L.N. 366 of 2021

PLANT QUARANTINE ACT
(CAP. 433)

Seeds of Agricultural Plants and Vegetables (Amendment) Regulations, 2021

IN EXERCISE of the powers conferred by article 32 of the Plant Quarantine Act, the Minister for Agriculture, Fisheries, Food and Animal Rights has made the following regulations:-

Citation and scope.

S.L. 433. 30.

1. (1) The title of these regulations is the Seeds of Agricultural Plants and Vegetables (Amendment) Regulations, 2021 and these regulations shall be read and construed as one with the Seeds of Agricultural Plants and Vegetables Regulations, hereinafter referred to as "the principal regulations".

(2) The scope of these regulations is to transpose Commission Implementing Directive (EU) 2021/415 of 8 March 2021 amending Council Directives 66/401/EEC and 66/402/EEC in order to adapt to the evolution of scientific and technical knowledge, taxonomic groups and names of certain species of seeds and weeds.

Amends Schedule I to the principal regulations.

2. Schedule I to the principal regulations shall be amended as follows:

(a) Table 1.1 thereof shall be amended as follows:

(i) the seventh definition thereof shall be substituted by the following new definition:

"*Sorghum bicolor* (L.) Moench subsp. *bicolor*	Sorghum";

(ii) the eighth definition thereof shall be substituted by the following new definition:

"*Sorghum bicolor* (L.) Moench subsp. *drummondii* (Steud.) de Wet ex Davidse	Sudan grass";

(iii) the tenth definition thereof shall be substituted

by the following new definition:

"*Triticum aestivum* L. subsp. *aestivum*	Wheat";

(iv) the eleventh definition thereof shall be substituted by the following new definition:

"*Triticum turgidum* L. subsp. *durum* (Desf.) van Slageren	Durum wheat";

(v) the twelfth definition thereof shall be substituted by the following new definition:

"*Triticum aestivum* L. subsp. *spelta* (L.) Thell.	Spelt wheat"; and

(vi) the fourteenth definition thereof shall be substituted by the following new definition:

"*Sorghum bicolor* (L.) Moench subsp. *bicolor* x *Sorghum bicolor* (L.) Moench subsp. *drummondii* (Steud.) de Wet ex Davidse	Hybrids resulting from the crossing of *Sorghum bicolor* (L.) Moench subsp. *bicolor* and *Sorghum bicolor* (L.) Moench subsp. *drummondii* (Steud.) de Wet ex Davidse"; and

(b) Table 1.2 thereof shall be substituted by the following new Table:

"

Latin Name	**Common Name**
Poaceae (Gramineae)	***Grasses***
Agrostis canina L.	Velvet bent
Agrostis capillaris L.	Brown top
Agrostis gigantea Roth.	Roth Redtop
Agrostis stolonifera L.	Creeping bent grass
Cynodon dactylon (L.) Pers.	Bermuda grass

Festuca filiformis Pourr.	Fine-leaved sheep's fescue
Festuca ovina L.	Sheep's fescue
Festuca pratensis Huds.	Meadow fescue
Festuca rubra L.	Red fescue
Festuca trachyphylla (Hack.) Hack.	Hard fescue
Lolium multiflorum Lam.	Italian ryegrass (incl. Westerwold ryegrass)
Lolium perenne L.	Perennial ryegrass
Poa pratensis L.	Smooth-stalked meadow grass
Fabaceae (Leguminosae)	**Legumes**
Biserrula pelecinus L.	Biserrula
Galega orientalis Lam.	Fodder galega
Hedysarum coronarium L.	Sulla
Lathyrus cicera L.	Chickling vetch/Dwarf chickling vetch
Medicago doliata Carmign.	Straight-spined medic
Medicago italica (Mill.) Fiori	Disc medic
Medicago littoralis Rohde ex Loisel.	Shore medic/Strand medic
Medicago murex Willd.	Sphere medic
Medicago polymorpha L.	Bur medic
Medicago rugosa Desr.	Wrinkled medic/Gama medic
Medicago sativa L.	Lucerne
Medicago scutellata (L.) Mill.	Snail medic/Shield medic
Medicago truncatula Gaertn.	Barrel medic
Ornithopus compressus L.	Yellow serradella
Ornithopus sativus Brot.	Serradella
Pisum sativum L. (partim)	Field pea
Trifolium alexandrinum L.	Berseem, Egyptian clover
Trifolium fragiferum L.	Strawberry clover
Trifolium glanduliferum Boiss.	Glandular clover
Trifolium hirtum All.	Rose clover
Trifolium isthmocarpum Brot.	Moroccan clover
Trifolium michelianum Savi	Balansa clover
Trifolium pratense L.	Red clover
Trifolium squarrosum L.	Squarrose clover
Trifolium subterraneum L.	Subterranean clover
Trifolium vesiculosum Savi	Arrow-leaf clover
Vicia benghalensis L.	Purple vetch
Vicia faba L.	Field bean
Vicia sativa L.	Common vetch

".

Amends Schedule II to the principal regulations.

3. Schedule II to the principal regulations shall be amended as follows:

(a) the footnote of Table 1.6 thereof shall be substituted by the following new footnote:

"(*) In the areas where the presence of *S. halepense* or *S. bicolor* subsp. *drummondii* is a particular cross-pollination issue, the following shall apply:

(a) crops to produce basic seed of *Sorghum bicolor* subsp. *bicolor* or its hybrids must be isolated not less than 800 m from any source of such contaminating pollen;

(b) crops to produce certified seed of *Sorghum bicolor* subsp. *bicolor* or its hybrids must be isolated not less than 400 m from any source of such contaminating pollen.";

(b) paragraph (b) of item 4 under Section I Cereals thereof shall be substituted by the following new paragraph:

"(b) The number of field inspections shall be at least:

for *Avena nuda*, *Avena sativa*, *Avena strigosa*, *Hordeum vulgare*, *Phalaris canariensis*, x*Triticosecale*, *Triticum aestivum* subsp. *aestivum*, *Triticum turgidum* subsp. *durum*, *Triticum aestivum* subsp. *spelta*, *Secale cereale*: 1";

(c) Item C under Table 1.7 thereof shall be substituted by the following new item:

"C. Crops to produce certified seed of hybrids of *Avena nuda*, *Avena sativa*, *Avena strigosa*, *Triticum aestivum* subsp. *aestivum*, *Triticum turgidum* subsp. *durum*, *Triticum aestivum* subsp. *spelta* and self-pollinating x*Triticosecale* and crops to produce certified seed of hybrids of *Hordeum vulgare* by means of a technique other than Cytoplasmic Male Sterility (CMS)

1. Varietal identity and varietal purity

The crop shall have sufficient identity and purity as regards the characteristics of the components.

Where seed is produced by use of a chemical hybridisation agent, the crop shall conform to the following other standards or conditions:

(i) the minimum varietal purity of each component shall be:

— *Avena nuda*, *Avena sativa*, *Avena strigosa*, *Hordeum vulgare*, *Triticum aestivum* subsp. *aestivum*, *Triticum turgidum* subsp. *durum* and *Triticum aestivum* subsp. *spelta*: 99,7%,

— self-pollinating x*Triticosecale*: 99,0%;

(ii) the minimum hybridity must be 95%. The percentage hybridity shall be assessed in accordance with current international methods, in so far as such methods exist. In cases where the hybridity is determined during seed testing prior to certification, the determination of the hybridity during field inspection need not be done.

2. Isolation distances

The crop shall conform to the following standards as regards distances from neighbouring sources of pollen which may result in undesirable foreign pollination:

— the minimum distance of the female component shall be 25 m from any other variety of the same species except from a crop of the male component,

— with the approval of the Directorate, this distance can be disregarded if there is sufficient protection from any undesirable foreign pollination.

3. Crops to produce basic and certified seed of hybrids of *Hordeum vulgare* by means of the technique of CMS:

(a) 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
For the production of basic seed	100m
For the production of certified seed	50m

(b) The crop shall have sufficient varietal identity and purity as regards the characteristics of the components.

In particular, the crop shall conform to the following standards:

(i) The percentage by number of plants which are obviously not being true to type shall not exceed:

- for the crops used to produce basic seed, 0.1% for the maintainer and the restorer line and 0.2% for the CMS female component, and

- for the crops used to produce certified seed, 0.3% for the restorer and the CMS female component and 0.5% in case the CMS female component is a single hybrid.

(ii) The level of male sterility of the female component shall be at least:

- 99.7% for crops used to produce basic seed, and

- 99.5% for crops used to produce certified seed.

(iii) The requirements of points (i) and (ii) shall be examined in official post-control test.

(c) Certified seed may be produced in mixed cultivation of female male-sterile component with a male component which restores fertility.".

Amends Schedule III to the principal regulations.

4. Schedule III to the principal regulations shall be amended as follows:

(a) item A of Section I Cereals thereof shall be substituted by the following new item:

"A. *Avena nuda*, *Avena sativa*, *Avena strigosa*, *Hordeum vulgare*, *Triticum aestivum* subsp. *aestivum*, *Triticum turgidum* subsp. *durum*, *Triticum aestivum* subsp. *spelta* other than hybrids in each case (Table 1.14):

Table 1.14:

Category	**Minimum varietal purity (%)**
1	2
Basic seed	99.9
Certified seed, 1st generation	99.7
Certified seed, 2nd generation	99.0

The minimum varietal purity shall be examined mainly in field inspections carried out in accordance with the conditions laid down in Schedule II Section I.";

(b) item C of Section I Cereals thereof shall be

substituted by the following new item:

"C. Hybrids of *Avena nuda*, *Avena sativa*, *Avena strigosa*, *Hordeum vulgare*, *Triticum aestivum* subsp. *aestivum*, *Triticum turgidum* subsp. *durum*, *Triticum aestivum* subsp. *spelta*, and self-pollinating *xTriticosecale*:

The minimum varietal purity of the seed of the category certified seed shall be 90%.

In case of *Hordeum vulgare* produced by means of Cytoplasmic Male Sterility (CMS), it shall be 85%. Impurities other than the restorer shall not exceed 2%.

The minimum varietal purity shall be examined in official post-control test on an appropriate proportion of samples.";

(c) in the first column of Table 1.17 thereof, the words "*Avena sativa, Avena strigosa Hordeum vulgare Triticum aestivum Triticum durum Triticum spelta.*" shall be substituted by the words "*Avena sativa*, *Avena strigosa*, *Hordeum vulgare*, *Triticum aestivum* subsp. *aestivum*, *Triticum turgidum* subsp. *durum*, *Triticum aestivum* subsp. *spelta*.";

(d) The heading "*Elytrigia repens*" of column 5 in Table 1.19 thereof shall be substituted by the words "*Elymus repens*"; and

(e) The heading "*Elytrigia repens*" of column 7 in Table 1.20 thereof shall be substituted by the words "*Elymus repens*".

5. Table 1.32 of Schedule IV to the principal regulations shall be substituted by the following new Table:

Amends Schedule IV to the principal regulations.

"

Species	**Maximum weight of a lot (tonnes)**	**Minimum weight of a sample to be drawn from a lot (grams)**	**Weight of a sample for determination by number provided for in Table 1.16 & columns 4 to 8 of Table 1.17 (Schedule III) (grams)**
1	2	3	4
Avena nuda	30	1000	500
Avena sativa			
Avena strigosa			
Hordeum vulgare			
Triticum aestivum subsp. *aestivum*			
Triticum turgidum subsp. *durum*			
Triticum aestivum subsp. *spelta*			
x Triticosecale			
Secale cereale			
Phalaris canariensis	10	400	200
Sorghum bicolor (L.) Moench subsp. *bicolor*	30	900	900
Sorghum bicolor (L.) Moench subsp. *drummondii* (Steud.) de Wet ex Davidse	10	250	250

Hybrids of *Sorghum bicolor* (L.) Moench subsp. *bicolor* x *Sorghum bicolor* (L.) Moench subsp. *drummondii* (Steud.) de Wet ex Davidse	30	300	300
Zea mays, basic seed of inbred lines	40	250	250
Zea mays, basic seed other than inbred lines; certified seed	40	1000	1000

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