

EUROPEAN COMMUNITIES (SEED OF FODDER PLANTS)  
REGULATIONS, 2002.

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. 66/401/EEC of 14 June, 1966<sup>(1)</sup>, 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 (Seed of Fodder Plants) Regulations, 2002, and shall come into operation on the 7<sup>th</sup> day of May, 2002.

Interpretation. 2. (1) In these Regulations -

“Annex I” means Annex 1 to Council Directive, No. 66/401/EEC, which Annex is contained in Schedule I hereto;

“Annex II” means Annex II to Council Directive, No. 66/401/EEC, which Annex is contained in Schedule I hereto;

“Annex III” means Annex III to Council Directive, No. 66/401/EEC, which Annex is contained in Schedule I hereto;

“Annex IV” means Annex IV to Council Directive, No. 66/401/EEC which Annex is contained in Schedule I hereto;

“Annex V” means Annex V to Council Directive No. 66/401/EEC, which Annex is contained in Schedule I hereto;

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

“basic seed” means the following seeds:

(a) seed of bred varieties of fodder plants which:

(i) has been produced under the responsibility of the breeder according to accepted practices for the maintenance of the variety,

(ii) is intended for the production of certified seed,

<sup>(1)</sup> OJ No 125/2298, 11 July, 1966

(iii) subject to Regulation 6 of these Regulations, satisfies the conditions laid down in Annex I and Annex II for basic seed, and

- (b) seed of local varieties of fodder plants which,
  - (i) has been produced under official control from material accepted by the official authority as being of the local variety in one or more holdings situated within a clearly demarcated region of origin,
  - (ii) is intended for the production of certified seed,
  - (iii) subject to the provisions of Regulation 6 of these Regulations, satisfies the conditions laid down in Annex I and II for basic seed, and
  - (iv) has been found on official examination to have been so produced, to be so intended and to have satisfied the said conditions;

“certified seed” means seed of all the species listed in Table A of Annex 11 of Schedule 1 other than *Lupinus ssp*, *Pisum sativum*, *Vicia ssp* and *Medicago sativa* which,

- (a) has been produced directly from basic seed, or if the breeder so requests, from seed of a generation prior to basic seed which has been found by official examination to satisfy the conditions laid in Annexes I and II for basic seed
- (b) is intended for the production of certified seed or of fodder plants,
- (c) subject to the provisions of Regulation 6 of these Regulations satisfies the conditions laid down in Annex I and Annex II for certified 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;

“certified seed, first generation” means seed of the species *Lupinus spp.*, *Pisum sativum*, *Vicia spp.* and *Medicago sativa*, which,

- (a) **has been produced directly from basic seed or, if the breeder so requests, from seed of a generation prior to basic seed which can satisfy and has been found by official examination to satisfy the conditions laid down in Annexes I and II for basic seed.**
- (b) is intended either for the production of seed of the category “certified seed, second generation” or purposes other than the production of seed of fodder plants,
- (c) subject to the provisions of Regulation 6 of these Regulations, satisfies the conditions laid down in Annex I and II for certified

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:

“certified seed, second generation” means seed of the species *Lupinus* spp., *Pisum sativum*, *Vicia* spp. and *Medicago sativa* seed, which,

- (a) has been produced directly from basic seed, from certified seed of the first generation or, if the breeder so requests, from seed of a generation prior to basic seed which can satisfy and has been found by official examination to satisfy the conditions laid down in Annexes I and II for basic seed,  
(b) is intended for purposes other than the production of seed of fodder plants,  
(c) subject to the provisions of Regulation 6 of these Regulations, satisfies the conditions laid down in Annex I and II for certified 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;

“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;

“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);

“the directive” means Council Directive No. 66/401/EEC of 14 June 1966<sup>(1)</sup> as amended by the directive and decision specified in paragraph (2) of this Regulation:

<sup>(1)</sup> OJ No 125/2298, 11 July, 1966.

“fodder plants” means plants of the following genera and species

(a) Gramineae	Grasses
<i>Agrostis canina</i> L.	Velvet bent grass
<i>Agrostis gigantea</i> Roth	Redtop
<i>Agrostis stolonifera</i> L.	Creeping bent grass
<i>Agrostis capillaris</i> L.	Brown Top
<i>Bromus catharticus</i>	Vahl FRescue Grass
Brown Top	Alaska brome-grass
<i>Bromus sitchensis</i> Trin.	
<i>Cynodon dactylon</i> (L.) Pers.	Bermuda grass
<i>Dactylis glomerata</i> L.	Cocksfoot
<i>Festuca arundinacea</i> Schreb.	Tall Fescue

Festuca ovina L.	Sheep's fescue
Festuca pratensis Huds.	Meadow fescue
Festuca rubra L.	Red fescue
Festuca pratensis Huds x Lolium multiflorum Lam.	Hybrid resulting from the crossing of tall fescue with Italian ryegrass (including Westworld ryegrass) (x Festulolium)
Lolium multiflorum Lam.	Italian ryegrass (including Westworld ryegrass)
Lolium perenne L.	Perennial ryegrass
Lolium x boucheanum Kunth	Hybrid ryegrass
Phalaris aquatica L.	Harding grass, Phalaris
Phleum bertolonii DC	Timothy
Phleum pratense L.	Timothy
Poa annua L.	Annual meadowgrass
Poa nemoralis L.	Wood meadowgrass
Poa palustris L.	Swamp meadowgrass
Poa pratensis L.	Smooth-stalk meadowgrass
Poa trivialis L.	Rough-stalk meadowgrass
(b) Leguminosae	Legumes
Medicago sativa L	Lucerne
Medicago x varia T. Martyn	Lucerne
Pisum sativum L. (Partim)	Field pea
Trifolium hybridum L	Alsike clover
Trifolium pratense L	Red clover
Trifolium repens L	White clover
Vicia faba L. (partim)	Field beans
Vicia sativa L.	Common vetch
(c) Other species	
Brassica napus L. var. napobrassica (L) Rchb.	Swede
Brassica oleracea L. convar. acephala (DC)	
Alef. Var. medullosa Thell. + var. varidis L.	Fodder Kale
Phacelia tanacetifolia Benth	California Bluebell
Raphanus sativus l.var oleiformis Pers.	Fodder radish

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

“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;

“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 fodder plant 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 fodder plants of generations prior to basic seed which,

- (a) has been produced under the responsibility of the breeder according to accepted practices for the maintenance of the 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 and Annex II 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.

“the register” has the meaning assigned to it by Regulation 12 of these Regulations;

“small EC A packages” means packages containing a mixture of seeds of fodder plants and which are not intended for the production of plants for fodder purposes being packages with a net weight not exceeding 2 kg excluding, if contained in the package, granulated pesticides, pelleting substances of other solid additives;

“small EC B packages” means packages containing basic seed, certified seed or packages, other than small EC A packages, containing a mixture of seed of fodder plants being (in any case) packages with a net weight not exceeding 10 kg excluding, if 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 of the European Communities.

“Commission” means the Commission of the European Communities.

“Community” means the Member States of the European Communities.

(2) The directives and decision referred to in the definition of “the directive” in paragraph (1) of this Regulation are Council Directive No. 69/63/EEC of 18

February 1969,<sup>1</sup> Council Directive No. 71/162/EEC of 30 March, 1971,<sup>2</sup> Council Directive No. 72/274/EEC of 20 July, 1972,<sup>3</sup> Council Directive No. 72/418/EEC of 6 December, 1972,<sup>4</sup> Act of Accession<sup>5</sup> and Council Decision of 1 January, 1973,<sup>6</sup> Council Directive No. 73/438/EEC of 11 December, 1973<sup>7</sup> Council Directive No. 75/444/EEC of 26 June, 1975,<sup>8</sup> Council Directive No. 78/55/EEC of 19 December, 1977,<sup>9</sup> First Commission Directive No. 78/386/EEC of 18 April, 1978,<sup>10</sup> Council Directive No. 78/692/EEC of 25 July, 1978,<sup>11</sup> Council Directive No. 78/1020/EEC of 5 December, 1978,<sup>12</sup> Commission Directive No. 79/641/EEC of 27 June, 1979,<sup>13</sup> Council Directive No. 79/692/EEC of 24 July, 1979,<sup>14</sup> Council Directive No. 80/754/EEC of 17 July, 1980,<sup>15</sup> Commission Directive 81/126/EEC of 16 February, 1981<sup>16</sup>, Commission Directive 82/287/EEC of 13 April, 1982<sup>17</sup>, Commission Directive 83/116/EEC of 8 March, 1983<sup>18</sup>, Commission Directive 85/38/EEC of 14 December, 1984<sup>19</sup>, Commission Directive 86/109/EEC of 27 February, 1986<sup>20</sup>, Council Directive No. 86/155/EEC of 22 April, 1986<sup>21</sup>, Commission Directive 87/120/EEC of 14 January, 1987<sup>22</sup> Commission Decision No. 87/309/EEC of 2 June, 1987<sup>23</sup>, Commission Directive 87/480/EEC of 9 September, 1987<sup>24</sup>, Council Directive 88/380/EEC of 13 June, 1988<sup>25</sup>, Commission Decision No. 88/493/EEC of 8 September, 1988<sup>26</sup>, Commission Directive No. 89/424/EEC of 30 June, 1989<sup>27</sup>, Commission Directive 89/100/EEC of 20 January, 1989<sup>28</sup>, Commission Directive No. 91/376/EEC of 25 June, 1991<sup>29</sup>, Commission Directive 92/19/EEC of 23 March, 1992<sup>30</sup>, Commission Directive 96/18/EC of 19 March, 1996<sup>31</sup> and Council Directive 96/72/EC of 18 November 1996<sup>32</sup>, Council Directive 98/95/EC of 14 December 1998<sup>33</sup> and Council Directive 2001/64/EC of 31 August 2001.<sup>34</sup>

(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.

<sup>1</sup>OJ No L48/8, 26 February, 1969.

<sup>2</sup>OJ No L87/24, 17 April, 1971.

<sup>3</sup>OJ No L171/37, 29 July, 1972.

<sup>4</sup>OJ No L287/22, 26 December, 1972.

<sup>5</sup>OJ Special Edition p.14, 27 March, 1972.

<sup>6</sup>OJ No L2/1, 1 January, 1973.

<sup>7</sup>OJ No L356/79, 27 December, 1973.

<sup>8</sup>OJ No L196/6, 26 July, 1975

<sup>9</sup>OJ No L16/23, 20 January, 1978

<sup>10</sup>OJ No L113/1, 25 April, 1978.

<sup>11</sup>OJ No L236/13, 25 August, 1978.

<sup>12</sup>OJ No L350/27, 14 December 1978.

<sup>13</sup>OJ No L183/13, 19 July, 1979.

<sup>14</sup>OJ No L205/1, 13, August, 1979.

<sup>15</sup>OJ No L207/36, 9 August, 1980.

<sup>16</sup>OJ No L67/36, 12 March, 1981

<sup>17</sup>OJ No L131/24, 13 May, 1982

<sup>18</sup>OJ No L76/21, 22 March, 1983

<sup>19</sup>OJ No L16/41, 19 January, 1985.

<sup>20</sup>OJ No L93/21, 8 April, 1986.

<sup>21</sup>OJ No L118/23, 7 May, 1986.

<sup>22</sup>OJ No L49/39, 18 February, 1987.

<sup>23</sup> OJ No L155/26, 16 June, 1987

<sup>24</sup> OJ No. L273/43, 26 September, 1987

<sup>25</sup> OJ No. L187/31, 16 July, 1988

<sup>26</sup> OJ No. L261/27, 21 September, 1988

<sup>27</sup> OJ No. L196/50, 12 July, 1989

<sup>28</sup> OJ No. L38/36, 10 February, 1989

<sup>29</sup> OJ No. L203/108, 26 July, 1991

<sup>30</sup> OJ No. L104/61, 22 April, 1992

<sup>31</sup> OJ No. L76/21, 26 March, 1996

<sup>32</sup> OJ No. L304/10, 27 November, 1996

<sup>33</sup> OJ No. L25/1 of 01 February, 1999

<sup>34</sup> OJ No. L234 of 01 September 2001

Application. 3. These Regulations shall apply to the production with a view to marketing, and to the marketing, of fodder plant 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 that service does not acquire title to either the seed thus supplied or the product of the harvest. The supplier of seed shall provide the Certification 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 Article 21 of Council Directive No. 66/401/EEC. <sup>(1)</sup>

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.

<sup>(1)</sup> O.J. No. 125/2298. 11 July 1966

Marketing and Sale 5. (1) Subject to Regulation 6 of these Regulations and to paragraph (2) of this Regulation, fodder plant 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, and
- (b) in the case of fodder plant seed which is of a genus or species specified in the Table to this Regulation

- (i) it has been officially certified as pre-basic seed, basic seed or certified seed, and
    - (ii) it satisfies the conditions laid down in Annex II, and
  - (c) in the case of fodder plant seed which is of a genus or species other than a genus or species specified in the Table to this Regulation,
    - (i) it has been officially certified as pre-basic seed, basic seed or certified seed, or
    - (ii) it satisfies the conditions laid down in Annex II, and
  - (d) the seed is in sufficiently homogeneous lots and in packages complying with the requirements of these Regulations, and
  - (e) in case the seed is harvested in a third country, it is of a kind to which the declaration contained in the Sixth Council Decision on the equivalence of seed produced in third countries relates.
- (2) Notwithstanding paragraph (1), producers may be authorized by the official authority in their own territory to place on the market
- (a) small quantities of seed intended for scientific purposes.
  - (b) appropriate quantities of seed for other test or trial purposes provided it belongs to varieties for which an application for entry into the National Catalogue has been submitted to the Minister.
  - (c) 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.



- (3) 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 (2) (a) and (b) and
  - all appropriate measures have been taken to avoid adverse effects on human health and the environment.

An environmental risk assessment equivalent to that laid down in Directive 90/220/EEC shall be carried out. The procedure ensuring that the environmental risk assessment and other relevant elements shall be equivalent to those laid down in Directive 90/220/EEC shall be introduced on a proposal from the Commission in a Council Regulation based on the appropriate legal basis in the Treaty. The technical and scientific details of the implementation of the environmental risk assessment shall be adopted in accordance with the procedures laid down in Article 21 of Council Directive 66/401/EEC of 14 June 1966.

(4) Fodder plant 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 to which the Sixth Council Decision on the equivalence of seed produced in third countries applies 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 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 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 for the species concerned are satisfied; and where in such cases fodder plant seed has been produced directly from officially certified seed of pre-basic seed, it shall be official certified as basic seed if the conditions laid down for the species concerned are satisfied.

(5) Fodder plant seed which has been harvested in another Member State and which is intended for certification in accordance with the provisions laid in paragraph (1), shall –

- (a) be packed and labelled with an official label, satisfying the conditions laid down in paragraphs (A) and (B), of Annex V, in accordance with the provisions laid down in Regulation 8,
- (b) be accompanied by an official document satisfying the conditions laid down in paragraph (C) of Annex V.

(6) Fodder plant 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 to which the Sixth Council Decision No. 80/818/EEC of 15 July, 1980 <sup>(1)</sup> on the equivalence of seed produced in third countries applies 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 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 it has undergone field inspection satisfying the conditions laid down in the Seventh Council Decision No. 85/355/EEC of 27 June, 1985 <sup>(2)</sup> on the equivalence of field inspection carried out in third countries on seed-producing crops for the relevant category, and if official examination has shown that the conditions laid down in Annex II for that category are satisfied.

<sup>(1)</sup> O.J. No. L240/26 of 12 September, 1980

<sup>(2)</sup> O.J. No. L195/1 of 26 July, 1985.

<b>Agrostis gigantea Roth</b>	Redtop
Agrostis stolonifera L.	Creeping bent grass
<b>Agrostis capillaris L.</b>	Brown top
Brassica napus L var. napobrassica (L) Rchb..	Swede
Brassica oleracea L convar. acephala (DC.)	
Alef. var. medullosa Thell. & var. Varidis L.	Fodder kale
Dactylis glomerata L.	Cocksfoot
Festuca arundinacea Schreber	Tall fescue
Festuca pratensis Hudson	Meadow fescue
Festuca rubra L.	Red fescue
X Festulolium	Awned hybrid fescue
Lolium multiflorum Lam.	Italian ryegrass (including Westerwold ryegrass)
Lolium perenne L.	Perennial ryegrass
Lolium x boucheanum Kunth	Hybrid ryegrass
Phleum bertolinii DC.	<b>Timothy</b>
Phleum pratense L.	Timothy
Poa palustris L.	<b>Swamp meadowgrass</b>
Poa pratensis L.	Smooth-stalk meadowgrass
Poa trivialis L.	Rough-stalk meadowgrass
Medicago sativa L.	Lucerne
Medicago x varia T. Martyn.	Lucerne
Pisum sativum L.	Field pea
Raphanus sativus L. var. oleiformis Pers.	Fodder radish

Trifolium hybridum L.	<b>Alsike clover</b>
Trifolium pratense L	Red clover
Trifolium repens L.	White clover
Vicia faba L. (partim)	<b>Field Bean</b>

Derogation from Certification and Marketing Provisions.

6. (1) Subject to Regulation 12 of these Regulations, the Minister may where the Commission makes a decision in that regard authorise the certification and marketing of pre-basic seed and basic seed and also of certified seed of the species *Trifolium pratense* which is intended for the production of other certified seed, which does not satisfy the conditions laid down in Annex II 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 12 of these Regulations and to subparagraph (b) of this paragraph, the Minister may, where the official examination in respect of germination pursuant to Annex II has not concluded, authorise the official certification of pre-basic seed, 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 satisfied the Minister of the germination given in the said provisional analytical report, and

(iv) the germination so guaranteed shall be stated on a special 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, then those of these Regulations for basic seed, certified seed or of seed of varieties included neither in the common catalogue nor in any of the national catalogues of the Member States.

(5) For a category of seed of any given variety, the official label shall be that provided for the corresponding category. For seed of varieties not included in either the common catalogue or in the national catalogue, the official label shall be that provided for commercial seed. The label shall always state that the seed in question is of a category satisfying less stringent requirements.

(6) The Minister may restrict the certification of seed of *Lupinus* spp., *Pisum sativum*, *Vicia* spp. and *Medicago sativa* to certified seed of the first generation.

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

(8) The foregoing provision 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 pre-basic seed and certified as such in the State.

#### Closing.

7. (1) Packages of pre-basic seed, basic seed, certified seed and, other than small EC B 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 Regulation 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 B packages, packages of pre-basic seed, basic seed, 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 B 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.

(5) Notwithstanding the requirement of paragraphs (1) – (4) above, the Minister may authorise the marketing of certified seed in bulk to the final consumer. Such authorisation shall be subject to compliance with conditions laid down by the Minister from time to time for the marketing of seed in bulk.

#### Labelling.

8. (1) The following provisions of this paragraph shall apply as regards packages of basic seed, certified seed other than small EC B 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 condition as to dimensions specified in Annex IV(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, blue for certified seed of the first generation after basic seed and red for certified seed of subsequent generations;
- (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 Regulation relates, the fact that the seed does not satisfy the conditions laid down in Annex II 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 -
  - (i) in the case of fodder plant seed which is commercial seed, under subparagraph 2, 4 and 5 of paragraph A1(b) of Annex IV, and
  - (ii) in the case of fodder plant seed which is basic seed or certified seed, under subparagraph 3, 4 and 5 of paragraph A1(a) of Annex IV, and
- (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.
- (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.
- (h) seed lots complying with the special conditions concerning the presence of *Avena Fatua*, laid down in accordance with the procedure provided for in Article 21 of Council Directive No. 66/401/EEC <sup>(1)</sup> should be accompanied by an official certificate attesting compliance with the said conditions.

<sup>(1)</sup> O.J. No. 125/2298, 11 July 1966

(2) The requirements of subparagraph (e) and (f) of paragraph (1) of this Regulation shall not apply to a package to which that paragraph applied 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.

(2A) (a) In the case of field pea and field bean, in lieu of compliance, as regards packages of basic seed and certified seed, with the requirements of paragraph (1) of this Regulation, the information required by that paragraph may be printed or stamped on the packages if, and only if, each of the following conditions is complied with:-

- (i) such information is so printed or stamped indelibly,
  - (ii) the layout and colour of the printing or stamp is in accordance with the requirements of that paragraph as regards the form of the label,
  - (iii) such printing or stamping, insofar as it relates to the information required under subparagraph 3 and 3(a) of paragraph A1(a) of Annex IV, is done either officially or under official supervision, and
  - (iv) the package has so printed or stamped thereon, a serial number which shall be one of a series officially attributed.
- (b) A person by whom a serial number is for the purposes of this paragraph printed or stamped shall from time to time inform the Minister both of the number of packages so printed or stamped and of the numbers in the officially attributed series which have been used by him in the course of such printing or stamping.
- (c) The relevant records of the person by whom seed referred to in subparagraph (a) of this paragraph is packed shall have been subject to official supervision.

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

- (i) the name of the certification authority and the Member State by which the authority was designated or their distinguishing abbreviation,
- (ii) the reference number of the lot,
- (iii) the month and year of sealing **or** the month and year of the last official sampling for the purposes of certification,
- (iv) the species, indicated at least under its botanical name, which may be given in abridged form and without the authorities' names, in roman characters,
- (v) the variety, indicated at least in roman characters, ,
- (vi) the description pre-basic seed, and
- (vii) the number of generation preceding seed of the category" certified seed" or "certified seed" of the first generation.

(viii) if the variety of seed has been genetically modified the description "Genetically Modified Variety"

(4) Any chemical treatment of pre-basic seed, basic seed, certified seed 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.

(5) When the Minister gives an authorisation under Regulation 6(4) of these Regulations, the official label of any package of 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.

Marketing of  
Mixtures

9. (1) Fodder plant seed in the form of mixtures which are not intended for the production of fodder plants and which are either -

- (a) mixtures of such seed of various genera, species or varieties, or
- (b) mixtures containing fodder plant seed and seed of plants which are not fodder plants

may be marked if, and only if, the various components of the mixture complied, before mixing, with these Regulations and any other Regulations made under the European Communities Act, 1972, relating to the marketing of seed which is not fodder plant seed and which are for the time being in force and apply to it.

(2) Fodder plant seed in the form of mixtures which are intended for the production of fodder plant and which are either -

- (a) mixtures of such seed of various genera, species or varieties, or
- (b) mixtures containing fodder plant seed and seed of plants which are not fodder plants,

may be marketed if, and only if, it complies with the requirements of paragraph (1) of this Regulation and the person placing it on the market can show, to the satisfaction of the Minister, that it has been mixed in the presence and under the supervision of a full-time officer of the official authority.

(3) Fodder plant seed in the form of mixtures shall not be marketed unless the seed is in sufficiently homogeneous lots and is in packages complying with the requirements of these Regulations modified as follows, namely that for the purposes of this paragraph Regulation 8(1) of these Regulations shall be construed as requiring the label to be green.



- (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) mixture 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 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.

- (5) Fodder plant seed in the form of –
- (a) mixtures of such seed of various genera, species or varieties, or
  - (b) mixtures containing fodder plant seed and seed of plants which are not fodder plants

and which are intended for use in the preservation of the natural environment in the context of the conservation of genetic resources, may be marketed if, and only if, the various components of the mixture complied, before mixing, with these Regulations and any other Regulations made under the European Communities Act 1972, relating to the marketing of seed and which are for the time being in force and apply to it.

10 (1) The Minister may, where the Commission makes a decision in that regard, set down specific conditions to take account of developments.

- (a) under which chemically treated seed may be marketed;
- (b) 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 Art. 1 of Council Directive 70/457/EEC, and are associated with specific natural and semi-natural habitats and are threatened by genetic erosion;

(c) under which seed suitable for organic production may be marketed.

(2) The specific conditions referred in paragraph (1) 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.

Sampling

11. (1) In the official examination of fodder plant seed for certification and in officially approving such seed, 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 laid down in Annex III.

(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.

Fodder plant seed marketed in small quantities to the final consumer

12. Notwithstanding the non-compliance with a requirement of these Regulations as to packaging, closing or marketing, fodder plant seed may be marketed at the retail stage to the final consumer in quantities not exceeding 20 kg if, but only if, the seed is taken, in the presence of the purchaser, from the package in which it was packed under official supervision and such package is, when the seed is taken from it, marked in accordance with these Regulations.

- Registration etc. 13. (1) Notwithstanding Regulation 19 of these Regulations, the register which immediately before the commencement of these Regulations was known as the Register of Fodder Plant Seed Processors, Importers and Mixers shall continue in being and shall continue to be maintained by the Minister but shall henceforth be known as the Register of Fodder Plant Seed Processors, Importers, Packers and Mixers (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, a seed packer or a seed mixer, unless he is registered in the register as such.
- (b) Subparagraph (a) of this paragraph shall come into force on the 15th day of June, 1981, as regards persons carrying on the business of seed packers.
- (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, a seed packer or a seed mixer, a description of the premises in which such person carries on the business of seed processing, seed packing or seed mixing which description shall be sufficient to identify those premises and the limits and extent thereof and also the place where the relevant fodder plant 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, seed packer or seed mixer, 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 :

(a) 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, and

(b) in addition to the foregoing :

(i) in case the application is for registration as a seed processor that there is so available such premises and such plant or machinery as will enable the person to process not less than fifty tonnes of fodder plant seed per year,

(ii) in case the application is for registration as a seed mixer, that there is so available such premises and such plant or machinery as will enable the person to mix not less than twenty tonnes of fodder plant seed per year.

(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 therefor, and, if any representations are made to the Minister by the applicant within several days after the giving of the notification, the Minister shall consider them.

(8) In this Regulation:-

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

“seed mixer” means a person who mixes and who does not otherwise process (apart from measuring) fodder plant seed;

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

“seed processor” means a person who assemble, dries, cleans, treats, mixes or otherwise processes (apart from measuring) fodder plant seed which is intended for sale and “seed processing” and “seed process” shall be construed accordingly.

Records,  
returns, etc.

14. (1) Any person who carries on the business of processing, mixing, packing or marketing fodder plant 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 officer 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 fodder plant 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 fodder plant 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 and quantity of the seed.

(3) A person who markets a quantity of fodder plant seed exceeding 2 kg. imported from a third country shall, at the time of marketing, 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

15. (1) In addition to the powers conferred by Regulation 13 of these Regulations, an authorised officer may at any reasonable time enter and inspect any premises in which he/she has reasonable grounds for believing that the business of processing, mixing, packing or marketing or of importing or exporting fodder plant seed is carried on, or any other premises in which he/she so believes such seed to be kept, being seed which he/she 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 fodder plant seed which he/she finds in the course of his/her 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/her under this Regulation shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €250.

(4) The Minister shall furnish an authorised officer with a certificate of his/her 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 seeds to be disposed of.

16. (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, then 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.  
Penalty

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

18. A person who contravenes these Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €500 or, at the discretion of the Court, to imprisonment for a term not exceeding six months.

Saver

19. 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.

Certification  
and Testing  
Fees

20. Fees shall be payable to the Minister in relation to the certification and testing of fodder plant for the purposes of these Regulations. The current charges are prescribed in Schedule II to the Regulations.

Revocation

21. The following regulations are hereby revoked:

- (1) The European Communities (Seed of Fodder Plants) Regulations, 1981 (S.I. No. 122 of 1981)
- (2) The European Communities (Seed of Fodder Plants) Regulations, 1986 (S.I. No. 259 of 1986)
- (3) The European Communities (Seed of Fodder Plants) Regulations, 1987 (S.I. No. 171 of 1987).
- (4) The European Communities (Seed of Fodder Plants) Regulations, 1988 (S.I. No. 161 of 1987)
- (5) The European Communities (Seed of Fodder Plants) Regulations, 1989 (S.I. No. 173 of 1989)
- (6) The European Communities (Seed of Fodder Plants) Regulations, 1990 (S.I. No. 214 of 1990)
- (7) The European Communities (Seed of Fodder Plants) Regulations, 1991 (S.I. No. 110 of 1991)
- (8) The European Communities (Seed of Fodder Plants) Regulations, 1991 (S.I. No. 179 of 1991)
- (9) The European Communities (Seed of Fodder Plants) Regulations, 1992 (S.I. No. 199 of 1992)
- (10) The European Communities (Seed of Fodder Plants) (Amendment) (No. 2) Regulations, 1992 (S.I. No. 234 of 1992)
- (11) The European Communities (Seed of Fodder Plants) (Amendment) (No. 3) Regulations, 1990 (S.I. No. 370 of 1992)
- (12) The European Communities (Seed of Fodder Plants) Regulations, 1993 (S.I. No. 230 of 1993)
- (13) The European Communities (Seed of Fodder Plants) Regulations, 1994 (S.I. No. 212 of 1994)
- (14) The European Communities (Seed of Fodder Plants) Regulations, 1995 (S.I. No. 224 of 1995)
- (15) The European Communities (Seed of Fodder Plants) Regulations, 1996 (S.I. No. 326 of 1996)
- (16) The European Communities (Seed of Fodder Plants) Regulations, 1997 (S.I. No. 53 of 1997)
- (17) The European Communities (Seed of Fodder Plants) (Amendment) (No. 2) Regulations, 1997 (S.I. No. 356 of 1997)
- (18) The European Communities (Seed of Fodder Plants) Regulations, 1998 (S.I. No. 294 of 1998)
- (19) The European Communities (Seed of Fodder Plants) Regulations, 1999 (S.I. No. 199 of 1999)



## SCHEDULE I

### ANNEX 1

#### CONDITIONS TO BE SATISFIED BY THE CROP

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 such plants that are volunteers from previous cropping.
2. The crop shall conform to the following standards as regards distances from neighbouring sources of pollen which may result in undesirable foreign pollination:

Crop	Minimum distance
1	2
Brassica spp:	
- for the production of basic seed ... ..	400 m
- for the production of certified seed ... ..	200 m
Species of varieties other than Brassica spp., Phacelia tanacetifolia, Pisum sativum, varieties of Poa pratensis referred to in the second part of the third sentence of paragraph 4:	
- for the production of seed intended for multiplication, fields up to two hectares	200 m
- for the production of seed intended for multiplication, fields over two hectares	100 m
- for the production of seed intended for production of fodder plants, fields up to two hectares	100 m
- for the production of seed intended for production of fodder plants, fields over two hectares	50 m

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

3. 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.

In particular, crops of Lolium species or X Festulolium shall conform to the following conditions: the number of plants of a Lolium species X Festulolium other than the crop species shall not exceed:

- one per 50 m<sup>2</sup> for the production of basic seed,
- one per 10 m<sup>2</sup> for the production of certified seed.

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 30 m<sup>2</sup> for the production of basic seed,
- one per 10 m<sup>2</sup> 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 20 m<sup>2</sup> for the production of basic seed,
- four per 10 m<sup>2</sup> 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 10 m<sup>2</sup>, 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.

5. Harmful organisms, which reduce the usefulness of the seed, shall be at the lowest possible level.

6. The satisfaction of the above mentioned standards or other conditions shall be examined in official field inspections.

These field inspections shall be carried out in accordance with the following conditions:

- A. The condition and the stage of development of the crop shall permit an adequate examination.
- B. There shall be at least one field inspection.
- C. The size, the number and the distribution of the portions of the field to be inspected in order to examine the satisfaction of the provisions of this Annex shall be determined in accordance with appropriate methods.

## ANNEX II

### CONDITIONS TO BE SATISFIED BY THE SEED

#### 1. CERTIFIED SEED

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 and Brassica oleracea convar. acephala.
      - certified seed, 1<sup>st</sup> generation: 99 per cent;
      - certified seed, 2<sup>nd</sup> and subsequent generation: 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.
2. The seed shall conform to the following standards or other conditions as regards germination, analytical purity and content of seeds of other plant species, including Lupin seeds of another colour and of bitter Lupin seeds:

A. Table:

Species	Germination		Maximum analytical purity (% by weight)	Analytical purity		
	Minimum germination (% of pure seed)	Maximum content of hard seed (% of pure seed)		Maximum content of seeds of other plant species (% by weight)		
				Total	A single species	Agropyron repens
1	2	3	4	5	6	7

GRAMINEAE						
Agrostis canina	75(a)		90	2.0	1.0	0.3
Agrostis gigantea	80(a)		90	2.0	1.0	0.3
Agrostis stolonifera	75(a)		90	2.0	1.0	0.3
Agrostis capillaris (161/88)	75(a)		90	2.0	1.0	0.3
Alopecurus pratensis	75(a)		75	2.5	1.0(f)	0.3
Arrhenatherum elatius	75(a)		90	3.0	1.0(f)	0.5
Bromus catharticus	75(a)		97	1.5	1.0	0.5
Bromus sitchensis	75(a)		97	1.5	1.0	0.5
Cynodon dactylon (161/88)	70(a)		90	2.0	1.0	0.3
Dactylis glomerata	80(a)		90	1.5	1.0	0.3
Festuca arundinacea	80(a)		95	1.5	1.0	0.5
Festuca ovina	75(a)		85	2.0	1.0	0.5
Festuca pratensis	80(a)		95	1.5	1.0	0.5
Festuca rubra L	75(a)		96	1.5	1.0	0.5
x Festulolium	75(a)		96	1.5	1.0	0.5
Lolium multiflorum	75(a)		96	1.5	1.0	0.5
Lolium perenne	80(a)		96	1.5	1.0	0.5
Lolium x boucheanum	75(a)		96	1.5	1.0	0.5
Phalaris aquatica L	75(a)		96	1.5	1.0	0.3
Phleum bertolonii	80(a)		96	1.5	1.0	0.3
Phleum pratense	80(a)		96	1.5	1.0	0.3
Poa annua	75(a)		85	2.0(c)	1.0(c)	0.3

Analytical purity	Maximum content of seeds of other plant species in a sample of the weight specified in column 4 of Annex III (total per column)
Maximum content of seeds of other plant species (% by weight)	

Alopecurus myosuroides	Melilorus spp.	Raphanus Taphanistrum	Sinapis arvensis	Avena fatua, Avena ludoviciana, Avena stetilis	Cuscuta spp.	Rumex spp. other than Rumex acetosella and Rumex maritimus	Conditions as regards content of Lupin seeds of another colour and of bitter Lupin seeds
8	9	10	11	12	13	14	15
0.3				0	0 (j) (k)	2(n)	
0.3				0	0 (j) (k)	2(n)	
0.3				0	0 (j) (k)	2(n)	
0.3				0	0 (j) (k)	2(n)	
0.3				0	0 (j) (k)	5(n)	
0.3				0(g)	0 (j) (k)	5(n)	
0.3				0(g)	0 (j) (k)	10(n)	
0.3				0(g)	0 (j) (k)	10(n)	
0.3				0	0 (j) (k)	2	
0.3				0	0 (j) (k)	5(n)	
0.3				0	0 (j) (k)	5(n)	
0.3				0	0 (j) (k)	5(n)	
0.3				0	0 (j) (k)	5(n)	
0.3				0	0 (j) (k)	5(n)	
0.3				0	0 (j) (k)	5(n)	
0.3				0	0 (j) (k)	5(n)	
0.3				0	0 (j) (k)	5(n)	
0.3				0	0 (j) (k)	5	
0.3				0	0 (k)	5	
0.3				0	0 (j) (k)	5	
0.3				0	0 (j) (k)	5(n)	

Germination	Analytical purity
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Species	Minimum germination (% of pure seed)	Maximum content of hard seed (% of pure seed)	Maximum analytical purity (% by weight)	Maximum content of seeds of other plant species (% by weight)		
				Total	A single species	Agropyron Repens
1	2	3	4	5	6	7
Poa nemoralis	75(a)		85	2.0(c)	1.0(c)	0.3
Poa palustris	75(a)		85	2.0(c)	1.0(c)	0.3
Poa pratensis	75(a)		85	2.0(c)	1.0(c)	0.3
Poa trivialis	75(a)		85	2.0(c)	1.0(c)	0.3
Trisetum flavescens	70(a)		75	3.0	1.0(f)	0.3
<b>LEGUMINOSAE</b>						
Hedysarum coronarium	75(a)(b)	30	95	2.5	1.0	
Lotus corniculatus	75(a)(b)	40	95	1.8(d)	1.0(d)	
Lupinus albus	80(a)(b)	20	98	0.5(e)	0.3(e)	
Lupinus angustifolius	75(a)(b)	20	98	0.5(e)	0.3(e)	
Lupinus luteus	80(a)(b)	20	98	0.5(e)	0.3(e)	
Medicago lupulina	80(a)(b)	20	97	1.5	1.0	
Medicago sativa	80(a)(b)	40	97	1.5	1.0	
Medicago x varia	80(a)(b)	40	97	1.5	1.0	
Onobrychis viciifolia	75(a)(b)	20	95	2.5	1.0	
Pisum sativum	80(a)		98	0.5	0.3	
Trifolium alexandrinum	80(a)(b)	20	97	1.5	1.0	
Trifolium hybridum	80(a)(b)	20	97	1.5	1.0	
Trifolium incarnatum	75(a)(b)	20	97	1.5	1.0	
Trifolium pratense	80(a)(b)	20	97	1.5	1.0	
Trifolium repens	80(a)(b)	40	97	1.5	1.0	

Analytical purity				Maximum content of seeds of other plant species in a sample of the weight specified in column 4 of Annex III (total per column)			Conditions as regards content of Lupin seeds of another colour and of bitter Lupin seeds
Maximum content of seeds of other plant species (% by weight)							
Alopecurus myosuroides	Melilorus spp.	Raphanus Taphanistrum	Sinapis arvensis	Avena fatua, Avena ludoviciana, Avena stetilis	Cuscuta spp.	Rumex spp. other than Rumex acetosella and Rumex maritimus	
8	9	10	11	12	13	14	15



0.3				0	0 (j) (k)	2(n)	
0.3				0	0 (j) (k)	2(n)	
0.3				0	0 (j) (k)	2(n)	
0.3				0	0 (j) (k)	2(n)	
0.3				0(h)	0 (j) (k)	2(n)	
	0.3			0	0 (k)	5	
	0.3			0	0 (l) (m)	10	
	0.3			0(i)	0 (j)	5(n)	(o)(p)
	0.3			0(i)	0 (j)	5(n)	(o)(p)
	0.3			0(i)	0 (j)	5(n)	(o)(p)
	0.3			0	0 (l) (m)	10	
	0.3			0	0 (l) (m)	10	
	0.3			0	0 (l) (m)	10	
	0.3			0	0 (j)	5	
	0.3			0	0 (j)	5(n)	
	0.3			0	0 (l) (m)	10	
	0.3			0	0 (l) (m)	10	
	0.3			0	0 (l) (m)	10	
	0.3			0	0 (l) (m)	10	
	0.3			0	0 (l) (m)	10	
	0.3			0	0 (l) (m)	10	

Species	Germination		Analytical purity			
	Minimum germination (% of pure seed)	Maximum content of hard seed (% of pure seed)	Maximum analytical purity (% by weight)	Maximum content of seeds of other plant species (% by weight)		
				Total	A single species	Agropyrea repens

1	2	3	4	5	6	7
Trifolium resupinatum	80(a)(b)	20	97	1.5	1.0	
Trigonella foenumgraecum	80(a)		95	1.0	0.5	
Vicia faba	85(a)(b)	5	98	0.5	0.3	
Vicia pannonica	85(a)(b)	20	98	1.0(e)	0.5(e)	
Vicia sativa	85(a)(b)	20	98	1.0(e)	0.5(e)	
Vicia villosa	85(a)(b)	20	98	1.0(e)	0.5(e)	
<b>OTHER SPECIES</b>						
Brassica napus var. napobrassica	80(a)		98	1.0	0.5	
Brassica oleracea convar acephola var. medullosa and var. viridis	75(a)		98	1.0	0.5	
<b>Phacelia tanacetifolia</b>	80(a)		96	1.0	0.5	
Raphanus sativus var. oleiformis	80(a)		97	1.0	0.5	

Analytical purity				Maximum content of seeds of other plant species in a sample of the weight specified in column 4 of Annex III (total per column)			Conditions as regards content of Lupin seeds of another colour and of bitter Lupin seeds
Maximum content of seeds of other plant species (% by weight)							
Alopecurus myosuroides	Melilorus spp.	Raphanus Taphanistrum	Sinapis arvensis	Avena fatua, Avena ludoviciana, Avena stetilis	Cuscuta spp.	Rumex spp. other than Rumex acetosella and Rumex maritimus	
8	9	10	11	12	13	14	15
	0.3			0	0 (l) (m)	10	
	0.3			0	0 (j)	5	
	0.3			0	0 (j)	5(n)	
	0.3			0(i)	0 (j)	5(n)	
	0.3			0(i)	0 (j)	5(n)	
	0.3			0(i)	0 (j)	5(n)	
		0.3	0.3	0	0 (j) (k)	5	
		0.3	0.3	0	0 (j) (k)	10	
				0	0 (j) (k)		
		0.3	0.3	0	0 (j)	5	

B. Standards or other conditions applicable where reference is made to them in the table under Section 1 (2) (A) of this Annex:

- (a) All fresh and healthy seeds which do not germinate after pre-treatment shall be regarded as seeds which have germinated.
- (b) Up to the maximum quantity indicated hard seed present shall be regarded as seed capable of germination.
- (c) A maximum total of 0.8% by weight of seeds of other *Poa* species shall not be regarded as an impurity.
- (d) A maximum of 1% by weight of seeds of *Trifolium pratense* shall not be regarded as an impurity.
- (e) A maximum total of 0.5% by weight of seeds of *Lupinus albus*, *Lupinus angustifolius*, *Lupinus luteus*, *Pisum sativum*, *Vicia faba*, *Vicia pannonica*, *Vicia sativa*, *Vicia villosa* in another relevant species shall not be regarded as an impurity.
- (f) The prescribed maximum percentage by weight of seeds of a single species shall not apply to seeds of *Poa* spp.
- (g) A maximum total of one seed of *Avena fatua*, *Avena ludoviciana*, *Avena sterilis* in a sample of the prescribed weight shall not be regarded as an impurity where a second sample of the same weight is free from any seeds of these species.
- (h) The presence of one seed of *Avena fatua*, *Avena ludoviciana*, *Avena sterilis* in a sample of the prescribed weight shall not be regarded as an impurity where a second sample of twice the prescribed weight is free from any seeds of these species.
- (i) The determination of seeds of *Avena fatua*, *Avena ludoviciana*, *Avena sterilis* by number need not be carried out unless there is doubt whether the conditions laid down in column 12 have been satisfied.
- (j) The determination of seeds of *Cuscuta* spp. by number need not be carried out unless there is doubt whether the conditions laid down in column 13 have been satisfied.
- (k) The presence of one seed of *Cuscuta* spp. in a sample of the prescribed weight shall not be regarded as an impurity where a second sample of the same weight is free from any seeds of *Cuscuta* spp.
- (l) The weight of the sample for the determination of seeds of *Cuscuta* spp. by number shall be twice the weight specified in column 4 of Annex III for the relevant species.

- (m) The presence of one seed of *Cuscuta* spp. in a sample of the prescribed weight shall not be regarded as an impurity where a second sample of twice the prescribed weight is free from any seeds of *Cuscuta* spp.
- (n) The determination of seeds of *Rumex* spp. other than *Rumex acetosella* and *Rumex maritimus* by number need not be carried out unless there is doubt whether the conditions laid down in column 14 have been satisfied.
- (o) The percentage by number of Lupin seeds of another colour shall not exceed:
  - in bitter Lupin 2%
  - in Lupins other than bitter Lupin 1%
- (p) The percentage by number of bitter Lupin seeds in varieties other than bitter Lupin shall not exceed 2.5 per cent.

3. Harmful organisms which reduce the usefulness of the seed shall be at the lowest possible level.

## II. BASIC SEED

Subject to the provisions below, the conditions laid down in Section 1 of this Annex shall apply to basic seed:

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:

A. Table:

Species	Maximum content of seed of other plant species				
	Total (% by weight)	Content by number in a sample of the weight specified in column (total per column)			
		A single species	Rumex spp. other than Rumex acetosella and Rumex maritimus	Agropyron repens	Alopecurus myosuroides
1	2	3	4	5	6
GRAMINEAE					
Agrostis canina	0.3	20	1	1	1
Agrostis gigantea	0.3	20	1	1	1
Agrostis stolonifera	0.3	20	1	1	1
Agrostis capillaris	0.3	20	1	1	1
Alopecurus pratensis	0.3	20(a)	2	5	5
Arrhenatherum elatius	0.3	20(a)	2	5	5
Bromus catharticus	0.4	20	5	5	5
<b>Bromus sitchensis</b>	0.4	20	5	5	5
<b>Cynodon dactylon</b>	0.3	20(a)	1	1	1
Dactylis glomerata	0.3	20(a)	2	5	5
Festuca arundinacea	0.3	20(a)	2	5	5
Festuca ovina	0.3	20(a)	2	5	5
Festuca pratensis	0.3	20(a)	2	5	5
Festuca rubra L	0.3	20(a)	2	5	5
X Festulolium	0.3	20(a)	2	5	5
Lolium multiflorum	0.3	20(a)	2	5	5
Lolium perenne	0.3	20(a)	2	5	5
Lolium x boucheanum	0.3	20	2	5	5
Phalaris aquatica L.	0.3	20	2	1	1
Phleum bertolonii	0.3	20(b)	1	1	1
Phleum pratense	0.3	20(b)	1	1	1
Poa annua	0.3	20(b)	1	1	1
Poa nemoralis	0.3	20(b)	1	1	1
Poa palustris					
Poa pratensis					

Species	Maximum content of seed of other plant species				
	Total (% by weight)	Content by number in a sample of the weight specified in column (total per column)			
		A single species	Rumex spp. other than Rumex acetosella and Rumex maritimus	Agropyron repens	Alopecurus myosuroides
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
Poa trivialis	0.3	20(b)	1	1	1
Trisetum flavescens	0.3	20(c)	1	1	1
<b>LEGUMINOSAE</b>					
Hedysarum coronarium	0.3	20	2		
Lotus corniculatus	0.3	20	3		
Lupinus albus	0.3	20	2		
Lupinus angustifolius	0.3	20	2		
Lupinus luteus	0.3	20	2		
Medicago lupulina	0.3	20	5		
Medicago sativa	0.3	20	3		
Medicago x varia	0.3	20	3		
Onobrychis viciifolia	0.3	20	2		
Pisum sativum	0.3	20	2		
Trifolium alexandrinum	0.3	20	3		
Trifolium hybridum	0.3	20	3		
Trifolium incarnatum	0.3	20	3		
Trifolium pratense	0.3	20	5		
Trifolium repens	0.3	20	5		
Trifolium resupinatum	0.3	20	3		
Trigonella	0.3	20	2		
foenumgraecum	0.3	20	2		
Vivia faba					

Species	Maximum content of seed of other plant species				
	Total (% by weight)	Content by number in a sample of the weight specified in column (total per column)			
		A single species	Rumex spp. other than Rumex acetosella and Rumex maritimus	Agropyron repens	Alopecurus myosuroides
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
Vicia pannonica	0.3	20	2		
Vicia sativa	0.3	20	2		
Vicia villosa	0.3	20	2		
OTHER SPECIES					
Brassica napus var. Napobrassica	0.3	20	2		
Brassica oleracea convar acephala var medullosa & var. viridis	0.3	20	3		
Phacelia tanacetifolia	0.3	20			
Raphanus sativus var. oleiformis	0.3	20	2		



B. Standard or other conditions applicable where reference is made to them in the table under Section II (2)(A) of this Annex:

- (a) A maximum total of 80 seeds of *Poa* spp. shall not be regarded as an impurity.
- (b) The condition laid down in column 3 is not applicable to the seeds of *Poa* spp. 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.
- (c) A maximum total of 20 seeds of *Poa* spp. shall not be regarded as an impurity.
- (d) The determination of seeds of *Melilotus* spp. by number need not be carried out unless there is doubt whether the conditions laid down in column 7 have been satisfied.
- (e) The presence of one seed of *Melilotus* spp. in a sample of the prescribed weight shall not be regarded as an impurity where a second sample of twice the prescribed weight is free from any seeds of *Melilotus* spp.
- (f) The condition (c) laid down in Section 1 (2) of this Annex is not applicable.
- (g) The condition (d) laid down in Section 1 (2) of this Annex is not applicable.
- (h) The condition (e) laid down in Section 1 (2) of this Annex is not applicable.
- (i) The condition (f) laid down in Section 1 (2) of this Annex is not applicable.
- (j) The condition (k) and (m) laid down in Section 1 (2) of this Annex are not applicable.
- (k) The percentage by number of bitter Lupin seeds in varieties other than bitter Lupin shall not exceed 1%.

**ANNEX III**

**LOT AND SAMPLE WEIGHTS**

Species	Maximum weight of a lot (tonnes)	Minimum weight of a sample to be drawn from a lot (grams)	Weight of the sample for the determination by number provided for in columns 12 to 14 of Annex II(I)(2)(A) and columns 3 to 7 of Annex II(II)(2) (A) (grams)
1	2	3	4
<b>GRAMINEAE</b>			
Agrostis canina	10	50	5
Agrostis gigantea	10	50	5
Agrostis stolonifera	10	50	5
Agrostis capillaris	10	50	5
Alopecurus pratensis	10	100	30
Arrhenatherum elatius	10	200	80
Bromus catharticus	10	200	200
Bromus sitchensis	10	200	200
Cynodon dactylon	10	50	5
Dactylis glomerata	10	100	30
<b>Festuca arundinacea</b>	10	100	50
Festuca ovina	10	100	30
Festuca pratensis	10	100	50
Festuca rubra L	10	200	60
X Festulolium	10	200	60
Lolium multiflorum	10	200	60
Lolium perenne	10	200	60
Lolium x boucheanum	10	200	60
Phalaris aquatica L.	10	100	50
Phleum bertolonii	10	50	10
Phleum pratense	10	50	10
Poa annua	10	50	10
Poa nemoralis	10	50	5
Poa palustris	10	50	5
Poa pratensis	10	50	5
Poa trivialis	10	50	5
<b>Trisetum flavescens</b>	10	50	5

**ANNEX III**  
**LOT AND SAMPLE WEIGHTS**

Species	Maximum weight of a lot (tonnes)	Minimum weight of a sample to be drawn from a lot (grams)	Weight of the sample for the determination by number provided for in columns 12 to 14 of Annex II(I)(2)(A) and columns 3 to 7 of Annex II(II)(2) (A) (grams)
1	2	3	4
<b>LEGUMINOSAE</b>			
Hedysrum coronarium			
- fruit	10	1,000	300
- seed	10	400	120
Lotus corniculatus	10	200	30
Lupinus albus	<b>25</b>	1,000	1,000
Lupinus angustifolius	<b>25</b>	1,000	1,000
Lupinus luteus	<b>25</b>	1,000	1,000
Medicago lupulina	10	300	50
Medicago sativa	10	300	50
Medicago x varia	10	300	50
Onobrychis viciifolia			
- fruit	10	600	600
- seed	10	400	400
Pisum sativum	<b>25</b>	1,000	1,000
Trifolium alexandrinum	10	400	60
Trifolium hybridum	10	200	20
Trifolium incarnatum	10	500	80
Trifolium pratense	10	300	50
Trifolium repens	10	200	20
Trifolium resupinatum	10	200	20
Trigonella foenumgraecum	10	500	450
Vicia faba	<b>25</b>	1,000	1,000
Vicia pannonica	20	1,000	1,000
Vicia sativa	<b>25</b>	1,000	1,000
Vicia villosa	20	1,000	1,000
<b>OTHER SPECIES</b>			
Brassica napus var.			
Napobrassica	10	200	100
Brassica oleracea			
convar. acephala	10	200	100
Phacelia tanacetifolia	10	300	40
Raphanus sativus var.	10	300	300
Oleiformis			

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

ANNEX IV  
MARKING

**A      Official label**

I.      Information required

(a) For basic seed and certified seed:

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

3(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 under its botanical name, which may be given in abridged form and without the authorities’ names, in roman characters..
5. Variety indicated at least in roman characters.
6. Category.
7. Country of production.
8. Declared net or gross weight or declared number of 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 pure seeds and the total weight.
10. For certified seed of the second generation and subsequent generations after basic seed: number of generations after basic seed.
11. For seed of grass varieties which have not been subjected to tests for their cropping value and use in accordance with Article 4(2)(a) of Council Directive No. 70/457/EEC of 29 September 1970 concerning the common catalogue of species of agricultural plants: “Not intended for the production of fodder plants”.
12. Where at least 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.

(\*) For lupins, it should be specified whether they are bitter or sweet lupins.

(b) For mixtures of seeds:

1. "Mixture of seed for.....(intended use)"
2. Authority responsible for sealing and Member State or their initials.
3. Reference number of lot.
- 3(a) month and year of sealing expressed thus "sealed...." (month and year).
4. Percentage by weight of the various components shown by species and, where appropriate, by variety both indicated at least in roman characters; it is sufficient to give the name of the mixtures if the percentage by weight has been notified in writing to the purchaser and officially recorded.
5. Declared net or gross weight or declared number of pure seeds.
6. 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 seed and the total weight.
7. Where at least germination of all the components of the mixture 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 x 67mm

B. Supplier's label or information on the packaging (small EEC package) information required.

(a) Certified seed:

1. "Small EC B 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 certified seed lot to be identified.
6. Species.

## 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 name of the authority responsible for field inspection and the Member State by which the authority was designated or their initials,
2. Species, indicated at least under its botanical name, which may be given in abridged form and without the authorities' names, in roman characters,
3. Variety, indicated at least in roman characters,
4. Category,
5. Field or lot reference number,
6. Declared net or gross weights,
7. The words "seed not finally certified"

#### (B) Colour of label

The label shall be grey.

(C)

Official document

Information required

1. The name of the authority issuing the document,
2. The species, indicated at least under its botanical name, which may be given in abridged form and without the authorities' names, in roman characters,
3. Variety, indicated at least in roman characters,
4. Category,
5. Reference number of the seed used to sow the field and name of the country or countries which certified that seed,
6. Field or lot reference number,
7. Area cultivated for the production of the lot covered by the document,
8. Quantity of seed harvested and number of packages,
9. Number of generations after basic seed, in the case of certified seed,
10. Attestation that the conditions to be satisfied by the crop from which the seed comes have been fulfilled,
11. Where appropriate, results of a preliminary seed analysis.

## SCHEDULE II

**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 Seed	Rate per 50 kg
	€
Perennial Ryegrass, new varieties and other	1.10
Italian Ryegrass	.74
Perennial Ryegrass, high persistence	1.30
Clover	1.61
Oilseed Rape	.95
Linseed	.95
Grass Seed Mixtures	0.47 (at 0.09 per label)
Field Peas and Beans	.81
Arable Silage Mixtures	0.12 (at 0.09 per label)

### B. SEED TESTING FEES

Samples	Rate per sample
	€
<b>Straights</b>	
- Complete Test (Germination and Purity)	14.22
- Germination only	9.81
- Purity only	6.94
- <b>Moisture only</b>	6.76
- Biochemical Test	19.51
<b>Seed Mixtures</b>	
- Complete Test (Germination and Purity)	16.38
- Germination only	12.17
- Purity only	8.50



GIVEN under my Official Seal, this                    day of

2002

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.
- (3) implement the provisions of Council Directive 2001/64/EC which makes provision for the marketing of seed in bulk to the final consumer on a permanent basis.

Published by the Stationery Office, Dublin 2.

P.N. No: