

**EUROPEAN COMMUNITIES (SEED OF FODDER PLANTS) (AMENDMENT)  
REGULATIONS  
1988**

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), for the purpose of giving effect to Council Directive No. 66/401/EEC of 14 June, 1966(1) (as amended in the manner specified in Regulation 2 (2) of the European Communities (Seed of Fodder Plants) Regulations, 1981 (S.I. No. 112 of 1981) as inserted by the European Communities (Seed of Fodder Plants) (Amendment) Regulations, 1986 (S.I. No. 259 of 1986) (as amended by the European Communities (Seed of Fodder Plants) (Amendment) Regulations, 1987 (S.I. No. 171 of 1987))) and to Council Directive No. 86/155/EEC of 22 April, 1986(2) and Commission Directive No. 87/120/EEC of 14 January, 1987(3), insofar as they relate to seed of fodder plants, hereby make the following Regulations:

- (1)OJ No. L125/2298, 11 July, 1966.
- (2)OJ No. L118/23, 7 May, 1986.
- (3)OJ No. L49/39, 18 February, 1987.

REG 1

1. (1) These Regulations may be cited as the European Communities (Seed of Fodder Plants) (Amendment) Regulations, 1988, and shall come into operation on the 11 day of July, 1988.
- (2) The European Communities (Seed of Fodder Plants) Regulations, 1981 to 1987 and these Regulations may be cited together as the European Communities (Seed of Fodder Plants) Regulations, 1981 to 1988 and shall be construed together as one.

REG 2

2. In these Regulations—  
"the Principal Regulations" means the European Communities (Seed of Fodder Plants) Regulations, 1981 (S.I. No. 112 of 1981);  
"the Regulations of 1986" means the European Communities (Seed of Fodder Plants) (Amendment) Regulations, 1986 (S.I. No. 259 of 1986);  
"the Regulations of 1987" means the European Communities (Seed of Fodder Plants) (Amendment) Regulations, 1987 (S.I. No. 171 of 1987).

REG 3

3. Regulation 1 (2) of the Regulations of 1987 shall be construed as if there were included therein a reference to the Regulations of 1986.

REG 4

4. Paragraph (2) (inserted by the Regulations of 1986) of Regulation 2 of the Principal Regulations (as amended by the Regulations of 1987) (which specifies the directives, act and decision which have amended Council Directive 66/401/EEC of 14 June, 1966(2)), is hereby amended by the insertion after "Commission Directive 86/109/EEC of 27

February, 1986"(2) of ", Council Directive No. 86/155/EEC of 22 April, 1986", (3) and ", Commission Directive No. 87/120/EEC of 14 January, 1987"(4).

(1)OJ No. L125/2298, 11 July, 1966.

(2)OJ No. L93/21, 8 April, 1986.

(3)OJ No. L118/23, 7 May, 1986.

(4)OJ No. L49/39, 18 February, 1987.

## REG 5

5. Regulation 2 (1) of the Principal Regulations is hereby amended by the substitution for the definition of "fodder plants" of the following definition:

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

(a) GramineaeGrassesAgrostis canina L.Velvet bent grassAgrostis gigantea RothRedtopAgrostis stolonifera L.Creeping bent grass Agrostis capillaris L.Brown Top Cynodon dactylon (L.) Pers.Bermuda grass Dactylis glomerata L.Cocksfoot Festuca arundinacea Schreber Tall FescueFestuca ovina L.Sheep's fescueFestuca pratensis Hudson Meadow fescue Festuca rubra L.Red fescue Lolium multilflorum Lam.Italian ryegrass (including westerwold ryegrass)Lolium perenne L.Perennial ryegrassLolium x boucheanum Kunth Hybrid ryegrassPhalaris aquatica L.Harding grass, PhalarisPhleum bertolonii DC TimothyPhleum pratense L.TimothyPoa annua L.Anual meadowgrassPoa nemoralis L.Wood meadowgrassPoa palustris L.Swamp meadowgrass Poa pratensis L.Smooth-stalk meadowgrassPoa trivialis L.Rough-stalk meadowgrass(b) LeguminosaeLegumesMedicago sativa L.LucerneMedicago x varia T. MartynLucernePisum Sativum L. (Partim) Field PeaTrifolium hybridum L.Alsike cloverTrifolium pratense L.Red cloverTrifolium repens L.White cloverVicia faba L. (partim)Field beansVicia sativa L.Common Vetch

(c) Other speciesBrassica napus L. var. napobrassica (L.) Rchb.SwedeBrassica oleracea L. convar. acephala (DC.)Alef. var. medullosa Thell + var. varidis L.Fodder KaleRaphanus sativus L. var. oleiformis Pers.Fodder Radish".

## REG 6

6. The Principal Regulations are hereby amended by the substitution for the Table to Regulation 5 (as amended by the Regulations of 1987) of the following Table:

"TABLE

Brassica napus L. var. napobrassica (L.) Rchb.SwedeBrassica oleracea L. convar. acephala (DC.)Alef. Var. medullosa Thell. + var. varidis L.Fodder KaleDactylis glomerata L.CocksfootFestuca arundinacea Schreber Tall fescue Festuca pratensis Hudson Meadow fescueFestuca rubra L.Red fescueLolium multiflorum Lam.Italian ryegrass (including Westerwold ryegrass)Lolium perenne L.Perennial ryegrass Lolium x boucheanum KunthHybrid ryegrassPhleum pratense L.TimothyPoa pratensis L.Smooth-stalk meadowgrassMedicago sativa L.Lucerne Medicago x varia T. MartynLucernePisum sativum L.Field peaRaphanus sativus L. var. oleiformis Pers.Fodder radishTrifolium pratense L.Red cloverTrifolium repens L.White cloverVicia faba L. (partim)Field bean".

REG 7

7. Annex 11 (1) (2) (A) of the Schedule to the Principal Regulations (which is headed "Table") is hereby amended:—  
( a ) by the insertion after the species "Arrhenatherum elatius" in the case of the species "Cynodon dactylon" and after the species "Lolium X hybridum" in the case of the species "Phalaris aquatica L." of the following two lines such that the entry under each column heading number is inserted into the column with the corresponding heading number:

123456789101112131415"Cynodondactylon70(a)902.01.00.30.300(j)(k)2""Phalarisaquatica L.75(a)961.51.00.30.300(j)(k)20"  
, and

( b ) by the substitution in column I for the species listed on the left hereunder of the corresponding species listed on the right hereunder:

"Agrostis tenuis""Agrostis capillaris""Lolium x hybridum""Lolium x boucheanum""Raphanus sativus ssp."Raphanus sativus var.oleifera"oleiformis".

REG 8

8. Annex 11 (1) (2) (B) of the schedule to the Principal Regulations is hereby amended by the substitution for paragraph (p) of the following paragraph:

"(p) The percentage by number of bitter Lupin seeds in varieties other than bitter Lupin shall not exceed 2.5 per cent.".

REG 9

9. Annex II (II) (1) (A) of the Schedule to the Principal Regulations (which is headed "Table") is hereby amended:—  
( a ) by the insertion after the species "Arrhenatherum elatius" in the case of the species "Cynodon dactylon" and after the species "Lolium x hybridum" in the case of the species "Phalaris aquatica L." of the following two lines such that the entry under each column heading number is inserted into the column with the corresponding heading number:

12345678"Cynodon dactylon0.320(a)111(J)""Phalaris aquatica L.0.320555(j)"  
, and

( b ) by the substitution in column I for the species listed on the left hereunder of the corresponding species listed on the right hereunder:

"Agrostis tenuis""Agrostis capillaris""Lolium x hybridum""Lolium x boucheanum""Raphanus sativus ssp. "Raphanus sativus var. oleifera"oleiformis".

REG 10

10. Annex (II) (III) of the Schedule to the Principal Regulations is hereby amended by the deletion from paragraph 6 of subparagraph (C).

REG 11

11. Annex III of the Schedule to the Principal Regulations is hereby amended:—

( a ) by the insertion after the species "Arrhenatherum elatius" in the case of the species "cynodon dactylon" and after the species "Lolium x hybridum" in the case of the species "Phalaris aquatica L." of the following two lines such that the entry under each column heading number is inserted into the column with the corresponding heading number:

1234 "Cynodon dactylon" 10505 " " "Phalaris aquatica L." 1010050 "

, and

( b ) by the substitution in column I for the species listed on the left hereunder of the corresponding species listed on the right hereunder:

"Agrostis tenuis" "Agrostis capillaris" "Lolium x hybridum" "Lolium x boucheanum" "Raphanus sativus ssp." "Raphanus sativus var. oleifera" "oleiformis".

and

( c ) by the insertion after the Table of the following sentence: "The maximum lot weight shall not be exceeded by more than 5 per cent.".

REG 12

12. Regulation 20 (inserted by the Regulations of 1986) of the Principal Regulations (as amended by the Regulations of 1987) is hereby amended as follows:—

( a ) by the substitution for the entry in Part A (which is headed "Certification Fees") of the following entry:—

"Grass Seed Rate per 50 Kg £ Perennial Ryegrass, Low persistence 0.46 Perennial Ryegrass, New Varieties and others 0.68 Perennial Ryegrass, High persistence 0.80 Italian Ryegrass 0.46 Oilseed Rape 0.57 Field Peas and Beans 0.46 Grass Seed Mixtures 0.28 (+0.5 per label) Arable Silage Mixtures 0.06 (+0.5 per label)",

and

( b ) by the substitution for the entry in Part B (which is headed "Seed Testing Fees") of the following entry:—

"Samples Rate per Sample Straights £— Complete Test (Germination & Purity) 6.75— Germination only 5.00— Purity only 3.50— Moisture only 3.50— Biochemical Test for viability 10.00 Seed Mixtures Complete Test

(Germination & Purity) 8.00Germination only 6.25Purity only 4.25".  
GIVEN under my Official Seal this 8th day of July, 1988.

MICHAEL O'KENNEDY,  
Minister for Agriculture and Food.

EXPLANATORY NOTE.

The Regulations, by amending provisions in the existing Regulations on the marketing of fodder plant seed,

- (i) extend the scope of these provisions to include the species Bermuda grass and Harding grass, Phalaris;
- (ii) align some of the botanical names used with those now normally accepted internationally;
- (iii) introduce the current international tolerance of 5 per cent on the maximum weight of seed lots;
- (iv) improve the rules for the maximum permissible content of bitter lupin seeds in the light of the development of seed quality normally achieved;
- (v) prescribe a revised scale of fees for the testing and certification of fodder plant seed.