

**EUROPEAN COMMUNITIES (SEED OF FODDER PLANTS) (AMENDMENT)
REGULATIONS 1986**

I, AUSTIN DEASY, Minister for Agriculture, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972), for the purpose of giving effect to Council Directive No. 66/401/EEC of 14 June, 1966 (as amended in the manner specified in Regulation 2 of the European Communities (Seed of Fodder Plants) Regulations, 1981 (S.I. No. 112 of 1981)) and to Commission Directive No. 81/126/EEC of 16 February, 1981, Commission Directive No. 82/287/EEC of 13 April, 1982, Commission Directive No. 83/116/EEC of 8 March 1983 and Commission Directive No. 85/38/EEC of 14 December, 1985, in so far as they relate to seed of fodder plants, hereby make the following regulations:

- 1OJ No L25/2298, 11 July, 1966.
- 2OJ No L67/36, 12 March, 1981.
- 3OJ No L131/24, 13 May, 1982.
- 4OJ No L76/21, 22 March, 1983.
- 5OJ No L16/41, 19 January, 1985.

REG 1

1. (1) These Regulations may be cited as the European Communities (Seed of Fodder Plants) (Amendment) Regulations, 1986, and shall come into operation on the 5th day of August, 1986.

(2) In these Regulations "the Principal Regulations" means the European Communities (Seed of Fodder Plants) Regulations, 1981 (S.I. No. 112 of 1981).

(3) The Principal Regulations and these Regulations may be cited together as the European Communities (Seed of Fodder Plants) Regulations, 1981 and 1986.

REG 2

2. The following paragraph is hereby substituted for paragraph (2) of Regulation 2 of the Principal Regulations:

"(2) The directives and decision referred to in the definition of 'the directive' in paragraph (1) of this Regulation are Council Directive 69/63/EEC of 18 February, 1969, Council Directive 71/162/EEC of 30 March 1971, Council Directive No. 72/274/EEC of 20 July, 1972, Council Directive No. 72/418/EEC of 6 December, 1972, Act of Accession 10 and Council Decision of 1 January, 1973, Council Directive No. 73/438/EEC of 11 December, 1973, Council Directive No. 75/444/EEC of 26 June, 1975, Council Directive No. 78/55/EEC of 19 December, 1978, First Commission Directive No. 78/386/EEC of 18 April, 1978, Council Directive No. 78/692/EEC of 25 July, 1978, Council Directive No. 78/1020/EEC of 5 December, 1978, Commission Directive No. 79/64/EEC of 27 June, 1979, Council Directive No. 79/692/EEC of 24 July, 1979, Council Directive No. 80/754/EEC of 17 July 1980, Commission Directive 81/126/EEC of 16 February, 1981, Commission Directive 82/287/EEC of 13 April, 1982, Commission Directive 83/116/EEC of 8 March, 1983 and Commission Directive 85/38/EEC of 14 December, 1985."

6OJ No L48/8, 26 February, 1969.

7OJ No L87/24, 17 April, 1971.

8OJ No L171/37, 29 July, 1972.
9OJ No L287/22, 26 December, 1972.
10 Special Edition p. 14, 27 March, 1972.
11OJ No. L2/1, 1 January, 1973.
12OJ No L356/79, 27 December, 1973.
13OJ No L196/6, 26 July, 1975.
14OJ No L16/23, 20 January, 1978
15OJ No L113/1, 25 April, 1978.
16OJ No L236/13, 25 August, 1978.
17OJ No. L350/27, 14 December, 1978.
18OJ No L183/13, 19 July, 1979.
19OJ No L205/1, 13 August, 1979.
20OJ No L207/36, 9 August, 1980.
21OJ No L67/36, 12 March, 1981.
22OJ No L131/24, 13 May, 1982.
23OJ No L76/21, 22 March, 1983.
24OJ No L16/41, 19 January, 1985.

REG 3

3. Regulation 9 of the Principal Regulations is hereby amended by the insertion of the following paragraph after paragraph (3):

"(4) (a) This paragraph applies to fodder plant seed in the form of mixtures which are intended for the production of fodder plants and either—

(i) mixture of such seed of various genera, species or varieties,
or

(ii) mixtures containing fodder plant seed and seed of plants which are not fodder plants.

(b) Fodder plant seed to which this paragraph applies may be imported into the State only if the importer has a certificate issued by or on behalf of the official authority stating that it has been mixed in the presence of and under the supervision of a full-time officer of the official authority.

(c) The Customs Acts shall not apply to fodder plant seed to which this paragraph applies by reason of the provisions of subparagraph (b) of this paragraph.

(d) An authorised officer may at any time request a person who imports or has imported into the State fodder plant seed to which this paragraph applies to produce to him the relevant certificate referred to in subparagraph (b) of this paragraph and the person shall comply with the request within 48 hours of its being made."

REG 4

4. The second subparagraph of the Table in paragraph 2 of Annex I of the Schedule to the Principal Regulations is hereby amended by the substitution for "Species or varieties other than Brassica spp., Pisum sativum, apomictic uni-clonal varieties of Poa spp:" of "Specie, of varieties other than Brassica spp., Pisum sativum, varieties of Poa pratensis referred to in the second part of the third sentence of paragraph 4:".

REG 5

5. The following paragraph is hereby substituted for paragraph 4 of Annex I of the Schedule to the Principal Regulations:

"4. The crop shall have sufficient varietal identity and varietal purity. In particular, crops other than those of the species *Pisum sativum*, *Vicia faba*, *Brassica napus* var. *napobrassica*, *Brassica oleracea* convar. *acephala* or of *Poa pratensis* shall conform to the following standards: the number of plants of the crop species which are recognisable as obviously not being true to the variety shall not exceed:

- One per 30m² for the production of basic seed,
- One per 10m² for the production of certified seed.

In the case of *Poa pratensis*, the number of plants of the crop species which are recognisable as obviously not being true to the variety shall not exceed:

- one per 20m² for the production of basic seed,
- four per 10m² for the production of certified seed.

However, in the case of varieties which are officially classified as 'apomictic uniclinal varieties' under agreed procedures, a number of plants recognisable as not being true to the variety, which does not exceed six per 10m², may be regarded as satisfying the aforementioned standards for the production of certified seed.

However, in the case of the species *Pisum sativum*, *Vicia faba*, *Brassica napus* var. *napobrassica*, *Brassica oleracea* convar. *acephala*, only the first sentence of this paragraph is applicable."

REG 6

6. The following paragraph is hereby substituted for paragraph 1 of Section 1 (entitled "Certified Seed") of Annex II of the Schedule to the Principal Regulations:

"1. (a) The seed shall have sufficient varietal identity and purity.

(b) In particular, seeds of the species listed below shall conform to the following standards or other conditions.

(c) The minimum varietal purity shall be—

- *Poa pratensis*, varieties referred to in the second part of the third sentence of paragraph 4 of Annex I: 98 per cent;
- *Pisum sativum*, *Vicia faba*, *Brassica napus* var. *napobrassica*, *Brassica oleracea* convar. *acephala*—
- certified seed, 1st generation: 99 per cent;
- certified seed, 2nd and subsequent generations: 98 per cent.

(d) The minimum varietal purity shall be examined mainly in field inspection carried out in accordance with the conditions laid down in Annex I".

REG 7

7. The following paragraphs are hereby substituted for paragraph I of Section II (entitled "Basic Seed") of Annex II of the Schedule to the Principal Regulations:

"1. The seed of *Pisum sativum*, *Brassica napus* var. *napobrassica*, *Brassica oleracea* convar. *acephala*, *Vicia faba* and of varieties of *Poa pratensis* referred to in the second part of the third sentence of paragraph 4 of Annex I shall conform to the following standards or other conditions:

(a) The minimum varietal purity shall be 99.7 per cent.

(b) The minimum varietal purity shall be examined mainly in field inspections carried out in accordance with the conditions laid down in Annex I.

2. The seed shall satisfy the following standards or other conditions:"

REG 8

8. The Principal Regulations are hereby amended by the insertion of the following Regulations after Regulation 19:

"20. The following fees shall be payable to the Minister in relation to the Certification and Testing of fodder plant for the purposes of these Regulations:

A. CERTIFICATION FEES

Grass SeedRate per 50 kg£Perennial Ryegrass, low persistence0.42Perennial Ryegrass, new varieties and other0.63Perennial Ryegrass, high persistence0.74Italian Ryegrass0.42Field Peas0.42Grass Seed Mixtures0.26 (+0.5 per label)Arable Silage Mixtures0.06 (+0.05 per label)

B. SEED TESTING FEES

All SamplesRate per sampleStraight£ —Complete Test 5.75 —Germination only4.00 —Purity only2.50 —Moisture only2.50Seed Mixtures —Complete Test6.75 —Germination only5.25

"

GIVEN under my Official Seal, this 23rd day of July, 1986.

AUSTIN DEASY,

Minister for Agriculture.

EXPLANATORY NOTE.

The Regulations—

- (1) provide for differential standards for the different types of varieties of smooth stalked meadow grass,
- (2) provide that fodder plant seed in the form of mixtures may be imported only if the importer has a certificate issued by or on behalf of the official authority stating that it has been mixed in the presence of and under the supervision of a full time officer of the official authority,
- (3) prescribe fees for the testing and certification of fodder plant

seed.