

EUROPEAN COMMUNITIES (CEREAL SEED) REGULATIONS 1981

I, RAY MacSHARRY, Minister for Agriculture, 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 No. 66/402/EEC of 14 June, 1966, as amended, hereby make the following regulations:

REG 1

Short title and commencement

1. These Regulations may be cited as the European Communities (Cereal Seed) Regulations, 1981, and shall come into operation on the 24th day of February, 1981.

REG 2

Interpretation

2. (1) In these Regulations—

"Annex I" means Annex I to the directive, which Annex is contained in the Schedule hereto;

"Annex II" means Annex II to the directive, which Annex is contained in the Schedule hereto;

"Annex III" means Annex III to the directive, which Annex is contained in the Schedule hereto;

"Annex IV" means Annex IV to the directive, which Annex is contained in the Schedule hereto;

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

"basic seed" means the following seed, being in any case seed which may for the purposes of these Regulations be regarded as being free of the seed of *Avena fatua*, namely,

(a) seed of oats, barley, wheat and rye 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, certified seed of the first generation or certified seed of the second generation,

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

(b) seed of open-pollinated varieties of maize 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 of the same open-pollinated variety or of top cross hybrids or of intervarietal hybrids,

(iii) subject to Regulation 6 of these Regulations, satisfies the

conditions laid down in Annex I and Annex 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,

(c) seed of inbred lines of maize which,

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

(ii) has been found on official examination to have satisfied the said conditions,

(d) seed of simple hybrids of maize which,

(i) is intended for the production of double hybrids, triple-cross hybrids or top cross hybrids,

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

(iii) has been found on official examination to be so intended and to have satisfied the said conditions;

"cereals" means plants of the following species intended for agricultural or horticultural production other than production for ornamental purposes:—

Avena sativa L. Oats *Hordeum vulgare* L. Barley *Secale cereale* L. Rye
Triticum aestivum L. emend. Fiori et PaolWheat *Triticum durum*
Desf. Durum Wheat *Zea mays* L. except *Zea mays* convar. Maize except
microsperma (Koern) and *Zea mays* popcorn and convar. *saccharata* (Koern)
sweet corn;

"certified seed", except in the expression "certified seed of the first generation" or "certified seed of the second generation" means seed of rye and maize which,

(a) has been produced directly from pre-basic seed or basic seed,

(b) may for the purposes of these Regulations be regarded as being free of the seed of *Avena fatua*,

(c) is intended for purposes other than the production of cereal seed,

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

(e) has been found on official examination to have been so produced, to be so intended and to have satisfied the said conditions;

"certified seed of the first generation" means seed of oats, barley and wheat which,

(a) has been produced directly from pre-basic seed or basic seed,

(b) may for the purposes of these Regulations be regarded as being free of the seed of *Avena fatua*,

(c) is intended either for the production of certified seed of the second generation or for purposes other than the production of cereal seed,

(d) satisfies the conditions laid down in Annex I and Annex II for certified seed of the first generation, and

(e) has been found on official examination to have been so produced, to be so intended and to have satisfied the said conditions;

"certified seed of the second generation" means seed of oats, barley and wheat which,

(a) has been produced directly from pre-basic seed, basic seed or certified seed of the first generation,

(b) may be regarded for the purposes of these Regulations as being free of the seed of *Avena fatua*,

(c) is intended for purposes other than the production of cereal seed,

(d) satisfies the conditions laid down in Annex I and Annex II for certified seed of the second generation, and

(e) 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;

"the directive" means Council Directive No. 66/402/EEC of 14 June, 1966, as amended by the directives and decision specified in paragraph (4) of this Regulation;

1 OJ No. 125/2309, II July, 1966.

"Member State" means a Member State of the European Communities;

"the Minister" means the Minister for Agriculture;

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

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

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

"pre-basic seed" means cereal seed 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) may for the purposes of these Regulations be regarded as being free of the seed of *Avena fatua*,

(c) is intended for the production of pre-basic seed, basic seed, certified seed, certified seed of the first generation or certified seed of the second generation,

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

(e) has been found on official examination to have been so produced, to be so intended and to have satisfied the said conditions;

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

"third country" means a country or territory which is not a Member State.

(2) In these Regulations the following expressions have in relation to varieties of maize the following meanings:

(a) "double hybrid" means the first generation of a cross, defined by the breeder, between two simple hybrids;

(b) "inbred line" means a line which is sufficiently uniform and stable, obtained either by artificial self-fertilisation accompanied by selection over several successive generations or by equivalent operations;

(c) "intervarietal hybrid" means the first generation of a cross, defined by the breeder, between plants grown from basic seed of two open-pollinated varieties;

(d) "open-pollinated variety" means a variety which is sufficiently uniform and stable;

(e) "simple hybrid" means the first generation of a cross, defined by the breeder, between two inbred lines;

(f) "top cross hybrid" means the first generation of a cross, defined by the breeder, between an inbred line or a simple hybrid and an open-pollinated variety;

(g) "triple-cross hybrid" means the first generation of a cross, defined by the breeder, between an inbred line and a simple hybrid.

(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.

(4) The directives and decision referred to in the definition of "the directive" in paragraph (1) of this Regulation are Council Directive No. 69/60/EEC of 18 February, 1969¹, Council Directive No. 71/162/EEC of 30 March, 1971², Council Directive No. 72/274/EEC of 20 July, 1972³, Council Directive No. 72/418/EEC of 6 December, 1972⁴, Act of Accession⁵ and Council Decision of 1 January, 1973⁶, Council Directive No. 73/438/EEC of 11 December, 1973⁷, Council Directive No. 75/444/EEC of 26 June, 1975⁸, Council Directive No. 78/55/EEC of 19 December, 1977⁹, First Commission Directive No. 78/387/EEC of 18 April, 1978¹⁰, Council Directive No. 78/692/EEC of 25 July, 1978¹¹, Council Directive No. 78/1020/EEC of 5 December, 1978¹², Commission Directive No. 79/641/EEC of 27 June, 1979¹³, Council Directive No. 79/692/EEC of 24 July, 1979¹⁴, and Commission Decision No. 80/755/EEC of 17 July, 1980¹⁵.

1 OJ No. L48/1, 26 February, 1969.

2 OJ No. L87/24, 17 April, 1971.

3 OJ No. L171/37, 29 July, 1972.

4 OJ No. L287/22, 26 December, 1972.

5 OJ Special Edition, P. 14, 27 March, 1972.

- 6 OJ No. L2/1, 1 January, 1973.
- 7 OJ No. L356/79, 27 December, 1973.
- 8 OJ No. L196/6, 26 July, 1975.
- 9 OJ No. L16/23, 20 January, 1978.
- 10 OJ No. L113/13, 25 April, 1978.
- 11 OJ No. L236/13, 26 August, 1978.
- 12 OJ No. L350/27, 14 December, 1978.
- 13 OJ No. L183/13, 19 July, 1979.
- 14 OJ No. L205/1, 13 August, 1979.
- 15 OJ No. L207/37, 9 August, 1980.

REG 3

Application

3. These Regulations apply to cereal seed other than cereal seed which is shown to the satisfaction of the Minister to be intended for export to a third country.

REG 4

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.

REG 5

Marketing and Sale

5. (1) Subject to Regulation 6 of these Regulations and to paragraph (2) of this Regulation, cereal 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) it has been officially certified as pre-basic seed, basic seed, certified seed, certified seed of the first generation or certified seed of the second generation and it satisfies the conditions laid down in Annex II, and
- (c) the moisture content of the seed does not exceed 16% and the seed is in sufficiently homogenous lots and in packages complying with the requirements of these Regulations, and
- (d) each lot of seed is accompanied by an official certificate issued by an official authority in the country or territory where the seed was certified certifying that,
 - (i) a sample of the seed has been taken and examined in accordance with Regulation 7 of these Regulations and that the sample has been found to be free of the seed of *Avena fatua*, and

(ii) where required by the said Regulation 7, a field inspection has been carried out in accordance with the said Regulation and that the relevant crop has been found to be free of *Avena fatua*, and

(e) in case the seed is harvested in a third country, it is of a kind to which the declaration contained in Article 1 of the Sixth Council Decision on the Equivalence of Seed Produced in Third Countries (OJ No. L240 of 12 September, 1980) relates.

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

(i) seed intended for tests or scientific purposes,

(ii) seed intended for selection work,

(iii) seed which has not been processed and which is marketed for processing, and as regards which the official authority is satisfied that appropriate measures have been taken to ensure the identity of the seed,

(b) Notwithstanding paragraph (1) (b) of this Regulation, seed of maize may be placed on the market if the minimum germination of the seed equals or exceeds 85%.

REG 6

Derogation from Certification and Marketing Provisions

6. (1) Subject to Regulation 12 of these Regulations, the Minister may authorise the certification and marketing of pre-basic seed and basic seed which does not satisfy the conditions laid down in Annex 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 satisfies the Minister of the germination given in the said provisional analytical report, and

(iv) the germination so guaranteed shall be stated on a special label bearing the name and address of such supplier and the

reference number of the relevant lot of seed.

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

(4) The Minister may, where the Commission makes a decision in that regard, authorise the marketing, for a period specified in the decision, of seed of a category specified in the decision subject to less stringent requirements than those of these Regulations for pre-basic seed, basic seed, certified seed, certified seed of the first generation or certified seed of the second generation, or of seed of varieties included neither in the common catalogue nor in the national catalogue.

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

REG 7

Cereal seed to be regarded as being free of *Avena fatua* in certain circumstances

7. (1) Cereal seed shall for the purposes of these Regulations be regarded as being free of the seed of *Avena fatua* if,

(a) the crop of the relevant cereals is found on an official field inspection to be free of *Avena fatua* and also if a sample of at least 1 kilogram of the cereal seed is found on an official examination to be free of the seed of *Avena fatua*, or

(b) a sample of the cereal seed of at least 3 kilograms is found on official examination to be free of the seed of *Avena fatua*.

(2) Cereal seed which is produced in the State shall be certified pursuant to these Regulations if, and only if, the crop of the relevant cereals is found on an official field inspection to be free of *Avena fatua* and also if a sample of at least 1 kilogram of the cereal seed is found on an official examination to be free of the seed of *Avena fatua*.

REG 8

Closing

8. (1) Packages of pre-basic seed, basic seed, certified seed, certified seed of the first generation or certified seed of the second generation 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 9

(1) of these Regulations or on the package.

(2) Except where a non-reusable closing system is used, the closing

system used to comply with this Regulation shall be at least comprised of either the above-mentioned label or the affixing of an official seal.

(3) Packages mentioned in paragraph (1) of this Regulation shall not be re-closed on one or more occasions unless this is done officially or under official supervision. If any such packages are re-closed, the fact of re-closing, the date of re-closing and the authority by whom or under whose supervision the re-closing was carried out shall be stated on the label required under Regulation 9 (1) of these Regulations, or, where the information specified in Regulation 9 (1) (e) of these Regulations is, pursuant to Regulation 9 (2) of these Regulations, printed or stamped on the package, the said fact may be so printed or stamped with the aforesaid information.

REG 9

Labelling

9. (1) Subject to paragraph (2) of this Regulation the following provisions shall apply as regards packages of basic seed, certified seed, certified seed of the first generation and certified seed of the second generation:

(a) they shall be labelled on the outside with an official label (adhesive or otherwise) which has not been previously used, and which gives the information and satisfies the condition as to dimensions specified in Annex IV and on which such information is given in one of the official languages of the European Economic Communities;

(b) the colour of the label shall be white for basic seed, blue for certified seed and for certified seed of the first generation and red for certified seed of the second generation;

(c) when a label with a string-hole is used, an official seal shall be used in relation to its attachment to the package;

(d) where the seed is seed to which an authorisation under Regulation 6 (1) of these Regulations relates, the fact that the seed does not satisfy the conditions laid down in Annex 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, and in addition to complying with the foregoing requirements of this subparagraph, where the package contains,

(i) seed of maize with a germination not satisfying the standard specified in Annex II, or

(ii) cereal seed certified pursuant to Regulation 6 (1) of these Regulations,

the germination of the seed shall be so stated.

(e) they shall contain an official document, of the same colour as the label, giving at least the information required under subparagraphs 3, 4 and 5 of paragraph A (a) of Annex IV.

(2) (a) Packages of basic seed, certified seed, certified seed of the first generation and certified seed of the second generation

may, in lieu of complying with the requirements of paragraph (1) of this Regulation, have the information required by that paragraph printed or stamped on the package 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 is, in so far as it relates to the information required under subparagraphs 3 and 3 (a) of paragraph A (a) of Annex IV, done either officially or under official supervision, and

(iv) the package has so printed or stamped thereon, or perforated, 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, stamped or perforated shall from time to time inform the Minister both of the number of packages so printed, stamped or perforated and of the numbers in the officially attributed series which have up to then been used by him in the course of such printing, stamping or perforating.

(c) The relevant records of the person by whom the seed is packed shall have been subject to official supervision.

(3) The requirements of subparagraph (e) of paragraph (1) of this Regulation shall not apply to a package to which that paragraph applies, if,

(a) the information mentioned therein is indelibly printed on the package, or

(b) an adhesive label is used on the package, or

(c) a tear-resistant label is attached to the package.

(4) Paragraph 1 of this Regulation other than subparagraph (e) shall apply to pre-basic seed subject to the following modifications:

(a) the colour of the label shall be white with a violet diagonal line, and

(b) the label shall,

(i) give the following information, namely, the species and variety of the seed, the official authority by whom the seed was certified and the Member State by which the authority is designated, the reference number of the relevant lot of seed, the number of generations preceding certified seed or certified seed of the first generation, and

(ii) bear thereon the words "pre-basic seed".

(5) Any chemical treatment of pre-basic seed, basic seed, certified seed, certified seed of the first generation or certified seed of the second generation shall be indicated either on the official label or on a supplier's label and also on the package containing the seed or inside such package.

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

(i) in case the seed corresponds to pre-basic seed, basic seed, certified seed, certified seed of the first generation or certified seed of the second generation, 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.

REG 10

Marketing of Mixtures

10. (1) Cereal seed in the form of a mixture which is of seed of various species shall not be marketed unless the components of the mixture comply, before mixing, with the relevant provisions of these Regulations and any other Regulations made under the European Communities Act, 1972, relating to the marketing of seed which is not cereal seed and which apply to them.

(2) Cereal seed in the form of mixtures shall not be marketed unless the seed is in sufficiently homogeneous lots, is accompanied by a certificate required by these Regulations and is in packages complying with the requirements of these Regulations modified as follows, namely, that for the purposes of this paragraph Regulation 9 (1) of these Regulations shall be construed as requiring the label to be green.

(3) Cereal seed in the form of a specific mixture which is seed of various varieties shall not be marketed unless—

(a) scientific or technical knowledge indicates that the mixture is such as to be particularly effective against the propagation of certain harmful organisms, and

(b) the components of the mixture comply, before mixing, with the relevant provisions of these Regulations and any other Regulations made under the European Communities Act, 1972, relating to the marketing of cereal seed and for the time being in force.

REG 11

Sampling

11. (1) In the official examination of cereal 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 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.

REG 12

Cereal 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 marking, cereal 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.

REG 13

Registration, etc.

13. (1) Notwithstanding Regulation 20 of these Regulations, the Register which immediately before the commencement of these Regulations was known as the Register of Cereal Seed Processors and Importers (in these Regulations referred to as the register) shall continue in being, to be so known and to be maintained by the Minister.

(2) A person shall not carry on the business of a cereal seed processor or a cereal seed importer unless he is registered in the register as such.

(3) There shall be entered in the register the following particulars, namely:

(a) the full name, address and description of the person registered therein,

(b) in case a person is registered therein as a seed processor or a seed processor and importer, a description of the premises in which such person carries on the business of seed processing which description shall be sufficient to identify those premises and the limits and extent thereof and also the place where the relevant cereal 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 or a seed importer 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, 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 200 tonnes of cereal 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 seven days after the giving of the notification, the Minister shall consider them.

(8) In this Regulation—

"seed importer" means a person who imports cereal seed in any quantity exceeding 2 kg. and "importer" shall be construed accordingly,

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

REG 14

Records, returns, etc.

14. (1) Any person who carries on the business of processing or marketing cereal 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 cereal 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 cereal 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.

REG 15

Powers of authorised officers

15. (1) In addition to the powers conferred by Regulation 14 of these Regulations, an authorised officer may at any reasonable time enter and inspect any premises in which he has reasonable grounds

for believing that the business of processing or marketing, or of importing or exporting, cereal seed is carried on, or any other premises in which he so believes such seed to be kept, being seed which he so believes to have been landed or otherwise brought into the State, or any railway wagon, vehicle, ship, vessel or aircraft in which he so believes such seed to be kept, and any such officer may examine the stock and take samples of any cereal seed which he finds in the course of his inspection.

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

(a) notify forthwith the appropriate person that the sample is so taken, and

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

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

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

(4) The Minister shall furnish an authorised officer with a certificate of his appointment and, when exercising any powers conferred by these Regulations, the officer shall, if requested by any person affected, produce the certificate to that person.

(5) In this Regulation—

"the appropriate person" means,

(a) in relation to premises, any person who appears to an authorised officer to be, for the time being, in charge of the premises,

(b) in relation to a railway wagon, vehicle, ship, vessel or aircraft, the owner thereof or person who is for the time being in charge thereof or the agent of such owner.

REG 16

Minister may require certain seed 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.

REG 17

Prosecution of offences

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

REG 18

Penalty

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 £400 or, at the discretion of the Court, to imprisonment for a term not exceeding six months.

REG 19

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.

REG 20

Revocation

20. European Communities (Cereal Seed) Regulations, 1976 (S.I. No. 232 of 1976) are hereby revoked.

SCHEDULE

ANNEX I

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 which 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
12 Phalaris canariensis, Secale cereale:—for the production of basic seed 300 m—
for the production of certified seed 250 m
Zea mays 200 m

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

3. The crop shall have sufficient varietal identity and varietal purity or, in the case of a crop of an inbred line of *Zea mays*, sufficient identity and purity as regards its characteristics.

For the production of seed of hybrid varieties of *Zea mays*, the above-mentioned provisions shall also apply to the characteristics of the components, including male sterility or fertility restoration.

In particular, crops of *Phalaris canariensis*, *Secale cereale*, *Zea mays* shall conform to the following standards or other conditions:

A. *Phalaris canariensis*, *Secale cereale*:

the number of plants of the crop species, which are recognizable as obviously not being true to the variety shall not exceed:

—one per 30m² for the production of basic seed,

—one per 10m² for the production of certified seed.

B. *Zea mays*:

(a) the percentage by number of plants which are recognizable as obviously not being true to the variety, to the inbred line, or to the component shall not exceed:

(aa) for the production of basic seed:

(i) inbred lines, 0.1%

(ii) simple hybrid, each component, 0.1%

(iii) open pollinated varieties, 0.5%;

(bb) for the production of certified seed:

(i) hybrid varieties component:

—inbred lines, 0.2%

—simple hybrid, 0.2%

—open pollinated variety, 1.0%

(ii) open pollinated varieties, 1.0%

(b) the following other standards or conditions shall be satisfied for the production of seed of hybrid varieties:

(aa) a sufficient pollen shall be shed by the plants of the male component while the plants of the female component are in flower;

(bb) where appropriate, emasculation shall be carried out;

(cc) where 5% or more of the female component plants have receptive stigmas, the percentage of female component which have shed pollen or are shedding pollen shall not exceed:

—1% at any official field inspection, and

—2% at the total of the official field inspections.

Plants are considered as having shed pollen or shedding pollen where, on 50mm or more of the central axis or laterals of a panicle, the anthers have emerged from their glumes and have shed, or are shedding pollen.

4. Harmful organisms which reduce the usefulness of the seed, in particular *Ustilagineae* shall be at the lowest possible level.

5. 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. The number of field inspections shall be at least:

(a) for *Avena sativa*, *Hordeum vulgare*, *Oryza sativa*, *Phalaris canariensis*, *Triticum aestivum*, *Triticum durum*, *Triticum spelta*, *Secale cereale*: one;

(b) for *Zea mays* during the flowering season:

(aa) open pollinated varieties: one,

(bb) inbred lines or hybrids: three.

When the crop follows a *Zea mays* crop in either the preceding year or current year, at least one special field inspection shall be made to check the satisfaction of the provisions laid down in point 1 of this Annex.

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. The seed shall have sufficient varietal identity and varietal purity, or in the case of seed of an inbred line of *Zea mays*, sufficient identity and purity as regards its characteristics. For the seed of hybrid varieties of *Zea mays*, the above-mentioned provisions shall also apply to the characteristics of the components. In particular, the seed of the species listed below shall conform to the following standards or other conditions:

A. *Avena sativa*, *Hordeum vulgare*, *Oryza sativa*, *Triticum aestivum*, *Triticum durum*, *Triticum spelta*:

Category	Minimum varietal purity (%)	12	Basic seed	99.9	Certified seed, 1st generation	99.7	Certified seed, 2nd generation	99.0
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The minimum varietal purity shall be examined mainly in field inspections carried out in accordance with the conditions laid down in Annex I.

B. *Zea mays*:

Where for the production of certified seed of hybrid varieties a female male-sterile component and a male component which does not restore male fertility have been used, the seed shall be produced:

—either by blending seed lots in a proportion appropriate to the variety where on the one hand, a female male sterile component has been used and, on the other, a female male-fertile component has been used,

—or by growing the female male-sterile component and the female male-fertile component in a proportion appropriate to the variety.

The proportion of these components shall be examined in field inspections 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:

A. Table:

Species and Category Minimum germination (% of pure seed) Minimum analytical purity (% by weight) Maximum content by number of seeds of other plant species including red seeds of *Oryza sativa* in a sample of the weight specified in column 4 of Annex III (total per column)* Other plant species (a) Red seeds of *Oryza sativa* Other cereal species Plant species other than cereals *Avena fatua*, *Avena sterilis*, *Avena ludoviciana*, *Lolium temulentum* *Raphanus raphanistrum* *Agrostemma githago* *Panicum* spp. 12345678910 *Avena sativa*, *Hordeum vulgare*, *Triticum aestivum*, *Triticum durum*, *Triticum spelta*:—Basic seed — -Certified seed, 1st and 2nd generation 85

8599

984

101(b)

73

70(c)

0(c)1

3 *Phalaris canariensis*:—Basic seed

Certified seed 75

7598

984

101(b)

50(c)

0(c) *Oryza sativa*:—Basic seed

—Certified seed, 1st generation

—Certified seed, 2nd generation 80

80

8098

98

984

10

152

5

101

3Secale cereale:—Basic seed

—Certified seed85

8598

984

101(b)

73

0(c)0(c)

31Zea mays90980

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

(a) The maximum contents of seeds laid down in column 4 include also the seeds of the species in columns 5 to 10.

(b) A second seed shall not be regarded as an impurity if a second sample of same weight is free from any seeds of other cereals species.

Ø (c) The presence of one seed of *Avena fatua*, *Avena sterilis*, *Avena ludoviciana* or *Lolium temulentum* 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.

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

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

CategoryClaviceps purpurea (maximum number of sclerotia or fragments of sclerotia in a sample of the weight specified in column 4 of Annex III)12Basic seed1Certified seed3

Notes

* The sample size to be used in the State in relation to the presence of the seed of *Avena fatua* is 1 kg.

Ø The standard contained in paragraph 2 (B) (c) of Annex II as regards the seed of *Avena fatua* is not that applying in the State. The standard so applying is that contained in Regulation 7 of these Regulations.

ANNEX III

LOT AND SAMPLE WEIGHTS

Species	Maximum weight of a lot	Minimum weight of a sample to be drawn from a lot	Weight of the sample for determinations by number provided for in columns 4 to 10 of Annex II (2) (A) and Annex II (3)	(tonnes)	(grams)	(grams)
1234	<i>Avena sativa</i> , <i>Hordeum vulgare</i> , <i>Triticum aestivum</i> , <i>Triticum durum</i> , <i>Triticum spelta</i> , <i>Secale cereale</i>	201,000	500	Phalaris canariensis	10400	200
	<i>Oryza sativa</i>	20500	500	<i>Zea mays</i> , basic seed of inbred lines	40250	250
	<i>Zea mays</i> , basic seed other than of inbred lines; certified seed	401,000	1,000			

ANNEX IV

LABEL

A. Required information:

(a) For basic seed and certified seed:

1. 'EEC rules and standards'.
2. Certification authority and Member State or their initials.
3. Reference number of lot.
3. (a) Month and year of closing expressed thus: "closed. . ." (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
5. Variety or inbred line of maize
6. Category
7. Country of production
8. Declared net or gross weight or declared number of seeds
8. (a) 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.
9. In the case of hybrid varieties of maize: the word 'hybrid'.
10. 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.
- (b) For seed mixtures:
 1. "Mixture"
(species)
 2. Authority responsible for closing and Member State.
 3. Reference number of lot.
 3. (a) Month and year of closing expressed thus:
"closed" (year and month)
 4. Species, category, variety, country of production and proportion by weight of each of the components.
 5. Declared net or gross weight or declared number of 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 seeds 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.
 8. Marketing permitted exclusively in (Member State concerned).
- B. Minimum dimensions:
110 x 67mm.

GIVEN under my Official Seal, this 13th day of February, 1981.
 RAY MacSHARRY,
 Minister for Agriculture.