

EUROPEAN COMMUNITIES (VEGETABLE SEEDS) (AMENDMENT) REGULATIONS 1991

I, MICHAEL O'KENNEDY, Minister for Agriculture and Food, 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 Commission Directive No. 87/120/EEC of 14 January, 1987(1), Commission Directive No. 87/481/EEC of 9 September, 1987(2), Council Directive No. 88/380/EEC of 13 June 1988(3) and Commission Directive No. 89/14/EEC of 15 December 1988(4), in so far as they relate to vegetable seeds, hereby make the following Regulations:

REG 1

1. (1) These Regulations may be cited as the European Communities (Vegetable Seeds) (Amendment) Regulations, 1991, and shall come into operation on the 30 day of April, 1991.
- (2) The European Communities (Vegetable Seeds) Regulations, 1981 and 1985, and these Regulations may be cited together as the European Communities (Vegetable Seeds) Regulations 1981 to 1991.

REG 2

2. In these Regulations "the Principal Regulations" means the European Communities (Vegetable Seeds) Regulations 1981, (S.I. No. 73 of 1981).

REG 3

3. Regulation 2 of the Principal Regulations is hereby amended — as in paragraph (1), by the substitution for the definition of "Vegetable" of the following definition:

(a) Vegetable means plants of the following species intended for agricultural or horticultural production but not for ornamental uses:

- (1) O.J. No. L 49/39, 18.2.87.
- (2) O.J. No. L 273/45, 26.9.87.
- (3) O.J. No. L 187/31, 16.7.88.
- (4) O.J. No. L 8/9, 11.1.89.

Species	Common Name
<i>Allium cepa</i> L.	Onion
<i>Allium porrum</i> L.	Leek
<i>Apium graveolens</i> L.	Celery
<i>Beta vulgaris</i> L. var. <i>conditiva</i> Alef	Red beet or beetroot
<i>Brassica oleraceae</i> L. convar. <i>acephala</i> (DC.) Alef var. <i>sabellica</i> L.	Curly Kale
<i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) Alef var. <i>botrytis</i> L.	Cauliflower
<i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) Alef var. <i>cymosa</i> Duch	Sprouting broccoli or Calabrese
<i>Brassica oleracea</i> L. convar. <i>oleracea</i> var. <i>gemmifera</i> DC	Brussels Sprouts
<i>Brassica oleracea</i> L. convar. <i>capitata</i> (L.) Alef var. <i>sabauda</i> L.	Savoy Cabbage
<i>Brassica oleracea</i> L. convar. <i>capitata</i> (L.) Alef var. <i>alba</i> DC	Cabbage
<i>Brassica oleracea</i> L. convar. <i>capitata</i> Alef var. <i>rubra</i> DC	Red Cabbage
<i>Brassica oleracea</i> L. convar. <i>acephala</i> (DC.) Alef var. <i>gorgylodes</i>	Kohlrabi
<i>Brassica pekinensis</i> (Lour.) Rupe	Chinese Cabbage
<i>Brassica rapa</i> L. var.	

rapa Turnip Capsicum annuum L. Chilli Pepper Capsicum Cichorium endivia
 L. Endive Cichorium intybus L. (partim) Witloof chicory, Large leaved
 chicory (Italian chicory) Cichorium intybus L. (partim) Industrial
 chicory Cucumis melo L. Melon Cucumis sativus L. Cucumber, gherkin cucurbita
 pepo L. Marrow Caucis carota L. Carrot Foeniculum vulgare millar Fennel Lactuca
 savita L. Lettuce Lycopersicon Lycopersicum (L.) Karsten ex
 farw Tomato Petroselinum crispum (Miller) Nyman ex A. W.
 Hill Parsley Phaseolus coccineus L. Runner bean Phaseolus vulgaris L. French
 bean Pisum sativum L. (partim) Pea, excluding Field Pea Raphanus sativus
 L. Radish Solanum melongena L. Aubergine or egg plant Spinacia oleracea
 L. Spinach Vicia faba L. (partim) Broad bean
 and

(b) in paragraph (2), by the insertion after "1979," of
 "Commission Directive No. 87/120/EEC of 14 January, 1987, Commission
 Directive No. 87/481/EEC of 9 September, 1987, Council Directive No.
 88/380/EEC of 13 June, 1988, Commission Directive No. 89/14/EEC of
 15 December, 1988,".

REG 4

4. Regulation 6 of the Principal Regulations is hereby amended by
 the insertion after subparagraph (b) of the following paragraph:
 "(bb) in case the seed is harvested in a third country, its
 characteristics and the arrangements for its examination, for ensuring
 identity, for marking and for control is equivalent to those of and
 for basic seed, certified seed or standard seed harvested within the
 community and complying with Council Directive No. 70/458/EEC of 29
 September 1970,(5)".

REG 5

5. The Principal Regulations are hereby amended by the insertion
 after Regulation 6 of the following Regulations:

"5A (1) Vegetable seed—

(a) which has been produced directly from basic seed or
 certified seed officially certified either in one or more Member
 States or in a third country which has been granted equivalence in
 accordance with Article 32 (1) (d) of Council Directive No.
 70/458/EEC of 29 September 1970, or which has been produced directly
 from the crossing of basic seed officially certified in a Member
 State with basic seed officially certified in such a third country,
 and

(b) which has been harvested in another Member State, shall, on
 request, be officially certified as certified seed if it has
 undergone field inspection satisfying the conditions laid down in
 Annex I for the relevant category and official examination has shown
 that the conditions laid down in Annex II of the same category are
 satisfied, and where in, such cases vegetable seed has been produced
 directly from officially certified seed of pre-basic seed, it shall
 be officially certified as basic seed if the conditions laid down
 for the species concerned are satisfied.

(5) O.J. No. L. 225/7, 12.10.70.

(2) Vegetable seed which has been harvested in another Member State

and which is intended for certification in accordance with the provisions laid down in paragraph 1 shall—

(a) be packed and labelled with an official label satisfying the conditions laid down in paragraphs (A) and (B), in accordance with the provisions laid down in Regulation 9, and

(b) be accompanied by an official document satisfying the conditions laid down in paragraph (C).

(3) Vegetable seed—

(a) which has been produced directly from basic seed officially certified either in one or more Member States or in a third country to which Article 32 (1) (d) of Council Directive No. 70/458/EEC of 29 September 1970 applies or which has been produced directly from the crossing of basic seed officially certified in such a third country, and

(b) which has been harvested in a third country.

shall, on request, be officially certified as certified seed if the seed has undergone field inspection satisfying the conditions laid down in an equivalence decision made under Article 32 (1) (a) of Council Directive No. 70/458/EEC of 29 September 1970, for the relevant category, and if official examination has shown that the conditions laid down in Annex II for the same category are satisfied."

REG 6

6. Regulation 9 of the Principal Regulations is hereby amended—

(a) by the substitution of the following paragraph for paragraph (3):

"(3) (a) Packages of standard seed and small packages of certified seed shall, in accordance with paragraph B of Annex IV, bear a suppliers label or a printed or a stamped notice in one of the official languages of the European Community.

(b) In the case of small packages of standard seed up to a maximum net weight of 100 grams, the information prescribed or authorised under this provision shall be kept clearly separate from any other information given on the label or the package.

(c) The colour of the label provided pursuant to this paragraph shall be blue for certified seed and dark yellow for standard seed",

and

(b) by the substitution of the following subparagraph for subparagraph (b) of paragraph (4):

(b) "the label shall give the following information:

(i) the certification authority and the Member State by which the authority is designated or their distinguishing abbreviation,

(ii) the lot reference number,

(iii) the month and year of closing or the month and year of the last official sampling for the purposes of certification,

(iv) the species, indicated at least in roman characters, under its botanical name, which may be given in abridged form and without the authorities names, or under its common name, or both,

(v) the variety, indicated at least in roman characters,

(vi) the description "pre-basic seed", and

(vii) the number of generations preceding seed of the category

certified seed of the first generation",
and

(c) by the insertion in paragraph (5) of the following
subparagraph: "This reference shall follow the varietal name, from
which it shall be clearly separated, and shall not be given greater
prominence than the varietal name".

REG 7

7. The Schedule to the Principal Regulations is hereby amended — by
the substitution for (a) in Annex I, by the substitution of the
following subparagraph for Annex 1 (4) of the following subparagraph
A of paragraph 1:

"A. *Beta vulgaris*

(1) From any pollen sources of the genus *Beta* not included
below 1,000M (2) From pollen sources of varieties of the same subspecies
belonging to a different group of varieties: (a) for basic
seed 1.000M (b) for certified seed 600M (3) From pollen sources of
varieties of the same subspecies belonging to the same group of
varieties (a) for basic seed 600M (b) for certified seed 300M
The groups of varieties referred to in 2 and 3 shall be classified
in five groups, according to their characteristics, as follows:
I. *Beta vulgaris* L. var. *vulgaris*, Spinach beet, chard, and *Beta*
vulgaris L. var. *conditiva* Alef., red beet or beetroot. Where the
crop is of a genetically monogerm variety, multigerm varieties shall
be regarded as belonging to a different group.
II. *Beta vulgaris* L. var. *vulgaris*, Spinach beet, chard. Subject to
point I, varieties shall be classified in five groups, according to
their characteristics, as follows:

Group (1) Characteristics

(2) 1. White petiole and pale green leaf blade, without anthocyanin
coloration. 2. White petiole and medium or dark green leaf blade,
without anthocyanin coloration. 3. Green petiole and medium or dark
green leaf blade, without anthocyanin coloration. 4. Pink petiole and
medium or dark green leaf blade. 5. Red petiole and leaf blade with
anthocyanin coloration

III. *Beta vulgaris* L. var. *conditiva* Alef., red beet or beetroot.
Subject to point I, varieties shall be classified in six groups,
according to their characteristics, as follows:

Group (1) Characteristics

(2) 1. Transverse narrow elliptic or transverse elliptic shape of root
longitudinal section and root flesh red or purple. 2. Circular or broad
elliptic shape of root longitudinal section and root flesh
white. 3. Circular or broad elliptic shape of root longitudinal section
and root flesh yellow. 4. Circular or broad elliptic of root
longitudinal section and root flesh red or purple. 5. Narrow oblong
shape or root longitudinal section and root flesh red or purple.

A. (a) Brassica species

(1) From sources of foreign pollen liable to cause serious
deterioration of varieties of Brassica species:

(a) for basic seed 1,000m (b) for certified seed 600m
(2) From other sources of foreign pollen liable to cross with varieties of Brassica species:

(a) for basic seed 500m (b) for certified seed 300m

B. Other species:

(1) From sources of foreign pollen liable to cause serious deterioration of varieties of other species as a result of cross-fertilisation:

(a) for basic seed 500m (b) for certified seed 300m

(2) From other sources of foreign pollen liable to cross with varieties of other species as a result of cross-fertilisation:

(a) for basic seed 300m (b) for certified seed 100m

These distances can be disregarded if there is sufficient protection from any undesirable foreign pollination.",

(b) in Annex II—

(i) in the first column of the table to paragraph 3 (a)—

(I) by the substitution of "(Cheltenham beet)" for "(Cheltenham beet variety)".

(II) by the substitution of "(other than Cheltenham beet)" for "(all species)".

(III) by the insertion after "Cichorium intybus" of "(partim)

(Witloof chicory, large-leaved chicory (Italian chicory), and

(IV) by the substitution for "Brassica oleracea var. botrytis of "Brassica oleracea (cauliflower)",

and

(ii) by the insertion in the said table of the following:

"

Brassica pekinensis 97175 Cichorium intybus (partim) (industrial chicory) 97180

",

(c) in Annex III,

(i) by the addition of the following to paragraph 1:

"the maximum weight of a seed lot shall not be exceeded by more than 5 per cent.", and

(ii) in the first column of the table to paragraph (2) — by the substitution of

"cichorium intybus (partim) (Witloof chicory, large-leaved chicory (Italian chicory))" for "Cichorium intybus", and

(iii) by the insertion in the said table of the following:

"

Brassica pekinensis 20 Cichorium intybus (partim) (industrial chicory) 50

",

(d) in Annex IV—

(i) The insertion in paragraph A (a) 5 after "Species" of

", indicated at least in roman characters, under its botanical name, which may be given in abridged form and without the authorities' names, or its common name, or both",

(ii) the insertion in paragraph A (a) 6 after "Variety" of

", indicated at least in roman characters,",

(iii) the insertion after paragraph A (a) after sub-clause 10 of

the following subclause:

"11. In the case of varieties which are hybrids or inbred lines:

(i) for basic seed where the hybrid or inbred line to which the seed belongs has been officially accepted under this Directive: the name of the component under which it has been officially accepted, with or without reference to the final variety, accompanied, in the case of hybrids or inbred lines which are intended solely as components for final varieties, by the word component.

(ii) for basic seed in other cases: the name of the component to which the basic seed belongs, which may be given in code form, accompanied by a reference to the final variety, with or without reference to its function (male or female), and accompanied by the word component.

(iii) for certified seed:

the name of the variety to which the seed belongs, accompanied by the word hybrid.",

(e) the insertion in paragraph (B) (a) 4 after "Species" of ",indicated at least in roman characters," and

(f) the insertion in paragraph B (a) 5 after "Variety" of ",indicated at least in roman characters," and

(g) by the insertion after Annex IV of the following Annex:
"ANNEX V

Label and document provided in the case of seed not finally certified, harvested in another Member State.

A. Information required for the label

1. the authority responsible for field inspection and the Member State by which the authority was designated or their initials,
2. the species, indicated at least in roman characters, under its botanical name, which may be given in abridged form and without the authorities' names, or under its common name, or both,
3. the variety, indicated at least in roman characters,
4. the category,
5. the field or lot reference number,
6. the declared net or gross weight,
7. the words "seed not finally certified".

B. Colour of the label the label shall be grey.

C. Information required for the document

1. the authority issuing the document,
2. the species, indicated at least in roman characters, under its botanical name, which may be given in abridged form and without the authorities' names, or under its common name, or both,
3. the variety, indicated at least in roman characters,
4. the category,
5. the reference number of the seed used to sow the field and the name of the country or countries which certified that seed,
6. the field or lot reference number,
7. the area cultivated for the production of the lot covered by the document,
8. the quantity of seed harvested and the number of packages,
9. the attestation that the conditions to be satisfied by the crop from which the seed comes have been fulfilled,
10. where appropriate, the results of a preliminary seed analysis.

GIVEN under my Official Seal this 30th day of April, 1991.
MICHAEL O'KENNEDY,
Minister for Agriculture and Food.

EXPLANATORY NOTE.

These Regulations amend existing Regulations by (1) updating the annexes to improve standards (2) adding species of increased economic importance and deleting others of low importance (3) revising certain provisions in order to facilitate the reproduction of seed in member-States other than that of origin and (4) improving information provided on the official label.