicant under paragraph (4) shall list only those seed lots for which the applicant has lodged a final seed test report with it during the period since it last provided the applicant with a seed test report list.

(6) In this regulation “final seed test report” means a seed test report issued in accordance with regulation 11(8), (9), (11) or (12)(b).



## Re-grading of seed

13.—(1) An application to re-grade seed of any category and, where applicable, level specified in entry 1 or 2 in column 1 of the table in Schedule 5 as seed of any category and, where applicable, level (“the new category”) specified in entry 1 or 2 respectively in column 2 of the table may be made to the National Assembly for Wales by a registered person.

(2) An application made under this regulation shall be made in such form and manner and at such time as the National Assembly for Wales shall require and, if required by the National Assembly for Wales, shall be accompanied by —

- (a) an official sample of the seed to which the application relates;
- (b) an application made under regulation 11 for the testing of an official sample of the seed lot; and
- (c) such other information and other documents as the National Assembly for Wales may require for the purpose of determining the application.

(3) The National Assembly for Wales —

- (a) may test, or arrange for a licensed seed testing station to test, an official sample of a seed lot in respect of which an application under this regulation has been made to re-grade —
  - (i) UK, EC or overseas tested officially certified pre-basic seed of a listed variety as UK officially certified basic seed of a listed variety, and
  - (ii) UK, EC, third country or overseas tested officially certified basic seed of a listed variety as UK officially certified pre-basic seed of a listed variety;

to determine whether the official sample would meet the conditions laid down in Part II of Schedule 4 for the new category and, where applicable, level of seed;

- (b) subject to paragraph (4), shall test, or arrange for a licensed seed testing station to test, an official sample of the seed lot in the case of any other application made under this regulation to determine whether the official sample would meet the conditions laid down in Part II of Schedule 4 for the new category and, where applicable, level of seed.

(4) Where a seed test report has previously been issued in accordance with regulation 11(8)(a), (9), (10), (11) or (12) in respect of a seed lot for which an application has been made under this regulation, the National Assembly for Wales may decide not to test the official sample referred to in paragraph (2) for the purposes of paragraph (3)(b) if the information contained in the previously issued report contains sufficient information to enable it to determine that the official sample would meet the conditions laid down in Part II of Schedule 4 for the appropriate category and, where applicable, level of seed.

(5) Where —

- (a) in the case of an application to re-grade seed as pre-basic or basic seed —
  - (i) the National Assembly for Wales is satisfied that the seed has been produced by or under the responsibility of the breeder according to accepted practices for the maintenance of the variety;
  - (ii) in a case where the seed was harvested from a crop produced in Wales, the National Assembly for Wales carried out a field inspection of the crop;
  - (iii) in a case where the seed was harvested from a crop produced in the United Kingdom elsewhere than in Wales, a field inspection of the crop was carried out by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development;
  - (iv) in a case where the seed was harvested from a crop produced in another member State, a field inspection of the crop was carried out by or on behalf of the seed certification authority in the member State; and
  - (v) in a case where the seed was harvested from a crop produced in an equivalent third country, a field inspection of the crop was carried out by the approved seed certification authority in the third country;

- (b) in the case of an application to re-grade pre-basic or basic seed as minimum or HVS level CS seed or C1 or C2 seed, the National Assembly for Wales is satisfied that the seed has been harvested from a crop produced directly from UK, EC or overseas tested officially certified pre-basic seed of a listed variety;
- (c) in the case of an application to re-grade seed, other than pre-basic or basic seed, as minimum or HVS level CS seed or C1 or C2 seed, the National Assembly for Wales is satisfied that the seed has been harvested from a crop produced directly from —
  - (i) UK, EC, third country or overseas tested officially certified basic seed of a listed variety, or
  - (ii) with the breeder's written authority, from UK, EC or overseas tested officially certified pre-basic seed of a listed variety;
- (d) the National Assembly for Wales is satisfied that the seed was harvested from a crop that met the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of the new category and, where appropriate, level of seed;
- (e) in a case where the official sample referred to in paragraph (2) has been tested in accordance with paragraph (3), it has been found to satisfy the conditions laid down in Part II of Schedule 4 for the new category of seed; and
- (f) in a case where the official sample referred to in paragraph (2) has not been tested, the National Assembly for Wales is satisfied on the basis of the information contained in a seed test report previously issued in respect of the lot —
  - (i) by on behalf of the National Assembly for Wales, the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development or by a licensed seed testing station;
  - (ii) by on behalf of the competent seed certification authority in another member State or by a licensed EC seed testing station in another member State; or
  - (iii) by the approved seed certification authority or by a licensed third country seed testing station in an equivalent third country,
 that the seed in the lot satisfies the conditions laid down in Part II of Schedule 4 for the new category of seed,

the National Assembly for Wales shall notify the applicant that his or her application to re-grade the seed lot has been successful.

(6) Where the National Assembly for Wales is satisfied that the conditions specified in paragraph (5) have not been met it shall notify the applicant that his or her application to re-grade the seed lot has been unsuccessful.

### **Withdrawals**

**14.—(1)** The National Assembly for Wales may withdraw the official certification in respect of a seed lot, or any part of a seed lot, if —

- (a) the findings or results obtained from a sample of seed submitted or taken in connection with an application made under regulation 6, 11 or 13 relating to the seed lot, or from plants grown in a control plot that has been sown with seed from that sample, are to be disregarded in accordance with regulation 23(6);
- (b) on the basis of information received by the National Assembly for Wales it is satisfied that the crop from which the seed in the seed lot was harvested did not meet the conditions laid down in Schedule 3 or Part I of Schedule 4; or
- (c) on the basis of information received by the National Assembly for Wales it is satisfied that the seed in the lot, or part of the lot -
  - (i) did not meet the conditions laid down in Part II or III of Schedule 4 at the time the seed was tested for seed certification purposes, or

(ii) although it met the requirements of Part II of Schedule 4 at the time of such testing it no longer meets them.

(2) The National Assembly for Wales may withdraw the official certification in respect of a seed lot, or any part of a seed lot, by giving notice to —

- (a) the person who made an application under regulation 11 in respect of the seed lot, or
- (b) any person marketing, or who has marketed, any of the seed.

(3) Where the official certification of a seed lot, or part of a seed lot, is withdrawn under this regulation, the National Assembly for Wales may notify —

- (a) the person who made an application under regulation 11 in respect of the seed lot,
- (b) any person marketing, or who has marketed, any of the seed; and
- (c) any person who has purchased, or been supplied with, any of the seed,

that the official certification in respect of the lot, or part of the lot (as the case may be) has been withdrawn.

(4) Where the official certification of a seed lot, or part of a seed lot, is withdrawn under this regulation, the person to whom notice is given under paragraph (2) shall, as soon as practicable, and in any case not later than 7 days after receiving the notice, notify any person to whom he or she has sold or supplied any of the seed of such withdrawal.

(5) Any person who has purchased seed from a seed lot, or part of a seed lot, for which official certification has been withdrawn under this regulation (not being a person notified under paragraph (2)) shall notify any person to whom he or she has sold or supplied any of the seed of the withdrawal as soon as practicable after receiving notice of it —

- (a) pursuant to paragraph (3), by the National Assembly for Wales, or
- (b) pursuant to paragraph (4), by the person who sold or supplied the seed to him or her,

and, in any case, not later than 7 days after receiving such notice.

## PART III

### CONTROL OF FODDER PLANT SEED

#### Marketing of seed

**15.**—(1) Subject to paragraph (2) and regulations 19 to 22, no person shall market any seed to which these Regulations apply except for seed listed in Schedule 6.

(2) Paragraph (1) shall not apply to the marketing of seed, as grown, for processing, provided that the identity of the seed is ensured.

(3) Any person marketing seed in Wales that has been imported into the EEA from a third country and exceeds two kilograms shall supply the National Assembly for Wales, in writing and within one month of the first marketing of the seed, with the following particulars relating to the seed —

- (a) the species;
- (b) the variety;
- (c) the category;
- (d) the country of production and the official inspection authority;
- (e) the country of despatch;
- (f) the importer; and
- (g) the quantity of seed.

### **Marketing of HVS seed**

**16.**—(1) This regulation applies to the marketing of officially certified CS seed of an HVS species of seed where any label or notice affixed to, contained in or marked on any package containing the seed, any document accompanying the seed or any particulars displayed in respect of the seed, states or indicates that the seed attains the Higher Voluntary Standards for such seed.

(2) Where any person markets seed to which this regulation applies, the person marketing the seed shall be deemed to state for the purposes of these Regulations, and in relation to the particulars given to a purchaser, that —

- (a) the seed meets the Higher Voluntary Standards for such seed laid down in Part II of Schedule 4, and
- (b) a successful application has been made to the National Assembly for Wales under paragraph (3) verifying that the seed has attained those standards.

(3) An application for verification that CS seed of an HVS species of seed has attained the Higher Voluntary Standards for such seed may be made to the National Assembly for Wales in such form and manner and containing such information and accompanied by such documents as the National Assembly for Wales may require and the National Assembly for Wales shall grant the application if the National Assembly for Wales is satisfied that the seed meets the Higher Voluntary Standards for such seed laid down in Part II of Schedule 4.

### **Marketing of officially certified lower germination seed**

**17.**—(1) A person may market officially certified early movement pre-basic, officially certified early movement basic or officially certified early movement commercial seed before the completion of the official germination test, if the person marketing the seed —

- (a) obtains a provisional analytical report indicating what the percentage of germination of the seed is likely to be ;
- (b) provides the first buyer, upon or before delivery of the seed, with a writ that the seed is marketed before the completion of the official germination test together with the result in the provisional analytical report;
- (c) notifies the National Assembly for Wales in writing of the name and address of the first buyer by way of trade as soon as practicable after delivery and in any event not later than seven days after delivery;
- (d) guarantees a specific minimum percentage of germination, which shall be the percentage of the germination of the seed as ascertained in the provisional analytical report;
- (e) ensures that a label accompanies the package containing the seed and that the label contains —
  - (i) a statement that the seed is being sold before completion of the official germination test;
  - (ii) a statement of the specific minimum percentage of germination in accordance with paragraph (d), together with his or her name and address and the reference number of the seed lot.

(2) In the event of the official germination test showing the failure of the seed to comply with the minimum germination standard specified in paragraph 14 of Part II of Schedule 14 for seed of the relevant category, the person marketing the seed shall provide the first buyer with the result of the completed official germination test, in writing, as soon as practicable and in any event not later than seven days after being informed of it.

(3) Paragraphs (1) & (2) shall not apply to seed which has been imported from a country which is not an EEA State.

(4) For purposes of this regulation,

- (a) “officially certified early movement pre-basic seed” means—
  - (i) UK officially certified early movement pre-basic seed of a listed variety;

- (ii) EC officially certified early movement pre-basic seed of a listed variety;
  - (iii) UK officially certified early movement pre-basic seed of a component used in the production of a listed hybrid variety; and
  - (iv) EC officially certified early movement pre-basic seed of a component used in the production of a listed hybrid variety.
- (b) “officially certified basic seed” —
- (i) UK officially certified early movement basic seed of a listed variety;
  - (ii) EC officially certified early movement basic seed of a listed variety;
  - (iii) UK officially certified early movement basic seed of a component of a listed hybrid variety; and
  - (iv) EC officially certified early movement basic seed of a component of a listed hybrid variety.
- (c) “officially certified early movement commercial seed” means —
- (i) UK officially certified early movement commercial seed;
  - (ii) EC officially certified early movement commercial seed.

### **Marketing of officially certified early movement seed**

**18.**—(1) No person shall market officially certified early movement pre-basic or basic seed unless —

- (a) he or she guarantees a minimum percentage of germination for the seed that is —
  - (i) the same as the EC minimum percentage of germination for the relevant species of seed and the same as or less than the percentage of germination for the seed ascertained by the provisional analysis on which the certification of the seed was based, or
  - (ii) less than the EC minimum percentage of germination for the relevant species of seed and the same as the percentage of germination ascertained by the provisional analysis on which the certification of the seed was based, and
- (b) he or she provides the purchaser, upon or before delivery of the seed, with a statement —
  - (i) stating that the seeds are being marketed before the completion of the official germination test;
  - (ii) specifying the guaranteed minimum percentage of germination; and
  - (iii) specifying the name and address of the person marketing the seed and the reference number of the seed lot.

(2) No person shall market officially certified early movement CS, C1, C2 or commercial seed unless —

- (a) he or she guarantees a minimum percentage of germination for the seed that is —
  - (i) the same as the EC minimum percentage of germination for the relevant species of seed, and
  - (ii) the same as, or less than, the percentage of germination for the seed ascertained by the provisional analysis on which the certification of the seed was based, and
- (b) he or she provides the purchaser, upon or before delivery of the seed, with a statement —
  - (i) stating that the seeds are being marketed before the completion of the official germination test;
  - (ii) specifying the guaranteed minimum percentage of germination; and
  - (iii) specifying the name and address of the person marketing the seed and the reference number of the seed lot.

(3) Where any person —

- (a) markets seed in accordance with paragraph (1) or (2), and
- (b) the official germination test shows that the percentage of germination of the seed is less than the minimum percentage of germination guaranteed in accordance with the requirements of paragraph (1)(a) or (2)(a) as the case may be,

he or she shall provide the purchaser with the result of the completed official germination test as soon as practicable and, in any event, not later than seven days after being informed of it.

### **Exception for scientific purposes and selection work**

**19.**—(1) Subject to paragraphs (6) and (7), the prohibition in regulation 15(1) shall not apply to the marketing by a producer of small quantities of seed for scientific purposes or selection work for which —

- (a) an authorisation has been granted to the producer by the National Assembly for Wales in accordance with this regulation, or
- (b) an authorisation has been granted to the producer by or on behalf of –
  - (i) the Secretary of State;
  - (ii) the Scottish Ministers;
  - (iii) the Department of Agriculture and Rural Development; or
  - (iv) a competent seed certification authority in another member State, pursuant to Article 4a(1)(a) of the Fodder Plant Seed Directive.

(2) An application for authorisation under paragraph (1)(a) shall be made in such form and manner and at such time as the National Assembly for Wales shall require and shall be accompanied by such information as the National Assembly for Wales may require for the purpose of determining whether to grant an authorisation.

(3) The National Assembly for Wales shall not grant an authorisation under paragraph (1)(a) in respect of seed of a genetically modified variety unless an authorisation is in force in respect of the variety concerned under Part C of Council Directive 2001/18/EC(18) on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC.

(4) The National Assembly for Wales shall not grant a regulation 19 authorisation in respect of seed of a genetically modified variety unless an authorisation is in force in respect of the variety concerned under either —

- (a) Part C of the Deliberate Release Directive; or
- (b) the Food and Feed Regulation.

(5) The National Assembly for Wales may vary, suspend revoke or add conditions to authorisations to which paragraph (1) applies by service of a notice on the producer.

(6) Where an authorisation to which paragraph (1) applies has been granted, the marketing by a producer of small quantities of seed for scientific purposes or selection work shall be in accordance with the conditions attached to that authorisation, whether granted by the National Assembly for Wales or, subject to paragraph (5), any other competent seed certification authority in the United Kingdom or in another member State.

(7) The National Assembly for Wales may revoke or suspend an authorisation that has effect in Wales by virtue of this regulation by service of a notice on the producer concerned, and where such a notice has been served, marketing of seed for scientific purposes or selection work may only be authorised subsequently by the National Assembly for Wales in accordance with this regulation.

### **Exception for tests and trials**

**20.**—(1) Subject to paragraphs (5) and (6), the prohibition in regulation 15(1) shall not apply to the marketing by a producer of seed for test and trial purposes for which —

- (a) an authorisation has been granted to the producer by the National Assembly for Wales in accordance with this regulation, or
- (b) an authorisation has been granted to the producer by or on behalf of –
  - (i) the Secretary of State;
  - (ii) the Scottish Ministers;
  - (iii) the Department of Agriculture and Rural Development; or
  - (iv) a competent seed certification authority in another member State, pursuant to Article 4a(1)(b) of the Fodder Plant Seed Directive.

(2) An application for authorisation under paragraph (1)(a) shall be made in such form and manner and at such time as the National Assembly for Wales shall require and shall be accompanied by such information as the National Assembly for Wales may require for the purpose of determining whether to grant an authorisation.

(3) The National Assembly for Wales shall not grant an authorisation under paragraph (1)(a) unless —

- (a) it considers that the amount of seed that may be marketed under it is of an appropriate quantity for the test or trial;

- (b) an application has been submitted to the National Authorities under regulation 4(1)(a) of the Seeds (National Lists of Varieties) Regulations 2001(19) for acceptance of the variety concerned on to a National List that has not been withdrawn or finally determined; and
  - (c) in the case of seed of a genetically modified variety, an authorisation is in force in respect of the variety concerned under Part C of Council Directive 2001/18/EC on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC.
- (4) In granting an authorisation under paragraph (1)(a) the National Assembly for Wales —
- (a) shall specify the amount of seed that may be marketed under it, and
  - (b) may impose such other conditions as the National Assembly for Wales thinks necessary or desirable having regard to the nature of the test or trial and the nature of the seed to which the authorisation relates, including a condition relating to the keeping of records in respect of the marketing of the seed.
  - (c) in the case of seed of a genetically modified variety, an authorisation is in force in respect of the variety concerned under either —
    - (i) Part C of the Deliberate Release Directive; or
    - (ii) The Food and Feed Regulation.
- (5) The National Assembly for Wales may vary, suspend, revoke or add conditions to authorisations to which paragraph (1) applies by service of a notice on the producer.
- (6) Where an authorisation to which paragraph (1) applies has been granted, the marketing by a producer of seed for test and trial purposes shall be in accordance with the conditions attached to that authorisation, whether granted by the National Assembly for Wales or, subject to paragraph (5), any other competent seed certification authority in the United Kingdom or in another member State.
- (7) The National Assembly for Wales may revoke or suspend an authorisation that has effect in Wales by virtue of this regulation by service of a notice in writing on the producer concerned, and where such a notice has been served, marketing of seed for test and trial purposes may only be authorised subsequently by the National Assembly for Wales in accordance with this regulation.

### **General exemptions**

**21.—**(1) The prohibition in regulation 15(1) shall not apply to the marketing of seed that is authorised by a general licence made by the National Assembly for Wales under this regulation but in all other respects the provisions of these Regulations shall continue to apply in relation to the marketing of the seed.

(2) Subject to paragraph (3), the National Assembly for Wales may, by a general licence, exempt any person or class of persons, or persons generally, from compliance with any provision of these Regulations.

(3) The National Assembly for Wales shall not exercise the power to issue a general licence under paragraph (2) except —

- (a) to the extent that the provisions of the general licence are permitted in accordance with a temporary experiment organised under Article 13a of the Fodder Plant Seed Directive;
- (b) to give effect to the provisions of a Council Decision made under Article 16 of the Fodder Plant Seed Directive and amendments made to such a Decision; or
- (c) to the extent that the provisions of the general licence are permitted in accordance with measures taken pursuant to Article 17 of the Fodder Plant Seed Directive.

(4) A general licence issued under paragraph (2) —

- (a) shall have effect during the period specified in it unless the National Assembly for Wales revokes it earlier, and



- (b) may impose such conditions as the National Assembly for Wales thinks necessary or desirable having regard to the marketing permitted by the general licence and the nature of the seed to which it relates, including a condition relating to the keeping of records in respect of the marketing of the seed.

## Mixtures

**22.**—(1) The prohibition in regulation 15(1) shall not apply to the marketing of a mixture of various genera, species or varieties of seeds that includes seed to which these Regulations apply and that is not intended to be used to produce fodder plants if —

- (a) the seed in the mixture to which these Regulations apply complied, before mixing, with the relevant provisions of these Regulations, and
- (b) if any seeds in the mixture are cereal seeds, oil and fibre plant seeds or vegetable seeds, they complied, before mixing, with the relevant provisions of the Cereal Seeds Regulations 2003(**20**), the Oil and Fibre Plant Seed (Wales) Regulations 2004(**21**) or the Vegetable Seeds Regulations 2003(**22**) respectively.

(2) The prohibition in regulation 15(1) shall not apply to the marketing of a mixture of various genera, species or varieties of seeds that is intended to be used to produce a mixture of plants, including plants of a species specified in Schedule 2, which are intended for use as fodder plants, if —

- (a) the seed in the mixture is a mixture of seed to which these Regulations apply and the seed in the mixture complied, before mixing, with the relevant provisions of these Regulations, or
- (b) the seed in the mixture is a mixture of —
  - (i) seed to which these Regulations apply that complied, before mixing, with the relevant provisions of these Regulations; and
  - (ii) cereal seeds, oil and fibre plant seeds or vegetable seeds to which the Cereal Seed (Wales) Regulations 2003, the Oil and Fibre Plant Seed (Wales) Regulations 2003 or the Vegetable Seed (Wales) Regulations 2003 respectively apply and that complied, before mixing, with the relevant provisions of those Regulations, and

the mixture does not include any grass seed of a variety which has not been examined for its value for cultivation and use for the purposes of Article 4(1) of the Common Catalogue Directive because the breeder has declared that seed of that variety is not intended for the production of fodder plants.

(3) A person who wishes to market a mixture of seeds to which paragraph (1) or (2) applies without including the percentage by weight of each of the components by species and, where appropriate, by variety on the label referred to in regulation 26(11), (12) or (13) may apply to the National Assembly for Wales to register the mixture.

(4) Any application referred to in paragraph (3) shall include the name under which the mixture is to be marketed and the percentage, by weight, of each of the components by species and, where appropriate, by variety.

(5) The National Assembly for Wales shall register a mixture in respect of which an application has been made under paragraph (3) and in accordance with paragraph (4) if the name under which the mixture is to be marketed has not already been registered with it.

(6) Any person who sells or supplies a package (other than a small EC A or EC B package) containing a registered mixture of seeds and does so under its registered name and without including —

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(**20**) S.I. 1993/2005.  
(**21**) S.I. 2004/2881.  
(**22**) S.I. 1993/2008.

- (a) the species and, where appropriate, the variety of each of the components in the mixture, and
- (b) the percentage by weight of each of those components,

on the label referred to in regulation 26(11), shall, on or before the sale or supply of such package, provide the person to whom the package of seeds is sold or supplied with a notice containing the information referred to in paragraphs (a) and (b).

(7) Any person (“the seller”) who sells or supplies a small EC A or EC B package containing a registered mixture of seeds produced in the United Kingdom and does so —

- (a) under its registered name, and
- (b) in a package that includes the species and, where appropriate, the variety of each of the components in the mixture on the label referred to in regulation 26(12) in the case of a small EC A package of seeds and regulation 26(13) in the case of a small EC B package of seeds, but does not include the percentage by weight of each of those components in the mixture,

shall, on or before the sale or supply of such seed, notify the person (“the purchaser”) to whom the package of seeds is sold or supplied that the seller shall provide the information relating to the percentage by weight of each of the components in the mixture to the purchaser on request.

(8) A person who has registered a mixture of seeds with the National Assembly for Wales in accordance with this regulation may apply to the National Assembly for Wales to cancel the registration and the National Assembly for Wales, having received such an application, shall cancel the registration and notify the applicant that this has been done.

### **Sampling**

**23.**—(1) A sample of seeds taken in connection with an application under regulation 6, 11 or 13 shall be drawn —

- (a) by an authorised officer or a licensed seed sampler acting under the supervision of the authority who appointed him or her;
- (b) in accordance with the method laid down in Schedule 5 of the Seed (Registration, Licensing and Enforcement)(England ) Regulations 2002(23); and
- (c) from a homogeneous seed lot.

(2) Subject to paragraph (4), the maximum weight of a seed lot, other than a seed lot of a mixture of seeds to which regulation 22(1) or (2) applies, shall be that set out in column (2) of the table in Schedule 7.

(3) Subject to paragraph (4), the maximum weight of a seed lot of a mixture of seeds to which regulation 22(1) or (2) applies shall be 10 tonnes except that —

- (a) where more than 50% of the mixture consists of a species of seed for which the maximum weight of a seed lot prescribed in seed regulations is 20 tonnes, the maximum weight of the seed lot shall be 20 tonnes; and
- (b) where more than 50% of the mixture consists of a species of seed for which the maximum weight of a seed lot prescribed in seed regulations is 25 tonnes, the maximum weight of the seed lot shall be 25 tonnes.

(4) A seed lot may exceed the maximum weight for a seed lot required under paragraph (2) or (3) by not more than 5%.

(5) The minimum weight of a sample shall be that set out in column (3) of the table in Schedule 7.

(6) If a sample of seeds submitted or taken in connection with an application made under regulation 6, 11 or 13 —

- (a) is found not to have been taken in accordance with paragraph (1);
- (b) is taken from a seed lot that does not comply with paragraph (2) or (3); or
- (c) does not comply with paragraph (5);

no further use of that sample shall be made under these Regulations, and any findings or results already obtained from testing seed taken from that sample, or from inspecting plants grown in a control plot that has been sown with seed from that sample, shall be disregarded.

### **Packaging**

**24.**—(1) No person shall market —

- (a) any officially certified pre-basic, basic, CS, C1, C2 or commercial seed, or
- (b) a mixture of seeds to which regulation 22 applies,

unless it is marketed in a sufficiently homogeneous seed lot or in part of such a seed lot.

(2) Subject to paragraph (3), no person shall market —

- (a) any breeder's seed;
- (b) officially certified pre-basic, basic, CS, C1, C2 or commercial seed; or
- (c) a mixture of seeds to which regulation 22 applies,

unless it is in a properly sealed package.

(3) Paragraph (2) shall not apply in the case of —

- (a) the marketing to the final consumer of —
  - (i) seed of field beans or field peas not exceeding 3 kilograms in weight;
  - (ii) seed, other than seed of field beans and field peas, not exceeding 2 kilograms in weight; or
  - (iii) a mixture of seeds to which the provisions of regulation 22(1) and (2) apply not exceeding 7 kilograms in weight, or
- (b) the marketing of officially certified C1 or C2 seed of field beans or field peas in bulk direct to the final consumer in a container that is closed after filling and in respect of which the person marketing the seed delivers a note to the final consumer containing the information that, if the seed had been contained in a package, would need to have been given on the official label on such package in accordance with regulation 26(7).

(4) In this regulation, in the case of breeder's seed, "properly sealed package" means a sealed package of seed that has been sealed in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the label or package.

(5) In this regulation, in the case of a package of seed to which paragraph (6) applies and that has been sealed only once, "properly sealed package" means —

- (a) in the case of a package of seed sealed in Wales, a sealed package of seed that has been sealed —
  - (i) no later than at the time of official sampling;
  - (ii) by a person to whom regulation 25(5) applies;
  - (iii) using a non-reusable sealing system or some other sealing system that includes the use of an official label or the affixing of an official seal; and
  - (iv) in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the official label or package;
- (b) in the case of a package of seed sealed in —
  - (i) in the United Kingdom, elsewhere than in Wales, or
  - (ii) in another member State,

a sealed package of seed that has been sealed in accordance with the provisions of Article 9(1) of the Fodder Plant Seed Directive;

- (c) in the case of a package of seed sealed in an equivalent third country, a sealed package of seed that has been sealed in accordance with the provisions of paragraph 1 of Part B of Annex II to the Third Country Equivalence Decision.

(6) This paragraph applies to a package of officially certified pre-basic, basic, CS, C1, C2 or commercial seed other than a small EC B package of basic, CS, C1, C2 or commercial seed.

(7) In this regulation, in the case of a package of seed to which paragraph (8) applies and that has been sealed only once, “properly sealed package” means —

- (a) in the case of a package of seed sealed in Wales, a sealed package of seed that has been sealed —
  - (i) by a person to whom regulation 25(5) applies;
  - (ii) using a non-reusable sealing system or some other sealing system that includes the use of an official label or the affixing of an official seal; and
  - (iii) in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the official label or package, or
- (b) in the case of a package of seed sealed in —
  - (i) in the United Kingdom, elsewhere than in Wales, or
  - (ii) in another member State,

a sealed package of seed that has been sealed in accordance with the provisions of Article 9(1) of the Fodder Plant Seed Directive.

(8) This paragraph applies to a package of a mixture of seeds to which regulation 22 applies other than a small EC A or B package of such seed.

(9) In this regulation, in the case of a package of seed to which paragraph (10) applies and that has been sealed only once, “properly sealed package” means —

- (a) in the case of a package of seed sealed in Wales, a sealed package of seed that has been sealed in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the label or package,
- (b) in the case of a package of seed sealed in —
  - (i) the United Kingdom, elsewhere than in Wales, or
  - (ii) another member State,

a sealed package of seed that has been sealed in accordance with the relevant provisions of Article 9(3) of the Fodder Plant Seed Directive.

(10) This paragraph applies to —

- (a) a small EC A or B package of a mixture of seeds to which regulation 22 applies, and
- (b) a small EC B package of officially certified basic, CS, C1, C2 or commercial seed.

(11) In this regulation, in the case of a package of seed to which paragraph (12) applies and that has been sealed more than once, “properly sealed package” means —

- (a) in the case of a package of seed that has been resealed in Wales, a sealed package of seed that, on each occasion it has been resealed, has been resealed —
  - (i) by a person to whom regulation 25(5) applies, and
  - (ii) in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the official label or package;
- (b) in the case of a package of seed that has been resealed in —
  - (i) the United Kingdom, elsewhere than in Wales, or
  - (ii) another member State,

a sealed package of seed that, on each occasion it has been resealed, has been sealed in accordance with the provisions of Article 9(2) of the Fodder Plant Seed Directive; and

(c) in the case of seed that has been resealed in an equivalent third country, a sealed package of seed that, on each occasion it has been resealed, has been resealed in accordance with the provisions of paragraph 1 of Part B of Annex II to the Third Country Equivalence Decision.

(12) This paragraph applies to —

- (a) a package of officially certified pre-basic, basic, CS, C1, C2 or commercial seed, other than a small EC B package of officially certified basic, CS, C1, C2 or commercial seed, and
- (b) a package of a mixture of seeds to which regulation 22 applies, other than a small EC A or B package of such seeds.

(13) In this regulation, in the case of a package of seed to which paragraph (14) applies and that has been sealed more than once, “properly sealed package” means —

- (a) in the case of a package of seed that has been resealed in Wales, a sealed package of seed that, on each occasion it has been resealed, has been resealed —
  - (i) by a person to whom regulation 25(5) applies, and
  - (ii) in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the label or package, and
- (b) in the case of a package of seed that has been resealed in —
  - (i) the United Kingdom, elsewhere than in Wales, or
  - (ii) another member State,

a sealed package of seed that, on each occasion it has been resealed, has been resealed in accordance with the provisions of Article 9(3) of the Fodder Plant Seed Directive.

(14) This paragraph applies to —

- (a) a small EC A or B package of a mixture of seeds to which regulation 22 applies, and
- (b) a small EC B package of officially certified basic, CS, C1, C2 or commercial seed.

### **Sealing of packages**

**25.—**(1) Subject to paragraph (2), no person shall seal a package of —

- (a) officially certified pre-basic, basic, CS, C1, C2 or commercial seed, or
- (b) a mixture of seeds to which regulation 22 applies,

except a person to whom paragraph (5) applies.

(2) Paragraph (1) shall not apply in the case of —

- (a) a small EC A or B package of a mixture of seeds to which regulation 22 applies, or
- (b) a small EC B package of officially certified basic, CS, C1, C2 or commercial seed.

(3) Subject to paragraph (4), no person shall reseal a package of —

- (a) officially certified pre-basic, basic, CS, C1, C2 or commercial seed, or
- (b) a mixture of seeds to which regulation 22 applies,

except a person to whom paragraph (5) applies.

(4) Paragraph (3) shall not apply where a package has been resealed that had previously been opened by the final consumer of the seed for the purpose of using some of the seed in the package.

(5) This paragraph applies to —

- (a) an authorised officer and any person being supervised by such a person, and
- (b) a licensed seed sampler and any person being supervised by such a person.

## Labelling of packages

**26.**—(1) Subject to paragraphs (2), (3) and (4), no person shall market any —

- (a) breeder's seed;
- (b) officially certified pre-basic, basic, CS, C1, C2 or commercial seed; or
- (c) a mixture of seeds to which regulation 22(1) or (2) applies,

except in a package that is labelled in accordance with the following paragraphs of this regulation.

(2) Paragraph (1) shall not apply to the marketing of seed, as grown, for processing provided the identity of the seed is ensured.

(3) Paragraph (1) shall not apply to the marketing in bulk of officially certified C1 or C2 seed of field beans or field peas direct to the final consumer in a container that is closed after filling and in respect of which the person marketing the seed delivers a note to the final consumer, not later than the time of delivery of the seed, containing the information given on the official label on the container from which the seed was taken.

(4) A person may market any seeds otherwise than in a package that complies with the other provisions of this regulation direct to the final consumer where the seed is sold or supplied in a quantity not exceeding —

- (a) 3 kilograms in the case of seed of field beans or field peas;
- (b) 2 kilograms in the case of seed other than seed of field beans and field peas; or
- (c) 7 kilograms in the case of a mixture of seeds to which the provisions of regulation 22(1) or (2) apply,

and is taken, in the presence of the final consumer, from a container on which there is clearly and visibly marked or near which there is clearly and visibly displayed a statement containing particulars of the matters specified in paragraph 1 of Schedule 8 in the case of seed of the species specified in sub-paragraph (a) and (b) of this paragraph and paragraph 2 of that Schedule in the case of seed of the type specified in sub-paragraph (c) of this paragraph.

(5) A package of breeder's seed shall be labelled in accordance with paragraphs 3 and 4 of Schedule 8.

(6) A package of officially certified pre-basic seed shall be labelled —

- (a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 5 to 8 of Schedule 8, and
- (b) in the case of a package of seed sealed —
  - (i) in the United Kingdom, elsewhere than in Wales, or
  - (ii) in another member State,

in accordance with the provisions of Article 14a(c) of the Fodder Plant Seed Directive.

(7) A package of officially certified basic, CS, C1 or C2 seed, other than a small EC B package of such seed, shall be labelled —

- (a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 9 to 13 of Schedule 8;
- (b) in the case of a package of seed sealed —
  - (i) in the United Kingdom, elsewhere than in Wales, or
  - (ii) in another member State,

in accordance with the provisions of Article 10(1)(a) of the Fodder Plant Seed Directive as they apply to basic, CS, C1 or C2 seed; and

- (c) in the case of a package of basic, CS or C1 seed sealed in an equivalent third country, in accordance with the provisions of paragraph 1 of Part B of Annex II to the Third Country Equivalence Decision as they apply to that category of seed.

(8) A small EC B package of officially certified basic, CS, C1 or C2 seed shall be labelled —

- (a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 14 to 16 of Schedule 8;
- (b) in the case of a package of seed sealed —
  - (i) in the United Kingdom, elsewhere than in Wales, or
  - (ii) in another member State,

in accordance with the provisions of Article 10a(1) of the Fodder Plant Seed Directive.

(9) A package of officially certified commercial seed, other than a small EC B package of such seed, shall be labelled —

- (a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 17 to 21 of Schedule 8, and
- (b) in the case of a package of seed sealed —
  - (i) in the United Kingdom, elsewhere than in Wales, or
  - (ii) in another member State,

in accordance with the provisions of Article 10(1)(a) of the Fodder Plant Seed Directive as they apply to commercial seed.

(10) A small EC B package of officially certified commercial seed shall be labelled —

- (a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 22 to 24 of Schedule 8;
- (b) in the case of a package of seed sealed —
  - (i) in the United Kingdom, elsewhere than in Wales, or
  - (ii) in another member State,

in accordance with the provisions of Article 10(a)(1) of the Fodder Plant Seed Directive.

(11) A package of a mixture of seeds to which regulation 22(1) or (2) applies, other than a small EC A or B package of such seeds, shall be labelled —

- (a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 25 to 28 of Schedule 8;
- (b) in the case of a package of seed sealed —
  - (i) in the United Kingdom, elsewhere than in Wales, or
  - (ii) in another member State,

in accordance with the provisions of Article 10(1)(a) of the Fodder Plant Seed Directive as read with Article 13(3) of that Directive.

(12) A small EC A package of a mixture of seeds to which regulation 22(1) or (2) applies shall be labelled —

- (a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 29 to 31 of Schedule 8,
- (b) in the case of a package of seed sealed —
  - (i) in the United Kingdom, elsewhere than in Wales, or
  - (ii) in another member State,

in accordance with the provisions of Article 10a(1) of the Fodder Plant Seed Directive as read with Article 13(3) of that Directive.

(13) A small EC B package of a mixture of seeds to which regulation 22(1) or (2) applies shall be labelled —

- (a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 32 to 34 of Schedule 8,
- (b) in the case of a package of seed sealed —

- (i) in the United Kingdom, elsewhere than in Wales, or
- (ii) in another member State,

in accordance with the provisions of Article 10a(1) of the Fodder Plant Seed Directive as read with Article 13(3) of that Directive.

(14) A package of officially certified basic, CS, C1, C2 or commercial seed (other than a small EC B package of such seed) and a package of a mixture of seeds to which regulation 22(1) or (2) applies (other than a small EC A or B package of such seeds) shall contain a document that –

- (a) in the case of a package of seed sealed in Wales —
  - (i) is the same colour as the official label fixed to the outside of the package in accordance with the provisions of this regulation;
  - (ii) in the case of basic, CS, C1 or C2 seed contains the particulars specified in paragraph 9(c), (e) and (f) of Schedule 8;
  - (iii) in the case of commercial seed contains the particulars specified in paragraph 17(b), (d) and (f) of Schedule 8;
  - (iv) in the case of a registered mixture of seeds contains the particulars specified in paragraph 25(c) and (e) of Schedule 8; and
  - (v) in the case of a mixture of seeds other than a registered mixture of seeds contains the particulars specified in paragraph 25(c) and (f) of Schedule 8;
- (b) in the case of a package of seed sealed —
  - (i) in the United Kingdom, elsewhere than in Wales, or
  - (ii) in another member State,

is in accordance with the provisions of Article 10(1)(b) of the Fodder Plant Seed Directive as they apply to such seed and as read with Article 13.3 of that Directive in the case of a mixture of seeds to which regulation 22(1) or (2) applies; and

- (c) in the case of a package of seed sealed in an equivalent third country, is in accordance with the provisions of paragraph 3.3 of Part B of Annex II to the Third Country Equivalence Decision as they apply to such seed.

(15) The provisions of paragraph (14) shall not apply if —

- (a) the particulars specified in paragraph (14)(a)(ii), (iii) or (v) as appropriate are printed indelibly on the outside of the package, or
- (b) the official label is an adhesive or a tear resistant label.

(16) Notwithstanding paragraph (7) a package of officially certified basic, CS, C1 or C2 seed may be marketed if —

- (a) the appropriate particulars of the matters specified in paragraphs 9(a) to (l) of Schedule 8, and if so desired the particulars specified in paragraph 10 of that Schedule, are printed or stamped indelibly on the package in a panel of at least the size specified in paragraph 11 of Schedule 8 and of the colour specified in paragraph 12 of Schedule 8, and
- (b) the requirements of Part VII of that Schedule are satisfied.

(17) In the case of seed of a variety that has been genetically modified –

- (a) any label or document, official or otherwise, which is fixed to or accompanies a seed lot or any part of a seed lot under the provisions of these Regulations, and
- (b) any particulars given under paragraph (4),

shall clearly indicate that the variety has been genetically modified.

(18) If any breeder's seed or officially certified pre-basic, basic, CS, C1, C2 or commercial seed or a mixture of seeds to which regulation 22(1) or (2) applies has been subjected to any chemical treatment then this fact and the nature of the treatment or the proprietary name of the chemical used in the treatment shall be stated either —



- (a) in a case where paragraph (3) or (4) applies, with the particulars given in accordance with that paragraph; and
- (b) in a case where paragraph (3) or (4) does not apply —
  - (i) on a separate supplier's label on the package; or
  - (ii) on the label required under paragraph (5), (6), (7), (8), (9), (10), (11), (12) or (13);

and also, except where the information prescribed by this paragraph is given on an adhesive or tear-resistant label, either on the outside of the package or on a document enclosed inside the package.

(19) Subject to paragraph (20), if a package of officially certified pre-basic, basic, CS, C1, C2 or commercial seed, other than a small EC A or EC B package of a mixture of seeds to which regulation 22(1) or (2) applies or a small EC B package of officially certified basic, CS, C1, C2 or commercial seed, has been resealed this fact shall be stated on the official label together with the date of resealing and the name of the authority responsible for the resealing.

(20) Where a package of seed of the type specified in paragraph 11, 12(3), 17, 18(3), 25, 26(3), 26(4), 33, 34(3), 34(4), 40A, 41(3) and 41(4) of Schedule 1 is resealed, the package shall be labelled with an OECD label containing the particulars otherwise required under this regulation.

(21) The particulars and the information given in accordance with this regulation shall be given in one of the official languages of any member State.

(22) Subject to the provisions of the Act and of these Regulations, no person shall, in the course of the marketing or the preparation for marketing of any seed by himself or herself or another person, wilfully reproduce, remove, alter, deface, conceal or misuse in any way any label fixed to, contained in or marked on any package of seed or which is to be so fixed, contained or marked.

## PART IV

### MISCELLANEOUS AND SUPPLEMENTAL PROVISIONS

#### **Civil liability of sellers of seeds**

**27.—**(1) Particulars given to a purchaser by the seller of seed in pursuance of these Regulations, whether given expressly or by implication arising from the description under which the seed is sold, shall constitute a statutory warranty for the purpose of section 17 of the Act in so far as they relate to the category and, where applicable, level of seed, the percentage germination of the seed, the percentage analytical purity of the seed, the content of seed of other plant species and the varietal identity and varietal purity of the seed or, in the case of a mixture of seed permitted by regulation 22, of each of its constituents to which these Regulations apply.

(2) Section 17(2) of the Act shall apply to any particulars given to a purchaser by the seller of seed, being particulars given or implied as in paragraph (1), in so far as they relate to the percentage germination, the percentage analytical purity or the content of seed of other plant species and there are hereby prescribed in respect of such matters the limits of variation set out in Schedule 9.

(3) Section 17(3) of the Act shall apply to any particulars given to a purchaser by the seller of the seed, being particulars given or implied as in paragraph (1), in so far as they relate to the percentage germination, the percentage analytical purity or the content of seed of other plant species.

(4) A purchaser who intends to obtain a test of seed for the purposes of section 17(3) of the Act shall, not more than ten days after delivery to him of the seed, give to the seller notice of his or her intention and thereupon the seller may indicate a day (not being more than twenty-one days after the delivery of the seed to the purchaser) and a reasonable time on that day at which a sample of the seed may be taken in the presence of himself or herself or his or her representative and the purchaser shall afford to the seller reasonable facilities for that purpose.

(5) On the day and at the time appointed by the seller in accordance with paragraph (4) or, if the seller shall have failed to appoint such a day and time, on a day not more than twenty-eight days after delivery of the seed to the purchaser, the purchaser or his or her representative may, and if the seller or his or her representative is present shall, take a sample of seed.

(6) A sample taken in accordance with the requirements of paragraph (5) shall be taken and divided by the purchaser or his or her representative into two parts in accordance with the requirements contained in Schedule 5 of the Seed (Registration, Licensing and Enforcement)(Wales) Regulations 2003, of which one part shall be sent to the chief officer of an official testing station for the purpose of being tested and the other part delivered or tendered to the seller or his or her representative or, if he or she or his or her representative was not present when the sample was taken, sent to him or her by post.

(7) Where a sample is taken in accordance with the requirements of paragraph (5) and divided into two parts in accordance with paragraph (6) each part of the divided sample shall be of at least the appropriate minimum weight specified in Schedule 7 (lots and sample weights) of these Regulations.

### **Arrangements for official measures**

**28.**—(1) Subject to the following provisions of this regulation, the National Assembly for Wales may make arrangements, in such form as it is of the opinion may be necessary or desirable, for the purpose of enabling any person to act under its responsibility in carrying out official measures.

(2) The National Assembly for Wales shall not make an arrangement under this regulation unless it is satisfied that the arrangement will make provision for the purpose of preventing the person with whom the arrangement is made, and any other person, from —

- (a) deriving any private gain from any official measures carried out under the arrangement, and
- (b) carrying out any official measures under the arrangement except under the supervision of the National Assembly for Wales.

(3) An arrangement under this regulation may include such conditions as the National Assembly for Wales is of the opinion are necessary or desirable for the purposes referred to in paragraphs (1) and (2) above, including conditions —

- (a) specifying —
  - (i) the official measures that the person with whom the arrangement is made shall carry out under it;
  - (ii) the species and generation of seed in respect of which he may carry out the official measures;
  - (iii) the methods to be used in connection with the official measures he or she carries out under the arrangement;
  - (iv) the fees that may be charged by the person with whom the arrangement is made in relation to the official measures he carries out under it; and
  - (v) the records that must be kept by the person with whom the arrangement is made in connection with the official measures he or she carries out;
- (b) prohibiting the person with whom the arrangement is made from —
  - (i) carrying out the official measures except under official supervision, and
  - (ii) charging fees in relation to the official measures he or she carries out under the arrangement except to the extent that these do not exceed the costs he or she incurs in carrying them out; and
- (c) prohibiting the person with whom the arrangement is made from making any further arrangement for any purpose in connection with the carrying out of any of the official measures he or she has arranged with the National Assembly for Wales to carry out, unless —

- (i) the National Assembly for Wales has first approved all the conditions of the further arrangement and the person with whom the arrangement was made has received the prior approval of the National Assembly for Wales to make the further arrangement;
- (ii) the further arrangement includes a condition prohibiting the making of any subsequent arrangements for any purpose in connection with the carrying out of any of the official measures in respect of which the National Assembly for Wales made the arrangement;
- (iii) the further arrangement includes an acknowledgement by the person with whom it is made that the National Assembly for Wales may vary, suspend or revoke the further arrangement, whether or not it also varies, suspends or revokes the arrangement it made with the person seeking its approval for the further arrangement; and
- (iv) the further arrangement includes the conditions specified in paragraphs (a) and (b).

(4) The National Assembly for Wales shall not approve the making of a further arrangement by any person with whom it makes an arrangement under this regulation unless it is satisfied that the person with whom the further arrangement is to be made —

- (a) will not derive any private gain from any official measures he or she is to be authorised to carry out under the further arrangement, and
- (b) will not carry out any official measures under the further arrangement except under official supervision.

(5) The National Assembly for Wales may vary, suspend or revoke an arrangement or the conditions of an arrangement made under this regulation, or a further arrangement or any of the conditions of a further arrangement under this regulation, by giving notice to the person with whom the arrangement or further arrangement is made, and a further arrangement may be varied, suspended or revoked under this paragraph notwithstanding that the arrangement in respect of which it was made is not also varied, suspended or revoked.

(6) A notice of a variation, suspension or revocation of an arrangement or further arrangement, or of a condition of an arrangement or further arrangement, shall specify —

- (a) in respect of a variation or a revocation, a date on and after which the variation or revocation shall have effect, and
- (b) in respect of a suspension, a period during which suspension shall have effect,

and the variation, suspension or revocation shall have effect in accordance with the notice.

(7) When a variation, suspension or revocation has effect the National Assembly for Wales may, for any purposes in relation to these Regulations or a determination under these Regulations, continue to have regard to such of the official measures carried out under an arrangement which was varied, suspended or revoked as appear to it to be official measures carried out in accordance with the provisions of these Regulations.

## **Fees**

**29.**—(1) The National Assembly for Wales may charge any person reasonable fees in respect of costs reasonably incurred by the National Assembly for Wales in carrying out official measures for the purposes of these Regulations.

(2) The National Assembly for Wales may charge any person concerned in any matter connected with these Regulations reasonable fees in respect of costs reasonably incurred by the National Assembly for Wales in connection with that matter for the purposes of these Regulations, including the costs reasonably incurred by an officer authorised for the purposes of these Regulations by the National Assembly for Wales in connection with —

- (a) the taking of samples in accordance with regulation 23;
- (b) the sealing of packages in accordance with regulations 24 and 25; and
- (c) the labelling of packages in accordance with regulation 26.

(3) A person carrying out official measures in accordance with an arrangement or further arrangement under regulation 28 may charge any person, including any other person with whom an arrangement or further arrangement has been made under regulation 28, reasonable fees in respect of costs he reasonably incurs in carrying out official measures under the responsibility of the National Assembly for Wales in accordance with these Regulations.

(4) All fees payable under these Regulations in connection with any application shall be payable —

- (a) at the time the application is made, or
- (b) with the agreement of the National Assembly for Wales or a person carrying out official measures in accordance with an arrangement or further arrangement under regulation 28 (as the case may be), within twenty-eight days following notice from the National Assembly for Wales or that person (as the case may be) demanding the fee payable in respect of such application.

(5) All other fees payable under these Regulations shall be payable within twenty-eight days following the issue of a notice under these Regulations demanding the payment of the fee.

(6) A fee charged in accordance with this regulation shall be recoverable as a debt from the person by whom the fee is payable.

### **Service of notices**

**30.**—(1) Any notice required by virtue of these Regulations to be given to any person by the National Assembly for Wales may be given by it —

- (a) by delivering it to him or her or by leaving it at his or her proper address or by sending it by post to him or her at that address;
- (b) if the person is a body corporate other than a limited liability partnership, by giving it in accordance with paragraph (a) to the secretary of the body;
- (c) if the person is a limited liability partnership, by giving it in accordance with paragraph (a) to a member of the partnership; or
- (d) if the person is a partnership, by giving it in accordance with paragraph (a) to a partner or a person having control of the management of the partnership business.

(2) For the purposes of this section and section 7 of the Interpretation Act 1978<sup>(24)</sup> (service of documents by post) in its application to this section, the proper address of any person to whom a notice is to be given shall be his or her last known address, except that —

- (a) in the case of a body corporate (other than a limited liability partnership) or its secretary, it shall be the address of the registered or principal office of the body;
- (b) in the case of a limited liability partnership or a member of the partnership, it shall be the address of the registered or principal office of the partnership; and
- (c) in the case of a partnership or a partner or a person having the control or management of a partnership business, it shall be the address of the principal office of the partnership.

(3) Paragraph (4) applies if a person to be given a notice under these Regulations by the National Assembly for Wales has specified to it an address within the United Kingdom other than his or her proper address (as determined under paragraph (2)) as the one at which he or she or someone on his or her behalf will accept notices of that description.

(4) In relation to that notice, that address shall be treated as his or her proper address for the purposes of this regulation and section 7 of the Interpretation Act 1978 in its application to this regulation, instead of that determined under paragraph (2).

## Index of defined words and expressions

31. Schedule 10 contains an index of defined words and expressions used in these Regulations.

## Revocations and transitional provisions

32.—(1)

- (a) the Fodder Plant Seeds Regulations 1993(25), the Fodder Plant Seeds (Amendment) Regulations 1993(26), the Fodder Plant Seeds (Amendment) Regulations 1996(27) and the Fodder Plant Seeds (Amendment) Regulations 1999(28) are revoked insofar as they apply to Wales;
- (b) the Fodder Plant Seeds (Amendment)(Wales) Regulations 2001(29) are revoked;
- (c) the Seeds (Fees) Regulations 1985(30) are revoked in so far as they apply to England in relation to matters arising under the Fodder Plant Seeds Regulations 1993; and
- (d) the Seeds (Fees)(Amendment)(No.2)(Wales) Regulations 2002(31) are revoked in relation to matters arising under the Fodder Plant Seeds Regulations 1993

(2) Section 17 of the Interpretation Act 1978 shall not apply in relation to general licences made under the Fodder Plant Seeds Regulations 1993.

Signatory

Address  
Date

*Name*  
Parliamentary Under Secretary of State  
Department

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(25) S.I. 1993/2009, relevant amending instruments are S.I. 1993/2529, 1996/1453, 1997/616, 1999/1864, 2001/3665 (W.297).  
(26) S.I. 1993/2529.  
(27) S.I. 1996/1453.  
(28) S.I. 1999/1864.  
(29) S.I. 2001/3665 (W.297).  
(30) S.I. 1985/981, amended by S.I. 2002/1870 (W.183).  
(31) S.I. 2002/1870 (W.183).

# SCHEDULE 1

Regulations 2(5) and 26(20) and Schedule 10

## INTERPRETATION

### PART I

#### Meaning of pre-basic seed and similar expressions

##### **Pre-basic seed**

1. In these Regulations “pre-basic seed” means seed of a generation prior to basic seed that —

- (a) has been produced by or under the responsibility of the breeder according to accepted practices for the maintenance of the variety, and
- (b) is intended to be used for the production of more pre-basic seed, basic seed, or, with the breeder’s written authority —
  - (i) in the case of seed, other than field beans, field peas, Lucerne *Medicago sativa*, lupins and vetches, CS seed;
  - (ii) in the case of field beans, field peas, Lucerne *Medicago sativa*, lupins and vetches, C1 seed; or
  - (iii) in the case of field beans and field peas, C2 seed.

##### **UK officially certified pre-basic seed of a listed variety**

2.—(1) In these Regulations “UK officially certified pre-basic seed of a listed variety” means seed to which paragraph (2), (3) or (4) applies.

(2) This paragraph applies to —

- (a) seed of a listed variety officially certified as pre-basic seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, and
- (b) seed of a previously listed variety officially certified as pre-basic seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development and for which a marketing extension is in force.

(3) This paragraph applies to —

- (a) pre-basic seed of a listed variety —
  - (i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found by an official UK field inspection (whenever carried out) to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which basic seed is to be produced;
  - (ii) that satisfies the conditions laid down in Parts II and III of Schedule 4 for basic seed or satisfies all of those conditions except for the germination condition; and

- (iii) for which a seed test report has been issued stating that it has been found by an official UK seed test or by a UK seed test carried out under official supervision (in either case whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for basic seed or that it has been found by such a test to satisfy all of those conditions except for the germination condition;
- (b) pre-basic seed of a previously listed variety that complies with the requirements of paragraph (a)(i) to (iii) and for which a marketing extension is in force;
- (c) pre-basic seed of a listed variety that —
  - (i) has been imported into the United Kingdom as not finally certified pre-basic seed harvested in another member State, and
  - (ii) complies with the requirements of paragraph (a)(ii) and (iii);
- (d) pre-basic seed of a previously listed variety —
  - (i) that has been imported into the United Kingdom as not finally certified pre-basic seed harvested in another member State;
  - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
  - (iii) for which a marketing extension is in force; and
- (e) pre-basic seed —
  - (i) that has been imported into the United Kingdom as not finally certified pre-basic seed harvested in another member State;
  - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
  - (iii) that is of a variety that was unlisted at the time when the seed was imported into the United Kingdom but has since been listed,

other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development that has not been finally determined.

(4) Seed of a listed variety, or seed of a previously listed variety for which a marketing extension is in force, in respect of which a successful application has been made to the National Assembly for Wales under regulation 13 to re-grade it as pre-basic seed.

### **EC officially certified pre-basic seed of a listed variety**

- 3.** In these Regulations “EC officially certified pre-basic seed of a listed variety” means —
- (a) pre-basic seed of a listed variety officially certified as pre-basic seed by or on behalf of the competent seed certification authority in another member State, and
  - (b) pre-basic seed of a previously listed variety officially certified as pre-basic seed by or on behalf of the competent seed certification authority in another member State and for which a marketing extension is in force.

### **Overseas tested officially certified pre-basic seed of a listed variety**

**4.—(1)** In these Regulations “overseas tested officially certified pre-basic seed of a listed variety” means pre-basic seed to which paragraph (2) applies.

- (2) This paragraph applies to pre-basic seed —
- (a) that was harvested from a crop produced in a member State (including the United Kingdom) for which a field inspection report was issued by or on behalf of the competent seed certification authority in the member State stating that the crop has been found to satisfy the relevant Directive crop conditions for basic seed;
  - (b) for which a seed test report has been issued —

- (i) by or on behalf of the competent seed certification authority in the member State, or in a member State, other than the United Kingdom, into which the seed was subsequently imported, or
- (ii) by a licensed EC seed testing station in either of the member States referred to in paragraph (i),

stating that the seed has been found to satisfy the relevant Directive seed conditions for basic seed;

- (c) that has been imported into the United Kingdom as pre-basic seed of a variety that was unlisted at the time when the seed was imported but has since been listed; and
- (d) that is accompanied by —
  - (i) an Annex V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State referred to in paragraph (a), and
  - (ii) the seed test report referred to in paragraph (b).

### **UK officially certified early movement pre-basic seed of a listed variety**

**5.—**(1) In these Regulations “UK officially certified early movement pre-basic seed of a listed variety” means seed to which paragraph (2), (3) or (4) applies.

(2) This paragraph applies to —

- (a) seed of a listed variety officially certified as early movement pre-basic seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, and
- (b) seed of a previously listed variety officially certified as early movement pre-basic seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development and for which a marketing extension is in force.

(3) This paragraph applies to —

- (a) pre-basic seed of a listed variety —
  - (i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found by an official UK field inspection (whenever carried out) to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which basic seed is to be produced;
  - (ii) that, subject to paragraph (iii), satisfies the conditions laid down in Parts II and III of Schedule 4 for basic seed;
  - (iii) for which the results of a Schedule 4 germination test are awaited but for which a provisional analytical report has been obtained indicating what the percentage of germination of the seed is likely to be; and
  - (iv) for which a seed test report has been issued stating that it has been found, subject to the results of the awaited Schedule 4 germination test, by an official UK seed test or by a UK seed test carried out under official supervision (in either case whenever carried out), to satisfy the conditions laid down in Part II of Schedule 4 for basic seed;
- (b) pre-basic seed of a previously listed variety that complies with the requirements of paragraph (a)(i) to (iv) and for which a marketing extension is in force;
- (c) pre-basic seed of a listed variety —
  - (i) that has been imported into the United Kingdom as not finally certified pre-basic seed harvested in another member State, and
  - (ii) that complies with the requirements of paragraph (a)(ii) to (iv); and
- (d) pre-basic seed of a previously listed variety —



- (i) that has been imported into the United Kingdom as not finally certified pre-basic seed harvested in another member State;
- (ii) that complies with the requirements of paragraph (a)(ii) to (iv); and
- (iii) for which a marketing extension is in force,

other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development that has not been finally determined.

(4) Seed of a listed variety, or seed of a previously listed variety for which a marketing extension is in force, in respect of which a successful application has been made to the National Assembly for Wales under regulation 13 to re-grade it as early movement pre-basic seed.

#### **EC officially certified early movement pre-basic seed of a listed variety**

6. In these Regulations “EC officially certified early movement pre-basic seed of a listed variety” means —

- (a) pre-basic seed of a listed variety officially certified as early movement pre-basic seed by or on behalf of the competent seed certification authority in another member State, and
- (b) pre-basic seed of a previously listed variety officially certified as early movement pre-basic seed by or on behalf of the competent seed certification authority in another member State and for which a marketing extension is in force.

#### **Officially certified pre-basic seed**

7. In these Regulations “officially certified pre-basic seed” means —

- (a) UK officially certified pre-basic seed of a listed variety;
- (b) EC officially certified pre-basic seed of a listed variety;
- (c) overseas tested officially certified pre-basic seed of a listed variety;
- (d) UK officially certified early movement pre-basic seed of a listed variety; and
- (e) EC officially certified early movement pre-basic seed of a listed variety.

## **PART II**

### **Meaning of basic seed and similar expressions**

#### **Basic seed**

8.—(1) In these Regulations, other than in relation to a component of a hybrid variety of fodder kale, “basic seed” means seed —

- (a) that has been produced —
  - (i) by or under the responsibility of the breeder according to accepted practices for the maintenance of the variety, or
  - (ii) under the supervision of the National Assembly for Wales from seeds recognised by it to be of a local variety and grown within a specific area, and
- (b) that is intended to be used for the production of —
  - (i) in the case of seed, other than field beans, field peas, Lucerne *Medicago sativa*, lupins and vetches, CS seed;

- (ii) in the case of field beans, field peas, Lucerne *Medicago sativa*, lupins and vetches, C1 seed; or
- (iii) in the case of field beans and field peas, C2 seed.

(2) In these Regulations, in relation a component of a hybrid variety of fodder kale, “basic seed” means seed of the component —

- (i) that has been produced by or under the responsibility of the breeder, and
- (ii) that is intended to be used for the production of CS seed of the hybrid variety.

### **UK officially certified basic seed of a listed variety**

9.—(1) In these Regulations “UK officially certified basic seed of a listed variety” means seed to which paragraph (2), (3) or (4) applies.

(2) This paragraph applies to —

- (a) seed of a listed variety officially certified as basic seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, and
- (b) seed of a previously listed variety officially certified as basic seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development and for which a marketing extension is in force.

(3) This paragraph applies to —

- (a) basic seed of a listed variety —
  - (i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found by an official UK field inspection (whenever carried out) to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which basic seed is to be produced;
  - (ii) that satisfies the conditions laid down in Parts II and III of Schedule 4 for basic seed or satisfies all of those conditions except for the germination condition; and
  - (iii) for which a seed test report has been issued stating that it has been found by an official UK seed test or by a UK seed test carried out under official supervision (in either case whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for basic seed or that it has been found by such a test to satisfy all of those conditions except for the germination condition;
- (b) basic seed of a previously listed variety that complies with the requirements of paragraph (a)(i) to (iii) and for which a marketing extension is in force;
- (c) basic seed of a listed variety —
  - (i) that has been imported into the United Kingdom as not finally certified basic seed harvested in another member State, and
  - (ii) that complies with the requirements of paragraph (a)(ii) and (iii);
- (d) basic seed of a previously listed variety —
  - (i) that has been imported into the United Kingdom as not finally certified basic seed harvested in another member State;
  - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
  - (iii) for which a marketing extension is in force; and
- (e) basic seed —
  - (i) that has been imported into the United Kingdom as not finally certified basic seed harvested in another member State;
  - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and

- (iii) is of a variety that was unlisted at the time when the seed was imported into the United Kingdom but has since been listed,

other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development that has not been finally determined.

(4) Seed of a listed variety, or seed of a previously listed variety for which a marketing extension is in force, in respect of which a successful application has been made to the National Assembly for Wales under regulation 13 to re-grade it as basic seed.

#### **EC officially certified basic seed of a listed variety**

**10.** In these Regulations “EC officially certified basic seed of a listed variety” means —

- (a) basic seed of a listed variety officially certified as basic seed by or on behalf of the competent seed certification authority in another member State, and
- (b) basic seed of a previously listed variety officially certified as basic seed by or on behalf of the competent seed certification authority in another member State and for which a marketing extension is in force.

#### **Third country officially certified basic seed of a listed variety**

**11.—**(1) In these Regulations “third country officially certified basic seed of a listed variety” means seed to which paragraph (2) or (3) applies.

(2) This paragraph applies to basic seed of a listed variety —

- (a) that was harvested from a crop that was produced in an equivalent third country from a preceding generation of seed that was produced in accordance with the provisions specified in paragraph 5 of Part B of Annex II to the Third Country Equivalence Decision;
- (b) that has been officially certified as basic seed by the approved seed certification authority in that country in accordance with —
  - (i) in the case of seed other than crucifers, the OECD Grass and Legume Seed Scheme, and
  - (ii) in the case of crucifers, the OECD Crucifer and Oil and Fibre Seed Scheme; and
  - (iii) in both cases, the conditions specified in paragraphs 1 and 2 of Part B of Annex II to the Third Country Equivalence Decision;

(c) that has been packed in packages that have been officially closed and marked in accordance with —

- (i) in the case of seed other than crucifers, the OECD Grass and Legume Seed Scheme, and
- (ii) in the case of crucifers, the OECD Crucifer and Oil and Fibre Seed Scheme;

and, as regards the packaging, in accordance with the relevant conditions specified in paragraph 3 of Part B of Annex II to the Third Country Equivalence Decision; and

(d) that has been imported into the United Kingdom and was accompanied by —

- (i) an OECD Certificate issued by the approved seed certification authority in respect of the seed lot from which the seed was taken approving the seed in that lot as basic seed; and
- (ii) subject to paragraph (iii), an Orange or Green International Seed Lot Certificate issued under the Rules of ISTA showing that it has been found to satisfy the relevant Directive seed conditions for basic seed other than those relating to varietal identity and varietal purity; or
- (iii) in a case where the seed has been certified in Canada or the United States of America, a Lot Inspection Certificate issued by the Official Seed Testing Laboratory

under the authority of the State Seed Testing Agency showing that it has been found to satisfy those conditions instead of a certificate of the type referred to in paragraph (ii).

- (3) This paragraph applies to basic seed —
- (a) of a previously listed variety that is on the OECD List and for which a marketing extension is in force, and
  - (b) that complies with the requirements of paragraph (2)(a) to (d).

**Overseas tested officially certified basic seed of a listed variety**

**12.**—(1) In these Regulations “overseas tested officially certified basic seed of a listed variety” means basic seed to which paragraph (2) or (3) applies.

- (2) This paragraph applies to basic seed —
- (a) that has been harvested from a crop produced in a member State (including the United Kingdom) for which a field inspection report was issued by or on behalf of the competent seed certification authority in the member State stating that the crop has been found to satisfy the relevant Directive crop conditions for basic seed;
  - (b) for which a seed test report has been issued —
    - (i) by or on behalf of the competent seed certification authority in the member State, or in a member State, other than the United Kingdom, into which the seed was subsequently imported, or
    - (ii) by a licensed EC seed testing station in either of the member States referred to in paragraph (i),stating that the seed has been found to satisfy the relevant Directive seed conditions for basic seed;
  - (c) that has been imported into the United Kingdom as basic seed of a variety that was unlisted at the time when the seed was imported but has since been listed; and
  - (d) that is accompanied by —
    - (i) an Annex V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State referred to in paragraph (a), and
    - (ii) the seed test report referred to in paragraph (b).
- (3) This paragraph applies to basic seed —
- (a) that complies with the requirements of paragraph 11(2)(a) to (d), and
  - (b) that was imported into the United Kingdom as basic seed of a variety that was unlisted at the time when the seed was imported but has since been listed.

**UK officially certified early movement basic seed of a listed variety**

**13.**—(1) In these Regulations “UK officially certified early movement basic seed of a listed variety” means seed to which paragraph (2), (3) or (4) applies.

- (2) This paragraph applies to —
- (a) seed of a listed variety officially certified as early movement basic seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, and
  - (b) seed of a previously listed variety officially certified as early movement basic seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development and for which a marketing extension is in force.
- (3) This paragraph applies to —
- (a) basic seed of a listed variety —

- (i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found by an official UK field inspection (whenever carried out) to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which basic seed is to be produced;
  - (ii) that, subject to paragraph (iii), satisfies the conditions laid down in Parts II and III of Schedule 4 for basic seed;
  - (iii) for which the results of a Schedule 4 germination test are awaited but for which a provisional analytical report has been obtained indicating what the percentage of germination of the seed is likely to be; and
  - (iv) for which a seed test report has been issued stating that it has been found, subject to the results of the awaited Schedule 4 germination test, by an official UK seed test or by a UK seed test carried out under official supervision (in either case whenever carried out), to satisfy the conditions laid down in Part II of Schedule 4 for basic seed;
- (b) basic seed of a previously listed variety that complies with the requirements of paragraph (a)(i) to (iv) and for which a marketing extension is in force;
  - (c) basic seed of a listed variety —
    - (i) that has been imported into the United Kingdom as not finally certified basic seed harvested in another member State, and
    - (ii) that complies with the requirements of paragraph (a)(ii) to (iv); and
  - (d) basic seed of a previously listed variety —
    - (i) that has been imported into the United Kingdom as not finally certified basic seed harvested in another member State;
    - (ii) that complies with the requirements of paragraph (a)(ii) to (iv); and
    - (iii) for which a marketing extension is in force,

other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development that has not been finally determined.

(4) Seed of a listed variety, or seed of a previously listed variety for which a marketing extension is in force, in respect of which a successful application has been made to the National Assembly for Wales under regulation 13 to re-grade it as early movement basic seed.

**EC officially certified early movement basic seed of a listed variety**

**14.** In these Regulations “EC officially certified early movement basic seed of a listed variety” means —

- (a) basic seed of a listed variety officially certified as early movement basic seed by or on behalf of the competent seed certification authority in another member State, and
- (b) basic seed of a previously listed variety officially certified as early movement basic seed by or on behalf of the competent seed certification authority in another member State and for which a marketing extension is in force.

**UK officially certified basic seed of a component of a listed hybrid variety**

**15.—(1)** In these Regulations “UK officially certified basic seed of a component of a listed hybrid variety” means seed to which paragraph (2) or (3) applies.

(2) This paragraph applies to —

- (a) seed of a component of a listed hybrid variety officially certified as basic seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, and

- (b) seed of a component of a previously listed hybrid variety officially certified as basic seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development and for which a marketing extension is in force in respect of seed of the hybrid variety.

(3) This paragraph applies to —

- (a) basic seed of a component of a listed hybrid variety —
  - (i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found by an official UK field inspection (whenever carried out) to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which basic seed is to be produced;
  - (ii) that satisfies the conditions laid down in Parts II and III of Schedule 4 for basic seed or satisfies all of those conditions except for the germination condition; and
  - (iii) for which a seed test report has been issued stating that it has been found by an official UK seed test or by a UK seed test carried out under official supervision (in either case whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for basic seed or that it has been found by such a test to satisfy all of those conditions except for the germination condition;
- (b) basic seed of a component of a previously listed hybrid variety that complies with the requirements of paragraph (a)(i) to (iii) and for which a marketing extension is in force in respect of seed of the hybrid variety;
- (c) basic seed of a component of a listed hybrid variety —
  - (i) that has been imported into the United Kingdom as not finally certified basic seed harvested in another member State, and
  - (ii) that complies with the requirements of paragraph (a)(ii) and (iii);
- (d) basic seed of a component of a previously listed hybrid variety —
  - (i) that has been imported into the United Kingdom as not finally certified basic seed harvested in another member State;
  - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
  - (iii) for which a marketing extension is in force in respect of seed of the hybrid variety;
- (e) basic seed —
  - (i) that has been imported into the United Kingdom as not finally certified basic seed harvested in another member State;
  - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
  - (iii) that is a component of a hybrid variety that was unlisted at the time when the seed was imported into the United Kingdom but has since been listed,

other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development that has not been finally determined.

#### **EC officially certified basic seed of a component of a listed hybrid variety**

**16.** In these Regulations “EC officially certified basic seed of a component of a listed hybrid variety” means —

- (a) basic seed of a component of a listed hybrid variety officially certified as basic seed by or on behalf of the competent seed certification authority in another member State, and
- (b) basic seed of a component of a previously listed hybrid variety officially certified as basic seed by or on behalf of the competent seed certification authority in another member State for which a marketing extension is in force in respect of seed of the hybrid variety.

### **Third country officially certified basic seed of a component of a listed hybrid variety**

17.—(1) In these Regulations “third country officially certified basic seed of a component of a listed hybrid variety” means seed to which paragraph (2) or (3) applies.

(2) This paragraph applies to basic seed of a component of a listed hybrid variety —

- (a) that was harvested from a crop that was produced —
  - (i) in an equivalent third country,
  - (ii) from a preceding generation of seed that was produced in accordance with the provisions specified in paragraph 5 of Part B of Annex II to the Third Country Equivalence Decision; and
- (b) that has been officially certified as basic seed by the approved seed certification authority in that country in accordance with —
  - (i) in the case of seed other than crucifers, the OECD Grass and Legume Seed Scheme, and
  - (ii) in the case of crucifers, the OECD Crucifer and Oil and Fibre Seed Scheme; and
  - (iii) in both cases, the conditions specified in paragraphs 1 and 2 of Part B of Annex II to the Third Country Equivalence Decision;
- (c) that has been packed in packages that have been officially closed and marked in accordance with —
  - (i) in the case of seed other than crucifers, the OECD Grass and Legume Seed Scheme, and
  - (ii) in the case of crucifers, the OECD Crucifer and Oil and Fibre Seed Scheme;

and, as regards the packaging, in accordance with the relevant conditions specified in paragraph 3 of Part B of Annex II to the Third Country Equivalence Decision; and

- (d) that has been imported into the United Kingdom and was accompanied by —
  - (i) an OECD Certificate issued by the approved seed certification authority in respect of the seed lot from which the seed was taken approving the seed in that lot as basic seed; and
  - (ii) subject to paragraph (iii), an Orange or Green International Seed Lot Certificate issued under the Rules of ISTA showing that it has been found to satisfy the relevant Directive seed conditions for basic seed other than those relating to varietal identity and varietal purity; or
  - (iii) in a case where the seed has been certified in Canada or the United States of America, a Lot Inspection Certificate issued by the Official Seed Testing Laboratory under the authority of the State Seed Testing Agency showing that it has been found to satisfy those conditions instead of a certificate of the type referred to in paragraph (ii).

(3) This paragraph applies to basic seed of a component —

- (a) of a previously listed hybrid variety that is on the OECD List and for which a marketing extension is in force, and
- (b) that complies with the requirements of paragraph (2)(a) to (d).

### **Overseas tested officially certified basic seed of a component of a listed hybrid variety**

**18.**—(1) In these Regulations “overseas tested officially certified basic seed of a component of a listed hybrid variety” means basic seed to which paragraph (2) or (3) applies.

(2) This paragraph applies to basic seed of a component of a listed hybrid variety —

- (a) that has been harvested from a crop produced in a member State (including the United Kingdom) for which a field inspection report was issued by or on behalf of the competent seed certification authority in the member State stating that the crop has been found to satisfy the relevant Directive crop conditions for basic seed;
- (b) for which a seed test report has been issued —
  - (i) by or on behalf of the competent seed certification authority in the member State, or in a member State, other than the United Kingdom, into which the seed was subsequently imported, or
  - (ii) by a licensed EC seed testing station in either of the member States referred to in paragraph (i),

stating that the seed has been found to satisfy the relevant Directive seed conditions for basic seed;

- (c) that has been imported into the United Kingdom as a component of a hybrid variety that was unlisted at the time when the seed was imported into the United Kingdom but has since been listed, and
- (d) that is accompanied by —
  - (i) an Annex V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State referred to in paragraph (a), and
  - (ii) the seed test report referred to in paragraph (b).

(3) This paragraph applies to basic seed of a component of a listed hybrid variety —

- (a) that complies with the requirements of paragraph 17(2)(a) to (d), and
- (b) that was imported into the United Kingdom as basic seed of a component of a hybrid variety that was unlisted at the time when the seed was imported into the United Kingdom but has since been listed.

### **UK officially certified early movement basic seed of a component of a listed hybrid variety**

**19.**—(1) In these Regulations “UK officially certified early movement basic seed of a component of a listed hybrid variety” means seed of which paragraph (2) or (3) applies.

(2) This paragraph applies to —

- (a) seed of a component of a listed hybrid variety officially certified as early movement basic seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, and
- (b) seed of a component of a previously listed hybrid variety officially certified as early movement basic seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development and for which a marketing extension is in force in respect of seed of the hybrid variety.

(3) This paragraph applies to —

- (a) basic seed of a component of a listed hybrid variety —
  - (i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found by an official UK field inspection (whenever carried out) to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which basic seed is to be produced;



- (ii) that, subject to paragraph (iii), satisfies the conditions laid down in Parts II and III of Schedule 4 for basic seed;
  - (iii) for which the results of a Schedule 4 germination test are awaited but for which a provisional analytical report has been obtained indicating what the percentage of germination of the seed is likely to be; and
  - (iv) for which a seed test report has been issued stating that it has been found, subject to the results of the awaited Schedule 4 germination test, by an official UK seed test or by a UK seed test carried out under official supervision (in either case whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for basic seed;
- (b) basic seed of a component of a previously listed hybrid variety that complies with the requirements of paragraph (a)(i) to (iv) and for which a marketing extension is in force in respect of seed of the hybrid variety;
  - (c) basic seed of a component of a listed hybrid variety —
    - (i) that has been imported into the United Kingdom as not finally certified basic seed harvested in another member State, and
    - (ii) complies with the requirements of paragraph (a)(ii) to (iv); and
  - (d) basic seed of a component of a previously listed hybrid variety —
    - (i) that has been imported into the United Kingdom as not finally certified basic seed harvested in another member State;
    - (ii) that complies with the requirements of paragraph (a)(ii) to (iv); and
    - (iii) for which a marketing extension is in force in respect of seed of the hybrid variety,

other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development that has not been finally determined.

#### **EC officially certified early movement basic seed of a component of a listed hybrid variety**

**20.** In these Regulations “EC officially certified early movement basic seed of a component of a listed hybrid variety” means —

- (a) basic seed of a component of a listed hybrid variety officially certified as early movement basic seed by or on behalf of the competent seed certification authority in another member State, and
- (b) basic seed of a component of a previously listed hybrid variety officially certified as early movement basic seed by or on behalf of the competent seed certification authority in another member State and for which a marketing extension is in force in respect of seed of the hybrid variety.

#### **Officially certified basic seed**

**21.** In these Regulations “officially certified basic seed” means —

- (a) UK officially certified basic seed of a listed variety;
- (b) EC officially certified basic seed of a listed variety;
- (c) third country officially certified basic seed of a listed variety;
- (d) overseas tested officially certified basic seed of a listed variety;
- (e) UK officially certified early movement basic seed of a listed variety;
- (f) EC officially certified early movement basic seed of a listed variety;
- (g) UK officially certified basic seed of a component of a listed hybrid variety;
- (h) EC officially certified basic seed of a component of a listed hybrid variety;
- (i) third country officially certified basic seed of a component of a listed hybrid variety;

- (j) overseas tested officially certified basic seed of a component of a listed hybrid variety;
- (k) UK officially certified early movement basic seed of a component of a listed hybrid variety; and
- (l) EC officially certified early movement basic seed of a component of a listed hybrid variety.

## PART III

### Meaning of CS seed and similar expressions

#### **CS seed**

**22.** In these Regulations in relation to all seed, other than field beans, field peas, Lucerne *Medicago sativa*, lupins and vetches, “CS seed” means seed that —

- (a) has been produced directly from officially certified basic seed or, with the breeder’s written authority, from officially certified pre-basic seed, and
- (b) is intended for purposes other than the production of fodder plant seed.

#### **UK officially certified CS seed of a listed variety**

**23.—(1)** In these Regulations “UK officially certified CS seed of a listed variety” means seed to which paragraph (2), (3) or (4) applies.

(2) This paragraph applies to —

- (a) seed of a listed variety officially certified as CS seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, and
- (b) seed of a previously listed variety officially certified as CS seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development and for which a marketing extension is in force.

(3) This paragraph applies to —

- (a) CS seed of a listed variety —
  - (i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found, by an official UK field inspection (whenever carried out) or, in the case of a crop that has been produced from seed that has been subject to satisfactory official post control, by a UK field inspection carried out under official supervision following the listing of the variety, to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which CS seed is to be produced;
  - (ii) that satisfies the conditions laid down in Parts II and III of Schedule 4 for CS seed; and
  - (iii) for which a seed test report has been issued stating that it has been found by an official UK seed test or by a UK seed test carried out under official supervision (in either case whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for CS seed;
- (b) CS seed of a previously listed variety that complies with the requirements of paragraph (a)(i) to (iii) and for which a marketing extension is in force;
- (c) CS seed of a listed variety —
  - (i) that has been imported into the United Kingdom as not finally certified CS seed harvested in another member State, and

- (ii) that complies with the requirements of paragraph (a)(ii) and (iii);
- (d) CS seed of a previously listed variety —
  - (i) that has been imported into the United Kingdom as not finally certified CS seed harvested in another member State;
  - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
  - (iii) for which a marketing extension is in force;
- (e) CS seed —
  - (i) that has been imported into the United Kingdom as not finally certified CS seed harvested in another member State or an equivalent third country;
  - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
  - (iii) is of a variety that was unlisted at the time when the seed was imported into the United Kingdom but has since been listed;
- (f) CS seed of a listed variety —
  - (i) that has been imported into the United Kingdom as not finally certified CS seed harvested in an equivalent third country, and
  - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
- (g) CS seed —
  - (i) of a previously listed variety that is on the OECD list;
  - (ii) that has been imported into the United Kingdom as not finally certified CS seed harvested in an equivalent third country;
  - (iii) that complies with the requirements of paragraph (a)(ii) and (iii); and
  - (iv) for which a marketing extension is in force,

other than seed to which paragraph (2) applies and seed for which an application for official certification has been made, the National Assembly for Wales or the Department of Agriculture and Rural Development that has not been finally determined.

(4) Seed of a listed variety, or of a previously listed variety for which a marketing extension is in force, in respect of which a successful application has been made to the National Assembly for Wales under regulation 13 to re-grade it as CS seed.

#### **EC officially certified CS seed of a listed variety**

- 24.** In these Regulations “EC officially certified CS seed of a listed variety” means —
- (a) CS seed of a listed variety officially certified as CS seed by or on behalf of the competent seed certification authority in another member State, and
  - (b) CS seed of a previously listed variety officially certified as CS seed by or on behalf of the competent seed certification authority in another member State and for which a marketing extension is in force.

#### **Third country officially certified CS seed of a listed variety**

**25.—(1)** In these Regulations “third country officially certified CS seed of a listed variety” means seed to which paragraph (2) or (3) applies.

- (2) This paragraph applies to CS seed of a listed variety —
- (a) that was harvested from a crop that was produced in an equivalent third country from basic seed that was produced in accordance with the provisions of paragraph 6 of Part B of the Annex to the Third Country Equivalence Decision;
  - (b) that has been officially certified as basic seed by the approved seed certification authority in that country in accordance with —

- (i) in the case of seed other than crucifers, the OECD Grass and Legume Seed Scheme, and
  - (ii) in the case of crucifers, the OECD Crucifer and Oil and Fibre Seed Scheme; and
  - (iii) in both cases, the conditions specified in paragraphs 1 and 2 of Part B of Annex II to the Third Country Equivalence Decision;
- (c) that has been packed in packages that have been officially closed and marked in accordance with —
- (i) in the case of seed other than crucifers, the OECD Grass and Legume Seed Scheme, and
  - (ii) in the case of crucifers, the OECD Crucifer and Oil and Fibre Seed Scheme;
- and, as regards the packaging, in accordance with the relevant conditions specified in paragraph 3 of Part B of the Annex II to the Third Country Equivalence Decision; and
- (d) that has been imported into the United Kingdom and was accompanied by —
- (i) an OECD Certificate issued by the approved seed certification authority in respect of the seed lot from which the seed was taken approving the seed in that lot as CS seed; and
  - (ii) subject to paragraph (iii), an Orange or Green International Seed Lot Certificate issued under the Rules of ISTA showing that it has been found to satisfy the relevant Directive seed conditions for CS seed other than those relating to varietal identity and varietal purity; or
  - (iii) in a case where the seed has been certified in Canada or the United States of America, a Lot Inspection Certificate issued by the Official Seed Testing Laboratory under the authority of the State Seed Testing Agency showing that it has been found to satisfy those conditions instead of a certificate of the type referred to in paragraph (ii).
- (3) This paragraph applies to CS seed —
- (a) of a previously listed variety that is on the OECD List and for which a marketing extension is in force, and
  - (b) that complies with the requirements of paragraph (2)(a) to (d).

**Overseas tested officially certified CS seed of a listed variety**

**26.**—(1) In these Regulations “overseas tested officially certified CS seed of a listed variety” means CS seed to which paragraph (2), (3) or (4) applies.

(2) This paragraph applies to CS seed —

- (a) that has been harvested from a crop produced in a member State (including the United Kingdom) for which a field inspection report was issued by or on behalf of the competent seed certification authority in the member State stating that the crop had been found to satisfy the relevant Directive crop conditions for CS seed;
- (b) for which a seed test report has been issued —
  - (i) by or on behalf of the competent seed certification authority in the member State, or in a member State, other than the United Kingdom, into which the seed was subsequently imported, or
  - (ii) by a licensed EC seed testing station in either of the member States referred to in paragraph (i),

stating that the seed has been found to satisfy the relevant Directive seed conditions for CS seed;

- (c) that has been imported into the United Kingdom as CS seed of a variety that was unlisted at the time when the seed was imported but has since been listed; and
- (d) that is accompanied by —

- (i) an Annex V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State referred to in paragraph (a), and
  - (ii) the seed test report referred to in paragraph (b).
- (3) This paragraph applies to CS seed —
- (a) that was harvested from a crop produced in an equivalent third country for which a field inspection report was issued by the approved seed certification authority or a licensed third country crop inspector in that country stating that the crop had been found to satisfy the relevant Directive crop conditions for CS seed;
  - (b) that was subsequently imported into a member State other than the United Kingdom and for which a seed test report has been issued by or on behalf of the competent seed certification authority or by a licensed EC seed testing station in that member State, stating that the seed has been found to satisfy the relevant Directive seed conditions for CS seed;
  - (c) that has been imported into the United Kingdom as CS seed of a variety that was unlisted at the time when the seed was imported but has since been listed; and
  - (d) that is accompanied by —
    - (i) an Annex II.A(3) official certificate relating to the crop from which the seed was harvested issued by the approved seed certification authority in the third country referred to in paragraph (a) stating that the crop has been found to satisfy the relevant crop conditions for CS seed, and
    - (ii) the seed test report referred to in paragraph (b).
- (4) This paragraph applies to CS seed —
- (a) that complies with the requirements of paragraph 25(2)(a) and (d), and
  - (b) that was imported into the United Kingdom as CS seed of a variety that was unlisted at the time when the seed was imported but has since been listed.

**UK officially certified early movement CS seed of a listed variety**

**27.**—(1) In these Regulations “UK officially certified early movement CS seed of a listed variety” means seed to which paragraph (2), (3) or (4) applies.

- (2) This paragraph applies to —
- (a) seed of a listed variety officially certified as early movement CS seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, and
  - (b) seed of a previously listed variety officially certified as early movement CS seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development and for which a marketing extension is in force.
- (3) This paragraph applies to —
- (a) CS seed of a listed variety —
    - (i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found by an official UK field inspection (whenever carried out) or, in the case of a crop that has been produced from seed that has been subject to satisfactory official post control, by a UK field inspection carried out under official supervision following the listing of the variety, to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which CS seed is to be produced;
    - (ii) that, subject to paragraph (iii), satisfies the conditions laid down in Parts II and III of Schedule 4 for CS seed;
    - (iii) for which the results of a Schedule 4 germination test are awaited to determine whether the seed will satisfy the applicable germination standard for CS seed but for

which a provisional analytical report has been obtained indicating that the seed is likely to meet that standard; and

- (iv) for which a seed test report has been issued stating that it has been found, subject to the results of the awaited Schedule 4 germination test, by an official UK seed test or by a UK seed test carried out under official supervision (in either case whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for CS seed;
- (b) CS seed of a previously listed variety that complies with the requirements of paragraph (a)(i) to (iv) and for which a marketing extension is in force;
- (c) CS seed of a listed variety —
  - (i) that has been imported into the United Kingdom as not finally certified CS seed harvested in another member State, and
  - (ii) complies with the requirements of paragraph (a)(ii) to (iv);
- (d) CS seed of a previously listed variety —
  - (i) that has been imported into the United Kingdom as not finally certified CS seed harvested in another member State;
  - (ii) that complies with the requirements of paragraph (a)(ii) to (iv); and
  - (iii) for which a marketing extension is in force;
- (e) CS seed of a listed variety —
  - (i) that has been imported into the United Kingdom as not finally certified CS seed harvested in an equivalent third country, and
  - (ii) that complies with the requirements of paragraph (a)(ii) to (iv);
- (f) CS seed —
  - (i) of a previously listed variety that is on the OECD list;
  - (ii) that has been imported into the United Kingdom as not finally certified CS seed harvested in an equivalent third country;
  - (iii) that complies with the requirements of paragraph (a)(ii) to (iv); and
  - (iv) for which a marketing extension is in force,

other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development that has not been finally determined.

(4) Seed of a listed variety, or of a previously listed variety for which a marketing extension is in force, in respect of which a successful application has been made to the National Assembly for Wales under regulation 13 to re-grade it as early movement CS seed.

#### **EC officially certified early movement CS seed of a listed variety**

**28.** In these Regulations “EC officially certified early movement CS seed of a listed variety” means —

- (a) CS seed of a listed variety officially certified as early movement CS seed by or on behalf of the competent seed certification authority in another member State, and
- (b) CS seed of a previously listed variety officially certified as early movement CS seed by or on behalf of the competent seed certification authority in another member State and for which a marketing extension is in force.

#### **Officially certified CS seed**

**29.** In these Regulations “officially certified CS seed” means —

- (a) UK officially certified CS seed of a listed variety;
- (b) EC officially certified CS seed of a listed variety;

- (c) third country officially certified CS seed of a listed variety;
- (d) overseas tested officially certified CS seed of a listed variety;
- (e) UK officially certified early movement CS seed of a listed variety; and
- (f) EC officially certified early movement CS seed of a listed variety.

### **C1 seed**

**30.** In these Regulations, in relation to field beans, field peas, Lucerne *Medicago sativa*, lupins and vetches, “C1 seed” means seed that —

- (a) has been produced directly from officially certified basic seed or, with the breeder’s written authority, from officially certified pre-basic seed, and
- (b) is intended —
  - (i) in the case of field beans and field peas, for production of C2 seed, or
  - (ii) in the case of field beans, field peas, Lucerne *Medicago sativa*, lupins and vetches, for purposes other than the production of fodder plant seed.

### **UK officially certified C1 seed of a listed variety**

**31.—(1)** In these Regulations “UK officially certified C1 seed of a listed variety” means seed to which paragraph (2), (3) or (4) applies.

(2) This paragraph applies to —

- (a) seed of a listed variety officially certified as C1 seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, and
- (b) seed of a previously listed variety officially certified as C1 seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development and for which a marketing extension is in force.

(3) This paragraph applies to —

- (a) C1 seed of a listed variety —
  - (i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found, by an official UK field inspection (whenever carried out) or, in the case of a crop that has been produced from seed that has been subject to satisfactory official post control, by a UK field inspection carried out under official supervision following the listing of the variety, to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which C1 seed is to be produced;
  - (ii) that satisfies the conditions laid down in Parts II and III of Schedule 4 for C1 seed; and
  - (iii) for which a seed test report has been issued stating that it has been found by an official UK seed test or by a UK seed test carried out under official supervision (in either case whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for C1 seed;
- (b) C1 seed of a previously listed variety that complies with the requirements of paragraph (a)(i) to (iii) and for which a marketing extension is in force;
- (c) C1 seed of a listed variety —
  - (i) that has been imported into the United Kingdom as not finally certified C1 seed harvested in another member State, and
  - (ii) that complies with the requirements of paragraph (a)(ii) and (iii);
- (d) C1 seed of a previously listed variety —

- (i) that has been imported into the United Kingdom as not finally certified C1 seed harvested in another member State;
- (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
- (iii) for which a marketing extension is in force;
- (e) C1 seed —
  - (i) that has been imported into the United Kingdom as not finally certified C1 seed harvested in another member State or an equivalent third country;
  - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
  - (iii) is of a variety that was unlisted at the time when the seed was imported into the United Kingdom but has since been listed;
- (f) C1 seed of a listed variety —
  - (i) that has been imported into the United Kingdom as not finally certified C1 seed harvested in an equivalent third country, and
  - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
- (g) C1 seed —
  - (i) of a previously listed variety that is on the OECD list;
  - (ii) that has been imported into the United Kingdom as not finally certified C1 seed harvested in an equivalent third country;
  - (iii) that complies with the requirements of paragraph (a)(ii) and (iii); and
  - (iv) for which a marketing extension is in force,

other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development that has not been finally determined.

(4) Seed of a listed variety, or of a previously listed variety for which a marketing extension is in force, in respect of which a successful application has been made to the National Assembly for Wales under regulation 13 to re-grade it as C1 seed.

### **EC officially certified C1 seed of a listed variety**

- 32.** In these Regulations “EC officially certified C1 seed of a listed variety” means —
- (a) C1 seed of a listed variety officially certified as C1 seed by the competent seed certification authority in another member State, and
  - (b) C1 seed of a previously listed variety officially certified as C1 seed by the competent seed certification authority in another member State and for which a marketing extension is in force.

### **Third country officially certified C1 seed of a listed variety**

**33.**—(1) In these Regulations “third country officially certified C1 seed of a listed variety” means C1 seed to which paragraph (2) or (3) applies.

- (2) This paragraph applies to C1 seed of a listed variety —
- (a) that was harvested from a crop that has been produced in an equivalent third country from a preceding generation of seed that was produced in accordance with the provisions of paragraph 6 of Part B of Annex II to the Third Country Equivalence Decision;
  - (b) that has been officially certified as basic seed by the approved seed certification authority in that country in accordance with the OECD Grass and Legume Seed Scheme and the conditions specified in paragraphs 1 and 2 of Part B of Annex II to the Third Country Equivalence Decision;
  - (c) that has been packed in packages that have been officially closed and marked in accordance with —



- (i) in the case of seed other than crucifers, the OECD Grass and Legume Seed Scheme, and
  - (ii) in the case of crucifers, the OECD Crucifer and Oil and Fibre Seed Scheme;
- and, as regards the packaging, in accordance with the relevant conditions specified in paragraph 3 of Part B of Annex II to the Third Country Equivalence Decision; and
- (d) that has been imported into the United Kingdom and was accompanied by —
    - (i) an OECD Certificate issued by the approved seed certification authority in respect of the seed lot from which the seed was taken approving the seed in that lot as C1 seed; and
    - (ii) subject to paragraph (iii), an Orange or Green International Seed Lot Certificate issued under the Rules of ISTA showing that it has been found to satisfy the relevant Directive seed conditions for C1 seed other than those relating to varietal identity and varietal purity; or
    - (iii) in a case where the seed has been certified in Canada or the United States of America, a Lot Inspection Certificate issued by the Official Seed Testing Laboratory under the authority of the State Seed Testing Agency showing that it has been found to satisfy those conditions instead of a certificate of the type referred to in paragraph (ii).
- (3) This paragraph applies to C1 seed —
- (a) of a previously listed variety that is on the OECD List and for which a marketing extension is in force, and
  - (b) that complies with the requirements of paragraph (2)(a) to (d).

**Overseas tested officially certified C1 seed of a listed variety**

**34.**—(1) In these Regulations “overseas tested officially certified C1 seed of a listed variety” means C1 seed to which paragraph (2), (3) or (4) applies.

- (2) This paragraph applies to C1 seed —
- (a) that has been harvested from a crop produced in a member State (including the United Kingdom) for which a field inspection report has been issued by or on behalf of the competent seed certification authority in the member State stating that the crop has been found to satisfy the relevant Directive crop conditions for C1 seed;
  - (b) for which a seed test report has been issued —
    - (i) by or on behalf of the competent seed certification authority in the member State, or in a member State, other than the United Kingdom, into which the seed was subsequently imported, or
    - (ii) by a licensed EC seed testing station in either of the member States referred to in paragraph (i),
 stating that the seed has been found to satisfy the relevant Directive seed conditions for C1 seed;
  - (c) that has been imported into the United Kingdom as C1 seed of a variety that was unlisted at the time when the seed was imported but has since been listed; and
  - (d) that is accompanied by —
    - (i) an Annex V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State referred to in paragraph (a), and
    - (ii) the seed test report referred to in paragraph (b).
- (3) This paragraph applies to C1 seed —
- (a) that was harvested from a crop produced in an equivalent third country for which a field inspection report was issued by the approved seed certification authority or a licensed

third country crop inspector in that country stating that the crop had been found to satisfy the relevant Directive crop conditions for C1 seed;

- (b) that was subsequently imported into a member State other than the United Kingdom and for which a seed test report has been issued by or on behalf of the competent seed certification authority or by a licensed EC seed testing station in that member State, stating that the seed has been found to satisfy the relevant Directive seed conditions for C1 seed;
  - (c) that has been imported into the United Kingdom as C1 seed of a variety that was unlisted at the time when the seed was imported but has since been listed; and
  - (d) that is accompanied by —
    - (i) an Annex II.A(3) official certificate relating to the crop from which the seed was harvested issued by the approved seed certification authority in the third country referred to in paragraph (a) stating that the crop has been found to satisfy the relevant crop conditions for C1 seed, and
    - (ii) the seed test report referred to in paragraph (b).
- (4) This paragraph applies to C1 seed —
- (a) that complies with the requirements of paragraph 33(2)(a) to (d), and
  - (b) that was imported into the United Kingdom as C1 seed of a variety that was unlisted at the time when the seed was imported but has since been listed.

#### **UK officially certified early movement C1 seed of a listed variety**

**35.—**(1) In these Regulations “UK officially certified early movement C1 seed of a listed variety” means seed to which paragraph (2), (3) or (4) applies.

- (2) This paragraph applies to —
- (a) seed of a listed variety officially certified as early movement C1 seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, and
  - (b) seed of a previously listed variety officially certified as early movement C1 seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development and for which a marketing extension is in force.
- (3) This paragraph applies to —
- (a) C1 seed of a listed variety —
    - (i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found by an official UK field inspection (whenever carried out) or, in the case of a crop that has been produced from seed that has been subject to satisfactory official post control, by a UK field inspection carried out under official supervision following the listing of the variety, to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which C1 seed is to be produced;
    - (ii) that, subject to paragraph (iii), satisfies the conditions laid down in Parts II and III of Schedule 4 for C1 seed;
    - (iii) for which the results of a Schedule 4 germination test are awaited to determine whether the seed will satisfy the applicable germination standard for C1 seed but for which a provisional analytical report has been obtained indicating that the seed is likely to meet that standard; and
    - (iv) for which a seed test report has been issued stating that it has been found, subject to the results of the awaited Schedule 4 germination test, by an official UK seed test or by a UK seed test carried out under official supervision (in either case whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for C1 seed;

- (b) C1 seed of a previously listed variety that complies with the requirements of paragraph (a)(i) to (iv) and for which a marketing extension is in force;
- (c) C1 seed of a listed variety —
  - (i) that has been imported into the United Kingdom as not finally certified C1 seed harvested in another member State, and
  - (ii) complies with the requirements of paragraph (a)(ii) to (iv);
- (d) C1 seed of a previously listed variety —
  - (i) that has been imported into the United Kingdom as not finally certified C1 seed harvested in another member State;
  - (ii) that complies with the requirements of paragraph (a)(ii) to (iv); and
  - (iii) for which a marketing extension is in force;
- (e) C1 seed of a listed variety —
  - (i) that has been imported into the United Kingdom as not finally certified C1 seed harvested in an equivalent third country, and
  - (ii) that complies with the requirements of paragraph (a)(ii) to (iv);
- (f) C1 seed —
  - (i) of a previously listed variety that is on the OECD list;
  - (ii) that has been imported into the United Kingdom as not finally certified C1 seed harvested in an equivalent third country;
  - (iii) that complies with the requirements of paragraph (a)(ii) to (iv); and
  - (iv) for which a marketing extension is in force,

other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development that has not been finally determined.

(4) Seed of a listed variety, or of a previously listed variety for which a marketing extension is in force, in respect of which a successful application has been made to the National Assembly for Wales under regulation 13 to re-grade it as early movement C1 seed.

**EC officially certified early movement C1 seed of a listed variety**

**36.** In these Regulations “EC officially certified early movement C1 seed of a listed variety” means —

- (a) C1 seed of a listed variety officially certified as early movement C1 seed by the competent seed certification authority in another member State, and
- (b) C1 seed of a previously listed variety officially certified as early movement C1 seed by the competent seed certification authority in another member State and for which a marketing extension is in force.

**Officially certified C1 seed**

**37.** In these Regulations “officially certified C1 seed” means —

- (a) UK officially certified C1 seed of a listed variety;
- (b) EC officially certified C1 seed of a listed variety;
- (c) third country officially certified C1 seed of a listed variety;
- (d) overseas tested officially certified C1 seed of a listed variety;
- (e) UK officially certified early movement C1 seed of a listed variety; and
- (f) EC officially certified early movement C1 seed of a listed variety.

## **C2 seed**

**38.** In these Regulations, in relation to field beans, field peas, Lucerne *Medicago sativa*, lupins and vetches, “C2 seed” means seed —

- (a) that has been produced directly from —
  - (i) officially certified basic seed;
  - (ii) officially certified C1 seed; or
  - (iii) with the breeder’s written authority, from officially certified pre-basic seed, and
- (b) that is intended for purposes other than the production of fodder plant seed.

## **UK officially certified C2 seed of a listed variety**

**39.—(1)** In these Regulations, in relation to field beans and field peas, “UK officially certified C2 seed of a listed variety” means seed to which paragraph (2), (3) or (4) applies.

(2) This paragraph applies to —

- (a) seed of a listed variety officially certified as C2 seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, and
- (b) seed of a previously listed variety officially certified as C2 seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development and for which a marketing extension is in force.

(3) This paragraph applies to —

- (a) C2 seed of a listed variety —
  - (i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found, by an official UK field inspection (whenever carried out) or, in the case of a crop that has been produced from seed that has been subject to satisfactory official post control, by a UK field inspection carried out under official supervision following the listing of the variety, to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which C2 seed is to be produced;
  - (ii) that satisfies the conditions laid down in Parts II and III of Schedule 4 for C2 seed; and
  - (iii) for which a seed test report has been issued stating that it has been found by an official UK seed test or by a UK seed test carried out under official supervision (in either case whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for C2 seed;
- (b) C2 seed of a previously listed variety that complies with the requirements of paragraph (a)(i) to (iii) and for which a marketing extension is in force;
- (c) C2 seed of a listed variety —
  - (i) that has been imported into the United Kingdom as not finally certified C2 seed harvested in another member State, and
  - (ii) that complies with the requirements of paragraph (a)(ii) and (iii);
- (d) C2 seed of a previously listed variety —
  - (i) that has been imported into the United Kingdom as not finally certified C2 seed harvested in another member State or an equivalent third country;
  - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
  - (iii) for which a marketing extension is in force; and
- (e) C2 seed —
  - (i) that has been imported into the United Kingdom as not finally certified C2 seed harvested in another member State;

- (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
  - (iii) is of a variety that was unlisted at the time when the seed was imported into the United Kingdom but has since been listed,
- (f) C2 seed of a listed variety that—
- (i) has been imported into the United Kingdom as not finally certified C2 seed harvested in an equivalent third country; and
  - (ii) complies with the requirements of paragraphs (a)(ii) and (iii); and
- (g) C2 seed—
- (i) of a previously listed variety that is on the OECD list;
  - (ii) that has been imported into the United Kingdom as not finally certified C2 seed harvested in an equivalent third country;
  - (iii) that complies with the requirements of paragraphs (a)(ii) and (iii); and
  - (iv) for which a marketing extension is in force,

other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development that has not been finally determined.

(4) Seed of a listed variety, or of a previously listed variety for which a marketing extension is in force, in respect of which a successful application has been made to the National Assembly for Wales under regulation 13 to re-grade it as C2 seed.

#### **EC officially certified C2 seed of a listed variety**

**40.** In these Regulations “EC officially certified C2 seed of a listed variety” means —

- (a) C2 seed of a listed variety officially certified as C2 seed by the competent seed certification authority in another member State, and
- (b) C2 seed of a previously listed variety officially certified as C2 seed by the competent seed certification authority in another member State and for which a marketing extension is in force.

#### **“Third country officially certified C2 seed of a listed variety**

**41.** In these Regulations “third country officially certified C2 seed of a listed variety” means C2 seed of an approved species to which paragraph (2) or (3) applies.

(1) This paragraph applies to C2 seed of a listed variety that —

- (a) was harvested from a crop that was produced—
  - (i) in an equivalent third country, and
  - (ii) from a preceding generation of seed that was produced in accordance with the provisions of paragraph 6 of Part B of Annex II to the Third Country Equivalence Decision;
- (b) has been officially certified as C2 seed by the approved seed certification authority in that country in accordance with the OECD Grass and Legume Seed Scheme and the conditions specified in paragraphs 1 and 2 of Part B of Annex II to the Third Country Equivalence Decision;
- (c) has been packed in packages that have been officially closed and marked in accordance with the relevant conditions specified in paragraph 3 of Part B of Annex II to the Third Country Equivalence Decision; and
- (d) has been imported into the United Kingdom and was accompanied by —

- (i) an OECD Certificate issued by the approved seed certification authority in respect of the seed lot from which the seed was taken approving the seed in that lot as C2 seed; and
  - (ii) subject to paragraph (iii), an Orange or Green International Seed Lot Certificate issued under the Rules of ISTA showing that it has been found to satisfy the relevant Directive seed conditions for C2 seed other than those relating to varietal identity and varietal purity; or
  - (iii) in a case where the seed has been certified in Canada or the United States of America, a Lot Inspection Certificate issued by the Official Seed Testing Laboratory under the authority of the State Seed Testing Agency showing that it has been found to satisfy those conditions instead of a certificate of the type referred to in paragraph (ii).
- (2) This paragraph applies to C2 seed —
- (a) of a previously listed variety that is on the OECD List and for which a marketing extension is in force; and
  - (b) that complies with the requirements of paragraphs (2)(a) to (d).

**Overseas tested officially certified C2 seed of a listed variety**

**42.** In these Regulations “overseas tested officially certified C2 seed of a listed variety” means C2 seed to which paragraph (2), (3) or (4) applies.

- (1) This paragraph applies to C2 seed —
- (a) that has been harvested from a crop produced in a member State (including the United Kingdom) for which a field inspection report has been issued by or on behalf of the competent seed certification authority in the member State stating that the crop has been found to satisfy the relevant Directive crop conditions for C2 seed;
  - (b) for which a seed test report has been issued —
    - (i) by or on behalf of the competent seed certification authority in the member State, or in a member State, other than the United Kingdom, into which the seed was subsequently imported, or
    - (ii) by a licensed EC seed testing station in either of the member States referred to in paragraph (i),
 stating that the seed has been found to satisfy the relevant Directive seed conditions for C2 seed;
  - (c) that has been imported into the United Kingdom as C2 seed of a variety that was unlisted at the time when the seed was imported but has since been listed; and
  - (d) that is accompanied by —
    - (i) an Annex V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State referred to in paragraph (a), and
    - (ii) the seed test report referred to in paragraph (b).
- (2) This paragraph applies to C2 seed of an approved species that —
- (a) was harvested from a crop produced in an equivalent third country for which a field inspection report was issued by the approved seed certification authority or a licensed third country crop inspector in that country stating that the crop had been found to satisfy the relevant Directive crop conditions for C2 seed;
  - (b) was subsequently imported into a member State other than the United Kingdom and for which a seed test report has been issued by or on behalf of the competent seed

- certification authority or by a licensed EC seed testing station in that member State, stating that the seed has been found to satisfy the relevant Directive seed conditions for C2 seed;
- (c) has been imported into the United Kingdom as C2 seed of a variety that was unlisted at the time when the seed was imported but has since been listed; and
  - (d) is accompanied by —
    - (i) an Annex II.A(3) official certificate relating to the crop from which the seed was harvested issued by the approved seed certification authority in the third country referred to in paragraph (a) stating that the crop has been found to satisfy the relevant crop conditions for C2 seed, and
    - (ii) the seed test report referred to in paragraph (b).
- (3) This paragraph applies to C2 seed of an approved species that —
- (a) complies with the requirements of paragraph 40A(2)(a) to (d), and
  - (b) was imported into the United Kingdom as C2 seed of a variety that was unlisted at the time when the seed was imported but has since been listed.

### **UK officially certified early movement C2 seed of a listed variety**

**43.**—(1) In these Regulations, in relation to field beans and field peas, “UK officially certified early movement C2 seed of a listed variety” means seed to which paragraph (2), (3) or (4) applies.

- (2) This paragraph applies to —
- (a) seed of a listed variety officially certified as early movement C2 seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, and
  - (b) seed of a previously listed variety officially certified as early movement C2 seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development and for which a marketing extension is in force.
- (3) This paragraph applies to —
- (a) C2 seed of a listed variety —
    - (i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found by an official UK field inspection (whenever carried out) or, in the case of a crop that has been produced from seed that has been subject to satisfactory official post control, by a UK field inspection carried out under official supervision following the listing of the variety, to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which C2 seed is to be produced;
    - (ii) that, subject to paragraph (iii), satisfies the conditions laid down in Parts II and III of Schedule 4 for C2 seed;
    - (iii) for which the results of a Schedule 4 germination test are awaited to determine whether the seed will satisfy the applicable germination standard for C2 seed but for which a provisional analytical report has been obtained indicating that the seed is likely to meet that standard; and
    - (iv) for which a seed test report has been issued stating that it has been found, subject to the results of the awaited Schedule 4 germination test, by an official UK seed test or by a UK seed test carried out under official supervision (in either case whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for C2 seed;
  - (b) C2 seed of a previously listed variety that complies with the requirements of paragraph (a)(i) to (iv) and for which a marketing extension is in force;
  - (c) C2 seed of a listed variety —
    - (i) that has been imported into the United Kingdom as not finally certified C2 seed harvested in another member State, and

- (ii) that complies with the requirements of paragraph (a)(ii) to (iv);
- (d) C2 seed of a previously listed variety —
  - (i) that has been imported into the United Kingdom as not finally certified C2 seed harvested in another member State;
  - (ii) that complies with the requirements of paragraph (a)(ii) to (iv); and
  - (iii) for which a marketing extension is in force,
- (e) C2 seed of a listed variety that —
  - (i) has been imported into the United Kingdom as not finally certified C2 seed harvested in an equivalent third country; and
  - (ii) complies with the requirements of paragraphs (a)(ii) to (iv); and
- (f) C2 seed —
  - (i) of a previously listed variety that is on the OECD list;
  - (ii) that has been imported into the United Kingdom as not finally certified C2 seed harvested in an equivalent third country;
  - (iii) that complies with the requirements of paragraphs (a)(ii) to (iv); and
  - (iv) for which a marketing extension is in force,

other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development that has not been finally determined.

(4) Seed of a listed variety, or of a previously listed variety for which a marketing extension is in force, in respect of which a successful application has been made to the National Assembly for Wales under regulation 13 to re-grade it as early movement C2 seed.

#### **EC officially certified early movement C2 seed of a listed variety**

**44.** In these Regulations “EC officially certified early movement C2 seed of a listed variety” means —

- (a) C2 seed of a listed variety officially certified as early movement C2 seed by the competent seed certification authority in another member State, and
- (b) C2 seed of a previously listed variety officially certified as early movement C2 seed by the competent seed certification authority in another member State and for which a marketing extension is in force.

#### **Officially certified C2 seed**

**45.** In these Regulations “officially certified C2 seed” means —

- (a) UK officially certified C2 seed of a listed variety;
- (b) EC officially certified C2 seed of a listed variety;
- (bb) third country officially certified C2 seed of a listed variety;
- (c) overseas tested officially certified C2 seed of a listed variety;
- (d) UK officially certified early movement C2 seed of a listed variety; and
- (e) EC officially certified early movement C2 seed of a listed variety.



## PART IV

### Meaning of commercial seed and similar expressions

#### **Commercial seed**

**46.** In these Regulations “commercial seed” means seed of annual meadowgrass, Hungarian vetch or sainfoin that is identifiable as to its species.

#### **UK officially certified commercial seed**

**47.—**(1) In these Regulations “UK officially certified commercial seed” means seed to which paragraph (2) or (3) applies.

(2) This paragraph applies to seed officially certified as commercial seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development.

(3) This paragraph applies to commercial seed –

- (a) that satisfies the conditions laid down in Parts II and III of Schedule 4 for commercial seed, and
- (b) for which a seed test report has been issued stating that it has been found by an official UK seed test or by a UK seed test carried out under official supervision (in either case whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for commercial seed,

other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development that has not been finally determined.

#### **EC officially certified commercial seed**

**48.** In these Regulations “EC officially certified commercial seed” means commercial seed officially certified as commercial seed by the competent seed certification authority in another member State.

#### **UK officially certified early movement commercial seed**

**49.—**(1) In these Regulations “UK officially certified early movement commercial seed” means seed to which paragraph (2) or (3) applies.

(2) This paragraph applies to seed officially certified as early movement commercial seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development.

(3) This paragraph applies to commercial seed –

- (a) that, subject to paragraph (b), satisfies the conditions laid down in Part II and III of Schedule 4 for commercial seed;
- (b) for which the results of a Schedule 4 germination test are awaited to determine whether the seed will satisfy the applicable germination standard for commercial seed but for which a provisional analytical report has been obtained indicating that the seed is likely to meet that standard; and
- (c) for which a seed test report has been issued stating that it has been found by an official UK seed test or by a UK seed test carried out under official supervision (in either case whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for

commercial seed except for the germination condition and stating that the results of the Schedule 4 germination test are awaited,

other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development that has not been finally determined.

### **EC officially certified early movement commercial seed**

**50.** In these Regulations “EC officially certified early movement commercial seed” means commercial seed officially certified as early movement commercial seed by the competent seed certification authority in another member State.

### **Officially certified commercial seed**

**51.** In these Regulations “officially certified commercial seed” means —

- (a) UK officially certified commercial seed;
- (b) EC officially certified commercial seed;
- (c) UK officially certified early movement commercial seed; and
- (d) EC officially certified early movement commercial seed.

### **Early multiplication**

**52.—(1)** The requirement contained in paragraph 22(a) (that CS seed be produced directly from officially certified basic seed, or, with the breeder’s written authority, from officially certified pre-basic seed) shall be treated as having been complied with in relation to CS seed in a case where —

- (a) the CS seed (in this paragraph called “the harvested CS seed”) was harvested from a crop produced from pre-basic seed to which paragraph (4) applies or basic seed to which paragraph (5) or (6) applies, and
- (b) the variety of the harvested CS seed was not listed at the time when the pre-basic or basic seed referred to in paragraph (a) was sown but was subject to an application for listing at that time which was subsequently granted.

(2) The requirement contained in paragraph 30(a) (that C1 seed be produced directly from officially certified basic seed, or, with the breeder’s written authority, from officially certified pre-basic seed) shall be treated as having been complied with in relation to C1 seed in a case where —

- (a) the C1 seed (in this paragraph called “the harvested C1 seed”) was harvested from a crop produced from pre-basic seed to which paragraph (4) applies or basic seed to which paragraph (5) applies, and
- (b) the variety of the harvested C1 seed was not listed at the time when the pre-basic or basic seed referred to in paragraph (a) was sown but was subject to an application for listing at that time which was subsequently granted.

(3) The requirement contained in paragraph 38(a) (that C2 seed be produced directly from officially certified basic seed, officially certified C1 seed or, with the breeder’s written authority, from officially certified pre-basic seed) shall be treated as having been complied with in relation to C2 seed in a case where —

- (a) the C2 seed (in this paragraph called “the harvested C2 seed”) was harvested from a crop produced from pre-basic seed to which paragraph (4) applies, basic seed to which paragraph (5) applies or C1 seed to which paragraph (7) applies, and
- (b) the variety of the harvested C2 seed was not listed at the time when the pre-basic, basic or C1 seed referred to in paragraph (a) was sown but was subject to an application for listing at that time which was subsequently granted.

(4) This paragraph applies to pre-basic seed —

- (a) that has been harvested from a crop —
    - (i) produced in the United Kingdom and found by an official UK field inspection to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which basic seed is to be produced, or
    - (ii) produced in another member State and found by a field inspection of the crop carried out by or on behalf of the competent seed certification authority in that State to satisfy the Directive crop conditions for basic seed,
  - (b) that —
    - (i) was found by an official UK seed test or a UK seed test carried out under official supervision to satisfy the conditions laid down in Part II of Schedule 4 for basic seed, or
    - (ii) was found by seed testing carried out by or on behalf of the competent seed certification authority or a licensed EC seed testing station in another member State, to satisfy the Directive seed conditions for basic seed; and
  - (c) that was of the same variety as the harvested CS, C1 or C2 seed (as the case may be).
- (5) This paragraph applies to basic seed —
- (a) that has been harvested from a crop —
    - (i) produced in the United Kingdom and found by an official UK field inspection to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which basic seed is to be produced;
    - (ii) produced in another member State and found by a field inspection of the crop carried out by or on behalf of the competent seed certification authority in that State to satisfy the Directive crop conditions for basic seed; or
    - (iii) produced in an equivalent third country and found by a field inspection of the crop carried out by the approved seed certification authority in that country to satisfy the Directive crop conditions for basic seed;
  - (b) that —
    - (i) was found by an official UK seed test or a UK seed test carried out under official supervision to satisfy the conditions laid down in Part II of Schedule 4 for basic seed;
    - (ii) was found by seed testing carried out by or on behalf of the competent seed certification authority or a licensed EC seed testing station in another member State to satisfy the Directive seed conditions for basic seed; or
    - (iii) was found by seed testing carried out by the approved seed certification authority or a licensed third country seed testing station in an equivalent third country to satisfy the Directive seed conditions for basic seed; and
  - (c) that was of the same variety as the harvested CS, C1 or C2 seed (as the case may be).
- (6) This paragraph applies to basic seed of a component of a hybrid variety —
- (a) that complied with the requirements of paragraph (5)(a) and (b), and
  - (b) that was a component in the production of the harvested CS seed.
- (7) This paragraph applies to C1 seed —
- (a) that has been harvested from a crop —
    - (i) produced in the United Kingdom and found by an official UK field inspection to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which C1 seed is to be produced;
    - (ii) produced in another member State and found by a field inspection of the crop carried out by or on behalf of the competent seed certification authority or a licensed EC field inspector in that State to satisfy the Directive crop conditions for C1 seed; or

- (iii) produced in an equivalent third country and found by a field inspection of the crop carried out by the approved seed certification authority or a licensed third country crop inspector in that country to satisfy the Directive crop conditions for C1 seed;
- (b) that —
  - (i) was found by an official UK seed test or a UK seed test carried out under official supervision to satisfy the conditions laid down in Part II of Schedule 4 for C1 seed;
  - (ii) was found by seed testing carried out by or on behalf of the competent seed certification authority or a licensed EC seed testing station in another member State to satisfy the Directive seed conditions for C1 seed; or
  - (iii) was found by seed testing carried out by the approved seed certification authority or a licensed third country seed testing station in an equivalent third country to satisfy the Directive seed conditions for C1 seed; and
- (c) that was of the same variety as the harvested C2 seed.

## PART V

### Meaning of expressions relating to imported not finally certified seed

#### **Not finally certified pre-basic seed harvested in another member State**

**53.**—(1) In these Regulations “not finally certified pre-basic seed harvested in another member State” means pre-basic seed —

- (a) to which paragraph (2) applies;
- (b) that has been harvested from a crop produced in another member State and has been found by a field examination of the crop carried out by or on behalf of the competent seed certification authority in the member State to satisfy the Directive crop conditions for basic seed;
- (c) that has been packed in a sealed package in accordance with the requirements of Article 9(1) of the Fodder Plant Seed Directive and is labelled with a grey label;
- (d) that has been imported into the United Kingdom as not finally certified seed; and
- (e) that is accompanied by an Annex V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State in which the seed was harvested.

(2) This paragraph applies to pre-basic seed of —

- (a) a listed variety;
- (b) a variety that is unlisted but in respect of which an application for listing has been made that has not been withdrawn or finally determined; or
- (c) a previously listed variety for which a marketing extension is in force.

(3) In this paragraph “grey label” means, in relation to the seed contained in the package on which the label is affixed, a grey coloured label containing the following particulars —

- (a) the authority responsible for the field inspection of the seed and the member State or their commonly used initials;
- (b) the species of the seed indicated at least in Roman characters under its botanical name, which may be given in abridged form and without the author’s name; or
- (c) the variety of the seed, indicated at least in Roman characters;
- (d) the category of the seed;
- (e) the field or lot reference number of the seed;
- (f) the declared net or gross weight of the seed; and
- (g) the words “seed not finally certified”.

#### **Not finally certified basic seed harvested in another member State**

**54.**—(1) In these Regulations “not finally certified basic seed harvested in another member State” means basic seed —

- (a) to which paragraph (2) applies;
- (b) that has been harvested from a crop produced in another member State and has been found by a field examination of the crop carried out by or on behalf of the competent seed certification authority in the member State to satisfy the Directive crop conditions for basic seed;
- (c) that has been packed in a sealed package in accordance with the requirements of Article 9(1) of the Fodder Plant Seed Directive and is labelled with a grey label;

- (d) that has been imported into the United Kingdom as not finally certified seed; and
- (e) that is accompanied by an Annex V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State in which the seed was harvested.

(2) This paragraph applies to basic seed of —

- (a) a listed variety;
- (b) a variety that is unlisted but in respect of which an application for listing has been made that has not been withdrawn or finally determined;
- (c) a previously listed variety for which a marketing extension is in force;
- (d) a component of a listed hybrid variety;
- (e) a component of a hybrid variety that is unlisted but in respect of which an application for listing has been made that has not been withdrawn or finally determined; or
- (f) a component of a previously listed hybrid variety for which a marketing extension is in force.

(3) In this paragraph “grey label” shall have the same meaning as in paragraph 52(3).

#### **Not finally certified CS seed harvested in another member State**

**55.**—(1) In these Regulations “not finally certified CS seed harvested in another member State” means CS seed —

- (a) to which paragraph (2) applies;
- (b) that has been harvested from a crop —
  - (i) that has been produced in another member State directly from officially certified basic seed, and, in the case of a crop from which CS seed of a hybrid variety is to be harvested, includes a crop that has been produced from crossing basic seed officially certified by or on behalf of a competent seed certification authority in a member State with basic seed officially certified by an approved seed certified authority in an equivalent third country; and
  - (ii) that has been found by a field examination of the crop carried out by or on behalf of the competent seed certification authority in the member State, or, in the case of seed that has been harvested from a crop that has been produced from seed that has undergone official post-control the results of which have been satisfactory, by a field examination of the crop carried out by a licensed EC crop inspector in that member State, to satisfy the Directive crop conditions for CS seed;
- (c) that has been packed in a sealed package in accordance with the requirements of Article 9(1) of the Fodder Plant Seed Directive and is labelled with a grey label;
- (d) that has been imported into the United Kingdom as not finally certified seed; and
- (e) that is accompanied by an Annex V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State in which the seed was harvested.

(2) This paragraph applies to CS seed of -

- (a) a listed variety;
- (b) a variety that is unlisted but in respect of which an application for listing has been made that has not been withdrawn or finally determined; and
- (c) a previously listed variety for which a marketing extension is in force.

(3) In this paragraph “grey label” shall have the same meaning as in paragraph 52(3).

### **Not finally certified C1 seed harvested in another member State**

**56.**—(1) In these Regulations “not finally certified C1 seed harvested in another member State” means C1 seed —

- (a) to which paragraph (2) applies;
- (b) that has been harvested from a crop —
  - (i) that has been produced in another member State directly from officially certified basic seed, and
  - (ii) that has been found by a field examination of the crop carried out by or on behalf of the competent seed certification authority in the member State, or, in the case of seed that has been harvested from a crop that has been produced from seed that has undergone official post-control the results of which have been satisfactory, by a field examination of the crop carried out by a licensed EC crop inspector in that member State, to satisfy the Directive crop conditions for C1 seed;
- (c) that has been packed in a sealed package in accordance with the requirements of Article 9(1) of the Fodder Plant Seed Directive and is labelled with a grey label;
- (d) that has been imported into the United Kingdom as not finally certified seed; and
- (e) that is accompanied by an Annex V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State in which the seed was harvested.

(2) This paragraph applies to C1 seed of —

- (a) a listed variety;
- (b) a variety that is unlisted but in respect of which an application for listing has been made that has not been withdrawn or finally determined; and
- (c) a previously listed variety for which a marketing extension is in force.

(3) In this paragraph “grey label” shall have the same meaning as in paragraph 52(3).

### **Not finally certified C2 seed harvested in another member State**

**57.**—(1) In these Regulations “not finally certified C2 seed harvested in another member State” means C2 seed —

- (a) to which paragraph (2) applies;
- (b) that has been harvested from a crop —
  - (i) that has been produced in another member State directly from officially certified basic seed or C1 seed, and
  - (ii) that has been found by a field examination of the crop carried out by or on behalf of the competent seed certification authority in the member State, or, in the case of seed that has been harvested from a crop that has been produced from seed that has undergone official post-control the results of which have been satisfactory, by a field examination of the crop carried out by a licensed EC crop inspector in that member State, to satisfy the Directive crop conditions for C2 seed;
- (c) that has been packed in a sealed package in accordance with the requirements of Article 9(1) of the Fodder Plant Seed Directive and is labelled with a grey label;
- (d) that has been imported into the United Kingdom as not finally certified seed; and
- (e) that is accompanied by an Annex V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State in which the seed was harvested.

(2) This paragraph applies to C2 seed of —

- (a) a listed variety;

- (b) a variety that is unlisted but in respect of which an application for listing has been made that has not been withdrawn or finally determined; and
  - (c) a previously listed variety for which a marketing extension is in force.
- (3) In this paragraph “grey label” shall have the same meaning as in paragraph 52(3).

**Not finally certified CS seed harvested in an equivalent third country**

**58.**—(1) In these Regulations “not finally certified CS seed harvested in an equivalent third country” means CS seed —

- (a) to which paragraph (2) applies;
  - (b) that has been harvested from a crop —
    - (i) that has been produced in an equivalent third country directly from officially certified basic seed, and, in the case of a crop from which CS seed of a hybrid variety is to be harvested, includes a crop that has been produced from crossing basic seed officially certified by or on behalf of a competent seed certification authority in a member State with basic seed officially certified by an approved seed certified authority in an equivalent third country, and
    - (ii) that has been found, by a field inspection of the crop carried out by the approved seed certification authority in the equivalent third country in which the crop was produced, or a licensed third country field inspector in that country, in accordance with the conditions specified in Part A of Annex II to the Third Country Equivalence Decision, to satisfy the Directive crop conditions for CS seed;
  - (c) that has been packed in a sealed package and labelled in accordance with the requirements specified in paragraph 2 of Part A of Annex II to the Third Country Equivalence Decision;
  - (d) that has been imported into the United Kingdom as not finally certified seed; and
  - (e) that is accompanied by an Annex II.A(3) official certificate relating to the seed issued by the approved seed certification authority in the equivalent third country in which the seed was harvested.
- (2) This paragraph applies to CS seed of —
- (a) a listed variety;
  - (b) a variety that is unlisted but in respect of which an application for listing has been made that has not been withdrawn or finally determined; or
  - (c) a previously listed variety that is on the OECD List and for which a marketing extension is in force.

**Not finally certified C1 seed harvested in an equivalent third country**

**59.**—(1) In these Regulations “not finally certified C1 seed harvested in an equivalent third country” means C1 seed —

- (a) to which paragraph (2) applies;
- (b) that has been harvested from a crop —
  - (i) that has been produced in an equivalent third country directly from officially certified basic seed, and
  - (ii) that has been found, by a field inspection of the crop carried out by the approved seed certification authority in the equivalent third country in which the crop was produced, or a licensed third country field inspector in that country, in accordance with the conditions specified in Part A of Annex II to the Third Country Equivalence Decision, to satisfy the Directive crop conditions for C1 seed;
- (c) that has been packed in a sealed package and labelled in accordance with the requirements specified in paragraph 2 of Part A of Annex II to the Third Country Equivalence Decision;



- (d) that has been imported into the United Kingdom as not finally certified seed; and
  - (e) that is accompanied by an Annex II.A(3) official certificate relating to the seed issued by the approved seed certification authority in the equivalent third country in which the seed was harvested.
- (2) This paragraph applies to C1 seed of —
- (a) a listed variety;
  - (b) a variety that is unlisted but in respect of which an application for listing has been made that has not been withdrawn or finally determined; or
  - (c) a previously listed variety that is on the OECD List and for which a marketing extension is in force.

**Not finally certified C2 seed harvested in an equivalent third country**

**60.**—(1) In these Regulations “not finally certified C2 seed harvested in an equivalent third country” means C2 seed—

- (a) to which paragraph (2) applies;
  - (b) that has been harvested from a crop that—
    - (i) has been produced in an equivalent third country directly from officially certified basic seed or C1 seed; and
    - (ii) has been found, by a field inspection of the crop carried out by the approved seed certification authority in the equivalent third country in which the crop was produced, or a licensed third country field inspector in that country, in accordance with the conditions specified in Part A of Annex II to the Third Country Equivalence Decision, to satisfy the Directive crop conditions for C2 seed;
  - (c) that has been packed in a sealed package and labelled in accordance with the requirements specified in paragraph 2 of Part A of Annex II to the Third Country Equivalence Decision;
  - (d) that has been imported into the United Kingdom as not finally certified seed; and
  - (e) that is accompanied by an Annex II.A(3) official certificate relating to the seed issued by the approved seed certification authority in the equivalent third country in which the seed was harvested.
- (2) This paragraph applies to C2 seed of—
- (a) a listed variety;
  - (b) a variety that is unlisted but in respect of which an application for listing has been made that has not been withdrawn or finally determined; or
  - (c) a previously listed variety that is on the OECD List and for which a marketing extension is in force.

## SCHEDULE 2

Regulations 3, 5(1) and 22(2) and paragraph 2 of Schedule 3

### SPECIES OF SEED TO WHICH THESE REGULATIONS APPLY

**1.** Seed of fine grasses of the following plant species —

- (a) annual meadowgrass;
- (b) brown top;
- (c) creeping bent grass;
- (d) festulolium;
- (e) red fescue;
- (f) red top;
- (g) rough-stalked meadowgrass;
- (h) sheep's fescue (including fine-leaved fescue and hard fescue);
- (i) smooth-stalked meadowgrass;
- (j) velvet bent; and
- (k) wood meadowgrass.

**2.** Seed of fodder grasses of the following plant species —

- (a) Alaska brome-grass;
- (b) cocksfoot;
- (c) hybrid ryegrass;
- (d) Italian ryegrass;
- (e) meadow fescue;
- (f) perennial ryegrass;
- (g) rescue grass;
- (h) small Timothy;
- (i) tall fescue;
- (j) tall oatgrass; and
- (k) Timothy.

**3.** Seed of small seeded legumes of the following plant species —

- (a) Alsike clover;
- (b) birdsfoot trefoil;
- (c) lucerne;
- (d) red clover;
- (e) sainfoin;
- (f) trefoil, black medick; and
- (g) white clover.

**4.** Seed of large seeded legumes of the following plant species —

- (a) blue lupin (also known as narrow-leaved lupin);
- (b) common vetch;
- (c) field bean;

- (d) field pea;
- (e) hairy vetch;
- (f) Hungarian vetch;
- (g) white lupin; and
- (h) yellow lupin.

**5.** Seed of crucifers of the following plant species —

- (a) fodder kale;
- (b) fodder radish; and
- (c) swede.

### SCHEDULE 3

Regulations 2(1), 8(8) to (12), (13)(b), (15)(c) and (18)(a), 10(3)(a) and (b), (4)(a), (b) and (c), 11(15)(a) and (b), 13(5)(d) and 14(1)(b), paragraphs 2(3)(a), 5(3)(a), 9(3)(a), 13(3)(a), 15(3)(a), 19(3)(a), 23(3)(a), 27(3)(a), 31(3)(a), 35(3)(a), 39(3)(a), 42(3)(a), 51(4)(a), (5)(a) and (7)(a) of Schedule 1 and paragraph 3 of Schedule 4

#### CONDITIONS RELATING TO CROPS

#### FROM WHICH SEED IS TO BE HARVESTED

**1.** The previous cropping of the field shall not have been incompatible with the production of seeds of the species and variety of the crop and the field shall be sufficiently free from plants which are volunteers from previous cropping.

**2.** Subject to paragraph 3, the crop shall conform to the following standards as regards the minimum distances from neighbouring sources of pollen which may result in undesirable foreign pollination —

Crop	Minimum distance
1	2
(a) Fodder kale and swede —	
(i) for the production of basic seed	400 metres
(ii) for the production of CS seed	200 metres
(b) Crops of a species specified in Schedule 2 other than field peas, fodder kale, apomictic uni clonal varieties of smooth stalked meadow grass and swede —	
(i) for the production of seed intended for multiplication, fields up to 2 hectares	200 metres
(ii) for the production of seed intended for multiplication, fields over 2 hectares	100 metres
(iii) for the production of seed intended for the production of fodder plants, fields up to 2 hectares	100 metres
(iv) for the production of seed intended for the production of fodder plants, fields over 2 hectares	50 metres

**3.** Paragraph 2 shall not apply if there is sufficient protection from any undesirable foreign pollination.

**4.** Subject to paragraphs 5 and 6, the crop shall have sufficient varietal identity and varietal purity.

**5.—(1)** In the case of seed of a species to which paragraph (2) applies, the number of plants of the crop species which are recognisable as obviously not being true to the variety shall not exceed —

- (a) one per 30 square metres for the production of basic seed, and
- (b) one per 10 square metres for the production of CS seed.

(2) This paragraph applies to —

- (a) all grasses except smooth stalked meadowgrass;
- (b) Alsike clover;
- (c) birdsfoot trefoil;
- (d) fodder radish;
- (e) lucerne;
- (f) lupins;
- (g) red clover;
- (h) sainfoin;
- (i) trefoil, black medick;
- (j) vetches; and
- (k) white clover.

**6.** In the case of smooth stalked meadowgrass, the number of plants which are recognisable as obviously not being true to the variety shall not exceed —

- (a) for the production of basic seed, one plant per 20 square metres, and
- (b) for the production of CS seed —
  - (i) except in the case of an apomictic uniclinal variety, four plants per 10 square metres, and
  - (ii) in the case of an apomictic uniclinal variety, six plants per 10 square metres.

**7.** Subject to paragraph 8, plants of other species, the seeds of which are difficult to distinguish from the crop seeds in a laboratory test, shall be at a low level.

**8.** In the case of festulolium and hybrid, Italian and perennial ryegrass, the number of plants of a *Lolium* species or festulolium, other than the crop species itself, shall not exceed —

- (a) one per 50 square metres for the production of basic seed, and
- (b) one per 10 square metres for the production of CS seed.

**9.** A crop to produce pre-basic, basic or CS seed of hybrid or Italian ryegrass shall not be used to produce a crop in the second harvest year unless —

- (a) pre-basic seed was produced in the first harvest year in which case basic seed may be produced in the second harvest year;
- (b) basic seed was produced in the first harvest year from a crop grown from officially certified pre-basic seed, in which case CS seed may be produced in the second harvest year; or
- (c) for a tetraploid variety of hybrid ryegrass, CS seed was produced in the first harvest year from a crop grown from officially certified basic seed, in which case CS seed may be produced in the second harvest year.

**10.** Harmful organisms which reduce the usefulness of the seed shall be at the lowest possible level.

**11.—(1)** A crop from which basic seed is to be produced shall be examined by an official field inspection to determine whether the crop meets the conditions set out in this Schedule and in Part I of Schedule 4.

(2) A crop from which CS, C1 or C2 seed is to be produced shall be examined by means of an official field inspection or an inspection carried out under official supervision to determine whether the crop meets the conditions set out in this Schedule and in Part I of Schedule 4.

(3) Field inspections shall be carried out at a time when the condition and stage of development of the crop permit an adequate examination.

(4) At least one field inspection of the crop shall be carried out.

**12.** For the purpose of determining whether a crop from which pre-basic seed is to be produced meets the conditions laid down in this Schedule, the crop from which such seed is to be produced shall be treated in the same way as a crop from which basic seed is to be produced.

## SCHEDULE 4

Regulations 2(1), 8(8)(a) and (b), (9) to (12), (13)(b), (15)(c) and (18)(a), 10(3)(a) and (b), (4)(a), (b) and (c), 11(6),(7), (8)(a), (9) to (13) and (15)(a) and (b), 13(3)(a) and (b), (4), (5)(d), (e) and (f), 14(1)(b) and (c), 16(2)(a) and (3), paragraphs 2(3)(a), 5(3)(a), 9(3)(a), 13(3)(a), 15(3)(a), 19(3)(a), 23(3)(a), 27(3)(a), 31(3)(a), 35(3)(a), 39(3)(a), 42(3)(a), 51(4)(a) and (b), (5)(a) and (b) and (7)(a) and (b) of Schedule 1 and paragraph 11(1) and (2) of Schedule 3

### CONDITIONS TO BE SATISFIED BY THE SEED

#### PART I

##### Conditions to be examined mainly by field inspections

1. The seed shall have sufficient varietal identity and varietal purity.
2. In the case of seed of the species and type specified in column 1 of the table below, the minimum varietal purity shall conform to the standards specified in the corresponding entry in column 2 of the table—

<i>Species and category</i>	<i>Minimum varietal purity standard (percentage by number)</i>
Column (1)	Column (2)
(a) Fodder kale, apomictic uniclinal varieties of smooth-stalked meadowgrass and swede — (i) basic seed (ii) CS seed	 99.7 98.0
(b) Field beans and field peas — (i) basic seed (ii) C1 seed (iii) C2 seed	 99.7 99.0 98.0

3. For the purposes of paragraph 2, the minimum varietal purity of seed shall be examined mainly in field inspections carried out in accordance with the conditions laid down in Schedule 3.

## PART II

### Conditions to be examined by seed testing

4. The seed shall conform to the following standards or other conditions as regards analytical purity —

<i>Species</i>	<i>Minimum analytical purity (% by weight) EC minimum standard</i>	<i>Minimum analytical purity (% by weight) HVS standard</i>
	All categories	CS only
1. Fine grasses –		
(a) annual meadowgrass	85	Not applicable
(b) brown top	90	Not applicable
(c) creeping bent grass	90	Not applicable
(d) festulolium	96	98
(e) red fescue	90	95
(f) red top	90	Not applicable
(g) rough-stalked meadowgrass	85	Not applicable
(h) sheep's fescue	85	Not applicable
(i) smooth-stalked meadowgrass	85	90
(j) velvet bent	90	Not applicable
(k) wood meadowgrass	85	Not applicable
2. Fodder grasses –		
(a) Alaska brome-grass	97	Not applicable
(b) cocksfoot	90	90
(c) hybrid ryegrass	96	98
(d) Italian ryegrass	96	98
(e) meadow fescue	95	98
(f) perennial ryegrass	96	98
(g) rescue grass	97	Not applicable
(h) small Timothy	96	98
(i) tall fescue	95	98
(j) tall oatgrass	90	Not applicable
(k) Timothy	96	98
3. Small seeded legumes –		
(a) Alsike clover	97	Not applicable
(b) birdsfoot trefoil	95	Not applicable
(c) lucerne	97	98
(d) red clover	97	98
(e) sainfoin	95	98
(f) trefoil, black medick	97	Not applicable
(g) white clover	97	98
4. Large seeded legumes –		
(a) blue lupin	98	Not applicable

(b) common vetch	98	Not applicable
(c) field bean	98	Not applicable
(d) field pea	98	Not applicable
(e) hairy vetch	98	Not applicable
(f) Hungarian vetch	98	Not applicable
(g) white lupin	98	Not applicable
(h) yellow lupin	98	Not applicable
5. Crucifers -		
(a) fodder kale	98	Not applicable
(b) fodder radish	97	Not applicable
(c) swede	98	Not applicable

5.—(1) Subject to paragraphs (2) to (14), the seed shall conform to the following standards or other conditions as regards the maximum content of seeds of other plant species —



<i>Species</i>	<i>Basic seed</i>		<i>CS, C1 and C2 seed EC minimum standard level</i>		<i>CS seed HVS level</i>	
	Total	A single species	Total	A single species	Total	A single species
	(percentage by weight)	(content by number in a sample of the weight specified in column 4 of the table in Schedule 7)	(percentage by weight)	(percentage by weight)	(percentage by weight)	(percentage by weight)
<b>1. Fine grasses</b>						
(a) Fine grasses other than —	0.3	20	2.0	1.0	Not applicable	Not applicable
(i) Festulolium						
(ii) Red fescue						
(iii) Smooth-stalk meadowgrass						
(b) Festulolium	0.3	20	1.5	1.0	1.5	Not applicable
(c) Red fescue	0.3	20	1.5	1.0	1.5	0.5
(d) Smooth-stalk meadowgrass	0.3	20	2.0	1.0	1.5	0.5
<b>2. Fodder grasses</b>						
(a) Fodder grasses other than —						
(i) Alaska brome-grass	0.3	20	1.5	1.0	1.5	0.5

(ii) Rescue grass (iii) Tall oatgrass						
(b) Alaska brome-grass and rescue grass	0.4	20	1.5	1.0	Not applicable	Not applicable
(c) Tall oatgrass	0.3	20	3.0	1.0	Not applicable	Not applicable
<b>3. Small seeded legumes</b>						
(a) Alsike clover and trefoil black medick	0.3	20	1.5	1.0	Not applicable	Not applicable
(b) Birdsfoot trefoil	0.3	20	1.8	1.0	Not applicable	Not applicable
(c) Lucerne, red clover and white clover	0.3	20	1.5	1.0	1.5	0.5
(d) Sainfoin	0.3	20	2.5	1.0	1.5	0.5
<b>4. Large seeded legumes</b>						
(a) Large seeded legumes other than vetches	0.3	20	0.5	0.3	Not applicable	Not applicable
(b) Vetches	0.3	20	1.0	0.5	Not applicable	Not applicable
<b>5. Crucifers</b>	0.3	20	1.0	0.5	Not applicable	Not applicable

(2) Notwithstanding the condition that a sample of basic seed of the weight specified in column 4 of the table in Schedule 7 shall not exceed 20 seeds of a single species, in the case of —

- (a) cocksfoot;
- (b) festulolium;
- (c) hybrid ryegrass;
- (d) Italian ryegrass;
- (e) meadow fescue;
- (f) perennial ryegrass,
- (g) red fescue;
- (h) sheep's fescue;
- (i) tall fescue; and
- (j) tall oatgrass,

a maximum total of 80 seeds of *Poa* spp. in a sample shall not be regarded as an impurity.

(3) In the case of a sample of HVS level CS seed of red fescue, there shall be no more than a total of 4 seeds of ryegrass, cocksfoot and meadow fescue in a sample of the weight specified in column 4 of the table in Schedule 7.

(4) In the case of basic seed of annual meadowgrass, rough-stalked meadowgrass, smooth-stalked meadowgrass and wood meadowgrass the maximum total content of seeds of *Poa* spp. other than the species to be examined shall not exceed one in a sample of 500 seeds.

(5) In the case of a sample of CS seed of annual meadowgrass, rough-stalked meadowgrass, smooth-stalked meadowgrass and wood meadowgrass, a maximum total of 0.8% by weight of seeds of other *Poa* spp. in the sample shall not be regarded as an impurity.

(6) In the case of a sample of HVS level CS seed of smooth-stalked meadowgrass, a maximum of 0.4% by weight of seed of other meadowgrasses shall not be regarded as an impurity.

(7) In the case of a sample of HVS level CS seed of meadow fescue and tall fescue, there shall be no more than —

- (a) 0.3% by weight of rough stalked meadowgrass, or
- (b) 0.3% by weight of ryegrass,

in the sample.

(8) In the case of a sample of CS seed of tall oatgrass, the condition that the weight of seed of a single plant species in the sample shall not exceed 1.0% shall not apply to seeds of *Poa* spp.

(9) In the case of a sample of HVS level CS seed of hybrid ryegrass, Italian ryegrass and perennial ryegrass, there shall be no more than —

- (a) 0.4% by weight of annual meadowgrass, or
- (b) 0.3% by weight of rough stalked meadowgrass,

in the sample.

(10) In the case of a sample of CS seed of birdsfoot trefoil, a maximum total of 1% by weight of seeds of red clover in the sample shall not be regarded as an impurity.

(11) In the case of a sample of C1 seed of a lupin, a maximum total of 0.5% by weight of seeds of field bean, field pea, or vetch seed or another species of lupin in the sample shall not be regarded as an impurity.

(12) In the case of a sample of C1 seed of a vetch, a maximum total of 0.5% by weight of seeds of field bean, field pea or lupin seed or another species of vetch seed in the sample shall not be regarded as an impurity.

(13) In the case of a sample of HVS level CS seed of small Timothy and Timothy, there shall be no more than 0.3% by weight of *Agrostis* spp. in the sample.

(14) In the case of a sample of HVS level CS seed of red fescue, there shall be no more than 0.3% by weight of rough-stalked meadowgrass.

6. The seed shall conform to the following standards as regards the content of seeds of *Rumex* spp. (commonly known as docks and sorrels) other than *Rumex acetosella* (commonly known as sheep's sorrel) and *Rumex maritimus* (commonly known as golden dock) –

Species	Maximum permitted by number in a sample of the weight prescribed in column 4 of the table in Schedule 7		
	Basic seed	CS, C1 and C2 seed EC minimum level	CS seed HVS level
1. Fine grasses			
(a) Fine grasses other than -	1	2	Not applicable
(i) annual meadowgrass			
(ii) festulolium			
(iii) red fescue			
(iv) sheep's fescue			
(v) smooth-stalked meadowgrass			
(b) annual meadowgrass	1	5	Not applicable
(c) red fescue	2	5	5
(d) sheep's fescue and festulolium	2	5	Not applicable
(e) smooth-stalked meadowgrass	1	2	2

2. Fodder grasses			
(a) fodder grasses other than -	2	5	5
(i) Alaska brome-grass			
(ii) rescue grass			
(iii) small Timothy			
(iv) tall oatgrass			
(v) Timothy			
(b) Alaska brome-grass	5	10	Not applicable
(c) rescue grass	5	10	Not applicable
(d) small Timothy	2	5	4
(e) tall oatgrass	2	5	Not applicable
(f) Timothy	2	5	4
3. Small seeded legumes –			
(a) Alsike clover	3	10	Not applicable
(b) birdsfoot trefoil	3	10	Not applicable
(c) lucerne	3	10	10
(d) red clover	5	10	10
(e) sainfoin	2	5	5
(f) trefoil, black medick	5	10	Not applicable
(g) white clover	5	10	10
4. Large seeded legumes	2	5	Not applicable
5. Crucifers -			
(a) fodder kale	3	10	Not applicable
(b) fodder radish and swede	2	5	Not applicable

7. The seed shall conform to the following standards as regards the content of seeds of *Alopecurus myosuroides* (commonly known as blackgrass and called “blackgrass” in the table set out in this paragraph) and *Agropyron repens* (commonly known as couch and called “couch” in the following table) –

<i>Species</i>	<i>Basic seed</i>		<i>CS seed EC minimum standard level</i>		<i>CS seed HVS level</i>	
	Maximum content by number in a sample of the weight specified in column 4 of the table in Schedule 7		Maximum percentage by weight		Maximum content by number in a sample of the weight specified in column 4 of the table in Schedule 7	
	<i>Couch</i>	<i>Blackgrasses</i>	<i>Couch</i>	<i>Blackgrass</i>	<i>Couch</i>	<i>Blackgrass</i>
<b>1. Fine grasses —</b>						
(a) Fine grasses other than —	1	1	0.3	0.3	Not applicable	Not applicable
(i) festulolium (ii) red fescue (iii) sheep's fescue (iv) smooth-stalk meadowgrass						
(b) festulolium	5	5	0.5	0.3	10	Not applicable
(c) red fescue	5	5	0.5	0.3	10	10
(d) sheep's fescue	5	5	0.5	0.3	Not applicable	Not applicable
(e) smooth-stalk meadowgrass	1	1	0.3	0.3	3	3
<b>2. Fodder grasses</b>						
(a) Fodder grasses other than —	5	5	0.5	0.3	10	10
(i) Alaska brome-grass (ii) cocksfoot (iii) rescue grass (iv) small Timothy (v) tall oatgrass						

(vi) Timothy						
(b) Alaska brome-grass, rescue grass and tall oatgrass	5	5	0.5	0.3	Not applicable	Not applicable
(c) cocksfoot	5	5	0.3	0.3	10	10
(d) small Timothy and Timothy	1	1	0.3	0.3	10	10
<b>3. Small seeded legumes as follows —</b>	Not applicable	Not applicable	Not applicable	Not applicable	10	10
(a) lucerne (b) red clover (c) sainfoin (d) white clover						

**8.**—(1) Subject to paragraph (2), for basic seed of small and large seed legumes, a sample of the weight specified in column 4 of the table in Schedule 7 shall be free of seeds of *Melilotus* spp. (commonly known as sweet clover and hereinafter in this paragraph called “sweet clover”).

(2) In the case of —

- (a) Alsike clover;
- (b) birdsfoot trefoil;
- (c) lucerne;
- (d) red clover;
- (e) trefoil, black medick; and
- (f) white clover,

one seed of sweet clover in a sample of the weight specified in column 4 of the table in Schedule 7 shall not be regarded as an impurity where a second sample of twice that weight is free from any sweet clover seed.

(3) For CS, C1 and C2 seed of small and large seeded legumes, any sweet clover seed in a sample shall not exceed 0.3% by weight.

**9.**—(1) Subject to paragraph (2), a sample of seed of the weight specified in column 4 of the table in Schedule 7 shall be free of seeds of *Avena fatua*, *Avena ludoviciana* and *Avena sterilis* (commonly known as wild oats and hereinafter in this paragraph called “wild oats”).

(2) In the case of basic and CS seed of —

- (a) Alaska brome grass;
- (b) rescue grass; and
- (c) tall oatgrass;

a maximum of 2 wild oats seeds in a sample of the weight specified in column 4 of the table in Schedule 7 shall not be regarded as an impurity where a second sample of the same weight is free from any wild oats seed.

**10.**—(1) Subject to paragraphs (2) and (3), a sample of seed of the weight specified in column 4 of the table in Schedule 7 shall be free of seed of *Cuscuta* spp. (commonly known as dodder and hereinafter called “dodder” in this paragraph).

(2) In the case of minimum level CS seed of fine grasses, fodder grasses, fodder kale and swede, the presence of one seed of dodder in a sample shall not be regarded as an impurity where a second sample of the same weight is free from any dodder seed.

(3) Subject to paragraph (4), in the case of basic and CS seed of —

- (a) Alsike clover;
- (b) birdsfoot trefoil;
- (c) black medick trefoil;
- (d) lucerne;
- (e) red clover;
- (f) white clover,

a sample of seed of the weight specified in column 4 of the table in Schedule 7 shall be free of dodder seed.

(4) In the case of minimum level CS seed and C1 seed of the species specified in paragraph (3), the presence of one seed of dodder in a sample shall not be regarded as an impurity where a second sample of the same weight is free from any dodder seed.

**11.** The percentage by number of bitter lupins in a sample of seed of a sweet lupin variety shall not exceed —

- (a) 1% in the case of basic seed, and
- (b) 2.5% in the case of C1 seed.

**12.**—(1) In the case of C1 seed, the percentage by number of seeds of another colour in a sample of seed of a bitter lupin variety shall not exceed 2%.

(2) In the case C1 seed of lupins, other than bitter lupins, the percentage by number of seeds of another colour in a sample shall not exceed 1%.

**13.** In the case of crucifers, the percentage by weight of seed of *Raphanus raphanistrum* (commonly known as wild radish) or *Sinapis arvensis* (commonly known as charlock) in a sample of seed shall not exceed 0.3%.

**14.**—(1) Subject to paragraph (2), it shall be determined, by way of a germination test, whether or not the seed will satisfy the applicable germination standard set out in column 2 of the following table (“the germination table”) —



<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Species (all categories)</i>	<i>Minimum germination (% of pure seed)</i>	<i>Maximum hard seed content (% pure seed)</i>
<b>1. Fine grasses –</b> (a) annual meadowgrass (b) brown top (c) creeping bent grass (d) festulolium (e) red fescue (f) red top (g) rough-stalked meadowgrass (h) sheep's fescue (i) smooth-stalked meadowgrass (j) velvet bent (k) wood meadowgrass	75 75 75 75 75 80 75 75 75 75 75 75	Not applicable Not applicable Not applicable Not applicable Not applicable Not applicable Not applicable Not applicable Not applicable Not applicable Not applicable Not applicable
<b>2. Fodder grasses —</b> (a) Alaska brome-grass (b) cocksfoot (c) hybrid ryegrass (d) Italian ryegrass (e) meadow fescue (f) perennial ryegrass (g) rescue grass (h) small Timothy (i) tall fescue (j) tall oatgrass (k) Timothy	75 80 75 75 80 80 75 80 80 80 75 80	Not applicable Not applicable Not applicable Not applicable Not applicable Not applicable Not applicable Not applicable Not applicable Not applicable Not applicable Not applicable
<b>3. Small seeded legumes –</b> (a) Alsike clover (b) birdsfoot trefoil (c) lucerne (d) red clover (e) sainfoin (f) trefoil, black medick (g) white clover	80 75 80 80 75 80 80	20 40 40 20 20 20 40
<b>4. Large seeded legumes –</b> (a) blue lupin (b) common vetch	75 85	20 20

(c) field bean	80	5
(d) field pea	80	Not applicable
(e) hairy vetch	85	20
(f) Hungarian vetch	85	20
(g) white lupin	80	20
(h) yellow lupin	80	20
<b>5. Crucifers —</b>		
(a) fodder kale	75	Not applicable
(b) fodder radish	80	Not applicable
(c) swede	80	Not applicable

(2) For the purpose of determining whether seed satisfies the applicable germination standard set out in column 2 of the germination table —

- (a) any fresh and healthy seed which does not germinate after pre-treatment shall be regarded as seed which has germinated, and
- (b) any hard seed present not exceeding the amount shown in column 3 of the table shall be regarded as seed which is capable of germination.

### PART III

#### Other conditions

**15.** Harmful organisms which reduce the usefulness of the seed shall be at the lowest possible level that can be achieved.

### PART IV

#### General provisions

**16.** For the purpose of determining whether seed meets the conditions laid down in this Schedule pre-basic seed shall be treated in the same way as basic seed.

**17.—(1)** For the purpose of determining whether commercial seed meets the conditions laid down in this Schedule the provisions of this Schedule, other than paragraphs 1 to 3, shall apply, insofar as they may be relevant, to commercial seed of annual meadowgrass and Hungarian vetch in the same way as they apply to CS seed of those respective species and commercial seed of sainfoin in the same way as they apply to minimum level CS seed of that species except that —

- (a) the minimum analytical purity of Hungarian vetch shall be 97%, and
- (b) subject to paragraphs (2) and (3), the seed shall conform to the following standards as regards the maximum content of seeds of other plant species —

	<i>Total content of seed of other plant species (percentage by weight)</i>	<i>A single species (percentage by weight)</i>
Annual meadowgrass	3.0	2.0
Hungarian vetch	2.0	1.5
Sainfoin	3.5	2.0

(2) In the case of Hungarian vetch, a maximum total of 6% by weight of other species of vetch seed shall not be regarded as an impurity.

(3) In the case of annual meadowgrass, a maximum total of 10% by weight of other species of meadowgrass shall not be regarded as an impurity.

## SCHEDULE 5

Regulation 13(1)

### RE-GRADING OF SEED

<i>Column (1)</i>	<i>Column (2)</i>
<p><b>1.</b></p> <p>(a) UK, EC or overseas tested officially certified pre-basic seed of a listed variety</p> <p>(b) UK, EC, third country or overseas tested officially certified basic seed of a listed variety</p> <p>(c) in the case of an HVS species of seed, HVS level UK officially certified CS seed of a listed variety</p> <p>(d) in the case of seed other than field beans, field peas, Lucerne <i>Medicago sativa</i>, lupins and vetches, minimum level UK officially certified CS seed of a listed variety or EC, third country or overseas tested officially certified CS seed of a listed variety</p> <p>(e) in the case of field beans, field peas, lucerne <i>Medicago sativa</i>, lupins and vetches UK, EC, third country or overseas tested officially certified C1 seed of a listed variety</p> <p>(f) in the case of field beans and field peas, UK, EC, third country or overseas tested officially certified C2 seed of a listed variety</p>	<p>(a) UK officially certified pre-basic seed of a listed variety</p> <p>(b) UK officially certified basic seed of a listed variety</p> <p>(c) in the case of an HVS species of seed, HVS level UK officially certified CS seed of a listed variety</p> <p>(d) in the case of seed other than field beans, field peas, lucerne <i>Medicago sativa</i>, lupins and vetches, minimum level UK officially certified CS seed of a listed variety</p> <p>(e) in the case of field beans, field peas, lucerne <i>Medicago sativa</i>, lupins and vetches, UK officially certified C1 seed of a listed variety</p> <p>(f) in the case of field beans and field peas, UK officially certified C2 seed of a listed variety</p>

<p>(g) in the case of lucerne <i>Medicago sativa</i>, lupins and vetches, EC, third country or overseas tested officially certified C2 seed of a listed variety</p>	
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<p>2.</p> <ul style="list-style-type: none"> <li>(a) UK or EC officially certified early movement pre-basic seed of a listed variety</li> <li>(b) UK or EC officially certified early movement basic seed of a listed variety</li> <li>(c) in the case of an HVS species of seed, HVS level UK officially certified early movement CS seed of a listed variety</li> <li>(d) in the case of seed other than field beans, field peas, lucerne <i>Medicago sativa</i>, lupins and vetches, minimum level UK officially certified early movement CS seed of a listed variety or EC officially certified early movement CS seed of a listed variety</li> <li>(e) in the case of field beans, field peas, lucerne <i>Medicago sativa</i>, lupins and vetches UK or EC officially certified early movement C1 seed of a listed variety</li> <li>(f) in the case of field beans and field peas, UK or EC officially certified early movement C2 seed of a listed variety</li> <li>(g) in the case of lucerne <i>Medicago sativa</i>, lupins and vetches, EC officially certified early movement C2 seed of a listed variety</li> </ul>	<ul style="list-style-type: none"> <li>(a) UK officially certified early movement pre-basic seed of a listed variety</li> <li>(b) UK officially certified early movement basic seed of a listed variety</li> <li>(c) in the case of an HVS species of seed, HVS level UK officially certified early movement CS seed of a listed variety</li> <li>(d) in the case of seed other than field beans, field peas, lucerne <i>Medicago sativa</i>, lupins and vetches, minimum level UK officially certified early movement CS seed of a listed variety</li> <li>(e) in the case of field beans, field peas, lucerne <i>Medicago sativa</i>, lupins and vetches, UK officially certified early movement C1 seed of a listed variety</li> <li>(f) in the case of field beans and field peas, UK officially certified early movement C2 seed of a listed variety</li> </ul>
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## SCHEDULE 6

Regulation 15(1)

### CATEGORIES OF SEED THAT MAY BE MARKETED

#### **Breeder's seed**

1. Breeder's seed.

#### **Pre-basic seed of a listed variety**

2. UK officially certified pre-basic seed of a listed variety.
3. EC officially certified pre-basic seed of a listed variety.
4. Overseas tested officially certified pre-basic seed of a listed variety.

#### **Basic seed of a listed variety**

5. UK officially certified basic seed of a listed variety.
6. EC officially certified basic seed of a listed variety.
7. Third country officially certified basic seed of a listed variety.
8. Overseas tested officially certified basic seed of a listed variety.

#### **CS seed of a listed variety**

9. UK officially certified CS seed of a listed variety.
10. EC officially certified CS seed of a listed variety.
11. Third country officially certified CS seed of a listed variety.
12. Overseas tested officially certified CS seed of a listed variety.

#### **C1 seed of a listed variety**

13. UK officially certified C1 seed of a listed variety.
14. EC officially certified C1 seed of a listed variety.
15. Third country officially certified C1 seed of a listed variety.
16. Overseas tested officially certified C1 seed of a listed variety.

**C2 seed of a listed variety**

- 17. UK officially certified C2 seed of a listed variety.
- 18. EC officially certified C2 seed of a listed variety.
- 18A Third Country officially certified C2 seed of a listed variety.
- 19. Overseas tested officially certified C2 seed of a listed variety.

**Commercial seed**

- 20. UK officially certified commercial seed.
- 21. EC officially certified commercial seed.

**Early movement pre-basic seed of a listed variety**

- 22. UK officially certified early movement pre-basic seed of a listed variety.
- 23. EC officially certified early movement pre-basic seed of a listed variety.

**Early movement basic seed of a listed variety**

- 24. UK officially certified early movement basic seed of a listed variety.
- 25. EC officially certified early movement basic seed of a listed variety.

**Early movement CS seed of a listed variety**

- 26. UK officially certified early movement CS seed of a listed variety.
- 27. EC officially certified early movement CS seed of a listed variety.

**Early movement C1 seed of a listed variety**

- 28. UK officially certified early movement C1 seed of a listed variety.
- 29. EC officially certified early movement C1 seed of a listed variety.

**Early movement C2 seed of a listed variety**

- 30. UK officially certified early movement C2 seed of a listed variety.
- 31. EC officially certified early movement C2 seed of a listed variety.

**Early movement commercial seed**

- 32. UK officially certified early movement commercial seed.
- 33. EC officially certified early movement commercial seed.

**Basic seed of a component of a listed hybrid variety**

- 34. UK officially certified basic seed of a component of a listed hybrid variety.
- 35. EC officially certified basic seed of a component of a listed hybrid variety.

**36.** Third country officially certified basic seed of a component of a listed hybrid variety.

**37.** Overseas tested officially certified basic seed of a component of a listed hybrid variety.

**Early movement basic seed of a component of a listed hybrid variety**

**38.** UK officially certified early movement basic seed of a component of a listed hybrid variety.

**39.** EC officially certified early movement basic seed of a component of a listed hybrid variety.



## SCHEDULE 7

Regulations 2(1), 23(2), (5) and (6) and paragraphs 5(2), 6, 8(1) and (2), 9 and 10(1) and (3) of  
Schedule 4

### LOT AND SAMPLE WEIGHTS

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Species</i>	<i>Maximum weight of a lot</i>	<i>Minimum weight of a sample to be drawn from a lot</i>	<i>Weight of the sample for determinations by number in accordance with part II of Schedule 4</i>
	<i>(tonnes)</i>	<i>(grams)</i>	<i>(grams)</i>
1. Fine grasses –			
(a) annual meadowgrass	10	50	10
(b) brown top	10	50	5
(c) creeping bent grass	10	50	5
(d) festulolium	10	200	60
(e) red fescue	10	100	30
(f) red top	10	50	5
(g) rough-stalked meadowgrass	10	50	5
(h) sheep's fescue	10	100	30
(i) smooth-stalked meadowgrass	10	50	5
(j) velvet bent	10	50	5
(k) wood meadowgrass	10	50	5
2. Fodder grasses –			
(a) Alaska brome-grass	10	200	200
(b) cocksfoot	10	100	30
(c) hybrid ryegrass	10	200	60
(d) Italian ryegrass	10	200	60
(e) meadow fescue	10	100	50
(f) perennial ryegrass	10	200	60
(g) rescue grass	10	200	200
(h) small Timothy	10	50	10
(i) tall fescue	10	100	50
(j) tall oatgrass	10	200	80
(k) Timothy	10	50	10
3. Small seeded legumes –			
(a) Alsike clover	10	200	20
(b) birdsfoot trefoil	10	200	30
(c) lucerne	10	300	50
(d) red clover	10	300	50

(e) sainfoin –			
(i) fruit	10	600	600
(ii) seed	10	400	400
(f) trefoil, black medick	10	300	50
(g) white clover	10	200	20
4. Large seeded legumes –			
(a) blue lupin	25	1,000	1,000
(b) common vetch	25	1,000	1,000
(c) field bean	25	1,000	1,000
(d) field pea	25	1,000	1,000
(e) hairy vetch	20	1,000	1,000
(f) Hungarian vetch	20	1,000	1,000
(g) white lupin	25	1,000	1,000
(h) yellow lupin	25	1,000	1,000
5. Crucifers -			
(a) fodder kale	10	200	100
(b) fodder radish	10	300	300
(c) swede	10	200	100

## SCHEDULE 8

Regulation 26(5), (6)(a), (7)(a), (8)(a), (9)(a), (10)(a), (11)(a), (12)(a), (13)(a), (14)(a) and (16)(a)

### LABELLING

#### PART I

##### Labelling of unpackaged seed (loose sales)

##### **Particulars to be marked or displayed on the sale of unpackaged seed other than a mixture of seeds**

1. The following particulars shall be given —

- (a) “complies with legal standards”;
- (b) the species; and
- (c) except in the case of commercial seed, the variety.

##### **Particulars to be marked or displayed on the sale of an unpackaged mixture of seeds**

2. The following particulars shall be given —

- (a) “complies with legal standards”;

- (b) in the case of a registered mixture of seeds, the registered name of the mixture or the species and the proportion by weight of the components;
- (c) in the case of a mixture of seeds, other than a registered mixture of seeds, the species and the proportion by weight of the components; and
- (d) the words “seed mixture for” followed by words describing its intended use.

## PART II

### Labelling of packages of breeder’s seed

3. The package shall be labelled, not later than the time of sealing, on the outside with a supplier’s label containing the following particulars —

- (a) the name and address of the supplier responsible for affixing the labels or his or her registered number or identification mark;
- (b) the reference number of the seed lot;
- (c) the species;
- (d) the variety;
- (e) the words “breeder’s seed”; and
- (f) the declared net or gross weight or declared number of seeds.

4. The label referred to in paragraph 3 shall be coloured buff.

## PART III

### Labelling of packages of officially certified pre-basic seed

#### **Official label for a package of officially certified pre-basic seed**

5. The package shall be labelled, not later than the time of sealing, on the outside with an official label which has not previously been used containing the following particulars —

- (a) the certification authority and member State or their commonly used initials;
- (b) the reference number of the seed lot;
- (c) the month and year of sealing or the month and year of the last official sampling for the purposes of certification, expressed respectively as follows —
  - (i) by the word “Sealed” followed by the month and year of sealing, or
  - (ii) by the word “Sampled” followed by the month and year of official sampling;
- (d) the species, indicated at least under its botanical name, which may be given in abridged form and without the author’s name, in Roman characters;
- (da) in the case of *x Festulolium*, the names of the species within the genus *Festuca* and *Lolium*;
- (e) the variety, indicated at least in Roman characters;
- (f) the description “pre-basic seed”;
- (g) the number of generations by which the seed precedes CS seed or C1 seed;
- (h) the country of production;

- (i) the declared net or gross weight or declared number of seeds; and
  - (j) where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of pure seeds and the total weight.
6. The label referred to in paragraph 5 shall be coloured white with a diagonal violet line.
7. The minimum size of the label referred to in paragraph 5 shall be 110 mm x 67 mm.
8. The label referred to in paragraph 5 —
- (a) shall be —
    - (i) an adhesive label, or
    - (ii) a label secured to the package by a sealing device approved by the National Assembly for Wales, the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, and
  - (b) shall be fixed to the package by —
    - (i) an authorised officer or any person being supervised by such a person, or
    - (ii) a licensed seed sampler or any person being supervised by such a person.

## PART IV

### Labelling of packages of officially certified basic, CS, C1 and C2 seed

#### **Official label for a package of officially certified basic, CS, C1 or C2 seed**

9. The package shall be labelled, not later than the time of sealing, on the outside with an official label which has not previously been used or an official stamp containing the following particulars —
- (a) the words “EC rules and standards”;
  - (b) the name of the certifying authority and member State or their commonly used initials;
  - (c) the reference number of the seed lot;
  - (d) the month and year of sealing or the month and year of the last official sampling for the purposes of certification, expressed respectively as follows -
    - (i) by the word “Sealed” followed by the month and year of sealing, or
    - (ii) by the word “Sampled” followed by the month and year of last official sampling for the purposes of certification;
  - (e) the species, indicated at least under its botanical name, which may be given in abridged form and without the author’s name, in Roman characters;
  - (ea) in the case of *x Festulolium*, the names of the species within the genus *Festuca* and *Lolium*;
  - (f) the variety, indicated at least in Roman characters;
  - (g) the category;
  - (h) the country of production;
  - (i) the declared net or gross weight or declared number of pure seed;
  - (j) where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additives and also the approximate ratio between the weight of pure seeds and the total weight;

- (k) in the case of CS, C1 and C2 seed, the number of generations after basic seed; and
- (l) in the case of seed of a grass variety for which an examination of its value for cultivation and use is not required in accordance with Article 4(2)(a) of the Common Catalogue Directive, the words “not intended for the production of fodder plants”.

**10.** Where at least germination has been retested, the words “retested” followed by the month and year of retesting and the authority responsible for such retesting may be indicated on the official label referred to in paragraph 9 or on an official sticker attached to the official label or official stamp.

**11.** The minimum size of the label or stamp referred to in paragraph 9 shall be 110 mm x 67 mm.

**12.** The label or stamp referred to in paragraph 9 shall be coloured —

- (a) white for basic seed;
- (b) blue for CS and C1 seed; and
- (c) red for C2 seed.

**13.** The label referred to in paragraph 9 —

- (a) shall be —
  - (i) an adhesive label, or
  - (ii) a label secured to the package by a sealing device approved by the National Assembly for Wales, the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, and
- (b) shall be fixed to the package by —
  - (i) an authorised officer or any person being supervised by such a person, or
  - (ii) a licensed seed sampler or any person being supervised by such a person.

**“13A.** The stamp referred to in paragraph 9 –

- (a) shall be
  - (i) an indelible stamp; or
  - (ii) an indelible stamp affixed to the package by a stamping device approved by the National Assembly for Wales, the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development; and
- (b) shall be affixed to the package by –
  - (i) an authorised officer or any person being supervised by such a person; or
  - (ii) a licensed seed sampler or any person being supervised by such a person.

**Label for a small EC B package of officially certified basic, CS, C1 and C2 seed**

**14.** The package shall be labelled not later than the time of sealing —

- (a) subject to paragraph 15, on the outside,
- (b) with a label, a printed notice or stamp containing the following information –
  - (i) the words “small EC ‘B’ package”;
  - (ii) the name and address of the supplier responsible for marking or his registration number or identification mark;
  - (iii) the officially assigned serial number;
  - (iv) the authority which assigned the serial number and the name of the member State or their commonly used initials;
  - (v) the reference number of the seed lot from which the seed in the package has been taken if the serial number does not enable the lot to be identified;

- (vi) the species, indicated at least in Roman characters;
- (vii) the variety, indicated at least in Roman characters;
- (viii) the category;
- (ix) the net or gross weight or number of pure seeds;
- (x) where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additives and also the approximate ratio between the weight of pure seeds and the total weight; and
- (xi) in the case of seed of a grass variety for which an examination of its value for cultivation and use is not required in accordance with Article 4(2)(a) of the Common Catalogue Directive, the words “not intended for the production of fodder plants”.

**15.** If the packaging material is transparent the label, notice or stamp referred to in paragraph 14 may be placed inside the package provided it can be read through the packaging.

**16.** The label, notice or stamp referred to in paragraph 14 shall be coloured –

- (a) white for basic seed;
- (b) blue for CS and C1 seed; and
- (c) red for C2 seed.

## PART V

### Labelling of packages of officially certified commercial seed

#### **Official label for a package of officially certified commercial seed**

**17.** The package shall be labelled, not later than the time of sealing, on the outside with an official label which has not previously been used containing the following particulars —

- (a) the words “EC rules and standards”;
- (b) the words “Commercial seed (not certified as to variety)”;
- (c) the name of the certifying authority and member State or their commonly used initials;
- (d) the reference number of the seed lot;
- (e) the month and year of sealing or the month and year of the last official sampling for the purposes of certification, expressed respectively as follows -
  - (i) by the word “Sealed” followed by the month and year of sealing, or
  - (ii) by the word “Sampled” followed by the month and year of last official sampling for the purposes of certification;
- (f) the species, indicated at least under its botanical name, which may be given in abridged form and without the author’s name, in Roman characters;
- (g) the country of production or region of production within a country;
- (h) the declared net or gross weight or the declared number of pure seeds; and
- (i) where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additives and also the approximate ratio between the weight of pure seeds and the total weight.

**18.** Where at least germination has been retested, the words “retested” followed by the month and year of retesting and the authority responsible for such retesting may be indicated on the official label referred to in paragraph 17 or on an official sticker attached to the official label.

**19.** The minimum size of the label referred to in paragraph 17 shall be 110 mm x 67 mm.

**20.** The label referred to in paragraph 17 shall be coloured brown.

- 21.** The label referred to in paragraph 17 —
- (a) shall be —
    - (i) an adhesive label, or
    - (ii) a label secured to the package by a sealing device approved by the National Assembly for Wales, the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, and
  - (b) shall be fixed to the package by —
    - (i) an authorised officer or any person being supervised by such a person, or
    - (ii) a licensed seed sampler or any person being supervised by such a person.

**Label for a small EC B package of officially certified commercial seed**

- 22.** The package shall be labelled not later than the time of sealing —
- (a) subject to paragraph 23, on the outside;
  - (b) with a label, a printed notice or stamp containing the following information —
    - (i) the words “small EC ‘B’ package”;
    - (ii) the name and address of the supplier responsible for marking or his registration number or identification mark;
    - (iii) the officially assigned serial number;
    - (iv) the authority which assigned the serial number and the name of the member State or their commonly used initials;
    - (v) the reference number of the seed lot from which the seed in the package has been taken if the serial number does not enable the lot to be identified;
    - (vi) the species, indicated at least in Roman characters;
    - (vii) the words “commercial seed”;
    - (viii) the net or gross weight or number of pure seeds; and
    - (ix) where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additives and also the approximate ratio between the weight of pure seeds and the total weight.

**23.** If the packaging material is transparent the label, notice or stamp referred to in paragraph 22 may be placed inside the package provided it can be read through the packaging.

**24.** The label, notice or stamp referred to in paragraph 22 shall be coloured brown.

## PART VI

### Labelling of packages of mixtures of seed

**Official label for a package of a mixture of seeds**

- 25.** The label shall contain the following information —
- (a) the words “Mixture of seed for” followed by words indicating its intended use;
  - (b) the authority responsible for sealing the package and the member State or their commonly used initials;
  - (c) the reference number of the seed lot;

- (d) the word “sealed” followed by the month and year of official sealing;
- (e) in the case of a registered mixture of seeds —
  - (i) the registered name of the mixture, or
  - (ii) the percentage by weight of each of the components shown by species, and, where appropriate, by variety, both indicated at least in Roman characters;
- (f) in the case of a mixture other than a registered mixture of seeds, the percentage by weight of each of the components shown by species, and, where appropriate, by variety, both indicated at least in Roman characters;
- (g) the declared net or gross weight or declared number of pure seeds; and
- (h) where the weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additives and also the approximate ratio between the weight of the pure seeds and the total weight.

**26.** Where at least germination of all the components of a mixture have been retested, the words “retested” followed by the month and year of retesting and the authority responsible for such retesting may be indicated on the official label referred to in paragraph 25 or on an official sticker attached to the official label.

**27.** The minimum size of the label referred to in paragraph 25 shall be 110 mm x 67 mm.

**28.** The label referred to in paragraph 25 shall be coloured green.

#### **Label for a small EC A package of a mixture of seeds**

**29.** The package shall be labelled not later than the time of sealing –

- (a) subject to paragraph 30, on the outside;
- (b) with a label, a printed notice or stamp containing the following information –
  - (i) the words “small EC ‘A’ package”;
  - (ii) the name and address of the supplier responsible for marking or his registration number or identification mark;
  - (iii) the name of the member State or their commonly used initials;
  - (iv) a reference number that enables the seed lots from which the seed in the mixture was taken to be identified;
  - (v) the words “seed mixture for” followed by a description of its intended use;
  - (vi) the net or gross weight or number of pure seeds;
  - (vii) where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additives and also the approximate ratio between the weight of pure seeds and the total weight;
  - (viii) in the case of a package of a registered mixture of seeds that has been produced in the United Kingdom —
    - (aa) the registered name of the mixture and the species and, where applicable, the variety of the components in the mixture, or
    - (bb) the percentage by weight of each of the components shown by species, and, where appropriate, by variety, both indicated at least in Roman characters; and
  - (ix) in the case of a package of a mixture of seeds, other than a package of a registered mixture of seeds that has been produced in the United Kingdom, the percentage by weight of each of the components shown by species, and, where appropriate, by variety, both indicated at least in Roman characters.

**30.** If the packaging material is transparent the label, notice or stamp referred to in paragraph 29 may be placed inside the package provided it can be read through the packaging.

**31.** The label, notice or stamp referred to in paragraph 29 shall be coloured green.



### **Label for a small EC 'B' package of a mixture of seeds**

**32.** The package shall be labelled not later than the time of sealing –

- (a) subject to paragraph 33, on the outside;
- (b) with a label, a printed notice or stamp containing the following information –
  - (i) the words “small EC ‘B’ package”;
  - (ii) the name and address of the supplier responsible for marking or his registration number or identification mark;
  - (iii) the officially assigned serial number;
  - (iv) the authority which assigned the serial number and the name of the member State or their commonly used initials;
  - (v) a reference number that enables the seed lots from which the seed in the mixture was taken to be identified if the serial number does not enable such lots to be identified;
  - (vi) the words “seed mixture for” followed by a description of its intended use;
  - (vii) the net or gross weight or number of pure seeds;
  - (viii) where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additives and also the approximate ratio between the weight of pure seeds and the total weight;
  - (ix) in the case of a package of a registered mixture of seeds that has been produced in the United Kingdom —
    - (aa) the registered name of the mixture and the species and, where applicable, the variety of the components in the mixture, or
    - (bb) the percentage by weight of each of the components shown by species, and, where appropriate, by variety, both indicated at least in Roman characters; and
  - (x) in the case of a package of a mixture of seeds, other than a package of a registered mixture of seeds that has been produced in the United Kingdom, the percentage by weight of each of the components shown by species, and, where appropriate, by variety, both indicated at least in Roman characters.

**33.** If the packaging material is transparent the label, notice or stamp referred to in paragraph 32 may be placed inside the package provided it can be read through the packaging.

**34.** The label, notice or stamp referred to in paragraph 32 shall be coloured green.

## **PART VII**

### **Whole bag labelling**

#### **Seed which has not been imported**

**35.** The printing or stamping of the packages shall be under the supervision of the National Assembly for Wales.

**36.** Each package shall have printed or stamped on it, or be perforated with, an individual serial number allocated by the National Assembly for Wales, which shall appear in the same panel as the particulars of the matters specified in paragraph 9.

37. Arrangements shall be made with the person who prints the whole bag labels to provide the National Assembly for Wales with returns of the number of packages printed or stamped pursuant to regulation 26(16) and of the individual serial numbers used on such packages.

38. The reference number of the seed lot and the month and year in which the package was officially sealed shall be printed or stamped under the supervision of an authorised officer or a licensed seed sampler at the time of sampling for official examination.

39. There shall be kept such records of seed packaged and marketed pursuant to regulation 26(16) as may be required by the National Assembly for Wales.

40. Each package of basic seed marketed in accordance with regulation 26(16) shall be capable of having affixed to it, in a manner approved by the National Assembly for Wales, a label containing a statement pursuant to regulation 17.

#### **Seed imported from another Member State**

41. Such requirements of the member State from which the seed has been imported as correspond to the requirements specified in this Part for seed which has not been imported shall, in the opinion of the National Assembly for Wales, have been satisfied.

## SCHEDULE 9

Regulation 27(2)

### LIMITS OF VARIATION

#### GERMINATION

<i>Stated minimum percentage of germination (expressed as an integer)</i>	<i>Limit of variation Per cent</i>
99-100	2
97-98	3
94-96	4
91-93	5
87-90	6
82-86	7
76-81	8
69-75	9
65-68	10

#### **ANALYTICAL PURITY - GRASSES**

<i>Stated minimum percentage of analytical purity (expressed to one decimal point)</i>	<i>Limit of variation Per cent</i>
99.9 - 100	0.2
99.7-99.8	0.4
99.5-99.6	0.5
99.3-99.4	0.6

99.0-99.2	0.7
98.8-98.9	0.8
98.3-98.7	0.9
98.0-98.2	1.0
97.5-97.9	1.1
97.0-97.4	1.2
96.5-96.9	1.3
96.0-96.4	1.4
95.0-95.9	1.5
94.0-94.9	1.6
93.0-93.9	1.7
92.0-92.9	1.9
91.0-91.9	2.0
90.0- 90.9	2.1
88.0-89.9	2.2
86.0-87.9	2.4
84.0-85.9	2.5
82.0-83.9	2.6
80.0-81.9	2.8

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#### **ANALYTICAL PURITY – LEGUMES AND CRUCIFERS**

<i>Stated minimum percentage of analytical purity (expressed to one decimal point)</i>	<i>Limit of variation Per cent</i>
99.9 - 100	0.2
99.8	0.3
99.6-99.7	0.4
99.3-99.5	0.5
99.0-99.2	0.6
98.5-98.9	0.7
98.3-98.4	0.8
97.5-98.2	0.9
97.0-97.4	1.0
96.5-96.9	1.1
95.5-96.4	1.2
95.0-95.4	1.3
94.0-94.9	1.4
93.0-93.9	1.5
92.0-92.9	1.6
91.0-91.9	1.7
90.0-90.9	1.8

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#### **CONTENTS OF SEEDS OF OTHER SPECIES IN GRASSES**

<i>Stated maximum percentage of seeds of other species (expressed to one decimal point)</i>	<i>Limit of variation Per cent</i>
0.0	0.2
0.1	0.3

0.2	0.4
0.3 – 0.4	0.5
0.5 – 0.6	0.6
0.7 – 0.9	0.7
1.0 – 1.2	0.8
1.3 – 1.7	0.9
1.8 – 1.9	1.0
2.0 – 2.4	1.1
2.5 – 2.9	1.2
3.0 – 3.4	1.3
3.5 – 3.9	1.4
4.0 – 4.9	1.5
5.0	1.6

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**CONTENTS OF SEEDS OF OTHER SPECIES OR VARIETIES IN LEGUMES AND  
CRUCIFERS**

<i>Stated maximum percentage of seeds of other species (expressed to one decimal point)</i>	<i>Limit of variation Per cent</i>
0.0	0.1
0.1 – 0.2	0.3
0.3 – 0.4	0.4
0.5 – 0.6	0.5
0.7 – 0.9	0.6
1.0 – 1.4	0.7
1.5 – 1.7	0.8
1.8 – 2.4	0.9
2.5 – 2.9	1.0
3.0 – 3.4	1.1
3.5 – 4.4	1.2
4.5 – 4.9	1.3
5.0 – 5.9	1.4
6.0 – 6.9	1.5
7.0 – 7.9	1.6
8.0 – 8.9	1.7
9.0 – 9.9	1.8
10.0	1.9

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## NUMBER OF SEEDS OF OTHER SPECIES

<i>Stated maximum number of seeds of other species (expressed as an integer)</i>	<i>Limit of variation Number</i>
0	1
1	3
2	4
3 - 4	5
5 - 6	6
7 - 8	7
9 - 11	8
12 - 14	9
15 - 17	10
18 - 21	11
22 - 25	12
26 - 29	13
30 - 34	14
35 - 40	15
41 - 45	16
46 - 51	17
52 - 57	18
58 - 64	19
65 - 71	20
72 - 79	21
80 - 87	22
88 - 95	23
96 - 100	24

## SCHEDULE 10

Regulation 31

### INDEX OF WORDS AND EXPRESSIONS USED IN THESE REGULATIONS

The expressions listed in the left-hand column of the following table are defined in the corresponding provisions listed in the right-hand column of the table —

<i>Expression</i>	<i>Provision of these Regulations in which the expression is defined</i>
the Act	Regulation 2(1)
Alaska brome-grass	Regulation 3
Alsike clover	Regulation 3
Annex II.A(3) official certificate	Regulation 2(1)
Annex V(C) document	Regulation 2(1)

annual meadowgrass	Regulation 3
another member State	Regulation 2(1)
appropriate time	Regulation 6(4)
approved seed certification authority	Regulation 2(1)
authorised officer	Regulation 2(1)
basic seed	Paragraph 8 of Schedule 1
birdsfoot trefoil	Regulation 3
blended seed lot	Regulation 2(1)
blue lupin	Regulation 3
brown top	Regulation 3
breeder	Regulation 2(1)
breeder's seed	Regulation 2(1)
C1 seed	Paragraph 30 of Schedule 1
C2 seed	Paragraph 38 of Schedule 1
cocksfoot	Regulation 3
commercial seed	Paragraph 45 of Schedule 1
Common Catalogue	Regulation 2(1)
Common Catalogue Directive	Regulation 2(1)
common vetch	Regulation 3
component	Regulation 2(1)
control plot	Regulation 2(1)
creeping bent grass	Regulation 3
crucifers	Regulation 3
CS seed	Paragraph 22 of Schedule 1
Deliberate Release Directive	Regulation 2(1)
Department of Agriculture and Rural Development	Regulation 2(1)
Directive crop conditions	Regulation 2(1)
Directive seed conditions	Regulation 2(1)
dodder	Regulation 3
EEA State	Regulation 2(1)
EC minimum percentage of germination	Regulation 2(1)
EC officially certified basic seed of a component of a listed hybrid variety	Paragraph 16 of Schedule 1
EC officially certified basic seed of a listed variety	Paragraph 10 of Schedule 1
EC officially certified early movement basic seed of a component of a listed hybrid variety	Paragraph 20 of Schedule 1
EC officially certified early movement basic seed of a listed variety	Paragraph 14 of Schedule 1
EC officially certified early movement C1 seed of a listed variety	Paragraph 36 of Schedule 1
EC officially certified early movement C2 seed of a listed variety	Paragraph 43 of Schedule 1
EC officially certified early movement commercial seed	Paragraph 49 of Schedule 1
EC officially certified early movement CS seed of a listed variety	Paragraph 28 of Schedule 1
EC officially certified early movement pre-basic seed of a listed variety	Paragraph 6 of Schedule 1
EC officially certified C1 seed of a listed variety	Paragraph 32 of Schedule 1

EC officially certified C2 seed of a listed variety	Paragraph 40 of Schedule 1
EC officially certified commercial seed	Paragraph 47 of Schedule 1
EC officially certified CS seed of a listed variety	Paragraph 24 of Schedule 1
EC officially certified pre-basic seed of a listed variety	Paragraph 3 of Schedule 1
entered seed lot	Regulation 2(1)
equivalent third country	Regulation 2(1)
festulolium	Regulation 3
field bean	Regulation 3
field pea	Regulation 3
fine grasses	Regulation 3
fodder grasses	Regulation 3
fodder kale	Regulation 3
the Fodder Plant Seed Directive	Regulation 2(1)
fodder radish	Regulation 3
Food and Feed Regulation	Regulation 2(1)
genetically modified	Regulation 2(1)
germination condition	Regulation 2(1)
grey label	Paragraph 52(3) of Schedule 1
hairy vetch	Regulation 3
Higher Voluntary Standards	Regulation 2(1)
HVS species of seed	Regulation 2(1)
homogeneous seed lot	Regulation 2(1)
Hungarian vetch	Regulation 3
hybrid ryegrass	Regulation 3
ISTA	Regulation 2(1)
Italian ryegrass	Regulation 3
large seeded legumes	Regulation 3
late entered seed lot	Regulation 2(1)
licensed crop inspector	Regulation 2(1)
licensed EC crop inspector	Regulation 2(1)
licensed EC seed testing station	Regulation 2(1)
licensed seed sampler	Regulation 2(1)
licensed seed testing station	Regulation 2(1)
licensed third country crop inspector	Regulation 2(1)
licensed third country seed testing station	Regulation 2(1)
listed variety	Regulation 2(1)
listing	Regulation 2(1)
lucerne	Regulation 3
lupins	Regulation 3
maintainer	Regulation 2(1)
marketing	Regulation 4
marketing extension	Regulation 2(1)
meadow fescue	Regulation 3
member State	Regulation 2(1)
a National List	Regulation 2(1)
non-fodder grass variety	Regulation 2(1)
not finally certified basic seed harvested in another member State	Paragraph 53 of Schedule 1

not finally certified C1 seed harvested in an equivalent third country	Paragraph 58 of Schedule 1
not finally certified CS seed harvested in an equivalent third country	Paragraph 57 of Schedule 1
not finally certified C1 seed harvested in another member State	Paragraph 55 of Schedule 1
not finally certified C2 seed harvested in another member State	Paragraph 56 of Schedule 1
not finally certified CS seed harvested in another member State	Paragraph 54 of Schedule 1
not finally certified pre-basic seed harvested in another member State	Paragraph 52 of Schedule 1
OECD	Regulation 2(1)
OECD Certificate	Regulation 2(1)
OECD Crucifer and Oil and Fibre Seed Scheme	Regulation 2(1)
OECD Decision	Regulation 2(1)
OECD Grass and Legume Seed Scheme	Regulation 2(1)
OECD List	Regulation 2(1)
official label	Regulation 2(1)
officially certified basic seed	Paragraph 21 of Schedule 1
officially certified C1 seed	Paragraph 37 of Schedule 1
officially certified C2 seed	Paragraph 44 of Schedule 1
officially certified commercial seed	Paragraph 50 of Schedule 1
officially certified CS seed	Paragraph 29 of Schedule 1
officially certified pre-basic seed	Paragraph 7 of Schedule 1
official measures	Regulation 2(1)
official sample	Regulation 2(1)
official stamp	Regulation 2(1)
official UK field inspection	Regulation 2(1)
official UK seed test	Regulation 2(1)
overseas tested officially certified basic seed of a component of a listed hybrid variety	Paragraph 18 of Schedule 1
overseas tested officially certified basic seed of a listed variety	Paragraph 12 of Schedule 1
overseas tested officially certified C1 seed of a listed variety	Paragraph 34 of Schedule 1
overseas tested officially certified C2 seed of a listed variety	Paragraph 41 of Schedule 1
overseas tested officially certified CS seed of a listed variety	Paragraph 26 of Schedule 1
overseas tested officially certified pre-basic seed of a listed variety	Paragraph 4 of Schedule 1
perennial ryegrass	Regulation 3
pre-basic seed	Paragraph 1 of Schedule 1
previously listed variety	Regulation 2(1)
properly sealed package	Regulation 24(11)
qualifying seed lot	Regulation 11(15)
qualifying seed test report	Regulation 6(4)



red clover	Regulation 3
red fescue	Regulation 3
red top	Regulation 3
registered name	Regulation 2(1)
registered person	Regulation 2(1)
rescue grass	Regulation 3
rough stalked meadowgrass	Regulation 3
sainfoin	Regulation 3
Schedule 4 germination test	Regulation 2(1)
seed that is subject to official post control	Regulation 8(18)
sheep's fescue	Regulation 3
Secretary of State	Regulation 2(1)
seed industry activity	Regulation 2(1)
seed lot	Regulation 2(1)
seed that has been subject to satisfactory official post control	Regulation 2(1)
small EC A package of seed	Regulation 2(1)
small EC B package of seed	Regulation 2(1)
small seeded legumes	Regulation 3
small Timothy	Regulation 3
smooth stalked meadowgrass	Regulation 3
swede	Regulation 3
tall fescue	Regulation 3
tall oatgrass	Regulation 3
Timothy	Regulation 3
third country	Regulation 2(1)
the Third Country Equivalence Decision	Regulation 2(1)
third country officially certified basic seed of a listed variety	Paragraph 11 of Schedule 1
third country officially certified C1 seed of a listed variety	Paragraph 33 of Schedule 1
third country officially certified basic seed of a component of a listed hybrid variety	Paragraph 17 of Schedule 1
third country officially certified CS seed of a listed	Paragraph 25 of Schedule 1
third country officially certified C2 seed of a listed variety	Paragraph 40A of Schedule 1
Trefoil, black medick	Regulation 3
UK field inspection carried out under official supervision	Regulation 2(1)
UK officially certified basic seed of a listed variety	Paragraph 9 of Schedule 1
UK officially certified basic seed of a component of a listed hybrid variety	Paragraph 15 of Schedule 1
UK officially certified C1 seed of a listed variety	Paragraph 31 of Schedule 1
UK officially certified C2 seed of a listed variety	Paragraph 39 of Schedule 1
UK officially certified commercial seed	Paragraph 46 of Schedule 1
UK officially certified CS seed of a listed variety	Paragraph 23 of Schedule 1
UK officially certified early movement basic seed of a component of a listed hybrid variety	Paragraph 19 of Schedule 1
UK officially certified early movement basic seed	Paragraph 13 of Schedule 1

of a listed variety	
UK officially certified early movement C1 seed of a listed variety	Paragraph 35 of Schedule 1
UK officially certified early movement C2 seed of a listed variety	Paragraph 42 of Schedule 1
UK officially certified early movement commercial seed	Paragraph 48 of Schedule 1
UK officially certified early movement CS seed of a listed variety	Paragraph 27 of Schedule 1
UK officially certified early movement pre-basic seed of a listed variety	Paragraph 5 of Schedule 1
variety	
UK officially certified pre-basic seed of a listed variety	Paragraph 2 of Schedule 1
UK seed test carried out under official supervision	Regulation 2(1)
unlisted variety	Regulation 2(1)
velvet bent	Regulation 3
vetches	Regulation 3
whenever carried out	Regulation 2(1)
white clover	Regulation 3
white lupin	Regulation 3
wood meadowgrass	Regulation 3
writing	Regulation 2(3)
yellow lupin	Regulation 3

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## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations extend to Wales and come into force on 1 January 2003. They revoke and replace, with modifications, the Fodder Plant Seeds Regulation 1993 (S.I. 1993/2009) insofar as they extend to Wales. They also revoke the Fodder Plant Seeds (Amendment) Regulations 1993 (S.I. 1993/2529), the Fodder Plant Seeds (Amendment) Regulations 1996 (S.I. 1996/1453) and the Fodder Plant Seeds (Amendment) Regulations 1999 (S.I. 1999/1864) insofar as they extend to Wales and the Fodder Plant Seeds (Amendment) (Wales) Regulations 2001 (S.I. 2000/3665 (W.)), all of which amended the 1993 Regulations.

The 1993 Regulations implemented the provisions of Council Directive 66/401/EEC on the marketing of fodder plant seed (O.J. No. L125, 11.7.66, p. 2298/66, OJ/SE 1965-66 p.132)). These Regulations continue to implement the provisions of that Directive as last amended by Council Directive 2001/64/EC (O.J. No. L234, 1.9.2001, p.60.).

The Regulations apply to the certification and marketing of fodder plant seed of the species specified in Schedule 2 to these Regulations (regulation 5). They do not apply to seed harvested on or before 31<sup>st</sup> December 2003 until 1<sup>st</sup> July 2004 (regulation 33).

The Regulations include provisions that lay down the procedures relating to the certification of fodder plant seed in Wales (Part II), including provisions relating to the entry of seed lots (regulation 6), the entry of crops (regulation 7), the field inspection of crops (regulation 8), the lodging of field inspection reports and similar documents (regulation 9), the re-grading of crops (regulation 10), seed testing (regulation 11), the lodging of seed test reports (regulation 12), the re-grading of seed (regulation 13) and the withdrawal of official certification (regulation 14).

The Regulations include provisions that prohibit the marketing of fodder seed in Wales except for seed that falls into one of the categories listed in Schedule 6 (regulation 15). These categories are defined in Schedule 1. The prohibition does not apply in the case of seed of a category that is not listed in Schedule 6 where an authorisation has been granted for scientific purposes or selection work (regulation 19) or for the purpose of tests and trials (regulation 20) or is authorised by a general licence made under regulation 21.

The Regulations lay down requirements relating to the sampling (regulation 23) and packaging (regulation 24) of seed and the sealing (regulation 25) and labelling of packages (regulation 26) of seed.

The Regulations enable the National Assembly for Wales to make arrangements for any person to act under its responsibility in carrying out official measures (regulation 28) and include provisions relating to the charging of fees (regulation 29).

The contravention of these Regulations is a criminal offence (section 16(7) of the Plant Varieties and Seeds Act 1964).

A Regulatory Appraisal and a Transposition Note have been prepared for these Regulations. A copy of each of these documents has been placed on the National Assembly for Wales web-site ([www.wales.gov.uk](http://www.wales.gov.uk)). Copies can be obtained from the Welsh Assembly Government, Plant Health and Biotechnology Branch, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ.