

**S.I.No. 640 of 2001.**

EUROPEAN COMMUNITIES (CEREAL SEED) REGULATIONS,  
2001.

I, JOE WALSH, Minister for Agriculture, Food and Rural Development in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972), and for the purpose of giving effect to Council Directive No. 66/402/EEC of 14 June, 1966<sup>1</sup>, as amended, hereby make the following Regulations:

*Short title and commencement*

1. These Regulations may be cited as the European Communities (Cereal Seed) Regulations, 2001, and shall come into operation on the 19th day of December, 2001.

*Interpretation*

2. (1) In these Regulations unless otherwise indicated—

- (a) (a) a reference to a Regulation is a reference to a Regulation of these Regulations;
- (b) (b) a reference to a paragraph or a sub-paragraph is a reference to a paragraph or a subparagraph of the Regulation in which the reference occurs;
- (c) (c) a reference to an Annex is a reference to an Annex in the Schedule to these Regulations;

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

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

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

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

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

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

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

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<sup>1</sup> OJ No. L125/2309-66, 11 July, 1966

- ( a ) seed of oats, barley, rye, triticale, wheat, and durum wheat other than hybrids 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, satisfies the conditions laid down in Annex I and Annex II for basic seed, and
  - (iv) has been found on official examination to have been so produced, to be so intended and to have satisfied the said conditions,
- ( b ) seed of open-pollinated varieties of maize which,
- (i) has been produced under the responsibility of the breeder according to accepted practices for the maintenance of the variety,
  - (ii) is intended for the production of certified seed of the same open-pollinated variety or of top cross hybrids or of intervarietal hybrids,
  - (iii) subject to Regulation 6, satisfies the conditions laid down in Annex I and Annex II for basic seed, and
  - (iv) has been found on official examination to have been so produced, to be so intended and to have satisfied the said conditions,
- ( c ) seed of inbred lines of maize which,
- (i) subject to Regulation 6, satisfies the conditions laid down in Annex I and Annex II for basic seed, and
  - (ii) has been found on official examination to have satisfied the said conditions,
- ( d ) seed of simple hybrids of maize which,
- (i) is intended for the production of double hybrids, triple-cross hybrids or top cross hybrids,
  - (ii) subject to the provisions of Regulation 6, satisfies the conditions laid down in Annex I and Annex II for basic seed, and
  - (iii) has been found on official examination to be so intended and to have satisfied the said conditions;
- ( e ) seed of hybrids of oats, barley, rye, wheat, durum wheat and self-pollinating triticale 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.

“cereals” means plants of the following species intended for agricultural or horticultural production for ornamental purposes:

<i>Avena sativa</i> L.....	Oats
<i>Hordeum vulgare</i> L.....	Barley
<i>Secale cereale</i> L. ....	Rye
<i>X Triticosecale</i> Wittm. ....	Triticale
<i>Triticum aestivum</i> L. emend. Fiori et Paol .....	Wheat
<i>Triticum durum</i> Desf.....	Durum Wheat
<i>Zea mays</i> L. (partim) .....	Maize

"certified seed", except in the expression "certified seed of the first generation" or "certified seed of the second generation" means seed of rye and maize, and hybrid oats, barley, wheat, durum wheat and - self-pollinating triticale 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, satisfies the conditions laid down in Annex I and Annex II for certified seed,
- (e) the moisture content of the seed does not exceed 16%, and
- (f) has been found on official examination to have been so produced, to be so intended and to have satisfied the said conditions;

"certified seed of the first generation" means seed of oats, barley, triticale, wheat, durum wheat and self-pollinating triticale 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,
- (e) the moisture content of the seed does not exceed 16%, and
- (f) has been found on official examination to have been so produced, to be so intended and to have satisfied the said conditions;

"certified seed of the second generation" means seed of oats, barley, triticale, wheat, durum wheat and self-pollinating triticale which,

- (a) has been produced directly from pre-basic seed, basic seed or certified seed of the first generation,
- (b) may be regarded for the purposes as being free of the seed of *Avena fatua*,

(c) is intended for purposes other than the production of cereal seed,  
(d) satisfies the conditions laid down in Annex I and Annex II for certified seed of the second generation,  
(e) the moisture content of the seed does not exceed 16%, and  
(f) has been found on official examination to have been so produced, to be so intended and to have satisfied the said conditions;

"common catalogue" means the Common Catalogue of Varieties of Agricultural Plant Species published from time to time by the Commission of the European Communities in the Official Journal of the European Communities;

"the directive" means Council Directive No. 66/402/EEC of 14 June, 1966<sup>1</sup>, as amended by the directives and decision specified in paragraph (4);

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

"the Minister" means the Minister for Agriculture, Food and Rural Development;

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

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

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

"pre-basic seed" means cereal seed of generations prior to basic seed which,

(a) has been produced under the responsibility of the breeder according to accepted practices for the maintenance of the variety,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) A word or expression that is used in these Regulations and is also used in the directive has, unless the contrary intention appears, the meaning in these Regulations that it has in the directive.

(4) The directives and decision referred to in the definition of "the directive" in paragraph (1) are Council Directive No. 69/60/EEC of 18 February, 1969<sup>2</sup> Council Directive No. 71/162/EEC of 30 March, 1971<sup>3</sup>, Council Directive No. 72/274/EEC of 20 July, 1972<sup>4</sup> Council Directive No. 72/418/EEC of 6 December, 1972<sup>5</sup>, Act of Accession<sup>6</sup> and Council Decision of 1 January, 1973<sup>7</sup>, Council Directive No.

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<sup>2</sup> OJ No. L48/1, 26 February, 1969.

<sup>3</sup> OJ No. L87/24, 17 April, 1971.

<sup>4</sup> OJ No. L171/37, 29 July, 1972.

<sup>5</sup> OJ No. L287/22, 26 December, 1972.

<sup>6</sup> OJ Special Edition, P. 14, 27 March, 1972.

<sup>7</sup> OJ No. L2/1, 1 January, 1973.

73/438/EEC of 11 December, 1973<sup>8</sup>, Council Decision No. 74/532/EEC of 16 October 1974<sup>8a</sup>, Council Directive No. 75/444/EEC of 26 June, 1975<sup>9</sup>, Council Directive No. 78/55/EEC of 19 December, 1977<sup>10</sup>, First Commission Directive No. 78/387/EEC of 18 April, 1978<sup>11</sup>, Council Directive No. 78/692/EEC of 25 July, 1978<sup>12</sup>, Council Directive No. 78/1020/EEC of 5 December, 1978<sup>13</sup>, Commission Directive No. 79/641/EEC of 27 June, 1979<sup>14</sup>, Council Directive No. 79/692/EEC of 24 July, 1979<sup>15</sup>, Commission Decision No. 80/755/EEC of 17 July, 1980<sup>16</sup>, Commission Directive No. 81/126/EEC of 16 February, 1981<sup>17</sup>, Directive No. 87/120/EEC of 14 January 1987<sup>18</sup>, Council Directive No. 88/380/EEC of 13 June 1988<sup>19</sup>, Commission Directive No. 88/506/EEC of 13 September 1988<sup>20</sup>, Commission Directive No. 89/2/EEC of 15 December 1988<sup>21</sup>, Commission Decision No. 89/101/EEC of 20 January, 1989<sup>22</sup>, Commission Directive No. 90/623/EEC of 7 November, 1990<sup>23</sup>, Commission Directive No. 93/2/EEC of 28 January, 1993<sup>24</sup>, Commission Directive No. 95/6/EC of 20 March 1995<sup>25</sup>, Council Directive No. 96/72/EC of 18 November, 1996<sup>26</sup>, Council Directive No. 98/95/EC of December 1998<sup>27</sup>, Council Directive No. 98/96/EC of 14 December, 1999<sup>28</sup>, Corregendum to Council Directive No. 98/95/EC of 14 December, 1999<sup>29</sup>, Commission Directive 1999/8/EC of 18 February 1999<sup>30</sup>, Commission Directive 1999/54/EC of 26 May, 1999<sup>31</sup>.

*Application*

**3. (1) These Regulations shall apply to the production with a view to**

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<sup>8</sup> OJ No. L356/79, 27 December, 1973.

<sup>8a</sup> OJ No L 299/14, 7 November, 1974.

<sup>9</sup> OJ No. L196/6, 26 July, 1975.

<sup>10</sup> OJ No. L16/23, 20 January, 1978.

<sup>11</sup> OJ No. L113/13, 25 April, 1978.

<sup>12</sup> OJ No. L236/13, 26 August, 1978.

<sup>13</sup> OJ No. L350/27, 14 December, 1978.

<sup>14</sup> OJ No. L183/13, 19 July, 1979.

<sup>15</sup> OJ No. L205/1, 13 August, 1979.

<sup>16</sup> OJ No. L207/37, 9 August, 1980.

<sup>17</sup> OJ No. L67/36, 13 March, 1981.

<sup>18</sup> OJ No. L49/39, 18 February, 1987.

<sup>19</sup> OJ No. L187/31, 16 July, 1988.

<sup>20</sup> OJ No. L274/44, 6 October, 1988.

<sup>21</sup> OJ No. L5/31, 7 January, 1989.

<sup>22</sup> OJ No. L38/37, 10 February, 1989.

<sup>23</sup> OJ No. L333/65, 30 November, 1990.

<sup>24</sup> OJ No. L54/20, 5 March, 1993.

<sup>25</sup> OJ No. L67/30, 25 March, 1995.

<sup>26</sup> OJ No. L304/10, 27 November, 1996.

<sup>27</sup> OJ No. L25/1, 1 February, 1999.

<sup>28</sup> OJ No. L25/27, 1 February, 1999.

<sup>29</sup> OJ No. 126/23, 1 September, 1999

<sup>30</sup> OJ No. 50/26, 26 February, 1999

<sup>31</sup> OJ No. 142/30, 5 June, 1999

marketing, and to the marketing of cereal seed within the Community.

For the purposes of these Regulations “marketing” shall mean the sale, holding with a view to sale, offer for sale and any disposal, supply or transfer aimed at commercial exploitation of seed to third parties, whether or not for consideration.

(2) Trade in seed not aimed at commercial exploitation of the cereal variety, such as the following operations, shall not be regarded as marketing:

- (i) the supply of seed to official testing and inspection bodies,
- (ii) the supply of seed to providers of services for processing or packaging, provided the provider of services does not acquire title to seed thus supplied,
- (iii) subject to Regulation 14(3), the supply of seed to providers of services for the production of certain agricultural raw materials intended for industrial purposes, or seed propagation for that purpose provided the provider of services does not acquire title to either the seed thus supplied or the product of the harvest;

*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.

*Restriction on Import*

**4A** (1) Subject to paragraph (2), cereal seed shall not be imported unless—

- (a) the seed is a variety which is,
  - (i) a variety registered in the national catalogue, or
  - (ii) a variety registered in the common catalogue and as regards which there is not in that catalogue an entry indicating that a prohibition on the marketing of the variety in the State has been authorised and is in force, and
- (b) it has been officially certified as pre-basic seed, basic seed, certified seed, certified seed of the first generation or certified seed of the second generation and it satisfies the conditions laid down in Annex II, and
- (c) the seed is in sufficiently homogenous lots and in packages complying with the requirements of these Regulations, and
- (d) each lot of seed is accompanied by an official certificate issued by an official authority in the country or territory where the seed was certified certifying that,
  - (i) a sample of the seed has been taken and examined in accordance with Regulation 7 and that the sample has been found to be free of the seed of *Avena fatua*, and

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

(e) in case the seed is harvested in a third country, it is of a kind to which the declaration contained in Article 2 of Council Decision No. 95/514/EC<sup>32</sup> (as amended) on the equivalence of field inspections carried out in third countries on seed producing crops and on the equivalence of seed produced in third countries relates.

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

- (i) seed intended for tests or scientific purposes,
- (ii) seed intended for selection work,
- (iii) seed which has not been processed and which is imported for processing and as regards which the official authority is satisfied that appropriate measures have been taken to ensure the identity of the seed.

(b) Notwithstanding subparagraph (a) of paragraph (1), the Minister may for such period as he shall specify authorise the importation (in accordance with the other provisions of that paragraph) of seed of a variety which is not registered in the national catalogue or in the common catalogue but which is registered in a catalogue of a Member State which corresponds to the national catalogue.

#### *Marketing and Sale*

5. (1) Subject to Regulation 6 and to paragraph (2), cereal seed shall not be placed on the market unless—

(a) the seed is a variety which is,

- (i) a variety registered in the national catalogue, or
- (ii) a variety registered in the common catalogue and as regards which there is not in that catalogue an entry indicating that a prohibition on the marketing of the variety in the State has been authorised and is in force, and

(b) it has been officially certified as pre-basic seed, basic seed, certified seed, certified seed of the first generation or certified seed of the second generation and it satisfies the conditions laid down in Annex II, and

(c) the seed is in sufficiently homogenous lots and in packages complying with the requirements of these Regulations, and

(d) each lot of seed is accompanied by an official certificate issued by an official authority in the country or territory where the seed was certified certifying that,

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<sup>32</sup> O.J. No. 296, 19 December, 1995



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

(e) in case the seed is harvested in a third country, it is of a kind to which the declaration contained in Article 2 of Council Decision No. 95/514/EC<sup>32</sup> (as amended) on the equivalence of field inspections carried out in third countries on seed producing crops and on the equivalence of seed produced in third countries relates.

(2) Subject to paragraph (2A) below, the Minister may authorise the placing on the market of :

- (a) small quantities of cereal seed for scientific purposes or for selection work,
- (b) appropriate quantities of cereal seed for other test or trial purposes, provided it belongs to a variety for which an application for entry in the national catalogue has been submitted.

(2A) In the case of a genetically modified variety such authorisation may be granted only where:

- (a) all appropriate measures have been taken to avoid adverse effects on human health and on the environmental. For the environmental risk assessment to be carried out in this respect, the provisions of Article 7(4) of Council Directive 70/457/EEC (as amended) on the Common Catalogue of Agricultural Plant Species shall accordingly apply, and
- (b) consent for placing of such seed on to the market for such purposes has been obtained in accordance with the provisions of the Genetically Modified Organisms Regulations, 1994, S.I. No. 345/1994.

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<sup>32</sup> O.J. No. 296, 19 December, 1995

(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) 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 for the relevant category and if official examination has shown that the conditions laid down in Annex II for the same category are satisfied.

(4) Where in the cases referred to in paragraph (3) 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) shall—  
(a) be packed and labelled with an official label satisfying the conditions laid down in Annex V(A) and (B) in accordance with the provisions laid down in Regulation 9, and  
(b) be accompanied by an official document satisfying the conditions laid down in Annex V(C).

(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 Council Decision No. 95/514/EC<sup>32</sup> (as amended) on the equivalence of field inspections carried out in third countries on seed producing crops and on the equivalence of seed produced in third countries for the relevant category and if official examination has shown that the conditions laid down in Annex II for the same category are satisfied.

(7) Notwithstanding paragraph 5 (1) (b), official examinations in respect of germination and analytical purity need not be carried out on

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<sup>32</sup> O.J. No. 296, 19 December, 1995

all lots during certification unless there is doubt whether the conditions laid down in Annex II in these respects have been satisfied.

*Derogation from  
Certification and Marketing  
Provisions*

6. (1) The provisions of these Regulations with regard to the marketing in the State of certified seed of the second generation shall come into operation with effect from 1 February 2004;

(2) Subject to Regulation 12, the Minister may authorise the certification and marketing of pre-basic seed and basic seed which does not satisfy the conditions laid down in Annex II in respect of germination, provided that the supplier of the seed guarantees a specific germination for the seed which guaranteed germination shall be shown on a special label giving the name and address of the supplier and the reference number of the relevant lot of seed.

(3)(a) Subject to Regulation 12 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 certified seed of the first generation and the marketing of those categories of seed by way of trade as far as the first buyer,

(b) The powers conferred on the Minister by subparagraph (a) of this paragraph shall be exercised by the Minister subject to the following conditions:

- (i) a provisional analytical report on the seed, which should include the germination of the seed, shall be sent to the official authority by the supplier of the seed,
- (ii) the name and address of the first buyer shall be given to the official authority by such supplier,
- (iii) such supplier shall furnish to such buyer a guarantee which satisfies the Minister of the germination given in the said provisional analytical report, and
- (iv) the germination so guaranteed shall be stated on a special label bearing the name and address of such supplier and the reference number of the relevant lot of seed.

(4) 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.

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

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

(7)(1) Cereal seed shall for the purposes of these Regulations be regarded as being free of the seed of *Avena fatua* if,  
( a ) the crop of the relevant cereals is found on an official field inspection to be free of *Avena fatua* and also if a sample of at least 1 kilogram of the cereal seed is found on an official examination to be free of the seed of *Avena fatua*, or  
( b ) a sample of the cereal seed of at least 3 kilograms is found on official examination to be free of the seed of *Avena fatua*.

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

#### *Closing*

**8.** (1) Packages of pre-basic seed, basic seed, certified seed, certified seed of the first generation or certified seed of the second generation shall be closed either officially or under official supervision in such a manner that they cannot be opened without either damaging the closing system or leaving evidence of tampering either on the official label provided in pursuance of Regulation 9 (1) or on the package.  
(2) Except where a non-reusable closing system is used, the closing system used to comply with this Regulation shall be at least comprised of either the above-mentioned label or the affixing of an official seal.  
(3) Packages mentioned in paragraph (1) shall not be re-closed on one or more occasions unless this is done officially or under official supervision. If any such packages are re-closed, the fact of re-closing, the date of re-closing and the authority by whom or under whose supervision the re-closing was carried out shall be stated on the label required under Regulation 9 (1), or, where the information specified in Regulation 9 (1) (e) is, pursuant to Regulation 9 (2), printed or stamped on the package, the said fact may be so printed or stamped with the aforesaid information.

#### *Labelling*

**9.** (1) Subject to paragraph (2) the following provisions shall apply as regards packages of basic seed, certified seed, certified seed of the first generation and certified seed of the second generation:  
(a) they shall be labelled on the outside with an official label (adhesive or otherwise) which has not been previously used, and which gives the information and satisfies the condition as to dimensions specified in Annex IV and on which such information is given in one of the official languages of the European

Economic Communities;

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

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

(d) where the seed is seed to which an authorisation under Regulation 6 (2) relates, the fact that the seed does not satisfy the conditions laid down in Annex II in respect of germination and the fact that it is seed to which such an authorisation relates shall both be stated on the label, and in addition to complying with the foregoing requirements of this subparagraph, where the package contains cereal seed certified pursuant to Regulation 6 (2), the germination of the seed shall be so state;

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

(f) where the seed is of a variety which has been genetically modified, the label and document shall clearly indicate that the variety has been genetically modified.

(2) (a) Packages of basic seed, certified seed, certified seed of the first generation and certified seed of the second generation may, in lieu of complying with the requirements of paragraph (1), have the information required by that paragraph printed or stamped on the package if, and only if, each of the following conditions is complied with:—

(i) such information is so printed or stamped indelibly,

(ii) the layout and colour of the printing or stamp is in accordance with the requirements of that paragraph as regards the form of the label,

(iii) such printing or stamping is, in so far as it relates to the information required under subparagraphs 3 and 3 (a) of paragraph A (a) of Annex IV, done either officially or under official supervision, and

(iv) the package has so printed or stamped thereon, or perforated, a serial number which shall be one of a series officially attributed.

(b) A person by whom a serial number is for the purposes of this paragraph printed, stamped or perforated shall from time to time inform the Minister both of the number of packages so printed, stamped or perforated and of the numbers in the officially attributed series which have up to then been used by him in the course of such printing, stamping or perforating.

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

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

(a) the information mentioned therein is indelibly printed on the

- package, or
- (b) an adhesive label is used on the package, or
- (c) a tear-resistant label is attached to the package.

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

- (a) the colour of the label shall be white with a violet diagonal line, and
- (b) the label shall 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,
  - (iv) month and year of 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 preceeding seed of the categories "certified seed" or "certified seed of the first generation".

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

(6) When the Minister gives an authorisation under Regulation 6 (5), the official label of any package of seed which is seed to which the authorisation relates shall be,

- (i) in case the seed corresponds to pre-basic seed, basic seed, certified seed, certified seed of the first generation or certified seed of the second generation, of the colour which under these Regulations is appropriate for the seed to which it corresponds,
- (ii) in case it does not so correspond, brown, and in addition to the foregoing such label shall indicate that the marketing of the seed is subject to requirements which are less stringent than those otherwise required by these Regulations.

#### *Marketing of Mixtures*

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

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

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

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

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

#### *Sampling*

**11.** (1) In the official examination of cereal seed for certification, samples shall be officially drawn both from sufficiently homogeneous lots and in accordance with the International Rules for Seed Testing published by the International Seed Testing Association and the maximum weight of a lot of seed and the minimum weight of a sample shall be as laid down in Annex III.

(2) Where an authorised officer takes a sample of seed pursuant to these Regulations, the provisions of paragraph (1) 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.

#### *Cereal seed marketed in small quantities to the final consumer*

**12.** Notwithstanding the non-compliance with a requirement of these Regulations as to packaging, closing or marking, cereal seed may be marketed at the retail stage to the final consumer in quantities not exceeding 20 kg. if, but only if, the seed is taken, in the presence of the purchaser, from the package in which it was packed under official supervision and such package is, when the seed is taken from it, marked in accordance with these Regulations.

#### *Registration, etc.*

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

(2) A person shall not carry on the business of a cereal seed processor

or a cereal seed importer unless he is registered in the register as such.

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

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

(b) in case a person is registered therein as a seed processor or a seed processor and importer, a description of the premises in which such person carries on the business of seed processing which description shall be sufficient to identify those premises and the limits and extent thereof and also the place where the relevant cereal seed is stored, and

(c) such other particulars as the Minister in the circumstances of any particular case, considers relevant.

(4) Any change in the name or address of a person registered in the register shall be notified by him to the Minister.

(5) On the application, in such form and containing such particulars as the Minister may direct, by or on behalf of a person who proposes to carry on the business of a seed processor or a seed importer the Minister may register the person in the register as such.

(6) Before the Minister registers any person under paragraph (5) the Minister shall be satisfied that—

(a) there are available to the person such premises and facilities as are adequate to enable the person to carry on the business to which the application relates, and

(b) in addition to the foregoing, in case the application is for registration as a seed processor that there is so available such premises and such plant or machinery as will enable the person to process not less than 200 tonnes of cereal seed per year.

(7) Whenever the Minister proposes to refuse an application for registration in the register he shall, before doing so, notify in writing the applicant for registration of his intention and of the reasons therefor, and, if any representations are made to the Minister by the applicant within seven days after the giving of the notification, the Minister shall consider them.

(8) In this Regulation—

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

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



**14.** (1) Any person who carries on the business of processing or marketing cereal seed (including the importation and storage of such seed) shall,

(a) keep records of his transactions in such seed,

(b) produce at the request of an authorised officer any such records or any books, documents or other records relating to the said business which are in the possession or under the control of such person,

(c) permit any such officer to inspect and take extracts from such books, documents or records and give to the officer any information which he may reasonably require in relation to any entries therein,

(d) afford to any such officer reasonable facilities for inspecting the stock of any such seed on any premises on which such person carries on such a business,

(e) give to an authorised officer any information he may reasonably require in relation to such transactions including in particular information which he may reasonably require regarding any cereal seed specified by him, whether imported from other Member States or from third countries.

(2) A person who imports a quantity of cereal seed exceeding 2 kg. shall, at the time of importation, furnish to the Minister in writing the following particulars regarding the seed, namely, the species, variety, category, country of production, name of the relevant official authority, country of certification, country of dispatch, and quantity of the seed.

(3) In the case of application of Regulation 3(2) the supplier of seed shall provide the official authority with a copy of the contract made with the provider of services which shall include the standards and conditions currently met by the seed provided.

*Powers of authorised officers*

**15.** (1) In addition to the powers conferred by Regulation 14, an authorised officer may at any reasonable time enter and inspect any premises in which he has reasonable grounds for believing that the business of processing or marketing, or of importing or exporting, cereal seed is carried on, or any other premises in which he so believes such seed to be kept, being seed which he so believes to have been landed or otherwise brought into the State, or any railway wagon, vehicle, ship, vessel or aircraft in which he so believes such seed to be kept, and any such officer may examine the stock and take samples of any cereal seed which he finds in the course of his inspection.

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

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

taken, and

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

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

(3) Any person who obstructs or interferes with an authorised officer in the course of exercising a power conferred on him under this Regulation shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200 (€254).

(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.

*Minister may require certain seed to be disposed of*

**16.** (1) Where a sample of seed is taken pursuant to these Regulations by an authorised officer and is found on official examination not to comply with a requirement of these Regulations, then the Minister may require that the seed shall be destroyed or otherwise disposed of in such manner as the Minister shall determine.

(2) In case the Minister makes a requirement under this Regulation the following provisions shall apply:

(a) he shall inform in writing of the requirement the person who is in possession or control of the seed to which the requirement relates,

(b) where such person is so informed, pending the disposal of such seed in accordance with the requirement, the seed shall be moved only with the consent of an authorised officer, and

(c) such person shall dispose of the seed, or cause or permit it to be disposed of, only in accordance with the requirement.

*Prosecution of offences*

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

*Penalty*

**18.** A person who contravenes these Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £400 (€507) or, at the discretion of the Court, to imprisonment for a term not exceeding six months.

*Saver*

**19.** Nothing in these Regulations shall be construed as affecting a provision of any statute, whether passed before or after the making of these Regulations, which is a provision for the protection of human life or health, animal life or health, plant life or health, or industrial or commercial property.

**20.** Specific conditions may be established in accordance with the procedure laid down in Articles 21 and 21a of the Directive to take account of developments in the areas of:

- (a) conditions under which chemically treated seed may be marketed;
- (b) conditions under which seed may be marketed in relation to the conservation in situ and the sustainable use of plant genetic resources, including seed mixtures of species which also include species listed in Article 1 of Council Directive 70/457/EEC, and are associated with specific natural and semi-natural habitats and are threatened by genetic erosion;
- (c) conditions under which seed suitable for organic production may be marketed;
- (d) conditions under which it may be decided to organise at Community level temporary experiments for the purposes of seeking improved alternatives to certain provisions set out in these Regulations and, in the framework of such experiments, to derogate from the obligations laid down in the Regulations.

*Revocation*

**21.** The following Regulations are hereby revoked:

European Communities (Cereal Seed) Regulations, 1976 (S.I. No. 232 of 1976)

European Communities (Cereal Seed) Regulations, 1983 (S.I. No. 329 of 1983)

European Communities (Cereal Seed) Regulations, 1985 (S.I. 25 of 1985)

European Communities (Cereal Seed) (Amendment) Regulations, 1990 (S.I.341 of 1990)

European Communities (Cereal Seed) (Amendment) Regulations, 1992 (S.I. 29 of 1992)  
 European Communities (Cereal Seed) (Amendment) (No.2) Regulations, 1992 (S.I. 382 of 1992)  
 European Communities (Cereal Seed) (Amendment) Regulations, 1993 (S.I. 123 of 1993)  
 European Communities (Cereal Seed) (Amendment) (No. 2) Regulations, 1993 (S.I. 260 of 1993)  
 European Communities (Cereal Seed) (Amendment) Regulations, 1994 (S.I. 281 of 1994)  
 European Communities (Cereal Seed) (Amendment) Regulations, 1995 (S.I. 139 of 1995)  
 European Communities (Cereal Seed) (Amendment) (No. 2) Regulations, 1995 (S.I.238 of 1995)  
 European Communities (Cereal Seed) (Amendment) Regulations, 1996 (S.I. 380 of 1995)  
 European Communities (Cereal Seed) (Amendment) Regulations, 1997 (S.I. 243 of 1997)

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) or, when appropriate, column (2a) 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)	(2a)
Crop Inspection	£9.33 per hectare	€11.84 per hectare
Sampling	£6.12 per sample	€ 7.77 per sample
Closing/Labelling and bulk Imports	£0.58 per 50kg	€ 0.73 per 50kg.
Bulk Exports	£5.40 per tonne	€ 6.85 per tonne

*SCHEDULE*

ANNEX I

CONDITIONS TO BE SATISFIED BY THE CROP

1. 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. 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 1	Minimum distance 2
<i>Phalaris canariensis</i> , <i>Secale cerele</i> other than hybrids:	
—for the production of basic seed	300 m
—for the production of basic seed	250 m
<i>Triticosecale</i> , self-pollinating varieties	
—for the production of basic seed	50m
—for the production of basic seed	20m
<i>Zea mays</i>	200 m

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

3. 3. The crop shall have sufficient varietal identity and varietal purity or, in the case of a crop of an inbred line, sufficient identity and purity as regards its characteristics.  
For the production of seed of hybrid varieties, the above-mentioned provisions shall also apply to the characteristics of the components, including male sterility or fertility restoration.  
In particular, crops of *Oryza sativa*, *Phalaris canariensis*, *Secale cereale* other than hybrids, *Zea mays* shall conform to the following standards or other conditions:
  - A. A. *Phalaris canariensis*, *Secale cereale*:  
the number of plants of the crop species, which are recognizable as obviously not being true to the variety shall not exceed:  
—one per 30m<sup>2</sup> for the production of basic seed,  
—one per 10m<sup>2</sup> for the production of certified seed.
  - B. B. *Zea mays*:  
the percentage by number of plants which are recognizable as obviously not being true to the variety, to the inbred line, or to the component shall not exceed:
    - (aa) for the production of basic seed:
      - (i) inbred lines, 0.1%
      - (ii) simple hybrid, each component, 0.1%
      - (iii) open pollinated varieties, 0.5%;

(bb) for the production of certified seed:

(i) hybrid varieties component:

—inbred lines, 0.2%

—simple hybrid, 0.2%

—open pollinated variety, 1.0%

(ii) open pollinated varieties, 1.0%

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

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

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

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

—1% at any official field inspection, and

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

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

C. *Oryza sativa*:

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

—0 for the production of basic seed,

—1 per 50m<sup>2</sup> for the production of certified seed.

3a. Hybrids of rye.

(a) The crop shall conform to the following standards as regards distance from neighbouring sources of pollen which may result in undesirable foreign pollination:

Crop 1	Minimum distance 2
—for the production of basic seed	—
—where male sterility is used	1000m
—where male sterility is not used	600m
—for the production of certified seed	500m

(b) The crop shall have sufficient identity and purity as regards the characteristics of the components, including male sterility. In particular, the crop shall conform to the following standards or other conditions:

(i) the number of plants or the crop species, which are recognisable as obviously not being true to the

component shall not exceed:

- one per 30m<sup>2</sup> for the production of basic seed,
- — one per 10cm<sup>2</sup> for the production of certified seed,

this standard to apply in official field inspections to the female component only,

(ii) in the case of basic seed, where male sterility is used, the level of sterility of the male-sterile component shall be at least 98%.

(c) Where appropriate, certified seed shall be produced in mixed cultivation of a female male-sterile component with a male component which restores male fertility.

3b. Crops to produce certified seed of hybrids of oats, barley, rice, wheat, durum wheat and self-pollinating triticale:

(a) The crop shall conform to the following standards as regards distances from neighbouring sources of pollen which may result in undesirable foreign pollution:

- - the minimum distance of the female component shall be 25 m from any other variety of the same species except from a crop of the male component,
- - this distance can be disregarded if there is sufficient protection from any undesirable foreign pollution.

(b) The crop shall have sufficient identity and purity as regards the characteristics of the components.

Where the crop is produced by use of a chemical hybridization agent, the crop shall conform to the following standards or other conditions:

(i) (i) the minimum varietal purity of each component shall be:

- oats, barley, rice, wheat, durum wheat and spelt wheat: 99.7%,
- self-pollinating triticale: 99.0%;

(ii) the minimum hybridity must be 95%. The percentage hybridity shall be assessed in accordance with current international methods, in so far as such methods exist. In cases where the hybridity is determined during seed testing prior to certification, the determination of the hybridity during field inspection need not be done.

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

5. The satisfaction of the above-mentioned standards or other conditions shall be examined in official field inspections. These field inspections shall be carried out in accordance with the following conditions:

- A. The condition and the stage of development of the crop shall permit an adequate examination.
- B. The number of field inspections shall be at least:

(a) for *Avena sativa*, *Hordeum vulgare*, *Oryza sativa*, *Phalaris canariensis*, *Triticosecale*, *Triticum aestivum*, *Triticum durum*, *Triticum spelta*, *Secale cereale*: one;  
(b) for *Zea mays* during the flowering season:

(aa) open pollinated varieties: one,

(bb) inbred lines or hybrids: three.

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

- C. C. The size, the number and the distribution of the portions of the field to be inspected in order to examine the satisfaction of the provisions of this Annex shall be determined in accordance with appropriate methods.



## ANNEX II

### CONDITIONS TO BE SATISFIED BY THE SEED

1. 1. The seed shall have sufficient varietal identity and varietal purity, or in the case of seed of an inbred line of *Zea mays*, sufficient identity and purity as regards its characteristics. For the seed of hybrid varieties of *Secale Cereale*, *Sorghum spp.* and *Zea mays*, the above-mentioned provisions shall also apply to the characteristics of the components.

In particular, the seed of the species listed below shall conform to the following standards or other conditions:

- A. A. *Avena sativa*, *Hordeum vulgare*, *Oryza sativa*, *Triticum aestivum*, *Triticum durum*, *Triticum spelta* other than hybrids in each case:

Category	Minimum varietal purity (%)
1	2
Basic seed	99.9
Certified seed, 1st generation	99.7
Certified seed, 2nd generation	99.0

The minimum varietal purity shall be examined mainly in field inspections carried out in accordance with the conditions laid down in Annex I.

- Aa. Self-pollinating varieties of *Triticosecale* other than hybrids:

Category	Minimum varietal purity (%)
(1)	(2)
Basic seed	99.7
Certified seed, 1st generation	99.7

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.

- Ab. Hybrids of oats, barley, rice, wheat, durum wheat, spelt wheat and self-pollinating *triticale*:

The minimum varietal purity of the seed of the category “certified seed” shall be 90%. It shall be examined in official post control tests on an appropriate proportion of samples.

- B. B. *Zea mays*:

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

—either by blending seed lots in a proportion

appropriate to the variety where on the one hand, a female male sterile component has been used and, on the other, a female male-fertile component has been used,

—or by growing the female male-sterile component and the female male-fertile component in a proportion appropriate to the variety. The proportion of these components shall be examined in field inspections carried out in accordance with the conditions laid down in Annex I.

C. C. Hybrids of rye:

Seed shall not be certified as certified seed unless due account has been taken of the results of an official post-control test, on samples of basic seed taken officially and carried out during the growing season of the seed entered for certification as certified seed to ascertain whether the basic seed met the requirements for basic seed laid down in this Decision in respect of identity and purity as regards the characters of the components, including male sterility.

2. 2. The seed shall conform to the following standards or other conditions as regards germination, analytical purity and content of seeds of other plant species:

A. Table:									
Species and Category	Minimum germination (% of pure seed)	Minimum analytical purity (% by weight)	Maximum content by number of seeds of other plant species including red seeds of <i>Oryza sativa</i> in a sample of the weight specified in column 4 of Annex III (total per column)*						
			Other plant species (a)	Red seeds of <i>Oryza sativa</i>	Other cereal species	Plant species other than cereals	<i>Avena fatua</i> , <i>Avena sterilis</i> , <i>Avena ludoviciana</i> , <i>Lolium temulentum</i>	<i>Raphanus raphanistrum</i> <i>Agrostemma_githago</i>	<i>Panicum spp.</i>
1	2	3	4	5	6	7	8	9	10
<i>Avena sativa</i> , <i>Hordeum vulgare</i> , <i>Triticum aestivum</i> , <i>Triticum durum</i> , <i>Triticum spelta</i> :									
—Basic seed	85(d)	99	4		1(b)	3	0(c)	1	
—Certified seed, 1 <sup>st</sup> and 2 <sup>nd</sup> generation	85	98	10		7	7	0(c)	3	
<i>Phalaris canariensis</i> :									
—Basic seed	75	98	4		1(b)		0(c)		
Certified seed	75	98	10		5		0(c)		
<i>Oryza sativa</i> :									
—Basic seed	80	98	4	1					1
—Certified seed, 1 <sup>st</sup> generation	80	98	10	3					3
—Certified seed, 2 <sup>nd</sup> generation	80	98	15	5					3
<i>Secale cereale</i> :									
—Basic seed	85	98	4		1(b)	3	0(c)	1	
—Certified seed	85	98	10		7	7	0(c)	3	
<i>Triticosecale</i> :									
—Basic seed	80	98	4		1(b)	3	0(c)	1	
—Certified seed, 1 <sup>st</sup> generation	80	98	10		7	7	0(c)	3	
<i>Zea mays</i>	90	98	0						

- B. B. Standards or other conditions applicable where reference is made to them in the table under Section (2)(A) of this Annex:
- (a) The maximum contents of seeds laid down in column 4 include also the seeds of the species in columns 5 to 10.
  - (b) A second seed shall not be regarded as an impurity if a second sample of same weight is free from any seeds of other cereal species.
  - (c) The presence of one seed of *Avena fatua*, *Avena sterilis*, *Avena ludoviciana* or *Lolium temulentum* in a sample of the prescribed weight shall not be regarded as an impurity where a second sample of the same weight is free from any seeds of these species. \*\*
  - (d) In the case of varieties of *Avena sativa* which are officially classified as of the ‘naked oat’ type the minimum germination capacity is reduced to 75 per cent of pure seed. In such a case the official label shall be endorsed ‘minimum germination capacity 75 per cent’.

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

In particular, the seed shall conform to the following standards in respect of *Claviceps purpurea* (maximum number of sclerotia or fragments of sclerotia in a sample of the weight specified in column 3 of Annex III).

Category	Maximum number of sclerotia of <i>Claviceps purpurea</i>
1	2
Cereals other than hybrid rye:	
—Basic seed	1
—Certified seed	3
Hybrids of rye:	
—Basic seed	1
—Certified seed	4(a)
( a ) The presence of five sclerotia or fragments of sclerotia in a sample of the prescribed weight shall be deemed to be in conformity with the standards, where a second sample of the same weight contains not more than four sclerotia or fragments of sclerotia.	

*Notes*

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

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

### 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 determinations by number provided for in columns 4 to 10 of Annex II (2) and Annex II (3) (grams)
1	2	3	4
<i>Avena sativa, Hordeum vulgare, Triticum aestivum, Triticum durum, Triticum spelta, Secale cereale, Triticosecale</i>	<u>25</u>	1,000	500
<i>Phalaris canariensis</i>	10	400	200
<i>Oryza sativa</i>	25	500	500
<i>Zea mays</i> , basic seed of inbred lines	40	250	250
<i>Zea mays</i> , basic seed other than of inbred lines; certified seed	40	1,000	1,000

The maximum lot weight shall not exceed by more than 5 per cent.

## ANNEX IV

### LABEL

#### A. Required information:

##### (a) For basic seed and certified seed:

1. 1. 'EC rules and standards'.
2. Certification authority and Member State or their initials.
3. Reference number of lot.
- 3(a) Month and year of closing expressed thus: "closed. . ." (month and year),  
or  
Month and year of the last official sampling for the purposes of certification expressed thus:  
"sampled . . . ." (month and year).
4. 4. Species, indicated at least under its botanical name, which may be given in abridged form and without the authorities' names in roman characters.
5. 5. Variety, indicated at least in roman characters.
- 5A 5A Where the variety is a variety which has been genetically modified, the expression "Genetically Modified Variety"
6. Category
7. Country of production
8. Declared net or gross weight or declared number of seeds
- 8(a) Where weight is indicated and granulated pesticides, pelleting substances, or other solid additives are used the nature of the additive and also the approximate ratio between the weight of pure seeds and the total weight.
9. 9. In the case of hybrid which are hybrids or inbred lines:
  - (i) (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 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) (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) (iii) for certified seed:  
the name of the variety to which the seed belongs, accompanied by the word "hybrid".
10. 10. Where at least germination has been retested, the words "retested . . . . . (month and year)" and the service responsible for such retesting may be indicated. Such information may be given on

an official sticker attached to the official label.

(b) For seed mixtures:

1. "Mixture . . . . ." (species) or varieties
2. Authority responsible for closing and Member State.
3. Reference number of lot.
- 3(A) Month and year of closing expressed thus:  
"closed . . . . ." (year and month)
4. 4. Species, category, variety, country of production and proportion by weight of each of the components; the names of the species and of the varieties shall be indicated at least in roman characters. Where the mixture contains a variety or varieties which have been genetically modified, the expression "contains Genetically Modified Variety/ies" as appropriate.
5. Declared net or gross weight or declared number of seeds.
6. 6. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used the nature of the additive and also the approximate ratio between the weight of pure seeds and the total weight.
7. 7. Where at least germination of all the components of the mixture has been retested, the words "retested . . . ." (month and year) and the service responsible for such retesting may be indicated. Such information may be given on an official sticker attached to the official label.
8. 8. Marketing permitted exclusively in . . . . (Member State concerned).

B. Minimum dimensions:

110 x 67mm.

## 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,
- variety, indicated at least 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 18<sup>th</sup> day of December, 2001.

Seal

JOE WALSH,  
Minister for Agriculture, Food & Rural Development.



## EXPLANATORY NOTE.

*(This note is not part of the instrument and does not purport to be a legal interpretation)*

The Regulations:—

1. 1. Consolidate existing Regulations made under the European Communities Act, 1972 relating to cereal seeds.
2. 2. Implement the provisions of Council Directive No. 98/95/EC of 14 December, 1998 with regard to the definition of marketing, removal of the national derogation with regard to the marketing of 2<sup>nd</sup> generation cereal seed with effect from 1 April, 2004 and set out provisions for the placing of small quantities of genetically modified cereal seed on to the market for trial purposes.
3. 3. Implement the provisions of Council Directives No. 98/96/EC, 1999/8/EC and 1999/54/EC with regard to cereal seed.
4. 4. Provide a framework to introduce detailed rules in respect of chemically treated cereal seed, genetically modified cereal varieties, varieties suitable for organic production and conservation of plant genetic resources.

Published by the Stationery Office, Dublin 2

Pn No. :11000

Price: € 4.06 (£3.20)

