

**EUROPEAN COMMUNITIES (SEED OF OIL PLANTS AND FIBRE PLANTS)
(AMENDMENT) REGULATIONS 1991**

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 87/120/EEC of 14 January, 1987(1) Commission Directive 87/480/EEC of 9 September, 1987(2), and Council Directive 88/380/EEC of 13 June, 1988(3), insofar as it relates to seed of oil plants and fibre plants, hereby make the following Regulations:

REG 1

1. (1) These Regulations may be cited as the European Communities (Seed of Oil Plants and Fibre Plants) (Amendment) Regulations, 1991, and shall come into operation on the 30 day of April, 1991.
(2) The European Communities (Seed of Oil Plants and Fibre Plants) Regulations, 1981 to 1987, and these Regulations may be cited together as the European Communities (Seed of Oil Plants and Fibre Plants) Regulations, 1981 to 1991, and shall be construed together as one.

REG 2

2. In these Regulations "the Principal Regulations" means the European Communities (Seed of Oil Plants and Fibre Plants) Regulations, 1981 (S.I. No. 38 of 1981).

REG 3

3. Regulation 2 of the Principal Regulations is hereby amended—
(a) in paragraph (1), by the substitution of the following definition for the definition of 'oil plants and fibre plants':
(1)O.J. No. L49/39, 18/2/87.
(2)O.J. No. L273/43, 26/9/87.
(3)O.J. No. L187/31, 16/7/88.
"oil plants and fibre plants' means any one or more or all of the plants of the following genera and species intended for agricultural production:

Brassica Rapa L. var
Silvestris (Lam.) Briggs.Turnip rapeBrassica Napus L. (partim)Swede
rapeLinum usitatissimum L.Flux, linseed;' ".
and

(b) the insertion in paragraph (2) after "1979", of "Commission Directive 87/120/EEC of 14 January, 1987, Commission Directive 87/480/EEC of 9 September 1987, and Council Directive 88/380/EEC of 13 June 1988,".

REG 4

4. The Principal Regulations are hereby amended by the insertion after Regulation 5 of the following Regulation:

"5A. (1) Oil plants and fibre plants seed—

(a) which has been produced directly from basic seed or certified seed officially certified either in one or more Member States or in a third country to which the Sixth Council Decision No. 80/818/EEC of 15 July, 1980(4) on the equivalence of seed produced in third countries applies 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

(b) 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 the seed has undergone field inspection satisfying the conditions laid down in Annex I for the relevant category and if official examination has shown that the conditions laid down in Annex II for that category are satisfied.

(4)O.J. No. L 240 of 12.9.1980.

Where in such cases the seed has been produced directly from officially certified seed of pre-basic seed, it shall be officially certified as basic seed if the conditions laid down for that category are satisfied.

(2) Seed of oil plants and fibre plants which has been harvested in another Member State and which is intended for certification in accordance with paragraph (1), of this Regulation shall

(a) be packed and labelled with an official label complying with paragraphs A and B of Annex V in Regulation 8 of these Regulations.

(b) be accompanied by an official document complying with Annex V C.

(3) Seed of oil plants and fibre plants—

(a) which has been produced directly from basic seed officially certified either in one or more Member States or in a third country to which the Sixth Council Decision on the equivalence of seed produced in third countries applies 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

(b) which has been harvested in a third country, shall, on request and without prejudice to the provision of the European Communities (National Catalogue of Agricultural Plant Varieties) Regulations, 1981, be officially certified as certified seed if the seed has undergone field inspection satisfying the conditions laid down in the Seventh Council Decision No. 85/355/EEC of 27 June, 1985(5) on the equivalence of field inspections carried out in third countries on or seed-producing crops applies (5) 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".

(5)O.J. No. L195 of 21.7.1985.

REG 5

5. Regulation 8 of the Principal Regulations is hereby amended by the substitution of the following subparagraph for subparagraph (b) of paragraph (3):

"(b) the label shall give the following information:

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

REG 6

6. The schedule to the Principal Regulations is hereby amended—

(a) in Annex 1—

(i) by the substitution of the following table for the table to paragraph 2:

"

Crop	Minimum Distance	12	
Brassica napus L. (partim); Cannabis sativa other than monoecius hemp; Carum carvi; Gossypium spp; sinapis alba:—for the production of basic seed	400m—for the production of certified seed	200m	
Cannabis sativa, monoecius hemp—for the production of basic seed	5,000m—for the production of certified seed	1,000m	
Helianthus annuus—for the production of basic seed	1,500m—for the production of basic seed of varieties other than hybrids	750m—for the production of certified seed	500m

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

and

(ii) by the substitution of the following paragraph for paragraph 3:

"3. The crop shall have sufficient varietal identity and varietal purity or, in the case of a crop of an inbred line of *Helianthus annuus*, sufficient identity and purity as regards its characteristics. For the production of seed of hybrid varieties of *Helianthus annuus*, the abovementioned provisions shall also apply to the characteristics of the components, including male sterility or fertility restoration. In particular, crops of *Brassica juncea*, *Brassica nigra*, *Cannabis sativa*, *Carthamus tinctorius*, *Carum carvi*, *Gossypium spp.* and hybrids of *Helianthus annuus* shall conform to the following standards or other conditions:

A. *Brassica juncea*, *Brassica nigra*, *Cannabis sativa*, *Carthamus Tinctorius*, *Carum carvi* and *Gossypium spp.*:

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

—one per 30 m² for the production of basic seed,
—one per 10 m² for the production of certified seed.

B. Hybrids of *Helianthus annuus*:

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

(aa) for the production of basic seed:

(i) inbred lines^{0,2} (ii) simple hybrids —male parent, plants which have shed pollen while 2 per cent or more of the female plants have receptive flowers^{0,2}—female parent^{0,5} (bb) for the production of certified seed: —male component, plants which have shed pollen while 5 per cent or more of the female plants have receptive flowers^{0,5} —female component^{1,0}

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

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

(ii) where the female component plants have receptive stigmas, the percentage by number of female component plants which have shed pollen or are shedding pollen shall not exceed 0.5;

(iii) for the production of basic seed the total percentage by number of plants of the female component which are recognisable as obviously not being true to the component and which have shed pollen or are shedding pollen shall not exceed 0.5;

(iv) where the condition laid down in Annex II (I) (1a) cannot be satisfied, the following conditions shall be satisfied: a male-sterile component shall be used to produce certified seed by using a male component which contains a specific restorer line or lines so that at least one-third of the plants grown from the resulting hybrid will produce pollen which appears normal in all respects."

(b) in Annex II—

(i) by the deletion in the table (inserted by the European Communities (Seed of Oil Plants and Fibre Plants) (Amendment) Regulations, 1983 (S.I. No. 136 of 1983), and the table to paragraph I.3 A of "spp oleifera",

(ii) by the substitution in column 9 of the table to paragraph I.2 A of "2" for "5" in each place where it occurs and of "5" for "20" in each place where it occurs,

(c) in Annex III—

(i) by the deletion in column 1 of the table of "spp oleifera",
and

(ii) by the insertion after the table of the following:
"the maximum lot weight shall not be exceeded by more than 5 per cent,"
and

(d) in Annex IV—

(i) by the substitution of the following clause for clause 5 of paragraph A (a):

"5. Species indicated at least in roman characters,"

(ii) by the substitution of the following clause for clause 6 of paragraph (a):

"6. Variety, indicated at least in roman characters.",

(iii) by the substitution of the following clause for clause 6 of paragraph A(b):

"6. Species, indicated at least under its botanical name, which may be given in abridged form and without the authorities' names, in roman characters.", and

(iv) by the insertion after paragraph A(b) of the following:

"In accordance with the procedures laid down in Article 20 of Council Directive 69/208/EEC of 30 June, 1969(6) Member States may be released from the requirement to indicate the botanical name in respect of individual species and, where appropriate, for limited periods where it has established that the disadvantages of its implementation outweigh the advantages expected for the marketing of seed."

REG 7

7. The Principal Regulations are hereby amended by the insertion after Annex IV of the following Annex.

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ANNEX V

Label and document provided in the case of seed not finally certified, harvested in another Member State.

(6)O.J. No. L169/3, 10-7-1969.

A. Information required for the label

1. the power of the authority responsible for the field inspection and the Member State by which the authority was designated or their initials,
2. the species, indicated at least under its botanical name, which may be given in abridged form and without the authorities' names, in roman characters,
3. the 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,
4. the category,
5. in the case of hybrid varieties, the word "hybrid",
6. the field or lot reference number,
7. the declared net or gross weight, and
8. the words "seed not finally certified".

In accordance with the procedure laid down in Article 20 of Council Directive 69/208/EEC of 30 June 1969 Member States may be released from the requirement to indicate the botanical name in respect of individual species and, where appropriate, for limited periods where it has been established that the disadvantages of its implementation outweigh the advantages expected for the marketing of seed.

B. Colour of the label

The label shall be grey.

C. Information required for the document

1. the authority issuing the document,
2. the species, indicated at least under its botanical name, which may be given in abridged form and without the authorities' names, in roman characters,
3. the variety, indicated at least in roman characters,
4. the category,
5. the reference number of the seed used to sow the field the name of the country or countries which certified that seed,
6. the field lot or reference number,

7. the area cultivated for the production of the lot covered by the document,
8. the quantity of seed harvested and number of packages,
9. the number of generations after basic seed, in the case of certified seed,
10. the attestation that the conditions to be satisfied by the crop from which the seed comes have been fulfilled,
11. where appropriate, the results of a preliminary seed analysis,".

GIVEN under my Official Seal this 30th day of April 1991.

MICHAEL O'KENNEDY,
Minister for Agriculture and Food.

EXPLANATORY NOTE.

These Regulations amend existing Regulations by (1) updating the annexes to improve standards (2) adding species of increased economic importance and deleting others of low importance (3) limiting the marketing of seed to "basic seed" or "certified seed" (4) revising certain provisions in order to facilitate the reproduction of seed in member-States other than that of origin and (5) improving information provided on the official label.