

## EUROPEAN COMMUNITIES (SEED OF FODDER PLANTS) 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), for the purpose of giving effect to Council Directive No. 66/401/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 (Seed of Fodder Plants) Regulations, 1981, and shall come into operation on the 15th day of April, 1981.

### REG 2

#### Interpretation

2. (1) In these Regulations—

"Annex I" means Annex 1 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 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,

(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 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 fodder plants which,

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

( b ) is intended for the production of certified seed or of fodder plants,

( c ) subject to 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;

"Commercial seed" means seed which,

( a ) is identifiable as belonging to a particular species of fodder plant,

( b ) subject to Regulations 6 of these Regulations, satisfies the conditions laid down in Annex II for commercial seed, and

( c ) has been found on official examination 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. 66/401/EEC of 14 June 1966 1 as amended by the directives and decision specified in paragraph (2) of this Regulation:

"fodder plants" means plants of the following genera and species

(a) GramineaeGrasses *Agrostis canina* L.Velvet bent grass *Agrostis gigantea* RothRedtop *Agrostis stolonifera* L.Creeping bent grass *Agrostis tenuis* SibthBrown Top *Dactylis glomerata* L.Cocksfoot *Festuca arundinacea*

Schreb.

Tall Fescue *Festuca ovina* L.Sheep's fescue *Festuca pratensis*

Huds.Meadow fescue *Festuca rubra* L.Red fescue *Lolium multiflorum*

Lam.Italian ryegrass (including Westerwold ryegrass) *Lolium perenne*

L.Perennial ryegrass *Lolium x hybridum* HaussknHybrid ryegrass *Phleum bertolonii* DCTimothy *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 meadowgras(b) LeguminosaeLegumes *Medicago sativa* LLucerne

*Medicago x varia* MartynLucerne *Pisum sativum* L. (Partim)Field pea

*Trifolium hybridum* LAlsike clover *Trifolium pratense* LRed clover

*Trifolium repens* LWhite clover *Vicia Faba* L. (partim)Field beans

*Vicia sativa* L.Common vetch(c) Other species *Brassica napus* L var.

*napobrassica* (L) Peterm.Swede *Brassica oleracea* L convar. *acephala*

(DC)Fodder Kale *Raphanus sativus* L. ssp. *cleifera* (DC) Metzg.Fodder

radish

1 OJ No 125/2298, 11 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;

"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 EEC 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 or other solid additives;

"small EEC B packages" means packages containing certified seed or commercial seed or packages, other than small EEC A packages, containing a mixture of seeds 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.

(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, 1 Council Directive No. 71/162/EEC of 30 March, 1971, 2 Council Directive No. 72/274/EEC of 20 July, 1972, 3 Council Directive No. 72/418/EEC of 6 December, 1972 4," Act of Accession 5 and Council Decision of 1 January, 1973, 6 Council Directive No. 73/438/EEC of 11 December, 1973 7 Council Directive No. 75/444/EEC of 26 June, 1975, 8 Council Directive No. 78/55/EEC of 19 December, 1977, 9 First Commission Directive No. 78/386/EEC of 18 April, 1978, 10 Council Directive No. 78/692/EEC of 25 July, 1978, 11 "Council Directive No. 78/1020/EEC of 5 December, 1978, 12 Commission Directive No. 79/641/EEC of 27 June, 1979, 13 Council Directive No. 79/692/EEC of 24 July, 1979, 14 and Council Directive No. 80/754/EEC of 17 July, 1980, 15.

1 OJ No L 48/8, 26 February 1969.8 OJ No L196/6, 26 July, 19752 OJ No L87/24, 17 April, 1971.9 OJ No L16/23, 20 January, 1978.3 OJ No L171/37, 29 July, 1972.10 OJ No L113/1, 25 April, 1978.4 OJ No L287/22, 26 December, 1972.11 OJ No L236/13, 25 August, 1978.5 OJ Special Edition p. 14 27 March, 1972.12 OJ No L350/27, 14 December, 19786 OJ No L2/1, 1 January, 1973.13 OJ No L183/13, 19 July, 1979.7 OJ No L356/79, 27 December, 1973.14 OJ No L205/1, 13, August, 1979.15 OJ No L207/36, 9 August, 1980.

(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.

### REG 3

#### Application

3. These Regulations apply to fodder plant seed other than fodder plant 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, 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) (A) it has been officially certified as pre-basic seed, basic seed or certified seed, or

(B) it is commercial seed, and

(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 (O.J. No. L240 of 12 September 1980) relates.

(2) The requirements of paragraph (1) of this Regulation shall not apply to the following fodder plant seed, namely;

( a ) seed intended for tests or scientific purposes,

( b ) seed intended for selection work,

( 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.

#### TABLE

Brassica napus L var. napobrassica (L) Peterm. Swede  
Brassica oleracea L convar. acephala (DC) Fodder kale  
Dactylis glomerata L. Cocksfoot  
Festuca arundinacea Schreb. Tall fescue  
Festuca pratensis Huds. Meadow fescue  
Festuca rubra L. Red fescue  
Lolium multiflorum Lam. Italian ryegrass (including Westerwold ryegrass)  
Lolium perenne L. Perennial ryegrass  
Lolium x hybridum Hausskn. Hybrid ryegrass  
Phleum pratense L. Timothy  
Poa pratensis L. Smooth-stalk meadowgrass  
Medicago sativa L. Lucerne  
Medicago x varia Martyn. Lucerne  
Pisum sativum L. Field pea  
Raphanus sativus L. ssp. oleifera (DC) Metzg. Fodder radish  
Trifolium pratense L. Red clover  
Trifolium repens L. White clover

#### REG 6

Derogation from Certification and Marketing Provisions.

6. (1) Subject to Regulation 11 of these Regulations, the Minister may 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 11 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, or the approval of commercial 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 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 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 pre-basic seed, basic seed, certified seed or commercial seed, or of seed of varieties included neither in the common catalogue nor in any of the national catalogues of the Member States.

(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 or basic seed and certified as such in the State.

## REG 7

Closing.

7. (1) Packages of pre-basic seed, basic seed, certified seed and commercial seed, other than small EEC B packages of certified seed or commercial 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 EEC B packages, packages of pre-basic seed, basic seed, certified seed or commercial 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 EEC 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.

## REG 8

Labelling.

8. (1) The following provisions of this paragraph shall apply as regards packages of basic seed, certified seed or commercial seed, other than small EEC B packages of certified seed or commercial 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, red for certified seed of subsequent generations and brown for commercial seed;

( 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 A 1 (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 A 1(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.

(2) The requirements of subparagraph (e) and (f) 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.

(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, 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 proceeding certified seed of the first generation and the month and year of closing or the month and year of the last official sampling for the purposes of certification, and

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

(4) Small EEC B packages shall bear on the outside in accordance with paragraph B of Annex IV, either a supplier's label, a printed notice or a stamp in one of the official languages of the Community. In the case of transparent packages the said label or notice may be placed inside provided that it can be read through the package. The colour of the said label, notice or stamp shall be blue for certified seed of the first generation after basic seed, red for certified seed of subsequent generations after basic seed and brown for commercial seed.

(5) Any chemical treatment of pre-basic seed, basic seed, certified seed or commercial 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.

(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 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.

## REG 9

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 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 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.

## REG 10

Sampling.

10. (1) In the official examination of fodder plant seed for certification and in officially approving such seed as commercial 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 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 11

Fodder plant seed marketed in small quantities to the final consumer.

11. 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.

#### REG 12

Registration etc.

12. (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 seven 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 2kg 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 EEC packages;

"seed processor" means a person who assembles, 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.

## REG 13

Records, returns, etc.

13. (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.

#### REG 14

Powers of authorised officers.

14. (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 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 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 fodder plant 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 15

Minister may require certain seeds to be disposed of.

15. (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 16

Prosecution of Offences.

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

#### REG 17

Penalty.

17. 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 18

Saver.

18. 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 19

Revocation.

The European Communities (Seed of Fodder Plants) Regulations, 1976 (S.I. No. 228 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 Brassica spp:— for the production of basic seed



repens1234567GRAMINEAEAgrostis canina75(a)902.01.00.3Agrostis gigantea80(a)902.01.00.3Agrostis stolonifera75(a)902.01.00.3Agrostis tenuis75(a)902.01.00.3Alopecurus pratensis70(a)752.51.00.3Arrhenatherum elatius75(a)903.0 1.0(f)0.5Dactylis glomerata80(a)901.51.00.3Festuca arundinacea80(a)951.51.00.5Festuca ovina75(a)852.01.00.5Festuca pratensis80(a)951.51.00.5Festuca rubra75(a)901.51.00.5Lolium multiflorum75(a)961.51.00.5Lolium perenne80(a)961.51.00.5Lolium x hybridum75(a)961.51.00.5Phleum bertolonii80(a)961.51.00.3Phleum pratense80(a)961.51.00.3Poa annua75(a)85 2.0(c) 1.0(c)0.3Poa numoralis75(a)85 2.0(c) 1.0(c)0.3Poa palustris75(a)85 2.0(c) 1.0(c)0.3Poa pratensis75(a)85 2.0(c) 1.0(c)0.3Poa trivialis75(a)85 2.0(c) 1.0(c)0.3Trisetum flavescens70(a)753.0 1.0 (f)0.3

Analytical purityMaximum content of seeds of other plant species in a sample of the weight specified in column 4 of Annex III (total per columnConditions as regards content of Lupin seeds of another colour and of bitter Lupin seedsMaximum content of seed of other plant species (% by weight)Alopecurus myosuroidesMelilorus spp.Raphanus taphanistrumSinapis arvensisAvena fatua, Avena ludoviciana, Avena stetilisCuscuta spp.Rumex spp. other than Rumex acetosella and Rumex maritimus891011121314150.300(j) (k)2(n)0.300(j) (k)2(n)0.300(j) (k)2(n)0.300(j) (k)2(n)0.300(j) (k)10(n)0.3 0(g)0(j) (k)20(n)0.300(j) (k)10(n)0.300(j) (k)20(n)0.300(j) (k)10(n)0.300(j) (k)20(n)0.300(j) (k)10(n)0.300(j) (k)20(n)0.300(j) (k)20(n)0.300 (k) 50.300 (k) 50.300(j) (k)5(n)0.300(j) (k)2(n)0.300(j) (k)2(n)0.300(j) (k)2(n)0.300(j) (k)2(n)0.3 0(h)0(j) (k)2(n)

SpeciesGerminationAnalytical purityMinimum germination (% of pure seed)Maximum seed content of hard (% of pure seed)Minimum analytical purity (% by weight)Maximum content of seeds of other plant species (% by weight)TotalA single speciesAgropyrea

repens1234567LEGUMINOSAEHedysarum coronarium75 (a) (b)30 952.51.0Lotus corniculatus75 (a) (b)40 951.8(d)1.0(d)Lupinus albus80 (a) (b)20 980.5(e)0.3 (e)Lupinus angustifolius75 (a) (b)20 980.5(e)0.3 (e)Lupinus luteus80 (a) (b)20 980.5(e)0.3 (e)Medicago lupulina80 (a) (b)20 971.51.0Medicago sativa80 (a) (b)40 971.51.0Medicago x varia80 (a) (b)40 971.51.0Onobrychis viciifolia75 (a) (b)20 952.51.0Pisum sativum80 (a)980.50.3Trifolium alexandrinum80 (a) (b) 20971.51.0Trifolium hybridum80 (a) (b) 20971.51.0Trifolium incarnatum75 (a) (b) 20971.51.0Trifolium pratense80 (a) (b) 20971.51.0Trifolium repens80 (a) (b) 40971.51.0Trifolium resupinatum80 (a) (b)20971.51.0Trigonella foenumgraecum80 (a)951.00.5Vicia faba85 (a) (b)5980.50.3Vicia pannonica85 (a) (b)20981.0 (e)0.5 (e)Vicia sativa85 (a) (b)20981.0 (e)0.5 (e)Vicia villosa85 (a) (b)20981.0 (e)0.5 (e)OTHER SPECIESBrassica napus var. napobrassica80 (a)981.00.5Brassica oleracea convar acephala75 (a)981.00.5Raphanus sativus ssp. oleifera80 (a)971.00.5

Analytical purityMaximum content of seeds of other 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 seedsMaximum content of seeds of other plant species (% by weight)Alopecurus myosuroidesMelilorus spp.Raphanus taphanistrumSinapis arvensisAvena fatua, Avena ludoviciana stetilisCuscuta spp.Rumex spp. other than Rumex acetosella and Rumex maritimus891011121314150.300 (k)200.300 (l) (m)100.30 (i)0 (j)20 (n)(o) (p)0.30 (i)0 (j)20 (n)(o) (p)0.30 (i)0 (j)20 (n)(o) (p)0.300 (l) (m)200.300 (l) (m)200.300 (l) (m)200.3 00(j)200.300 (j)20 (n)0.300 (l)(m)200.300 (l) (m)100.300 (l) (m)200.300 (l) (m)200.300 (l)

(m)100.300 (l) (m)100.30 0(j) 200.300 (j) 20 (n)0.30(i)0 (j)20  
(n)0.30(i)0 (j)20 (n)0.30(i)0 (j)20 (n)0.30.300 (j) (k)200.30.300 (j)  
(k)200.30.300 (j)20

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 two seeds 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 Lupin1%

( p ) The percentage by number of bitter Lupin seeds in varieties other than bitter Lupin shall not exceed:

—for certified seed of first generation, after basic seed, 3% —for certified seed of subsequent generations, after basic seed.5%

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 I of this Annex shall apply to basic seed:

1. The seed shall satisfy the following standards or other conditions:

A. Table:

Species	Maximum content of seed of other plant species	Other standards or conditions	Total
(% by weight)	Content by number in a sample of the weight specified in column 4 of Annex III (total per column)	A single species	Rumex spp. other than Rumex acetosella and Rumex maritimus
repens	Alopecurus myosuroides	Melilotus spp.	12345678
canina	0.320	11(j)	GRAMINEAE
(j)Agrostis gigantea	0.320	111(j)	Agrostis
(j)Agrostis tenuis	0.320	111(j)	Agrostis stolonifera
(j)Arrhenatherum elatius	0.320	(a)555 (i) (j)	0.320
(a)555 (j)	Festuca arundinacea	0.320	(a)555 (j)
(j)Festuca pratensis	0.320	(a)555 (j)	Festuca ovina
(j)Festuca rubra	0.320	(a)555 (j)	Lolium multiflorum
(j)Lolium perenne	0.320	(a)555 (j)	Lolium x hybridum
(a)555 (j)	Phleum bertolonii	0.320	211(j)
(j)Phleum pratense	0.320	211(j)	Poa annua
(b)111(f)	(j)Poa nemoralis	0.320	(b)111 (f)
(j)Poa palustris	0.320	(b)111 (f)	(j)Poa pratensis
(b)111 (f)	(j)Poa trivialis	0.320	(b)111 (f)
(j)Trisetum flavescens	0.320	(c)111(i)	(j)LEGUMINOSAE
(j)Hedysarum coronarium	0.320	50 (e)	(j)Lotus corniculatus
0.320	(e)(g)	(j)Lupinus albus	0.320
50(d)(h)	(k)	Lupinus angustifolius	0.320
50(d)(h)	(k)	Lupinus luteus	0.320
50(d)(h)	(k)	Medicago lupulina	0.320
50(e)(j)	Medicago sativa	0.320	50(e)(j)
Medicago x varia	0.320	50(e)(j)	Onobrychis viciifolia
0.320	(d)	Pisum sativum	0.320
(d)	Trifolium alexandrinum	0.320	50(e)(j)
(j)Trifolium hybridum	0.320	50(e)(j)	Trifolium incarnatum
0.320	(e)(j)	Trifolium pratense	0.320
(e)(j)	Trifolium repens	0.320	50(e)(j)
(j)Trifolium resupinatum	0.320	50(e)(j)	Trigonella foenumgraecum
0.320	(d)	Vicia faba	0.320
(d)	Vicia pannonica	0.320	50(d)(h)
(d)(h)	Vicia sativa	0.320	50(d)(h)
(d)(h)	Vicia villosa	0.320	50(d)(h)
(d)(h)	OTHER SPECIES	Brassica napus var.napobrassica	0.320
50(j)	Brassica oleracea convar.acephala	0.320	50(j)
(j)Raphanus sativus ssp.oleifera	0.320	50	

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 conditions (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%

### III. COMMERCIAL SEED

Subject to the provisions below, the conditions laid down in Section 1 (2) and (3) of this Annex shall apply to commercial seed:

1. The percentages by weight laid down in columns 5 and 6 of the table under Section 1 (2) (A) of this Annex are increased by 1%.

2. In *Poa annua* a maximum total of 10% by weight of seeds of other *Poa* species shall not be regarded as an impurity.

3. In *Poa* spp. other than *Poa annua* a maximum total of 3% by weight of seeds of other *Poa* species shall not be regarded as an impurity.

4. In *Hedysarum coronarium* a maximum total of 1% by weight of seeds of *Melilotus* spp. shall not be regarded as an impurity.

5. The condition (d) laid down in Section 1 (2) of this Annex for *Lotus corniculatus* is not applicable.

6. In Lupin species:

( a ) the minimum analytical purity shall be 97% by weight;

( b ) the percentage by number of Lupin seeds of another colour shall not exceed:

—in bitter Lupin, 4% —in Lupins other than bitter Lupin, 2%

( c ) the percentage by number of bitter Lupin seeds in Lupin other than bitter Lupin shall not exceed 5%

7. In *Vicia* spp. a maximum total of 6% by weight of seeds of *Vicia pannonica*, *Vicia villosa* or related cultivated species in another relevant species shall not be regarded as an impurity.

8. In *Vicia pannonica*, *Vicia sativa*, *Vicia villosa* the minimum analytical purity shall be 97% by the weight.

### 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)	1234	GRAMINEAE	<i>Agrostis canina</i>	10505	<i>Agrostis gigantea</i>	10505	<i>Agrostis stolonifera</i>	10505	<i>Agrostis tenuis</i>	10505	<i>Alopecurus pratensis</i>	1010030	<i>Arrhenatherum elatius</i>	1020080	<i>Dactylis glomerata</i>	1010030	<i>Festuca arundinacea</i>	1010050	<i>Festuca ovina</i>	1010030	<i>Festuca pratensis</i>	1010050	<i>Festuca rubra</i>	1010030	<i>Lolium multiflorum</i>	1020060	<i>Lolium perenne</i>	1020060	<i>Lolium x hybridum</i>	1020060	<i>Phleum bertolonii</i>	105010	<i>Phleum pratense</i>	105010	<i>Poa annua</i>	105010	<i>Poa nemoralis</i>	10505	<i>Poa</i>
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palustris10505Poa pratensis10505Poa trivialis10505Trisetum  
 flavescens10505LEGUMINOSAEHedysarum  
 coronarium—fruit101,000300—seed10400120Lotus corniculatus1020030Lupinus  
 albus201,0001,000Lupinus angustifolius201,0001,000Lupinus  
 luteus201,0001,000Medicago lupulina1030050Medicago sativa1030050Medicago x  
 varia1030050Onobrychis viciifolia—fruit10600600—seed10400400Pisum  
 sativum201,0001,000Trifolium alexandrinum1040060Trifolium  
 hybridum1020020Trifolium incarnatum1050080Trifolium pratense1030050Trifolium  
 repens1020020Trifolium resupinatum1020020Trigonella  
 foenumgraecum10500450Vicia faba201,0001,000Vicia pannonica201,0001,000Vicia  
 sativa201,0001,000Vicia villosa201,0001,000OTHER SPECIESBrassica napus  
 var.napobrassica10200100Brassica oleraceaconvar. acephala10200100Raphanus  
 sativus ssp.oleifera10300300

#### ANNEX IV

#### MARKING

##### A Official label

##### 1. Information required

##### (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 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.
5. Variety.
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.

##### (b) For commercial seed:

1. "EEC rules and standards".
2. "Commercial seed (not certified as to variety)".
3. Supervising authority and Member State or their initials.
4. Reference number of lot.
- 4(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).

5. Species(\*)

6. Area of production.

7. Declared net or gross weight or declared number of pure seeds.

8. 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.

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

9. 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.

(c) 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; 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.

11. Minimum dimensions

110 x 67mm.

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

(a) Certified seed:

1. "Small EEC 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.

7. Variety.

8. "Certified seed".

9. Net or gross weight or number of pure seeds.

10. 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.

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".

(b) Commercial seed:

1. "Small EEC 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 admitted seed lot to be identified.
6. Species (\*).
7. "Commercial seed".
8. Net weight or gross weight or 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.

(c) Seed mixtures.

1. "Small EEC A package" or "small EEC B package".
2. Name and address of the supplier responsible for marking or his identification mark.
3. Small EEC B package: officially assigned serial number.
4. Small EEC B package: service which assigned the serial number and name of Member State or their initials.
5. Small EEC B package: reference number if the official serial number does not enable the used seed lots to be identified.
6. Small EEC A package: reference number enabling the used seed lots to be identified.
7. Small EEC A package: Member State or its initials.
8. "Seed mixture for. . . (intended use)".
9. Net weight or gross weight or number of pure seeds.
10. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additives and also the approximate ratio between the weight of pure seed and the total weight.
11. Percentage by weight of the various components shown by species and, where appropriate, by variety; it is sufficient to give part of this information, as Member States may prescribe for small packages produced in their territory and a reference to the kind of mixtures if the proportion by weight can be communicated to the purchaser on request and has been officially recorded.

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

GIVEN under my Official Seal, this 27th day of March, 1981.  
RAY MACSHARRY,  
Minister for Agriculture.

EXPLANATORY NOTE.

The Regulations—

(1) provide that fodder plant seed may not be marketed unless it has been certified, closed and labelled in accordance with the EEC Directives on the marketing of fodder plant seed (except in the case of a small number of species the marketing of which is still allowed as commercial seed),

(2) provide that fodder plant seed may not be marketed unless it is seed of a variety registered in the National Catalogue or in the EEC Common Catalogue,

(3) provide that mixtures of fodder plant seed may not be marketed unless they have been officially certified, closed and labelled and, in the case of mixtures intended for the production of fodder plants, they have been mixed in the presence and under the supervision of a full-time officer of the official authority,

(4) provide for the registration by the Minister for Agriculture of any person who carries on the business of processing, mixing, importing or packing fodder plant seed,

(5) revoke earlier Regulations made under the European Communities Act, 1972, relating to such seeds.