

S.I. No. 919/2005 — European Communities (Beet Seed) (Amendment) Regulations 2005

[S.I. No 919 of 2005](#)

European Communities (Beet Seed) (Amendment) Regulations 2005

I, Mary Coughlan, Minister for Agriculture and Food, in exercise of the powers conferred on me by [Section 3](#) of the [European Communities Act, 1972](#) (No 27 of 1972) and for the purpose of giving effect to Council Directive 2004/117/EC¹ of 22 December 2004, hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Beet Seed) (Amendment) Regulations 2005.
2. Any reference made in the definitions of the Council Directive and the Council Directives in the European Communities Beet Seed Regulations 2001 ([S.I. No. 142 of 2001](#)) to a directive repealed by Article 33 of Directive 2002/54/EC of the European Parliament and of the Council of 13 June 2002 (“the Consolidated Directive”) shall be construed as a reference to the Consolidated Directive and should be read in accordance with the correlation table set out in Annex VI to the Consolidated Directive.
3. The European Communities (Beet Seed) Regulations 2001 ([S.I. No. 142 of 2001](#)) are amended-

(a) in Regulation 2(1)-

(i) by substituting for the definition of “authorised officer” the following-

“authorised officer” means a person appointed under Regulation 23.

(ii) by deleting the definitions of “basic seed”, “beet”, “certified seed”, “monogerm seed”, “pre-basic seed”, and “precision seed”, and “small EC packages”.

(iii) by substituting for the definition of “the directive” the following:

“ ‘EC Directive’ means Council Directive 2002/54/EC² of 13 June 2002, as amended by Council Directive 2004/117/EC of 22 December 2004”

(b) by substituting for Regulation 5(A) 1 (b) the following

“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, or examination under official supervision, has shown that the conditions laid down in Annex 1.B for the same category are satisfied.”

(c) by substituting for Regulation 5(A) 3 (b) the following:

“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, or examination under official supervision, has shown the conditions laid down in Annex I.B for that category are satisfied.”

(d) by substituting for Regulation 6(2)(a) the following:

“Subject to Regulation 10 of these Regulations and to sub paragraph (b) of this paragraph, the Minister may, where the official examination, or examination under official supervision, 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.”

(e) by substituting for Regulation 9 (1) the following:

“In the official examination, or examination under official supervision, 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.”

(f) by substituting for Regulation 14 (1) the following:

“Where a sample of seed is taken pursuant to these Regulations by an authorised officer and is found on official examination, or examination under official supervision, 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.”

(g) by inserting after Regulation 18 the following-

“19 (1) The Minister may set fees, payable to him or her, for inspection, application for a certificate, sampling and carrying out of tests and different fees may be set for different inspections, certificates or tests.

(2) A fee payable under this Regulation may be recovered by the Minister as a simple contract debt in a court of competent

jurisdiction.

- (b) When exercising a power conferred on him or her under these Regulations an authorised officer shall, if requested by any person affected, produce the warrant to that person for inspection.””

GIVEN under my Official Seal,

21 December 2005

Mary Coughlan

Minister for Agriculture and Food

EXPLANATORY NOTE

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

These Regulations give effect to Council Directive 2004/117/EC amending Commission Directive 2002/54/EC on the marketing of beet seed; the collection of fees and the marketing of heritage seed.

¹ O.J. No L14 18/1/2005 p18

² O.J. No 193 20/07/2002 p12