

EUROPEAN COMMUNITIES (CEREAL SEED) (AMENDMENT) REGULATIONS 1990

I, MICHAEL O'KENNEDY, 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 Commission Directive No. 87/120/EEC of 14 January 1987, Council Directive No. 88/380/EEC of 13 June 1988 and Commission Directive No. 89/2/EEC of 15 December 1988, insofar as they relate to cereal seed, hereby make the following Regulations:
1OJ No. L49, 18 February, 1987, p. 39.
2OJ No. L187, 16 July, 1988, p. 31.
3OJ No. L5, 7 January, 1989, p. 31.
4OJ No. L125, 11 July, 1966, p. 2309.

REG 1

1. (1) These Regulations may be cited as the European Communities (Cereal Seed) (Amendment) Regulations, 1990.
- (2) The European Communities (Cereal Seed) Regulations, 1981 to 1987, and these Regulations may be cited together as the European Communities (Cereal Seed) Regulations, 1981 to 1990, and shall be construed together as one.
- (3) These Regulations shall come into operation on the 14th day of January, 1991.

REG 2

2. In these Regulations "the Principal Regulations" means the European Communities (Cereal Seed) Regulations, 1981 (S.I. No. 48 of 1981).

REG 3

3. Regulation 2 (4) of the Principal Regulations (which specifies the Directives, Act and Decisions which have amended Council Directive No. 66/402/EEC of 14 June 1966) shall be construed as if there were included therein, reference to Commission Directive No. 87/120/EEC of 14 January 1987, Council Directive No. 88/380/EEC of 13 June 1988, Commission Directive No. 89/2/EEC of 15 December 1988, and
1OJ No. L49, 18 February, 1987, p. 39.
2OJ No. L187, 16 July, 1988, p. 31.
3OJ No. L5, 7 January, 1989, p. 31.
4OJ No. L125, 11 July, 1966, p. 2309.
Commission Decision No. 89/101/EEC of 20 January 1989.
5OJ No. L38, 10 February, 1989, p. 37.

REG 4

4. Regulation 2 (1) (a) of the Principal Regulations is hereby amended by the substitution of the following definition for the definition of "basic seed":
"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, rye, triticale, wheat and durum wheat other than hybrids in each case 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."

REG 5

5. The Principal Regulations are hereby amended by the addition after Regulation 2 (1) (d) of the following sub-paragraph:
 "(e) seed of hybrids of oats, barley, rye, wheat and durum wheat which—
 (i) is intended for the production of hybrids;
 (ii) subject to the provisions of Regulation 6, satisfies the conditions laid down in Annexes I and II for basic seed;
 and
 (iii) has been found on official examination to have been so produced, to be so intended and to have satisfied the said conditions."

REG 6

6. Regulation 2 of the Principal Regulations is hereby amended by the substitution of the following definition for the definition of "cereals":
 "'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
- X Triticosecale Wittm.
.....Triticale
- Triticum aestivum L. emend. Fiori et Paol
.....Wheat Triticum durum Desf.
.....Durum
- Wheat Zea mays L. (partim)
.....Maize;".

REG 7

7. Regulation 2 of the Principal Regulations is hereby amended by the substitution of the following definition for the definition of "certified seed":

" 'certified seed', except in the expression "certified seed of the first generation" means seed of rye and maize, and hybrids of oats, barley, wheat and durum 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 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."

REG 8

8. Regulation 2 of the Principal Regulations is hereby amended by the substitution of the following definition for the definition of "certified seed of the first generation":

" 'certified seed of the first generation' means seed of oats, barley, triticale, wheat and durum wheat other than hybrids in each case 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;"

REG 9

9. The Principal Regulations are hereby amended by the substitution in Regulation 5 of the following paragraph for paragraph (1) (e):

"(e) in the case where seed is harvested in a third country it is of a kind to which the declaration contained in Article I of the Seventh Council Decision on the Equivalence of seed produced in third countries (OJ No. L195 of 26 July 1985) relates."

REG 10

10. The Principal Regulations are hereby amended by the insertion in Regulation 5 of the following paragraphs:

"(3) Cereal Seed which has been produced directly from basic seed officially certified either in one or more Member States or in a third country which has been granted equivalence as specified in Regulation 5 (1) (e) of these Regulations 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 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 that seed has undergone field inspection satisfying the conditions laid down in Annex I of these Regulations for the relevant category and if official examination has shown that the conditions laid down in Annex II of these Regulations for the same category are satisfied.

(4) Where in the cases referred to in paragraph (3) of this Regulation the seed has been produced directly from officially certified pre-basic seed, it shall be officially certified as basic seed, if the said conditions laid down in Annex II for that category are satisfied.

(5) Cereal Seed which has been harvested in another Member State, and which is intended for certification in accordance with the provisions laid down in paragraph (1) of this Regulation shall—
(a) be packed and labelled with an official label satisfying the conditions laid down in Annex V(A) and (B) of these Regulations in accordance with the provisions laid down in Regulation 9 of these Regulations, and

(b) be accompanied by an official document satisfying the conditions laid down in Annex V(C) of these Regulations.

(6) Cereal Seed which has been produced directly from basic seed officially certified either in one or more member States or in a third country which has been granted equivalence as specified in Regulation 5 (1) (e), or which has been produced directly from the crossing of basic seed officially certified in a Member State with basic seed officially certified in a third country, and 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 (S.I. No. 409 of 1981), be officially certified as certified seed if the seed has undergone field inspection satisfying the conditions laid down in the Seventh Council Decision (as amended) on the equivalence of field inspections carried out in third countries on seed producing crops (OJ No. L195 of 26 July 1985) for the relevant category and if official examination has shown that the conditions laid down in Annex II of these Regulations for the same category are satisfied.

(7) Notwithstanding paragraph 5 (1) (b) of this Regulation, official examinations in respect of germination and analytical purity need not be carried out on all lots during certification unless there is doubt whether the conditions laid down in Annex II of these Regulations in these respects have been satisfied."

REG 11

11. The Principal Regulations are hereby amended by the substitution for Regulation 6 (2) (a) of the following subparagraph:

"(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, certified seed or certified seed of the first

generation and the marketing of those categories of seed by way of trade as far as the first buyer,".

REG 12

12. Regulation 9 of the Principal Regulations is hereby amended by the substitution for subparagraph (b) of paragraph (4) of the following subparagraph:

"(b) the label shall give the following information and bear thereon the words 'pre-basic seed':

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

REG 13

13. The Principal Regulations are hereby amended by the insertion of the following Regulation after Regulation 20:

"21. Where the Minister provides a service set out in column (1) of the Table to this Regulation the fee set out in column (2) of the said Table opposite that service shall be payable by the person to whom the service is given and the fee payable for any second or subsequent inspection or sampling in respect of the same crop shall be twice the amount specified in the said second column.

TABLE

(1)	(2)
Crop Inspection	£7.28 per hectare
Sampling	£4.76 per sample
Closing/ Labelling	£0.46 per 50kg
Bulk quantities for export	£84.00 per 20 tonne lot
Bulk quantities for import	£0.46 per 50kg

REG 14

14. (1) Annex I of the Principal Regulations is hereby amended by:

(a) the insertion in the table to paragraph (2) before "Zea mays" of the following:

"Triticosecale, self-pollinating varieties

— for the production of basic seed 50m

— for the production of certified seed 20m";

(b) the addition to paragraph (3) of "Oryza sativa" after "in particular, crops of";

(c) the addition to paragraph (3) of the following:

"C. Oryza sativa:

the number of plants which are recognisable as obviously being wild plants or red-grain plants shall not exceed:

— 0 for the production of basic seed,

— 1 per 50m² for the production of certified seed";

(d) the addition to paragraph 5B(a) of "Triticosecale" after "Phalaris canariensis";

(2) Annex II of the Principal Regulations is amended by:

(a) the insertion in paragraph 1A of "other than hybrids in each case" after "Triticum spelta,";

(b) the insertion in paragraph one of the following sub-paragraph:

"C. Self-pollinating varieties of Triticosecale

Category	Minimum varietal purity (%)	(1)	(2)	Basic Seed	99.7	Certified Seed, first 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 to these Regulations.";

(c) the substitution in column 5 of the Table to paragraph 2A of "1", "3" and "5" for "2", "5" and "10";

(d) the insertion to the Table in paragraph 2A before 'Zea mays' and the entries relating thereto of:

12345678910	Triticosecale	— Basic seed	85	98	41	(b)30(c)1	— certified seed, first generation
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85

98

10

7

7

0(c)

3

".

(3) Annex III of the Principal Regulations is hereby amended by:

(a) the insertion in column (1) of 'Triticosecale' after 'Secale cereale',

(b) the substitution in column (2) of '25' for '20', and

(c) the addition after the Table thereto of the words:

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

(4) Annex IV of the Principal Regulations is hereby amended by:

(a) the addition to paragraph A (a) 4 after "species" of the following: ", indicated at least under its botanical name, which may be given in abridged form and without the authorities' names, in roman characters";

(b) the substitution for paragraph A (a) 5 of "Variety, indicated at least in roman characters";

(c) the substitution for paragraph A (a) 9 of "9. in the case of varieties which are hybrids or inbred lines:

(i) for basic seed where the hybrid or inbred line to which the seed belongs has been officially accepted subject to the provisions of the European Communities (National Catalogue of Agricultural Plant Varieties) Regulations, 1981 (S.I. No. 409 of 1981) the name of this component, under which it has been officially accepted, with or without reference to the final variety, accompanied in the case of hybrids or inbred lines which are intended solely as components for final varieties, by the word "component",

(ii) for basic seed in other cases the name of the component to which the basic seed belongs, which may be given in code form,

accompanied by a reference to the final variety, with or without reference to its function (male or female), and accompanied by the word "component",

(iii) for certified seed:

the name of the variety to which the seed belongs, accompanied by the word "hybrid".;

(d) the insertion in A (b) 1 after "(species)" of "or varieties";

(e) the addition to A (b) 4 after "components" of:

"; the names of the species and of the varieties shall be indicated at least in roman characters".

(5) The Principal Regulations are amended by the addition of the following Annex:

"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

—authority responsible for field inspection and Member State or their initials,

—species, indicated at least under its botanical name, which may be given in abridged form and without the authorities' names, in roman characters,

—variety, indicated at least in roman characters; in the case of varieties (inbred lines, hybrids), which are intended solely as components for hybrid varieties, the word "component" shall be added,

—category,

—in the case of hybrid varieties the word "hybrid",

—declared net or gross weight,

—the words "seed not finally certified".

B. Colour of the label

The label shall be grey.

C. Information required for the document

—authority issuing the document,

—species, indicated at least under its botanical name, which may be given in abridged form and without the authorities' names, in roman characters,

—category,

—reference number of the seed used to sow the field and name of the country or countries which certified that seed,

—field or lot reference number,

—area cultivated for the production of the lot covered by the document,

—quantity of seed harvested and number of packages,

—number of generations after basic seed, in the case of certified seed,

—attestation that the conditions to be satisfied by the crop from which the seed comes have been fulfilled,

—where appropriate, results of a preliminary seed analysis."

GIVEN under my Official Seal, this 31st day of December, 1990.

MICHAEL O'KENNEDY,
Minister for Agriculture and Food

EXPLANATORY NOTE.

The Regulations provide for:—

- (1) New botanical names to conform with those used by other international organisations;
- (2) Hybrid varieties of certain cereals;
- (3) New conditions to conform with OECD certification schemes;
- (4) Certification of seed in any Member State irrespective of the origin of the seed;
- (5) Improved information on the official and supplier's label to facilitate Community trade;
- (6) Conditions to be satisfied by the crop and the seed of hybrids of rye.