

S.I. No. 142/2001 — European Communities (Beet Seed) Regulations, 2001

S.I. No. 142 of 2001

EUROPEAN COMMUNITIES (BEET SEED) REGULATIONS, 2001

I, Joe Walsh, Minister for Agriculture, Food and Rural Development, 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. 66/400/EEC of 14 June, 1966¹, as amended by the directives, act and decision specified in Regulation 2(2) following, hereby make the following regulations:

Short title and
commencement.

1. These Regulations may be cited as the European Communities (Beet Seed) Regulations, 2001, and shall come into operation on the 26th day of February 2001.

Interpretation.

2. (1) In these Regulations -

“Annex I” means Annex I to Council Directive No. 66/400/EEC, as amended by Commission Directive No. 87/120/EEC and by Commission Directive No. 88/95/EEC, which Annex is contained in the Schedule hereto;

“Annex II” means Annex II to Council Directive No. 66/400/EEC, as amended by Commission Directive No. 87/120/EEC, which Annex is contained in the Schedule hereto;

“Annex III” means Annex III to Council Directive No. 66/400/EEC, as amended by Council Directive No. 88/380/EEC and by Council Directive No. 96/72/EC, which Annex is contained in the Schedule hereto;

“Annex IV” means Annex IV to Council Directive No. 66/400/EEC, as inserted by Council Directive No. 88/380/EEC, which Annex is contained in the Schedule hereto;

“authorised officer” means an officer of the Minister authorised in writing by the Minister for the purposes of these Regulations;

“basic seed” means seed of beet which

(a) has been produced under the responsibility of the breeder according to well-

defined practices for the maintenance of the type or variety,

- (b) is intended for the production of certified seed,
- (c) subject to Regulation 6 of these Regulations, satisfies the conditions laid down in Annex I for basic seed and
- (d) has been found on official examination to have been so produced, to be so intended and to have satisfied the said conditions;

“beet” means sugar and fodder beet of the species *Beta vulgaris* L.

“certified seed” means seed of beet which

- (a) has been produced directly from pre-basic seed or basic seed,
- (b) is intended mainly for the production of beet,
- (c) subject to Regulation 6 of these Regulations, satisfies the conditions laid down in Annex I, and
- (d) has been found on official examination to have been so produced, to be so intended and to have satisfied the said conditions, and

“common catalogue” means the Common Catalogue of Varieties of Agricultural Plant Species published from time to time by the Commission of the European Communities in the Official Journal of the European Communities;

“the directive” means Council Directive No. 66/400/EEC of 14 June, 1966,⁽¹⁾ as amended by the directives, act and decision specified in paragraph (2) of this Regulation

“Member State” means a Member State of the European Communities;

“the Minister” means the Minister for Agriculture, Food and Rural Development;

“monogerm seed” means genetically monogerm seed of beet which satisfies the special conditions for such seed laid down in paragraph B of Annex I;

“national catalogue” means the National Catalogue of Agricultural Plant Varieties maintained by the Minister pursuant to and in accordance with Regulations made by him under the European Communities Act, 1972 (No. 27 of 1972) ;

“official” other than in the expression “official authority” or “official language”, refers to any work or measure carried out or taken by an official authority in connection with

such work;

“official authority” means the authority officially designated by a Member State to carry out the work in connection with the certification, examination, sampling or closing of vegetable seed, or any other work or measure relevant to the provisions of the directive or these Regulations, or any similar authority in a third country;

“pre-basic seed” means seed of beet of generations prior to basic seed which

- (a) has been produced under the responsibility of the breeder according to well-defined practices for the maintenance of the type or variety,
- (b) is intended for the production of pre-basic seed, basic seed or certified seed,
- (c) subject to Regulation 6 of these Regulations, satisfies the conditions laid down in Annex I for basic seed, and
- (d) has been found on official examination to have been so produced, to be so intended and to have satisfied the said conditions;

“precision seed” means seed of beet intended for use in precision drills which satisfies the special conditions for such seed laid down in paragraph B of Annex I;

“small *EC* packages” means packages containing the following seed:

- (a) certified seed which is monogerm or precision seed not exceeding 100,000 clusters or grains or a net weight of 2.5 kg. excluding, where contained in the package, granulated pesticides, pelleting substances or other solid additives, or
- (b) certified seed, other than monogerm or precision seed, not exceeding a net weight of 10 kg. excluding, where contained in the package, granulated pesticides, pelleting substances or other solid additives;

“statute” has the same meaning as in section 3 of the Interpretation Act, 1937 (No. 38 of 1937);

“third country” means a country or territory which is not a Member State;

(2) The directives, act and decision referred to in the definition of “the directive” in paragraph (1) of this Regulation are Council Directive No. 69/631/EEC of 18 February 1969,⁽¹⁾ Council Directive No. 71/162/EEC of 30 March, 1971,⁽²⁾ Council Directive No. 72/274/EEC of 20 July, 1972,⁽³⁾ Council Directive No. 73/418/EEC of 6 December, 1972,⁽⁴⁾ Act of Accession⁽⁵⁾ and Council Decision of 1 January, 1973,⁽⁶⁾ Council Directive No. 73/438/EEC of 11 December, 1973,⁽⁷⁾ Council Directive No. 75/444/EEC of 26 June, 1975,⁽⁸⁾ First Commission Directive No. 76/331/EEC of 29 March, 1976,⁽⁹⁾ Council Directive No. 78/55/EEC of 19 December, 1977,⁽¹⁰⁾ Council Directive No.

78/692/EEC of 25 July, 1978,⁽¹¹⁾ Commission Directive No. 87/120/EEC of 14 January, 1987,⁽¹²⁾ Commission Directive No. 88/95/EEC of 8 January, 1988,⁽¹³⁾ Council Directive No. 88/380/EEC of 13 June, 1988,⁽¹⁴⁾ Council Directive No. 96/72/EC of 18 November, 1996,⁽¹⁵⁾ Council Directive No. 98/95/EC of 14 December, 1998,⁽¹⁶⁾

(3) A word or expression that is used in these Regulations and is also used in the directive has, unless the contrary intention appears, the meaning in these Regulations that it has in the directive.

Application 3. These Regulations shall apply to the production with a view to marketing, and to the marketing of, beet seed within the Community.

For the purposes of these Regulations “marketing” shall mean the sale, holding with a view to sale, offer for sale and any disposal, supply or transfer aimed at commercial exploitation of seed to third parties, whether or not for consideration.

Trade in seed not aimed at commercial exploitation of the variety, such as the following operations, shall not be regarded as marketing:

- the supply of seed to official testing and inspection bodies,
- the supply of seed to providers of services for processing or packaging, provided the provider of services does not acquire title to seed thus supplied.

The supply of seed under certain conditions to providers of services for the production of certain agricultural raw materials, intended for industrial purposes, or seed propagation for that purpose, shall not be regarded as marketing, provided the provider of services does not acquire title to either the seed thus supplied or the product of the harvest. The supplier of seed shall provide the official authority with a copy of the relevant parts of the contract made with the provider of services and this shall include the standards and conditions currently met by the seed provided.

The conditions for the application of this provision shall be determined in accordance with the procedure laid down in Annex 21 of Council Directive 66/400/EEC of 14 June, 1966⁽¹⁾.

Official authority. 4. The Minister, or any person or body authorised by the Minister for the purpose, shall be the official authority for the State for the purposes of these Regulations and of the directive.

Marketing and Sale 5. (1) Subject to Regulation 6 of these Regulations and to paragraphs (2) and (3) of this Regulation, beet seed shall not be placed on the market unless -

- (a) the seed is a variety which is

- (i) a variety registered in the National Catalogue, or
- (ii) a variety registered in the common catalogue and as regards which there is not in that catalogue an entry indicating that a prohibition on the marketing of the variety in the State has been authorised and is in force,
- (b) it has been officially certified as basic seed or certified seed, and,
- (c) the seed is in sufficiently homogeneous lots and in packages complying with the requirements of these Regulations, and,
- (d) in case the seed is harvested in a third country, it is of a species to which the declaration contained in Article I of the Seventh Council Decision No. 85/355/EEC of 27 June, 1985⁽¹⁾ on the equivalence of field inspections carried out in third countries on seed-producing crops relates.

(2) The requirements of paragraph (1) of this Regulation shall not apply to the following beet seed, namely:

- (a) seed which has not been processed and which is marketed for processing and as regards which the official authority is satisfied that appropriate measures have been taken to ensure the identity of the seed.
- (b) bred seed of generations prior to basic seed, provided it has been officially inspected by an authorised officer in accordance with the provisions applicable to the certification of basic seed and packed and labelled in accordance with these regulations.

(3)(A) Notwithstanding paragraph (1), producers may be authorised by the official authority in their own territory to place on the market:-

- (a) small quantities of seed intended for scientific purposes or selection work.
- (b) appropriate quantities of seed for other test or trial purposes, provided it belongs to varieties for which an application for entry in the catalogue has been submitted in the official authority in question, and meets the provisions of Regulation 8 relating to the marking of packages and the quantities and conditions under which the official authority may grant such authorisation. These quantities and conditions will be determined in accordance with the procedure laid down in Article 21 of Council Directive 66/400/EEC of 14 June, 1966⁽²⁾.

(3)(B) In the case of genetically modified material, authorisation may be granted only if the official authority is satisfied that

- the seed meets the criteria at paragraph (3)(A)(a) and (b), and
- all appropriate measures have been taken to avoid adverse effects on human health and the environment (for the purposes of the environmental risk assessment, the provisions of Article 7(4) of Directive 70/457/EEC⁽¹⁾ of 29

September, 1970 apply).

5A. (1) Beet seed -

- (a) which has been produced directly from pre-basic or basic seed officially certified in one or more Member States or in a third country to which the said Seventh Council Decision on the equivalence of field inspections carried out in third countries on seed-producing crops, and

- (b) which has been harvested in another Member State

shall, on request and without prejudice to the provisions of the European Communities (National Catalogue of Agricultural Plant Varieties) Regulations, 1981 (S.I. No. 409 of 1981), be officially certified as basic seed or certified seed if that seed has undergone field inspection satisfying the conditions laid down in Annex 1.A for the relevant category and if official examination has shown that the conditions laid down in Annex 1.B for the same category are satisfied.

- (2) Beet 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 complying with paragraphs A and B of Annex IV, in accordance with Regulations 7 and 8 of these Regulations, and

- (b) be accompanied by an official label document complying with paragraph C of Annex IV,

(3) Beet seed-

- (a) which has been produced directly from basic seed officially certified in one or more Member States or in a third country to which the said Seventh Council Decision on the equivalence of field inspections carried out in third countries on seed-producing crops applies

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

shall, on request and without prejudice to the provisions of the European Communities (National Catalogue of Agricultural Plant Varieties) Regulations, 1981, be officially certified as certified seed if the seed has undergone field inspection satisfying the conditions laid down in the Seventh Council Decision on the equivalence of field inspections carried out in third countries on seed-producing crops for the relevant category and if official examination has shown the conditions laid down in Annex I.B for that category are satisfied.

Derogation from
Certification and
Marketing
Provisions

- 6. (1) Subject to Regulation 10 of these Regulations, the Minister may authorise the certification and marketing of pre-basic seed and basic seed which does not satisfy the conditions laid down in Annex I in respect of germination: provided that the supplier of the seed guarantees a specific germination for the seed which guaranteed germination shall be shown on a special label giving the name and address of the supplier and the reference number of the relevant lot of seed.

(2) (a) Subject to Regulation 10 of these Regulations and to sub paragraph (b) of this paragraph, the Minister may, where the official examination in respect of germination pursuant to Annex I has not concluded, authorise the official certification of basic seed or certified seed, and the marketing of those categories of seed by way of trade as far as the first buyer.

(b) The powers conferred on the Minister by subparagraph (a) of this paragraph shall be exercised by the Minister subject to the following conditions:

- (i) a provisional analytical report on the seed, which should include the germination of the seed, shall be sent to the official authority by the supplier of the seed,
- (ii) the name and address of the first buyer shall be given to the official authority by such supplier,
- (iii) such supplier shall furnish to such buyer a guarantee which satisfies the Minister of the germination given in the said provisional analytical report, and,
- (iv) the germination so guaranteed shall be stated on a special label bearing the name and address of such supplier and the reference number of the relevant lot of seed.

(3) The Minister may for such period as he shall specify authorise the marketing of seed of a variety which is not registered in the National Catalogue but which is registered in a catalogue of a Member State which corresponds to the National Catalogue.

(4) The Minister may, where the Commission makes a decision in that regard, authorise the marketing, for a period specified in the authorisation, of seed of a category specified in the decision subject to less stringent requirements, which shall be specified therein, than those of these Regulations for pre-basic seed, basic seed or certified seed, or of seed of varieties included neither in the Common Catalogue nor in the National Catalogues of the Member States.

(5) The foregoing provisions of this Regulation, other than paragraph (4), shall not apply to seed imported from a third country unless such seed has been produced directly from basic seed certified as such in the State.

(6) Subject to paragraphs (1) and (2)(a) of this Regulation, the Minister shall assist other Member States in the administration of controls.

Closing.

7. (1) Packages of pre-basic seed, basic seed or certified seed, other than small *EC* packages of certified seed, shall be closed, either officially or under official supervision, in such a manner that they cannot be opened without either damaging the closing system or leaving evidence of tampering either on the official label provided in pursuance of Regulation 8(1) of these Regulations or on the package.

(2) Except where a non-reusable closing system is used, the closing system used to comply with this Regulation shall be at least comprised of either the above-mentioned label or the affixing of an official seal.

(3) Except in the case of small *EC* packages, packages of pre-basic seed, basic seed or certified seed shall not be reclosed on one or more occasions unless this is done officially or under official supervision. If any such packages are reclosed the fact of reclosing, the date of reclosing and the authority by whom or under whose supervision the reclosing was carried out shall be stated on the label required under Regulation 8(1) of these Regulations.

(4) Small *EC* packages shall be closed in such a manner that they cannot be opened without damaging the closing system or leaving evidence of tampering on the label or package. Such packages shall not be reclosed on one or more occasions except under official supervision.

Labelling.

8. (1) The following provisions of this paragraph shall apply as regards packages of basic seed and certified seed, other than small *EC* packages of certified seed:

- (a) they shall be labelled on the outside with an official label (adhesive or otherwise) which has not previously been used and which gives the information and satisfies the requirements as to dimensions specified in Annex III(A) and on which such information is given in one of the official languages of the European Communities,
- (b) the colour of the said label shall be white for basic seed and blue for certified seed,
- (c) when a label with a stringhole is used, an official seal shall be used in relation to its attachment to the package,
- (d) where the seed is seed to which an authorisation under Regulation 6(1) of these Regulations relates, the fact that the seed does not satisfy the conditions laid down in Annex I in respect of germination and the fact that it is seed to which such an authorisation relates shall both be stated on the label,
- (e) they shall contain an official document, of the same colour as the said label, giving at least the information required under paragraph 3, 4, 5, 10 and 11 of Annex III(A),
- (f) the aforesaid document shall be drawn up in such a manner that it cannot be confused with the official label referred to in paragraph (1) (a) of this Regulation, and
- (g) where the seed is of a variety which has been genetically modified, any label or document, official or otherwise, which is affixed to or accompanies the seed lot shall clearly indicate that the variety has been genetically modified.

(2) The requirements of subparagraphs (e) and (f) of paragraph (1) of this Regulation shall not apply to a package to which that paragraph applies, if,

- (a) the information mentioned therein is indelibly printed on the package, or
- (b) an adhesive label is used on the package, or
- (c) a tear-resistant label is attached to the package, or

(3) Paragraph (1) of this Regulation shall apply to pre-basic seed subject to the following modifications:

- (a) the colour of the label shall be white with a violet diagonal line, and
- (b) the label shall give the following information:
 - (i) the certification authority and the Member State by which the authority was designated or their distinguishing abbreviation,
 - (ii) the lot reference number,
 - (iii) the month and year of closing, or
 - (iv) the month and year of the last official sampling for the purposes of certification.
 - (v) 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, and an indication whether the seed is sugar beet or fodder beet,
 - (vi) the variety, indicated at least in roman characters,
 - (vii) the description “pre-basic seed”,
 - (viii) the number of generations preceding seed of the category “certified seed”,
 - (ix) if the variety of seed has been genetically modified, the description “Genetically Modified Variety”.

(4) Small *EC* packages shall bear on the outside, in accordance with paragraph B of Annex III, either a supplier's label, a printed notice or a stamp in one of the official languages of the European Communities. In the case of transparent packages the said label or notice may be placed inside the package provided it can be read through the package. The colour of the said label, notice or stamp shall be white in colour for basic seed, and blue in colour for certified seed.

(5) Where pre-basic seed, basic seed or certified seed has been chemically treated, this fact shall be indicated either on the official label or on a supplier's label and also on the package containing the seed or inside such package.

(6) When the Minister gives an authorisation under Regulation 6(4) of these Regulations, the official label of any package seed which is seed to which the authorisation relates shall be

- (i) in case the seed corresponds to pre-basic seed, basic seed or certified seed, of the colour which under these Regulations is appropriate for the seed to which it corresponds,
- (ii) in case it does not so correspond, brown.

and in addition to the foregoing such label shall indicate that the marketing of the seed is subject to requirements which are less stringent than those otherwise required by these Regulations.

Sampling

9. (1) In the official examination of beet seed for certification, samples shall be officially drawn both from sufficiently homogeneous lots and in accordance with the International Rules for Seed Testing published by the International Seed Testing Association, and the maximum weight of a lot of seed and the minimum weight of a sample shall be as laid down in Annex II.
- (2) Where an authorised officer takes a sample of seed pursuant to these Regulations, the provisions of paragraph (1) of this Regulation shall apply as regards the minimum weight of the sample and the sample shall be drawn in accordance with the Rules mentioned in that paragraph.

Vegetable seed marketed in small quantities to the final consumer.

10. Notwithstanding the non-compliance with a requirement of these Regulations as to packaging, closing or marketing, beet seed may be marketed at the retail stage to the final consumer in quantities not exceeding whichever of the quantities specified in the definition in Regulation 2 of these Regulations of “small *EC* packages” is appropriate having regard to the type of seed if, but only if, the seed is taken, in the presence of the purchaser, from the package in which it was packed under the supervision of officers of the Minister and such package is, when the seed is taken from it, marked in accordance with these Regulations.

Registration etc.

11. (1) Notwithstanding Regulation 18 of these Regulations, the register which immediately before the commencement of these Regulations was known as the Register of Beet Seed Processors and Importers shall continue to be maintained by the Minister but shall henceforth known as the Register of Beet Seed Processors. Importers and Packers (which register is in these Regulations referred to as “the register”).
- (2) (a) A person shall not carry on the business of a seed processor, a seed importer, or a seed packer, unless he is registered in the register as such.
- (b) Subparagraph (a) of this paragraph shall come into effect on the 1st day of April, 1981, as regards persons carrying on the business of a seed packer.
- (3) There shall be entered in the register the following particulars, namely:

- (a) the full name, address and description of the person registered therein,
- (b) in case a person is registered therein as a seed processor, or a seed packer, a description of the premises in which such person carries on the business of seed processing or seed packing which description shall be sufficient to identify those premises and the limits and extent thereof and also the place where the relevant beet seed is stored, and
- (c) such other particulars as the Minister, in the circumstances of any particular case, considers relevant.

(4) Any change in the name or address of a person registered in the register shall be notified by him to the Minister.

(5) On the application, in such form and containing such particulars as the Minister may direct, by or on behalf of a person who proposes to carry on the business of a seed processor, seed importer or a seed packer, the Minister may register the person in the register as such.

(6) Before the Minister registers any person under paragraph (5) of this Regulation the Minister shall be satisfied that there are available to the person such premises and facilities as are adequate to enable the person to carry on the business to which the application relates.

(7) Whenever the Minister proposes to refuse an application for registration in the register he shall, before doing so, notify in writing the applicant for registration of his intention and of the reasons therefore, and, if any representations are made to the Minister by the applicant within seven days after the giving of the notification, the Minister shall consider them.

(8) In this Regulation -

“seed importer” means a person who imports beet seed in any quantity exceeding 2 kg. and “importer” shall be construed accordingly;

“seed processor” means a person who assembles, dries, cleans, treats, mixes or otherwise processes beet seed which is intended for sale and “seed processing” shall be construed accordingly.

“seed packer” means a person who in the course of business packs small *EC* packages;

Records, returns,
etc.

12. (1) Any person who carries on the business of processing, packing or marketing beet seed (including the importation and storage of such seed) shall

- (a) keep records of his transactions in such seed,
- (b) produce at the request of an authorised office any such records or any books,

documents or other records relating to the said business which are in the possession or under the control of such person.

- (c) permit any such officer to inspect and take extracts from such books, documents or records and give to the officer any information which he may reasonably require in relation to any entries therein,
- (d) afford to any such officer reasonable facilities for inspecting the stock of any such seed on any premises on which such person carries on such a business,
- (e) give to an authorised officer any information he may reasonably require in relation to such transactions including in particular information which he may reasonably require regarding any beet seed specified by him, whether imported from other Member States or from third countries.

(2) A person who imports (whether from another Member State or from a third country) a quantity of beet seed exceeding 2 kg. shall, at the time of importation, furnish to the Minister in writing the following particulars regarding the seed, namely, the species, variety, category, country of production, name of the relevant official authority, country of dispatch, importer and quantity of the seed.

Powers of
authorised Officer

13. (1) In addition to the powers conferred by Regulation 12 of these Regulations, an authorised officer may at any reasonable time enter and inspect any premises in which he has reasonable grounds for believing that the business of processing, packing or marketing, or of importing or exporting, beet seed is carried on, or any other premises in which he so believes such seed to be kept, being seed which he so believes to have been landed or otherwise brought into the State, or any railway wagon, vehicle, ship, vessel or aircraft in which he so believes such seed to be kept, and any such officer may examine the stock and take samples of any beet seed which he finds in the course of his inspection.

(2) Where a sample is taken pursuant to this Regulation, the authorised officer concerned shall:-

- (a) notify forthwith the appropriate person that the sample is so taken, and
- (b) if so required by the appropriate person at the time of the giving of the notification, take a second sample, which shall be like the sample already so taken, and mark and leave it with the appropriate person,

and in case a second sample is left pursuant to a requirement under this Regulation, the person making the requirement may cause the sample to be tested, examined or analysed.

(3) Any person who obstructs or interferes with an authorised officer in the course of exercising a power conferred on him under this Regulation shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200.

(4) The Minister shall furnish an authorised officer with a certificate of his

appointment and, when exercising any powers conferred by these Regulations, the officer shall, if requested by any person affected, produce the certificate to that person.

(5) In this Regulation -

“the appropriate person” means,

- (a) in relation to premises, any person who appears to an authorised officer to be, for the time being, in charge of the premises,
- (b) in relation to a railway wagon, vehicle, ship, vessel or aircraft the owner thereof or person who is, for the time being, in charge thereof or the agent of such owner.

Minister may
require certain seed
to be disposed of.

14. (1) Where a sample of seed is taken pursuant to these Regulations by an authorised officer and is found on official examination not to comply with a requirement of these Regulations, the Minister may require that the seed shall be destroyed or otherwise disposed of in such manner as the Minister shall determine.

(2) In case the Minister makes a requirement under this Regulation the following provisions shall apply.

- (a) he shall inform in writing of the requirement the person who is in possession or control of the seed to which the requirement relates,
- (b) where such person is so informed, pending the disposal of such seed in accordance with the requirement, the seed shall be moved only with the consent of an authorised officer, and
- (c) such person shall dispose of the seed, or cause or permit it to be disposed of, only in accordance with the requirement.

Prosecution of
Offences

15. An Offence under these Regulations may be prosecuted by the Minister.

Penalty

16. A person who contravenes these Regulations shall be guilty of an Offence and shall be liable on summary conviction to a fine not exceeding £400 or, at the discretion of the Court, to imprisonment for a term not exceeding six months.

Saver

17. (1) Nothing in these Regulations shall be construed as affecting a provision of any statute, whether passed before or after the making of these Regulations, which is a provision for the protection of human life or health, animal life or health, plant life or health, or industrial or commercial property.

(2) Specific conditions may be established in accordance with the procedure laid down in *Article 21 of Council Directive 66/400/EEC of 14 June, 1966*⁽¹⁾ to take account

of developments in the areas of:

- (a) conditions under which chemically treated seed may be marketed;
- (b) conditions under which seed may be marketed in relation to the conservation in situ and the sustainable use of plant genetic resources, including seed mixtures of species which also include species listed in Article 1 of Council Directive 70/457/EEC (*O.J. Ref. L.225/1, 12 October, 1970*), and are associated with specific natural and semi-natural habitats and are threatened by genetic erosion;
- (c) conditions under which seed suitable for organic production may be marketed.

(3) The specific conditions referred to in paragraph (2) shall include in particular the following points:

- (i) in the case of (b), the seed of these species shall be of a known provenance approved by the appropriate Authority in each Member State for marketing the seed in defined areas;
- (ii) in the case of (b), appropriate quantitative restrictions.

Revocation

18. The following Regulations are hereby revoked:-

- (i) The European Communities (Beet Seeds) Regulations 1981 (S.I. No. 37 of 1981)
- (ii) European Communities (Beet Seeds) (Amendment) Regulations, 1985 (S.I. No. 52 of 1985)
- (iii) European Communities (Beet Seeds) (Amendment) Regulations, 1991 (S.I. No. 108 of 1991)
- (iv) European Communities (Beet Seeds) (Amendment) Regulations, 1997 (S.I. No. 55 of 1997).

SCHEDULE

ANNEX I

CONDITIONS FOR CERTIFICATION

A. THE CROP

01. The previous cropping of the field shall not have been incompatible with the production of seeds of Beta vulgaris of the variety of the crop, and the field shall be sufficiently free from such plants that are volunteers from previous cropping.

- 1. The crop shall have sufficient varietal identity and varietal purity.
- 2. The seed producer shall submit all the multiplications of a given variety of seed for examination by the certification authority.
- 3. There shall be at least one official field inspection and in the case of basic seed at least two such inspections, one of stecklings and one of the seed-producing plants.
- 4. The cultural condition of the field and the stage of development of the crop shall be such as to permit identity and varietal purity to be adequately checked.
- 5. The minimum distances from neighbouring pollen sources shall be:

| <i>Crop</i> | <i>Minimum Distance</i> |
|--|-------------------------|
| <i>1. For the production of basic seed:</i> | |
| <i>from any pollen sources of the genus Beta</i> | <i>1,000 m</i> |
| <i>2. For the production of certified seed:</i> | |
| <i>(a) of sugar beet:</i> | |
| <i>- from any pollen sources of the genus Beta not included below</i> | <i>1,000 m</i> |
| <i>- the intended pollinator or one of the intended pollinators being diploid, from tetraploid sugar beet pollen sources</i> | <i>600 m</i> |
| <i>- the intended pollinator being exclusively tetraploid from diploid sugar beet pollen sources</i> | <i>600 m</i> |
| <i>- from sugar beet pollen sources, the ploidy of which is unknown</i> | <i>600 m</i> |
| <i>- the intended pollinator or one of the intended pollinators being diploid, from diploid sugar beet pollen sources</i> | <i>300 m</i> |
| <i>- the intended pollinator being exclusively tetraploid, from tetraploid sugar beet pollen sources</i> | <i>300 m</i> |
| <i>- between two sugar beet productions fields in which male sterility is not used</i> | <i>300 m</i> |
| <i>(b) of fodder beet:</i> | |

- *from any pollen sources of the genus Beta not included below* 1,000 m
- *the intended pollinator or one of the pollinators being diploid, from tetraploid fodder beet pollen sources* 600 m
- *the intended pollinator being exclusively tetraploid, from diploid fodder beet pollen sources* 600 m
- *from fodder beet pollen sources, the ploidy of which is unknown* 600 m
- *the intended pollinator or one of the pollinators being diploid, from diploid fodder beet pollen sources* 300 m
- *the intended pollinator being exclusively tetraploid, from tetraploid fodder beet pollen sources* 300 m
- *between two fodder beet seed production fields in which male sterility is not used* 300 m

The above distances can be disregarded if there is sufficient protection from any undersirable foreign pollinator. No isolation is necessary between seed crops using the same pollinator.

The ploidy of both seed-bearing and pollen-shedding components of seed-producing crops is to be established by reference to the common catalogue of varieties of agricultural plant species compiled under Council Directive 70/456/EEC⁽¹⁾ , as last amended by Directive 86/155/EEC⁽²⁾ , or the national catalogues of varieties established under that Directive. If this information is not included for any variety, the ploidy is to be regarded as unknown, and thus a minimum isolation distance of 600 metres is required

B. THE SEED

1. The seed shall have sufficient identity and purity of variety.
2. Diseases that reduce the usefulness of the seed shall be at the lowest possible level.
3. The seed shall also satisfy the following conditions:

(a)

| | | |
|--|---------------------------------------|---------------------------------------|
| Minimum analytical purity (*) (% by | Minimum germination (% of clusters or | Maximum moisture content (*) (% by |
|--|---------------------------------------|---------------------------------------|

| | weight) | pure seed) | weight) |
|---|---------|------------|---------|
| (aa) Sugar-beet | | | |
| - monogerm seed | 97 | 80 | 15 |
| - precision seed | 97 | 75 | 15 |
| - multigerm seed of varieties with more than 85% diploids | 97 | 73 | 15 |
| - other seeds | 97 | 68 | 15 |
| - | | | |

(bb) Fodder-beet

| | | | |
|---|----|----|----|
| - multigerm seed of varieties with more than 85% diploids | 97 | 73 | 15 |
| - other seeds | 97 | 68 | 15 |

The percentage by weight of other seeds shall not exceed 0.3.

The percentage by weight of other seeds shall not exceed 0.3 including not more than 0.1 weed seeds. For this purpose at least 200 grammes of the sample shall be examined

(b) Special conditions for monogerm seed and for precision seed.

(aa) Monogerm seed:

At least 90% of the germinated clusters shall give single seedlings.

The percentage of clusters giving three or more seedlings shall not exceed five, calculated on the germinated clusters.

(aa) (a) Precision seed of sugar beet:

At least 70% of the germinated clusters shall give single seedlings. The percentage of clusters giving three or more seedlings shall not exceed five, calculated on the germinated clusters.

(bb) Precision seed of fodder-beet:

In the case of varieties with a percentage of diploids exceeding 85, at least 58% of the germinated clusters shall give single seedlings. In the case of all others seeds, at least 63% of the germinated clusters shall give single seedlings. The percentage of clusters giving three or more seedlings shall not exceed 5, calculated on the germinated clusters.

- (cc) In the case of seed category “basic seed”, the percentage of weight of inert matter shall not exceed 1.0. In the case of seed of the category “certified seed”, the percentage of weight of inert matter shall not exceed 0.5. In the case of pelleted seed of both categories, the satisfaction of the relevant conditions shall be examined on samples drawn, pursuant to Article 7(1) of the Directive, from processed seed which has undergone partial decortication (rubbing or grinding) but has not yet been pelleted, without prejudice to the official examination of the minimum analytical purity of the pelleted seed.

(c) Other special conditions:

Beet seed may not be introduced into areas recognised as “Rhizomania free zones” under appropriate Community procedures, unless the percentage by weight of inert matter does not exceed 0.5.

ANNEX II

| | |
|-------------------------------|----------------|
| Maximum weight of a seed lot: | 20 metric tons |
| Minimum weight of a sample: | 500 grammes. |

The maximum lot weight shall not be exceeded by more than 5%.

ANNEX III

MARKING

A. Official label

I. Information required:

1. “EC rules and standards”.
2. Certification authority and Member State or their initials.
3. Reference number of lot.

- (a) month and year of sealing expressed thus:

“sealed....” (month and year).

or

month and year of the last official sampling for the purposes of certification expressed thus:

“sampled....” (month and year).

4. 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; indication whether sugar beet or fodder beet.
5. Variety, indicated at least in roman characters.,
6. Category,
7. Country of production.
8. Declared net or gross weight or declared number of clusters or pure seeds.
9. 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 clusters or pure seeds and the total weight.
10. For monogerm seed, the word “monogerm”.
11. For precision seed, the word “precision”.
12. Where at lease germination has been retested the words “retested ... (Month and year)” and the service responsible for such retesting may be indicated. Such information may be given on an official sticker attached to the official label.

II Minimum dimensions

110 × 67 mm

B. Supplier's label or inscription on the package (small EC package)

Information required:

1. “Small EC package”,
2. Name and address of the supplier responsible for marking or his identification mark,

3. Officially assigned serial number,
4. Service which assigned the serial number and name of Member State or their initials,
5. Reference number if the official serial number does not enable the lot to be identified,
6. Species, indicated at least in roman characters; indication whether sugar beet or fodder beet,
7. Variety, indicated at least in roman characters,
8. Category
9. Net or gross weight or number of clusters or pure seeds,
10. 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 cluster or pure seeds and the total weight,
11. For monogerm seed, the word “monogerm”,
12. For precision seed, the word “precision”.

ANNEX IV

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

- A. Information required for the label.
 1. The name of 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, and an indication whether the seed is sugar beet or fodder beet,
 3. The variety, indicated at least in roman characters,
 4. Category,
 5. The reference number of the field or lot,
 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 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, indication whether sugar beet or fodder beet,
 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 reference number of the field or lot,
 7. The area cultivated for the production of the lot covered by the document,
 8. The quantity of seed harvested and number of packages,
 9. 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 23rd day of February 2001

Joe Walsh

Minister for Agriculture, Food and Rural Development

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

The Regulations -

- (1) consolidate existing Regulations made under the European Communities Act, 1972 , relating to such seeds
- (2) provide a framework to introduce detailed rules in respect of genetically modified plant varieties and plant genetic resources.

Published by the Stationery Office, Dublin 2.

- (1) *OJ No. L125/2290, 11 July, 1966*
- (1) *OJ No. L125/2290, 11 July, 1966*
- (1) *OJ No. L48/4, 26 February, 1969*
- (2) *OJ No. L87/24, 17 April, 1971*
- (3) *OJ No. L171/37, 29 July, 1972*
- (4) *OJ No. L287/22, 26 December, 1972*
- (5) *OJ Special Edition p. 14, 27 March, 1972*
- (6) *OJ No. L2/1, 1 January, 1973*
- (7) *OJ No. L356/79, 27 December, 1973*
- (8) *OJ No. L196/6, 26 July, 1975*
- (9) *OJ No. L83/34, 30 March, 1976*
- (10) *OJ No. L16/23, 20 January, 1978*
- (11) *OJ No. L236/13, 26 August, 1978*
- (12) *OJ No. L49/39, 18 February, 1987*
- (13) *OJ No. L56/42, 2 March, 1988*
- (14) *OJ No. L187/31, 16 July, 1988*
- (15) *OJ No. L304/10, 27 November, 1997*
- (16) *OJ No. L25/1, 1 February, 1999*
- (1) *OJ No. L125/2290, 11 July, 1966*
- (1) *OJ No. L195/1, 26 July, 1985*
- (2) *OJ No. L125/2290, 11 July, 1966*

(1) *OJ No. L225/1, 12 October, 1970*

(1) *OJ No. L125/2290, 11 July, 1966*

(1) *O.J. L225/1, 12, October, 1970*

(2) *O.J. L118/23, 7 May, 1985*

(*) *Excluding where appropriate, granulated pesticides, pelleting substances or other solid additives*

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