STATUTORY INSTRUMENTS

2011 No. 463

SEEDS, ENGLAND

The Seed Marketing Regulations 2011

Made - - - -	*25th February 2011*
Laid before Parliament	*7th March 2011*
Coming into force - -	*1st April 2011*

The Secretary of State makes these Regulations in exercise of the powers in sections 16(1), (1A), (2), (3), (4), (5), (5A) and 36 of the Plant Varieties and Seeds Act 1964(**1**), after consultation in accordance with section 16(1) of that Act with representatives of such interests as appear to be concerned, and in exercise of the powers in paragraph 1A of Schedule 2 to the European Communities Act 1972(**2**).

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Secretary of State that it is expedient for the references in these Regulations to the Directives specified in regulation 3(2) to be construed as references to those Directives as amended from time to time.

PART 1

Introduction

Title, application and commencement

1. These Regulations may be cited as the Seed Marketing Regulations 2011; they apply in England and come into force on 1st April 2011.

Meaning of "marketing"

2.—(1) In these Regulations "marketing" means the sale, holding with a view to sale, offer for sale or any disposal, supply or transfer aimed in each case at commercial exploitation of seed to third parties, whether or not for consideration.

(**1**) 1964 c. 14. Section 16 has been amended by the European Communities Act 1972 (c. 68), section 4 and Schedule 4, paragraph 5; S.I. 1977/1112; and the Agriculture Act 1986 (c. 49), section 2. See section 38(1) for the definition of "the Minister". Under S.I. 2002/794 the functions of the Minister of Agriculture, Fisheries and Food under the Plant Varieties and Seeds Act 1964 which remained vested in that Minister were transferred to the Secretary of State.

(**2**) 1972 c. 68; paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).

(2) But marketing does not include trade that is not aimed at commercial exploitation, such as—

(a) the supply of seed to official testing and inspection bodies; or

(b) the supply of seed to a person who provides processing services but who does not acquire title to the seed.

Interpretation of other terms

3.—(1) For the purposes of these Regulations—

(a) the "United Kingdom National List" is the list of plant varieties published by the Secretary of State in accordance with the provisions of the Seeds (National Lists of Varieties) Regulations 2001(**3**);

(b) the "Common Catalogue" is the catalogue provided for in Council Directive 2002/53/EC on the common catalogue of varieties of agricultural plant species(**4**) and in Council Directive 2002/55/EC on the marketing of vegetable seed(**5**).

(2) In these Regulations all references to—

(a) Council Directive 2002/54/EC on the marketing of beet seed(**6**),

(b) Council Directive 66/402/EEC on the marketing of cereal seed(**7**),

(c) Council Directive 66/401/EEC on the marketing of fodder plant seed(**8**),

(d) Council Directive 2002/57/EC on the marketing of seed of oil and fibre plants(**9**),

(e) Council Directive 2002/55/EC on the marketing of vegetable seed,

(f) Commission Directive 2008/62/EC providing for certain derogations for acceptance of agricultural landraces and varieties which are naturally adapted to the local and regional conditions and threatened by genetic erosion and for marketing of seed and seed potatoes of those landraces and varieties(**10**), and

(g) Commission Directive 2009/145/EC providing for certain derogations, for acceptance of vegetable landraces and varieties which have been traditionally grown in particular localities and regions and are threatened by genetic erosion and of vegetable varieties with no intrinsic value for commercial crop production but developed for growing under particular conditions and for marketing of seed of those landraces and varieties(**11**),

are references to those Directives as amended from time to time.

PART 2

Categories of seed

Seed to which these Regulations apply

4.—(1) These Regulations apply in relation to seed of the plants in the first column of the table in Schedule 1 intended to be used for agricultural or horticultural production, but do not apply in relation to seed intended to be used for ornamental plants.

(**3**) S.I. 2001/3510, as amended by S.I. 2004/2949, 2007/1871, 2008/2683, 2009/1273, 2010/1195 and 2011/464.
(**4**) OJ No L 193, 20.7.2002, p. 1, as last amended by Regulation (EC) No 1829/2003 (OJ No L 268, 18.10.2003, p. 1).
(**5**) OJ No L 193, 20.7.2002, p. 33, as last amended by Commission Directive 2009/74/EC (OJ No L 166, 27.6.2009, p. 40).
(**6**) OJ No L 193, 20.7.2002, p. 12, as last amended by Council Directive 2004/117/EC (OJ No L 14, 18.1.2005, p. 18).
(**7**) OJ No L 125, 11.7.1966, p. 2309, as last amended by Commission Directive 2009/74/EC (OJ No L 166, 27.6.2009, p. 40).
(**8**) OJ No L 125, 11.7.1966, p. 2298, as last amended by Commission Directive 2009/74/EC (OJ No L 166, 27.6.2009, p. 40).
(**9**) OJ No L 193, 20.7.2002, p. 74, as last amended by Commission Directive 2009/74/EC (OJ No L 166, 27.6.2009, p. 40).
(**10**) OJ No L 162, 21.6.2008, p. 13.
(**11**) OJ No L 312, 27.11.2009, p. 44.

(2) They do not apply in relation to seed intended for export outside the European Union (other than regulation 26 which relates to certification for export).

Categories of seed

5. Seed is divided into the following categories, commonly known by the abbreviations given—

(a) breeder's seed ("BR");

(b) pre-basic seed ("PB");

(c) basic seed ("BS");

(d) certified seed ("CS");

(e) certified seed, first generation ("C1");

(f) certified seed, second generation ("C2");

(g) certified seed, third generation ("C3");

(h) commercial seed ("CM");

(i) standard seed (vegetables only) ("ST");

(j) seed of a higher voluntary standard ("HVS").

Breeder's seed

6. Breeder's seed is seed produced by or under the responsibility of the breeder and intended for the production of pre-basic seed or basic seed.

Maintainers for pre-basic and basic seed

7. Pre-basic seed and basic seed may only be produced with the written authorisation of the person listed as the maintainer of that seed in the United Kingdom National List or the Common Catalogue.

PART 3

Marketing seed

Marketing seed

8. Seed to which these Regulations apply may only be marketed as seed if it is—

(a) certified under regulation 10 and 11 as being one of the categories in regulation 5;

(b) packaged and sealed in accordance with regulation 16;

(c) labelled in accordance with regulation 17;

(d) marketed by a person licensed to do so in accordance with regulation 20.

Exceptions

9.—(1) The requirement for certification does not apply in relation to breeder's seed.

(2) Schedule 4 makes provision for the marketing of seed not fully complying with regulation 8.

Overriding requirements: the building blocks necessary for certification

10. To be certified under these Regulations as one of the categories in regulation 5 seed must—

(a) be a variety entered in the United Kingdom National List or the Common Catalogue;

(b) be grown from a seed eligible to produce that category in accordance with Schedule 2;

(c) come from a crop inspected under these Regulations and certified as complying with the requirements of Schedule 2;

(d) be tested in accordance with these Regulations.

Detailed requirements for certification

11.—(1) In order to be certified a sample of the seed from which the crop is going to be produced must be entered with the Secretary of State in sufficient time for the Secretary of State to grow a control plot.

(2) The Secretary of State may accept the entry of a sample of the seed after this time, but in this case the crop grown to produce the seed must be inspected by an official crop inspector in accordance with regulation 12.

(3) The crop used to produce the seed must be inspected by a crop inspector in accordance with the provisions relating to that crop in Schedule 2, and the crop inspector must certify that—

(a) the crop meets the standard for that crop specified in Schedule 2, or

(b) the crop meets a lower standard but still meets one of the standards in Schedule 2,

and lodge a report to that effect with the Secretary of State.

(4) The crop inspector may indicate that remedial action or further inspection is necessary before the crop is certified as meeting the required standard.

(5) Once the crop has been harvested and processed, a sample of the seed must be taken by a licensed seed sampler (using current international sampling methods in so far as they exist) in accordance with the provisions relating to that crop in Schedule 2 (for the avoidance of doubt the seed lot sizes and sample weights are specified in each of the Directives in that Schedule dealing with the seed).

(6) The seed must be tested in a seed testing station (either licensed or operated by the Secretary of State), which must test the seed (using current international sampling and testing methods in so far as they exist) to ensure that the certification standards in Schedule 2 are complied with and issue a seed test report stating the results and lodge the report with the Secretary of State.

Crop inspections

12. A crop inspection for certification must be carried out by a licensed crop inspector; except for the inspection of—

(a) a crop intended for the production of pre-basic or basic seed, or

(b) a crop producing seed when the entry of the seed under regulation 11 was too late to allow the Secretary of State to grow a control plot,

when the inspection must be carried out by an official crop inspector appointed by the Secretary of State for the purposes of such inspection.

Standard of seed at the time of marketing

13. At the time of marketing the seed must as a minimum comply with the standards in Schedule 2 relating to that type of seed.

Re-grading a crop or seed

14. For the avoidance of doubt, if a crop or seed has been certified as belonging to one category, but complies with the requirements of another category for that seed, it may be re-graded as any category for which it satisfies the requirements.

Control plots and tests

15.—(1) The Secretary of State must carry out any necessary tests on the entered seed, and in particular must grow the seed in a control plot.

(2) If the tests or the control plot meets the requirements for varietal identity and varietal purity no further action is taken.

(3) Otherwise the Secretary of State must obtain more information from crops grown from that seed and, if the Secretary of State decides that the crop is not satisfactory, notify the applicant that the crop may not be certified, or must be downgraded to a lower category.

Packaging and sealing

16.—(1) All seed, other than loose sales (for which see Part 5 of Schedule 3) must be supplied in a sealed package by a person licensed to do so under regulation 20.

(2) The packaged seed must be in homogeneous lots.

(3) A package must be sealed by or under the supervision of a licensed seed sampler.

(4) It must either have a non-re-useable sealing system or be sealed in such a manner that opening the package—

(a) damages the sealing system; or

(b) leaves evidence of tampering on either the label or the package.

(5) If a package is opened other than by the final consumer it must be re-labelled and re-sealed by or under the supervision of a licensed seed sampler, and the fact of resealing, the most recent date of resealing and the authority responsible for it must be stated on the label.

(6) This regulation does not apply in relation to the marketing of small packages of seed as defined in Schedule 3.

Labelling

17.—(1) All seed must be labelled in accordance with Schedule 3 by a person licensed to do so under regulation 20.

(2) No person may reproduce, remove, alter, deface, conceal or misuse in any way any label produced for the purposes of these Regulations.

Mixtures of seed

18. A mixture of seed may only be marketed if the mixture is permitted under the following table.

Permitted mixtures

Column header	*Beet*	*Cereals*	*Fodder*	*Oil and fibre*	*Vegetable*	*Seed outside the scope of these Regulations*
Beet	No	No	No	No	No	No
Cereals	No	Yes[(i)]	Yes	No	No	No
Fodder	No	Yes	Yes	Yes	Yes	Yes
Oil and fibre	No	No	Yes	No	No	No
Vegetable	No	No	Yes	No	Yes[(ii)]	No

(i) A mixture of varieties of one species of cereal seed is permitted only if it is effective against the propagation of a harmful organism. All the seed must comply with these Regulations before mixing.

(ii) A mixture of different varieties of standard seed of lettuce, or a mixture of different varieties of standard seed of radish, must be marketed in a package containing not more than 50g of seed.

Records

19.—(1) Any person who—

(a) markets seed,

(b) packs, seals, labels, re-packs, re-seals or re-labels seed for marketing,

(c) prepares mixtures of seed for marketing, or

(d) cleans, treats or in any other way processes seed intended for marketing,

must make sufficient records (either written or electronic) to create an audit trail so that the identity and provenance of any seed marketed or otherwise dealt with in the course of the operation can be established.

(2) Records must be kept for at least 3 years and produced on demand to an officer of the Secretary of State (in the case of electronic records a printout must be provided).

PART 4

Licensing

Operations requiring a licence from the Secretary of State

20.—(1) Any person carrying out any of the following operations must be licensed to do so by the Secretary of State—

(a) marketing seed;

(b) packing, sealing or labelling seed;

(c) re-packing, re-sealing or re-labelling seed;

(d) preparing mixtures of seed for marketing;

(e) cleaning, treating or in any other way processing seed intended for marketing.

(2) But the requirement for a licence does not apply in relation to the marketing of—

(a) small packages of seed as defined in Schedule 3;

(b) unpacketed seed; or

(c) seed, as grown, for processing, provided the identity of the seed is ensured under paragraph 2 of Schedule 4.

Licensing crop inspectors, seed samplers and seed testing stations

21.—(1) The Secretary of State may license crop inspectors, seed samplers and seed testing stations to act under these Regulations.

(2) Before licensing a crop inspector or seed sampler the Secretary of State must be satisfied that the person is competent to act as such, and has passed an examination specified by the Secretary of State.

(3) Before licensing a seed testing station the Secretary of State must be satisfied that the station has adequate premises, qualified personnel and equipment to test for the purposes of these Regulations.

(4) A licensed crop inspector, seed inspector or seed testing station may charge reasonable fees for carrying out functions under these Regulations but may not derive any private gain in connection with the carrying out of such functions.

General provisions relating to licences

22.—(1) A licence must be in writing, and may be subject to such conditions as the Secretary of State considers appropriate.

(2) The Secretary of State may vary, suspend or revoke a licence by notice in writing at any time.

PART 5

Administration and revocations

Withdrawing certification

23.—(1) The Secretary of State may withdraw certification from any seed if satisfied that—

(a) the seed, or the seed from which the crop producing the seed was grown, was incorrectly sampled;

(b) the crop from which the seed was harvested did not meet the conditions in Schedule 2; or

(c) the seed—

(i) did not meet the conditions in Schedule 2 when it was tested; or

(ii) no longer meets those conditions.

(2) If certification is withdrawn the Secretary of State must notify the certification applicant.

(3) Within 7 days of being notified the applicant must notify any person to whom they have sold or supplied the seed.

Sampling for enforcement purposes

24.—(1) A sample of seed taken for the purposes of enforcing these Regulations must be taken by an authorised officer of the Secretary of State, who must divide it into three parts.

(2) One part must be given to the owner of the seed (or a representative of the owner) and the other two parts must be sent to an official testing station, one for testing and the other for retention pending production to a court in accordance with section 26(7) of the Plant Varieties and Seeds Act 1964(**12**).

Forms of certificates used for enforcement

25.—(1) For the purposes of section 26(3) of the Plant Varieties and Seeds Act 1964, a certificate of how a sample was taken for the purpose of enforcing these Regulations must—

(a) make reference to these Regulations, and must certify that the sample was taken and treated in accordance with regulation 24;

(b) specify—

(i) the name and address of the person taking the sample;

(ii) the premises at which the sample was taken;

(iii) the type of seed sampled;

(iv) the date the sample was taken;

(v) the reference number of the seed lot;

(vi) the quantity sampled.

(2) For the purposes of section 24(5) of the Plant Varieties and Seeds Act 1964, a certificate of the result of a test at an official seed testing station of a sample taken by an authorised officer for the purposes of that Act must—

(a) make reference to these Regulations;

(b) identify the seed tested;

(c) contain all test results relating to the standard required for that seed.

Certification for export

26. The Secretary of State may certify the quality of any seed intended for export outside the European Union.

Importation from outside the European Union

27.—(1) Seed imported from outside the European Union must be labelled with a label approved by the Organisation for Economic Cooperation and Development(**13**) for the varietal certification on the control of seed moving in international trade.

(2) If the seed is to be further multiplied the person intending to multiply it must first submit a sample to the Secretary of State for verification.

(3) Any person marketing seed that has been imported from a third country and exceeds two kilograms must supply the Secretary of State, in writing and within one month of the first marketing of the seed, with the following particulars relating to the seed—

(a) the species;

(b) the variety;

(c) the category;

(d) the country of production and the official inspection authority;

(e) the country of despatch;

(**12**) 1964 c. 14.
(**13**) Details of these labels are available on the OECD's website.

(f) the importer; and

(g) the quantity of seed.

Appeals

28.—(1) Any person who is aggrieved by a decision of the Secretary of State to—

(a) vary, suspend, revoke or refuse to grant a licence of a crop inspector, seed sampler, seed testing station, or a person requiring a licence under regulation 20,

(b) refuse to certify seed,

(c) withdraw certification of seed,

may, within 21 days of being notified of the decision, appeal against it to a person appointed for the purpose by the Secretary of State.

(2) The appointed person must consider the appeal and any representations made by the Secretary of State, and within 21 days report in writing with a recommended course of action to the Secretary of State.

(3) The Secretary of State must then make a final decision and notify the appellant, together with the reasons.

Fees

29. The Secretary of State may charge a reasonable fee for anything done under these Regulations.

Marketing seed under a specific derogation

30. The Secretary of State acts as the member State for the purposes of Commission Regulation (EC) No 217/2006 laying down rules for the application of Council Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC and 2002/57/EC as regards the authorisation of Member States to permit temporarily the marketing of seed not satisfying the requirements in respect of the minimum germination(**14**).

Confidentiality

31. If the breeder so requests, the description of genealogical components of seed must not be disclosed by the Secretary of State.

Licensing and certifying in another part of the United Kingdom

32.—(1) Any seed certified in another part of the United Kingdom may be marketed in England.

(2) A crop inspector, seed sampler or seed testing station licensed to act as such in another part of the United Kingdom may act as such under these Regulations.

Transitional provisions

33.—(1) A crop inspector, seed sampler or seed testing station licensed at the time these Regulations come into force under the Seed Marketing Regulations 2010(**15**) continues to be licensed as such under these Regulations.

(**14**) OJ No L 38, 9.2.2006, p. 17.
(**15**) S.I. 2010/2605.

(2) A person requiring to be licensed under regulation 20 of these Regulations who was licensed at the time these Regulations come into force to act for such activity under the Seed Marketing Regulations 2010 is now licensed to act as such under these Regulations subject to such conditions as may be notified by the Secretary of State, and continues to be licensed unless the licence is subsequently suspended or revoked by the Secretary of State under these Regulations.

Revocation

34. The Seed Marketing Regulations 2010(**16**) are revoked.

Henley
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

25th February 2011

(**16**) S.I. 2010/2605.

SCHEDULE 1 Regulation 4

Seed to which these Regulations apply

Plants to which the Regulations apply	*Common name (for guidance only)*
Beet	
Beta vulgaris L.	sugar beet, fodder beet (including mangel)
Cereals	
Avena nuda L.	small naked oat, hulless oat
Avena sativa L. (includes *A.byzantina* K. Koch)	oats and red oat
Hordeum vulgare L.	Barley
Secale cereale L.	Rye
Triticum aestivum L.	Wheat
Triticum durum Desf.	durum wheat
Triticum spelta L.	spelt wheat
x *Triticosecale* Wittm. ex A. Camus – hybrids resulting from the crossing of a species of the genus *Triticum* and a species of the genus *Secale*	Triticale
Zea mays L. (partim)	maize (except popcorn and sweetcorn)
Fodder plants	
Fine grasses:	
Agrostis canina L.	velvet bent
Agrostis capillaris L.	brown top
Agrostis gigantea Roth	red top
Agrostis stolonifera L.	creeping bent grass
Festuca filiformis Pourr.	fine leaved sheep's fescue
Festuca ovina L.	sheep's fescue
Festuca rubra L.	red fescue, Chewings fescue
Festuca trachyphylla (Hack.) Krajina	hard fescue
Poa annua L.	annual meadowgrass
Poa nemoralis L.	wood meadowgrass
Poa pratensis L.	smooth-stalked meadowgrass
Poa trivialis L.	rough-stalked meadowgrass
xFestulolium Asch. & Graebn. – Hybrids resulting from the crossing of a species of	Festulolium

Plants to which the Regulations apply	*Common name (for guidance only)*
the genus *Festuca* with a species of the genus *Lolium*	
Fodder grasses:	
Arrhenatherumelatius (L.) P.Beauv.ex J. Presl & C. Presl	tall oatgrass
Bromus catharticus Vahl.	rescue grass
Bromus sitchensis Trin.	Alaska brome-grass
Dactylis glomerata L.	Cocksfoot
Festuca arundinacea Schreber	tall fescue
Festuca pratensis Huds.	meadow fescue
Lolium multiflorum Lam.	Italian ryegrass including Westerwold ryegrass
Lolium perenne L.	perennial ryegrass
Lolium x boucheanum Kunth	hybrid ryegrass
Phleum nodosum L.	small timothy
Phleum pratense L.	Timothy
Small seeded legumes:	
Lotus corniculatus L.	birdsfoot trefoil
Medicago lupulina L.	trefoil, black medick
Medicago sativa L.	Lucerne
Medicago x varia T. Martyn	sand lucerne
Onobrychis viciifolia Scop.	sainfoin
Trifolium hybridum L.	Alsike clover
Trifolium pratense L.	red clover
Trifolium repens L.	white clover
Large seeded legumes:	
Lupinus albus L.	white lupin
Lupinus angustifolius L.	narrow leaved lupin (previously known as blue lupin)
Lupinus luteus L.	yellow lupin
Pisum sativum L. (partim)	field pea
Vicia faba L. (partim)	field bean
Vicia pannonica Crantz	Hungarian vetch

Plants to which the Regulations apply	*Common name (for guidance only)*
Vicia sativa L.	common vetch
Vicia villosa Roth	hairy vetch

Crucifers:

Brassica napus L. var. *napobrassica* (L.) Rchb.	Swede
Brassica oleracea L. convar. *acephala* (DC.) Alef. var. *medullosa* Thell. + var. *viridis* L.	fodder kale
Raphanus sativus L. var. *oleiformis* Pers.	fodder radish

Oil and fibre plants

Brassica juncea (L.) Czern.	brown mustard
Brassica napus L. (partim)	swede rape (including plants commonly known as fodder rape and oilseed rape)
Brassica nigra (L.) W.D.J. Koch	black mustard
Brassica rapa L. var. *silvestris* (Lam.) Briggs	turnip rape
Cannabis sativa L.	Hemp
Glycine max (L.) Merr.	soya bean
Helianthus annuus L.	Sunflower
Linum usitatissimum L.	flax, linseed
Sinapis alba L.	white mustard

Vegetables

Allium cepa L. (Cepa Group)	onion, Echalion
Allium porrum L.	Leek
Apium graveolens L.	celery, celeriac
Asparagus officinalis L.	Asparagus
Beta vulgaris L.	beetroot including Cheltenham beet, spinach beet and chard
Brassica oleracea L.	Brussels sprouts, cauliflower, curly kale, kohlrabi, red cabbage, Savoy cabbage, sprouting broccoli or calabrese, white cabbage
Brassica rapa L.	Chinese cabbage, turnip
Cichorium endivia L.	endive (curled-leaved, plain-leaved)

Plants to which the Regulations apply	*Common name (for guidance only)*
Cichorium intybus L.	large-leaved (Italian) chicory
Cucumis melo L.	Melon
Cucumis sativus L.	cucumber, gherkin
Cucurbita maxima Duchesne	Gourd
Cucurbita pepo L.	marrow or courgette
Daucus carota L.	carrot, fodder carrot
Lactuca sativa L.	Lettuce
Lycopersicon esculentum Mill	Tomato
Petroselinum crispum (Mill) Nyman ex A.W Hill	Parsley
Phaseolus coccineus L.	runner bean
Phaseolus vulgaris L.	French bean (dwarf, climbing)
Pisum sativum L. (partim)	wrinkled pea, round pea, sugar pea
Raphanus sativus L.	radish, black radish
Spinacia oleracea L.	Spinach
Vicia faba L. (partim)	broad bean
Zea mays L. (partim)	sweet corn, popcorn

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Signature

Explanatory Note

PART 1

Beet

Scope of Part 1

1. This Part regulates the type of beet in Schedule 1.

Interpretation of Part 1

2. In this Part—

(a) "monogerm seed" means seed that is genetically monogerm; and

(b) "precision seed" means seed designed for use in precision drills to produce single seedlings.

Permitted types of beet seed

3. Beet seed must be—

(a) pre-basic seed;

(b) basic seed; or

(c) certified seed.

Meaning of "pre-basic seed"

4. Pre-basic seed is seed—

(a) produced from a generation prior to pre-basic seed by or under the responsibility of the breeder according to well-defined practices for the maintenance of the variety; and

(b) intended for the production of—

(i) more pre-basic seed;

(ii) basic seed; or

(iii) with the breeder's written authority, certified seed.

Meaning of "basic seed"

5. Basic seed is seed—

(a) produced under the responsibility of the breeder according to well-defined practices for the maintenance of the variety; and

(b) intended for the production of certified seed.

Meaning of "certified seed"

6. Certified seed is seed that is of direct descent from basic seed and is intended for the production of beet.

Crop and seed requirements

7.—(1) Crop inspections by official or licensed crop inspectors must be carried out in accordance with Article 2(3)(A) of, and Annex I(A) to, Council Directive 2002/54/EC on the marketing of beet seed(**17**), and the crop must satisfy the conditions in that Annex.

(2) The seed produced by the crop must be sampled in accordance with Article 9(2) and Annex II to that Directive, and must satisfy the conditions in Annex I(B) to that Directive.

(3) It must be labelled in accordance with Annex III to that Directive.

(4) The maximum moisture content must not exceed 15% by weight.

(5) Diseases and harmful organisms that reduce the usefulness of the seed must be at the lowest possible level.

PART 2

Cereals

CHAPTER 1

Types of seed

Scope of Part 2

8. This Part regulates the types of cereal in Schedule 1.

(**17**) OJ No L 193, 20.7.2002, p. 12, as last amended by Council Directive 2004/117/EC (OJ No L 14, 18.1.2005, p. 18).

Permitted types of cereal seed

9.—(1) Cereal seed must be—

(a) pre-basic seed;

(b) basic seed;

(c) certified seed;

(d) certified seed, first generation;

(e) certified seed, second generation; or

(f) seed of a higher voluntary standard.

(2) The seed may be a mixture of cereal species of different varieties provided that each variety in the mixture is certified and is effective against the propagation of harmful organisms.

Meaning of "pre-basic seed" (including hybrids)

10. Pre-basic seed (including hybrids) is seed—

(a) produced from a generation prior to pre-basic seed or from pre-basic seed by or under the responsibility of the breeder according to well-defined practices for the maintenance of the variety; and

(b) intended for the production of—

(i) more pre-basic seed;

(ii) basic seed; or

(iii) with the breeder's written authority, certified seed of categories CS, C1 or C2 (hybrid varieties may not be produced to C1 or C2).

Meaning of "basic seed"

11. Basic seed is seed complying with the following conditions.

Type of cereal	*Condition*
Self-pollinating varieties of oats, naked oats, barley, rye, triticale, wheat, durum wheat and spelt wheat	The seed must be— (a) produced under the responsibility of the breeder according to well-defined practices for the maintenance of the variety; and (b) intended for the production of certified seed of categories CS C1 or C2
Hybrid varieties of oats, barley, rye, wheat, durum wheat, spelt wheat, triticale and maize	The seed must be intended for the production of hybrids
Maize spp open-pollinated varieties	The seed must be— (a) produced under the responsibility of the breeder according to well-defined practices for the maintenance of the variety;

Type of cereal	*Condition*
	(b) intended for the production of seed of this variety of the category 'certified seed' triple cross or of top cross hybrid variety or of intervarietal hybrids
Maize, inbred lines	Any seed

Meaning of "certified seed"

12. Certified seed is seed—

(a) of rye, maize, or triticale and hybrids of barley, oats, wheat, durum wheat, spelt wheat;

(b) that has been produced directly from basic seed or, if the breeder so requests, from seed of a generation prior to basic seed that satisfies the conditions for basic seed; and

(c) that is intended for purposes other than the production of cereal seed.

Meaning of "certified seed, first generation"

13. Certified seed, first generation is seed—

(a) of oats, barley, triticale, wheat, durum wheat or spelt wheat, other than hybrids in each case;

(b) produced directly from basic seed or, if the breeder so requests, from pre-basic seed that satisfies the conditions for basic seed;

(c) intended either for the production of seed of the category 'certified seed, second generation' or for purposes other than the production of cereal seed.

Meaning of "certified seed, second generation"

14. Certified seed, second generation is seed—

(a) of oats, barley, triticale, wheat, durum wheat or spelt wheat, other than hybrids in each case;

(b) produced directly from basic seed, from certified seed, first generation or, if the breeder so requests, from pre-basic seed that satisfies the conditions for basic seed;

(c) intended for purposes other than the production of cereal seed.

Crop and seed requirements

15.—(1) Crop inspections by official or licensed crop inspectors must be carried out in accordance with Article 2(3)(A) of, and Annex I to, Council Directive 66/402/EEC on the marketing of cereal seed(**18**), and the crop must satisfy the conditions in that Annex.

(2) The seed produced by the crop must be sampled in accordance with Article 7 of, and Annex III to, that Directive and must satisfy the conditions in Annex II to that Directive.

(3) The moisture content must not exceed 17% by weight.

(**18**) OJ No L 125, 11.7.1966, p. 2309, as last amended by Commission Directive 2009/74/EC (OJ No L 166, 27.6.2009, p. 40).

(4) Diseases and harmful organisms that reduce the usefulness of the seed must be at the lowest possible level.

CHAPTER 2

Higher voluntary standards

Higher voluntary standards for cereals

16.—(1) Barley, oats, wheat (including durum wheat and spelt wheat) or naked oats classified as basic seed, or certified seed of categories C1 or C2, may be marketed as being of a higher voluntary standard, which is a standard higher than that regulated under Chapter 1, if it meets the higher standards in this Chapter.

(2) The crop must have at least 99.99% (by number) species purity.

(3) Other than a hybrid, the minimum varietal purity of seed is—

(a) 99.95% for basic seed;

(b) 99.9% for C1 seed;

(c) 99.7% for C2 seed.

(4) In the case of C1 and C2 the seed must have 99% by weight analytical purity.

Additional requirements for barley, wheat, durum wheat and spelt wheat

17. In the case of barley, wheat, durum wheat and spelt wheat—

(a) the maximum number of wild oats in a crop is 7 per hectare.

(b) the maximum percentage by number of loose smut infection in seed is—

(i) 0.1% for basic seed;

(ii) 0.2% for C1 and C2 seed.

Seed from other plants

18. The number of seeds from other plant species in a sample of 1000g must not exceed the following.

Seed of other species

Category of seed sampled	All other plant species (including species specified in columns 3 to 6)	Other cereal species	All plant species other than cereals	Wild oats or darnel	Wild radish, corn cockle, sterile brome or couch
Basic seed	1	0	1	0	0[(a)]
C1	2	1	1	0	1
C2	4	3	2	0	1

(a) Only in respect of wild radish and corn cockle.

Ergot and sclerotia

19. In a sample of 1000g—

(a) in the case of basic seed there must be no ergot or sclerotia;

(b) in the case of certified seed (C1 or C2) there must be no more than one piece of ergot or sclerotia.

PART 3

Fodder plants

CHAPTER 1

Basic standards

Scope of Part 3

20. This Part regulates the types of fodder plants in Schedule 1.

Permitted types of fodder seed

21.—(1) Fodder seed must be—

(a) pre-basic seed;

(b) basic seed;

(c) certified seed;

(d) certified seed, first generation;

(e) certified seed, second generation;

(f) commercial seed; or

(g) seed of a higher voluntary standard.

(2) The seed may be a mixture of fodder species of different varieties provided that each variety in the mixture is certified.

Meaning of "pre-basic seed"

22. Pre-basic seed is seed—

(a) produced from a generation prior to pre-basic seed by or under the responsibility of the breeder according to well-defined practices for the maintenance of the variety; and

(b) intended for the production of—

(i) more pre-basic seed;

(ii) basic seed; or

(iii) with the breeder's written authority, certified seed CS, C1 or C2.

Meaning of "basic seed"

23.—(1) Basic seed is seed of—

(a) bred varieties; or

(b) local varieties.

(2) Seed of bred varieties is seed—

(a) produced under the responsibility of the breeder according to well-defined practices for the maintenance of the variety;

(b) intended for the production of certified seed.

(3) Seed of local varieties is seed—

(a) produced under official control from material officially accepted as being of the local variety on one or more holdings situated within a clearly demarcated region of origin;

(b) intended for the production of certified seed.

Meaning of "certified seed"

24. Certified seed is seed (other than of field beans, field peas, lupins and vetches)—

(a) produced directly from basic seed or, if the breeder so requests, from pre-basic seed that satisfies the conditions for basic seed; and

(b) intended for purposes other than the production of seed.

Meaning of "certified seed, first generation"

25. Certified seed, first generation in relation to field beans, field peas, lucerne *(Medicago sativa),* lupins and vetches is seed—

(a) produced directly from basic seed or, if the breeder so requests, from pre-basic seed that satisfies the conditions for basic seed; and

(b) intended for—

(i) the production of certified seed, second generation (in the case of field beans and field peas only); or

(ii) purposes other than the production of seed (in all cases).

Meaning of "certified seed, second generation"

26. Certified seed, second generation in relation to field beans, field peas, lucerne *(Medicago sativa),* lupins and vetches is seed—

(a) produced directly from basic seed, from certified seed, first generation (C1) or, if the breeder so requests, from pre-basic seed that satisfies the conditions for basic seed; and

(b) intended for purposes other than the production of seed of fodder plants.

Meaning of "commercial seed"

27. Commercial seed is seed of annual meadowgrass, Hungarian vetch or sainfoin that is identifiable as belonging to a species.

Crop and seed requirements

28.—(1) Crop inspections by official or licensed crop inspectors must be carried out in accordance with Article 2(3)(A) of, and Annex I to, Council Directive 66/401/EEC on the marketing of fodder plant seed(**19**), and the crop must satisfy the conditions in that Annex.

(2) The seed produced by the crop must be sampled in accordance with Annex III to that Directive, and must satisfy the conditions in Annex II to that Directive.

(**19**) OJ No L 125, 11.7.1966, p. 2298, as last amended by Commission Directive 2009/74/EC (OJ No L 166, 27.6.2009, p. 40).

(3) Diseases and harmful organisms that reduce the usefulness of the seed must be at the lowest possible level.

CHAPTER 2

Higher voluntary standards

Higher voluntary standards for fodder seed

29. In the case of cocksfoot, festulolium, hybrid ryegrass, Italian ryegrass, Lucerne, meadow fescue, perennial ryegrass, red clover, red fescue, sainfoin, small timothy, timothy, smooth stalked meadow grass, tall fescue and white clover, certified seed (CS) may be marketed as certified seed of a higher voluntary standard.

Minimum standards for purity and other species of seed in the sample

30. The sample taken under paragraph 28(2) for the purposes of Council Directive 66/401/EEC must have the minimum standards set out in the following table.

Column header	*Minimum analytical purity (% by weight)*	*Total weight of all other species (% by weight*	*Total weight of a single other species (% by weight*	*Seed of Rumex spp excluding R acetosella and R maritimus*	*Seed of couch*	*Seed of blackgrass*	*Limits of other specific species*
Fine grasses							
festulolium	98	1.5	0	0	10	0	
red fescue	95	1.5	0.5	5	10	10	The sample must have no more than four seeds ryegrass, cocksfoot, meadow fescue and 0.3% rough stalked meadow grass
smooth-stalked meadowgrass	90	1.5	0.5	2	3	3	Maximum of 0.4% by weight of seed of other meadow grass
Fodder grasses							
cocksfoot	90	1.5	0.5	5	10	10	
meadow fescue, tall fescue	98	1.5	0.5	5	10	10	0.3% rough stalked meadow grass, 0.3% ryegrass
hybrid ryegrass, Italian ryegrass, perennial ryegrass	98	1.5	0.5	5	10	10	0.4% annual meadowgrass, 0.3% rough stalked meadow grass
small timothy, timothy	98	1.5	0.5	4	10	10	0.3% *Agrostis spp*

Column header	*Minimum analytical purity (% by weight)*	*Total weight of all other species (% by weight*	*Total weight of a single other species (% by weight*	*Seed of Rumex spp excluding R acetosella and R maritimus*	*Seed of couch*	*Seed of blackgrass*	*Limits of other specific species*
Small seeded legumes							
lucerne, red clover, white clover	98	1.5	0.5	10	10	10	0.3% *Melitotus spp*
sainfoin	98	1.5	0.5	5	10	10	0.3% *Melitotus spp*

PART 4

Oil and fibre

Scope of Part 4

31. This Part regulates the types of oil and fibre plants in Schedule 1.

Permitted types of oil and fibre seed

32. Oil and fibre seed must be—

(a) pre-basic seed;

(b) basic seed;

(c) certified seed;

(d) certified seed, first generation;

(e) certified seed, second generation;

(f) certified seed, third generation; or

(g) commercial seed.

Meaning of "pre-basic seed"

33.—(1) "Pre-basic seed" is seed of a generation prior to basic seed—

(a) that has been produced by or under the responsibility of the breeder according to well-defined practices for the maintenance of the variety, and

(b) intended to be used for the production of more pre-basic seed, basic seed, or with the breeder's written authority—

(i) in the case of black mustard, brown mustard, dioecious hemp, sunflower, swede rape, turnip rape or white mustard, CS seed;

(ii) in the case of monoecious hemp or soya bean, C1 or C2 seed;

(iii) in the case of flax or linseed, C1, C2 or C3 seed.

(2) But in relation to a component of a hybrid variety, "pre-basic seed" means seed of a generation prior to basic seed that is intended to be used for the production of—

(a) more pre-basic seed;

(b) basic seed; or

(c) with the breeder's written authority, CS seed.

Meaning of "basic seed" for non-hybrid varieties

34. In the case of a non-hybrid variety, basic seed is seed—

(a) produced under the responsibility of the breeder according to well-defined practices for the maintenance of the variety;

(b) intended for the production of—

(i) certified seed,

(ii) certified seed, first generation,

(iii) certified seed, second generation; or

(iv) certified seed, third generation.

Meaning of "basic seed" for inbred lines

35. In the case of an inbred line, basic seed is seed of an inbred line of a hybrid that satisfies the conditions for basic seed.

Meaning of "basic seed" for simple hybrids

36. In the case of a simple hybrid, basic seed is seed intended for the production of hybrids.

Meaning of "certified seed"

37. Certified seed is seed of black, brown and white mustard, dioecious hemp, sunflower. swede rape or turnip rape—

(a) produced directly from basic seed or, if the breeder so requests, from seed of a generation prior to basic seed that satisfies the conditions for basic seed;

(b) intended for purposes other than the production of seed of oil or fibre plants.

Meaning of "certified seed, first generation"

38. Certified seed, first generation is seed of monoecious hemp, flax, linseed or soya—

(a) produced directly from basic seed or, if the breeder so requests, from pre-basic seed that satisfies the conditions for basic seed;

(b) intended either for the production of—

(i) certified seed, second generation;

(ii) where appropriate, certified seed, third generation; or

(iii) for purposes other than the production of seed of oil or fibre plants.

Meaning of "certified seed, second generation"

39.—(1) Certified seed, second generation is seed of flax, linseed, soya or monoecious hemp.

(2) In the case of flax, linseed, soya, it is seed—

(a) produced directly from basic seed, from certified seed of the first generation or, if the breeder so requests, from pre-basic seed that satisfies the conditions for basic seed; and

(b) intended for—

(i) purposes other than the production of seed or,

(ii) where appropriate, the production of certified seed, third generation seed.

(3) In the case of monoecious hemp it is seed—

(a) produced directly from certified seed of the first generation established and officially controlled with a view to the production of certified seed of the second generation; and

(b) intended for the production of hemp to be harvested in flower.

Meaning of "certified seed, third generation"

40. Certified seed, third generation is seed from flax or linseed—

(a) of direct descent from basic seed, from certified seed of the first or second generation or, if the breeder so requests, from seed of a generation prior to basic seed; and

(b) intended for purposes other than the production of seed.

Meaning of "commercial seed"

41. Commercial seed (black mustard seed only) is seed that is identifiable as belonging to a species.

Crop and seed requirements

42.—(1) Crop inspections by official or licensed crop inspectors must be carried out in accordance with Article 2(5)(A) of, and Annex I to, Council Directive 2002/57/EC on the marketing of seed of oil and fibre plants(**20**), and the crop must satisfy the conditions in that Annex.

(2) The seed produced by the crop must be sampled in accordance with Annex III to that Directive and must satisfy the conditions in Annex II to that Directive.

(3) Diseases and harmful organisms that reduce the usefulness of the seed must be at the lowest possible level.

Requirements for a varietal association

43.—(1) Seed marketed as a varietal association must comply with this paragraph.

(2) The varietal association must be an association of certified CS seed of a specified pollinator-dependant hybrid variety with certified CS seed of one or more specified pollinator varieties both of which have been accepted on to the United Kingdom National List or the Common Catalogue.

(3) The seed of the female and male components of a varietal association must have been dressed using seed dressings of different colours.

(4) The seed must be mechanically combined in the proportions jointly determined by the persons responsible for the maintenance of these components.

(5) The proportions must be notified to the Secretary of State by the person responsible for the maintenance of the pollinator-dependent hybrid and pollinators with the varietal association.

(6) In this paragraph—

(**20**) OJ No L 193, 20.7.2002, p. 74, as last amended by Commission Directive 2009/74/EC (OJ No L 166, 27.6.2009, p. 40).

(a) "pollinator-dependent hybrid" means the male-sterile component within the varietal association (female component);

(b) "pollinator" means a component shedding pollen within a varietal association.

PART 5

Vegetables

Scope of Part 5

44. This Part regulates the types of vegetables in Schedule 1.

Permitted types of vegetable seed

45.—(1) Vegetable seed must be—

(a) pre-basic seed;

(b) basic seed;

(c) certified seed; or

(d) standard seed.

(2) The seed may be a mixture of different varieties of lettuce seed or radish seed provided that each variety in the mixture is standard seed.

Meaning of "pre-basic seed"

46. Pre-basic seed is seed—

(a) produced from a generation prior to pre-basic seed by or under the responsibility of the breeder according to well-defined practices for the maintenance of the variety; and

(b) intended for the production of—

(i) more pre-basic seed;

(ii) basic seed; or

(iii) with the breeder's written authority, certified seed.

Meaning of "basic seed"

47.—(1) Basic seed is seed—

(a) produced under the responsibility of the breeder according to well-defined practices for the maintenance of the variety;

(b) intended for the production of certified seed.

(2) For the avoidance of doubt this includes seeds intended as a component of a hybrid variety of vegetable.

Meaning of "certified seed"

48. Certified seed is seed—

(a) produced directly from basic seed or, if the breeder so requests, from seed of a generation prior to basic seed that satisfies the conditions for basic seed;

(b) intended mainly for the production of vegetables.

Meaning of "standard seed"

49. Standard seed is seed that is intended mainly for the production of vegetables and has been approved by the Secretary of State as having sufficient varietal purity and varietal identity.

Crop and seed requirements

50.—(1) Crop inspections by official or licensed crop inspectors must be carried out in accordance with Article 2(4)(A) of, and Annex I to, Council Directive 2002/55/EC on the marketing of vegetable seed(**21**), and the crop must satisfy the conditions in that Annex.

(2) The seed produced by the crop must be sampled in accordance with Article 25 of, and Annex III to, that Directive and must satisfy the conditions in Annex II to that Directive.

(3) Sub-paragraph (1) does not apply in the case of standard seed.

(4) Diseases and harmful organisms that reduce the usefulness of the seed must be at the lowest possible level.

(5) After marketing, vegetable seed is subject to control by the Secretary of State for varietal identity and varietal purity.

SCHEDULE 3 Regulations 16 and 17

Labelling and loose sales

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PART 2

Official labels

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(**21**) OJ No L 193, 20.7.2002, p. 33, as last amended by Commission Directive 2009/74/EC (OJ No L 166, 27.6.2009, p. 40).

PART 3

Additional requirements for official labels for specific species

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Supplier's labels

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PART 5

Sales of loose seed

26. Sales of loose seed
Signature
Explanatory Note

PART 1

Introduction

Types of label

1.—(1) There are two types of label for seed, official labels and supplier's labels.

(2) A supplier's label must be used on a package of breeder's seed, and may be used on a small package of seed specified in Part 3 of this Schedule and on a package of standard vegetable seed of any size.

(3) An official label must be used on any other package of seed.

Time of labelling

2. A package must be labelled at the time of sealing.

Genetically modified varieties

3. If a variety has been genetically modified, this must be stated on the label.

Chemical treatment of seed

4. If seed has been subjected to any chemical treatment, this fact and the nature of the treatment or the proprietary name of the chemical used must be stated on the label.

PART 2

Official labels

Official labels: general requirements

5.—(1) An official label is a label supplied by the Secretary of State.

(2) It must be on the outside of the package.

(3) It must not have been previously used.

(4) It must be adhesive, or secured by a sealing device approved by the Secretary of State.

(5) It must be in one of the official languages of the European Union.

(6) It must be at least 110 mm x 67 mm.

(7) It must have a unique number.

(8) It must be fixed to the package by an authorised officer of the Secretary of State, a licensed seed sampler or any person being supervised by such a person.

(9) By way of derogation from the above, in the case of cereal seed, fodder seed and oil and fibre seed, classified in each case as CS, C1, C2 or C3, the whole bag may be used as the label, provided that this is done with the approval of the Secretary of State and the bag is the same colour as is required for the label.

Official labels for pre-basic seed

6.—(1) The following must appear on an official label on pre-basic seed—

(a) the name of the certification authority;

(b) the name or initials of the member State;

(c) the reference number of the seed lot;

(d) the country of production;

(e) the month and year of sealing expressed as "sealed …" (month and year);

(f) the species (this must be the botanical name, which may be given in abridged form and without the authors' names, except that, in the case of beet or vegetable seed, the common name may be used);

(g) the variety;

(h) the description "pre-basic" or "PB";

(i) the declared net or gross weight or number of seeds (or, in the case of beet, the declared number of clusters or pure seed);

(j) where granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and the approximate ratio between the weight of the seed and the total weight (or, in the case of beet, the ratio between the weight of pure seed and the total weight);

(k) the number of generations preceding the category "certified seed (CS) " or "certified first generation (C1) seed".

(2) The label must be white with a diagonal violet stripe.

Official labels for basic seed and certified seed

7.—(1) The following must appear on an official label on certified seed—

(a) the words "EC Rules and standards";

(b) the name of the certification authority;

(c) the name or initials of the member State;

(d) the reference number of the seed lot;

(e) either—

(i) the month and year of sealing expressed as "sealed …" (month and year); or

(ii) the month and year of the last official sampling for the purposes of certification expressed as "sampled …" (month and year);

(f) the species (this must be the botanical name, either in full or in abridged form except that, in the case of beet or vegetable seed, the common name may be used);

(g) the variety;

(h) the category;

(i) the country of production;

(j) the declared net or gross weight or number of seeds or in the case of beet the declared number of clusters of pure seed;

(k) where granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and the approximate ratio between the weight of the seed and the total weight (or, in the case of beet, the ratio between the weight of pure seed and the total weight);

(l) where the germination has been retested the word "retested" followed by the month and year of re-testing.

(2) The label must be coloured—

(a) white for basic seed;

(b) blue for certified seed and certified seed of the first generation;

(c) red for certified seed of the second and third generation.

Official labels for commercial seed not certified as to variety

8.—(1) The following must appear on an official label on commercial seed not certified as to variety—

(a) the words "EC Rules and standards";

(b) the name of the certification authority;

(c) the name or initials of the member State;

(d) the reference number of the seed lot;

(e) either—

(i) the month and year of sealing expressed as "sealed …" (month and year); or

(ii) the month and year of the last official sampling for the purposes of certification expressed as "sampled …" (month and year);

(f) the species (this must be the botanical name, either in full or in abridged form except that, in the case of beet or vegetable seed, the common name may be used);

(g) the words "commercial seed not certified as to variety";

(h) the country or region of production;

(i) the declared net or gross weight or number of seeds;

(j) where granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and the approximate ratio between the weight of the seed and the total weight;

(k) where the germination has been retested the word "retested" followed by the month and year of re-testing.

(2) The label must be coloured brown.

Labelling mixtures

9.—(1) The following must appear on an official label on a mixture of seed—

(a) the authority responsible for sealing the package;

(b) the name or initials of the member State;

(c) the reference number of the seed lot;

(d) the month and year of sealing expressed as "sealed . . . ." (month and year);

(e) the species, category, variety, country of production and proportion by weight of each of the components;

(f) the declared net or gross weight, or declared number of seeds;

(g) where the weight is indicated and granulated, pelleting substances or other solid additives are used, the nature of the additive and the approximate ratio between the weight of the pure seed and the total weight;

(h) where the germination of all the components of the mixture has been retested, the word "retested" followed by the month and year of re-testing;

(i) in the case of cereals the words "mixture of " followed by the species and varieties and a qualifying statement that the mixture is effective against the propagation of a harmful organism;

(j) in the case of fodder plants the words "mixture of seeds for" followed by an indication of the intended use.

(2) But for fodder mixtures registered with the Secretary of State, provided the label shows the registered name of the mixture, the percentage by weight of each of the components may be omitted provided that—

(a) this information is supplied to the customer on request, and

(b) customers are informed that they can request these details.

(3) The label must be coloured green.

PART 3

Additional requirements for official labels for specific species

Introduction

10. The following requirements for specific species are in addition to the requirements in Part 2.

Additional requirements for beet seed

11. An official label for beet seed must specify—

(a) "monogerm" or "precision" as appropriate;

(b) "fodder beet" or "sugar beet" as appropriate.

Additional requirements for cereal seed

12.—(1) An official label for C1 and C2 naked barley must include the words "minimum germination capacity 75%".

(2) An official label for basic cereal seed of varieties that are hybrids or inbred lines must include—

(a) for basic seed where the hybrid or inbred line to which the seed belongs has been accepted on to the United Kingdom National List or the Common Catalogue, the name under which it has been officially accepted, with or without reference to the final variety, and if the seed is intended solely as a component for final varieties the word "component";

(b) 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) by the word "component".

(3) An official label for certified cereal seed (CS, C1 or C2) of varieties that are hybrids or inbred lines must include the word "hybrid" after the variety.

(4) Where seed is marketed as being of the higher voluntary standard the label must contain the letters HVS.

Additional requirements for fodder seed

13. An official label for fodder seed must include—

(a) for certified seed, second and subsequent generations, the number of generations after basic seed;

(b) in the case of seed of grass varieties in respect of which no official examination of their value for cultivation and use has been carried out the words "Not intended for fodder production";

(c) where seed is marketed at the higher voluntary standard the letters HVS.

Additional requirements for oil and fibre seed

14.—(1) An official label for basic oil and fibre seed of varieties that are hybrids or inbred lines must include—

(a) for basic seed where the hybrid or inbred line to which the seed belongs has been officially accepted on to the United Kingdom National List or the Common Catalogue, the name under which it has been officially accepted, with or without reference to the final variety, and if the seed is intended solely as a component for final varieties the word "component";

(b) 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) by the word "component".

(2) An official label for certified oil and fibre seed (CS, C1 or C2) of varieties that are hybrids or inbred lines must include the word "hybrid" after the variety.

(3) An official label for certified seed of a varietal association must be blue with a diagonal green line.

PART 4

Supplier's labels

Meaning of "supplier's label"

15. A supplier's label is a label that has not been provided by the Secretary of State.

Labelling a package

16. A supplier's label must either be attached to the package in the same way as an official label or printed indelibly on the package.

References to weights in this Part

17. In this Part references to the weight excludes any granulated pesticides, pelleting substances or other solid additives.

Breeder's seed: supplier's labels

18.—(1) The following must appear on a supplier's label on a package of breeder's seed—

(a) the name, address and registration number of the supplier responsible for attaching the label;

(b) the reference number of the seed lot;

(c) the species;

(d) the variety;

(e) the words "breeder's seed";

(f) the declared net or gross weight or number of seeds.

(2) The label must be buff-coloured.

Beet seed: supplier's labels

19.—(1) A supplier's label may be used on a small package of beet seed.

(2) A small package of beet seed (known as a "small EC package") is a package that—

(a) in the case of basic and certified beet seed of precision or monogerm varieties, either weighs not more than 2.5 kg or consists of not more than 100,000 clusters;

(b) for all other beet seed weighs not more than 10kg.

(3) The label must be the same colour as the official label for that category of seed.

(4) The following must appear on the label—

(a) the words "Small EC package";

(b) the name, address and identification number of the person affixing the label;

(c) the serial number;

(d) the service that assigned the serial number;

(e) the name or initials of the member State;

(f) the reference number if the official serial number does not enable the lot to be identified;

(g) the species;

(h) either sugar beet or fodder beet as appropriate;

(i) the variety;

(j) the category;

(k) the net or gross weight or number of clusters or pure seeds;

(l) 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 clusters or pure seeds and the total weight;

(m) either "monogerm" or "precision" as appropriate.

Cereal seed: supplier's labels

20.—(1) A supplier's label may be used on a small package of cereal seed.

(2) A small package of cereal seed is a package of any certified seed, or any mixture of certified seed, not exceeding 15kg.

(3) The label must be the same colour as the official label for that category of seed.

(4) The following must appear on the label—

(a) the words "EC rules and standards";

(b) the name and address and registration number of the supplier responsible for affixing the label;

(c) the reference number of the seed lot;

(d) the species;

(e) the variety;

(f) the category;

(g) the declared net weight or declared number of seeds;

(h) for hybrid varieties of maize, the word "hybrid";

(i) in the case of C1 and C2 seed of naked barley, the words "minimum germination capacity 75%".

Fodder seed (agricultural or amenity): packages that may be labelled with a supplier's label

21.—(1) A supplier's label may be used on a small package of fodder seed, either agricultural or amenity (including a mixture of fodder seed).

(2) A small package of fodder seed is either a small EC 'A' package or a small EC 'B' package.

(3) A small EC 'A' package is a package containing a mixture of seed not intended for the production of fodder plants, with a net weight not exceeding 2 kg.

(4) A small EC 'B' package is a package containing—

(a) basic seed,

(b) certified seed (CS, C1 or C2),

(c) commercial seed, or

(d) (unless the package is a small EC 'A' package) a mixture of seed,

with a net weight not exceeding 10 kg.

Fodder seed other than a mixture: labelling requirements

22.—(1) A supplier's label on a small package of fodder seed (other than a mixture, for which see paragraph 23) must be the same colour as the official label for that category of seed.

(2) The following must appear on the label—

(a) the words "small EC 'B' package";

(b) the name, address and identification number of the person affixing the label;

(c) the serial number;

(d) the reference number if the serial number does not enable the seed lot to be identified;

(e) the species;

(f) the net or gross weight of pure seed or the number of pure seeds;

(g) where granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of the seed and the total weight;

(h) in the case of certified seed—

(i) the variety;

(ii) the category;

(iii) for grass seed of a variety for which an examination of its value for cultivation and use is not required the words "not intended for the production of fodder plants";

(i) in the case of commercial seed the words "commercial seed".

Fodder seed mixture: labelling requirements

23.—(1) A supplier's label on small package of a mixture of fodder seed must be the same colour as the official label for that category of seed.

(2) The following must appear on the label—

(a) the words "small EC 'A' package" or "small EC 'B' package" as appropriate;

(b) the name, address and identification number of the person affixing the label;

(c) for a small EC 'A' package—

(i) the reference number enabling the seed lots used in the mixture to be identified;

(ii) the name or initials of the member State;

(d) for a small EC 'B' package—

(i) the officially assigned serial number;

(ii) the person that assigned the serial number;

(iii) the name or initials of the member State;

(iv) the reference number if the official serial number does not enable the used seed lots to be identified;

(e) the words "Seed-mixture for … (intended use)";

(f) the net or gross weight or number of pure seeds;

(g) where granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of the seed and the total weight;

(h) the percentage by weight of the various components shown by species and, where appropriate, by variety.

(3) But for mixtures registered with the Secretary of State, provided the label shows the registered name of the mixture, the percentage by weight of each of the components may be omitted provided that—

(a) this information is supplied to the customer on request; and

(b) customers are informed that they can request these details.

Oil and fibre seed: supplier's labels

24.—(1) A supplier's label may be used on a small package of oil and fibre seed.

(2) A small package of oil and fibre seed is a package of any certified or commercial oil and fibre seed that does not weigh more than 15 kg.

(3) The label must be the same colour as the official label for that category of seed.

(4) The following must appear on the label—

(a) the words "EC Rules and standards";

(b) the name and address and registration number of the supplier responsible for affixing the label;

(c) the reference number of the seed lot;

(d) the species (this must be the botanical name, either in full or in abridged form);

(e) the variety;

(f) for certified seed, the category;

(g) for commercial seed the words "commercial seed (not certified as to variety)";

(h) the declared net or gross weight of clusters of pure seeds (except for packages not exceeding 500 grams);

(i) where granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of the seed and the total weight.

Vegetable seed: supplier's labels

25.—(1) A supplier's label may be used on—

(a) a package of standard vegetable seed, no matter what the weight, and

(b) a small package of certified (CS) seed.

(2) A small package of certified (CS) vegetable seed is a package of certified (CS) seed that weighs no more than—

(a) for legumes, 5 kg;

(b) for asparagus, beetroot, carrot, chard or spinach beet, gourd, marrow, onion, radish, spinach or turnip, 500 grams;

(c) for any other vegetable species, 100 grams;

(d) for a mixture of different varieties of standard seed of lettuce or radish, 50 grams.

(3) The label must be coloured dark yellow for standard seed or blue for certified seed.

(4) The following must appear on the label—

(a) the words "EC rules and standards";

(b) the name, address and identification number of the person affixing the label;

(c) the marketing year of the sealing or of the last examination of germination (the end of the marketing year may be indicated);

(d) the species;

(e) the variety;

(f) the category: in the case of small packages, certified seed may be marked with the letter 'C' or 'Z' and standard seed with the letters 'ST';

(g) in the case of standard seed, the reference number given by the person responsible for affixing the labels;

(h) in the case of certified seed the reference number enabling the certified lot to be identified;

(i) the declared net or gross weight or declared number of seeds, except for small packages of up to 500 grams;

(j) 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 clusters of pure seeds and the total weight.

PART 5

Sales of loose seed

Sales of loose seed

26.—(1) Loose (unpackaged) seed may be sold in accordance with this paragraph.

(2) The maximum quantity that may be sold is—

(a) for fodder seed—

(i) 3 kg in the case of field beans and peas;

(ii) 2 kg in the case of all other fodder seed;

(iii) 7 kg in the case of a mixture of seed;

(b) for cereal seed, 5 kg;

(c) for beet seed, 2.5 kg;

(d) for oil and fibre seed, 5 kg;

(e) for vegetable seed—

(i) 3 kg in the case of legumes;

(ii) 1 kg in the case of all other vegetable seed.

(3) The sale must be to the final consumer, and the information that would have been required on a package of that seed must be displayed near the point of sale.

SCHEDULE 4 Regulation 9(2)

Exceptions

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Explanatory Note

PART 1

Supply of seed other than by way of marketing

Early multiplication of seed

1.—(1) Seed of an unlisted variety may be supplied by a person licensed to market seed for multiplication for progression through the different generation categories of seed.

(2) Each generation of seed supplied must have reached the standard required for certification.

(3) The seed produced must remain the property of the licensed person, and may not be marketed.

Seed as grown

2. Seed as grown may be sent by the grower for cleaning prior to certification, and to a testing or inspection body for the purposes of certification.

Farm saved seed

3. Farm-saved seed may only be used by the person who grew it, and may not be marketed or supplied to any other person, but it may be sent for cleaning provided that the person who cleans it returns all the seed to the holding where it was grown.

PART 2

Marketing seed that does not comply with Schedule 2

Seed with a declared lower germination

4.—(1) Pre-basic and basic seed with a minimum percentage germination standard lower than required in the Directive relating to that seed specified in Schedule 2 may be marketed provided that the supplier guarantees a specific minimum percentage germination.

(2) The germination must be stated on the official label together with the supplier's name and address and the reference number of the seed lot.

Early movement of seed

5.—(1) To ensure the early availability of seed, pre-basic, basic and certified seed may be marketed before the official germination result has been received if—

(a) a seed test report has been issued under these Regulations, indicating that the seed has achieved the required minimum analytical purity standard set out in the Directive relating to that seed specified in Schedule 2, and

(b) the supplier guarantees the minimum germination for that seed.

(2) This does not apply in the case of—

(a) vegetable seed; or

(b) seed imported from a third country.

Tetrazolium testing for cereal seed

6. Cereal seed may be marketed if it has been subjected to a tetrazolium test approved by the Secretary of State to establish the viability of the seed instead of the tests specified in Council Directive 66/402/EEC on the marketing of cereal seed(**22**).

Marketing seed of conservation varieties

7.—(1) The Secretary of State may authorise the marketing of seed of a conservation variety in accordance with this paragraph.

(**22**) OJ No L 125, 11.7.1966, p. 2309, as last amended by Commission Directive 2009/74/EC (OJ No L 166, 27.6.2009, p. 40).

(2) The seed must be of a variety listed as a conservation variety in the United Kingdom National List.

(3) The seed must be produced from a crop grown in the region of origin specified for the variety in the United Kingdom National List or as authorised by the Secretary of State.

(4) The seed may only be marketed and used in the stated region of origin.

(5) The total amount of seed marketed in any year must be limited in accordance with Article 14 of Commission Directive 2008/62/EC(**23**) (which relates to agricultural conservation varieties) and Article 15 of and Annex I to Commission Directive 2009/145/EC(**24**) (which relates to vegetable conservation varieties).

(6) Except in the case of seed of a vegetable conservation variety which is verified as standard seed, the seed must descend from seed produced according to well-defined practices for maintenance of the variety.

(7) In the case of beet seed, cereal seed, fodder plant seed and oil and fibre seed, the seed must comply with the requirements for certification of certified seed set out in Council Directive 2002/54/EC(**25**) (beet seed), Council Directive 66/402/EEC (cereal seed), Council Directive 66/401/EEC(**26**) (fodder plant seed) or Council Directive 2002/57/EC(**27**) (oil and fibre plant seed) (as the case may be), except the requirements in respect of minimal varietal purity and examination.

(8) Vegetable seed must comply with—

(a) the requirements for certification of certified seed set out in Council Directive 2002/55/EC(**28**) on the marketing of vegetable seed, except the requirements in respect of minimal varietal purity and examination; or

(b) the requirements for marketing of standard seed set out in that Directive, except the requirements in respect of minimal varietal purity.

(9) Seed of a conservation variety must have sufficient varietal purity.

(10) The seed must not be sold as loose seed under paragraph 26 of Schedule 3.

(11) The seed must be labelled with a supplier's label or a printed or stamped notice which, in addition to complying with the applicable provisions of the paragraph of Part 4 of Schedule 3 which applies to the type of seed in question (except provisions specifying a colour of label)—

(a) contains—

(i) in the case of an agricultural conservation variety, the words "conservation variety", or

(ii) in the case of a vegetable conservation variety, the words "certified seed of a conservation variety" or "standard seed of a conservation variety";

(b) states the region of origin; and

(c) is coloured brown.

(12) In this regulation "conservation variety" has the meaning given by regulation 2(1) of the Seeds (National Lists of Varieties) Regulations 2001(**29**).

(**23**) OJ No L 162, 21.6.2008, p. 13.
(**24**) OJ No L 312, 27.11.2009, p. 44.
(**25**) OJ No L 193, 20.7.2002, p. 12, as last amended by Council Directive 2004/117/EC (OJ No L 14, 18.1.2005, p. 18).
(**26**) OJ No L 125, 11.7.1966, p. 2298, as last amended by Commission Directive 2009/74/EC.
(**27**) OJ No L 193, 20.7.2002, p. 74, as last amended by Commission Directive 2009/74/EC.
(**28**) OJ No L 193, 20.7.2002, p. 33, as last amended by Commission Directive 2009/74/EC.
(**29**) S.I. 2001/3510; the definition of "conservation variety" was inserted by S.I. 2009/1273 and substituted by S.I. 2011/464.

Marketing preservation mixtures that include uncertified fodder seed

8.—(1) The Secretary of State may authorise the marketing of a preservation mixture of uncertified fodder species to which these Regulations apply (whether or not the mixture also contains seed to which these Regulations do not apply) if satisfied the mixture contains only seed of native plants and that using the seed will assist in the conservation of a genetic resource, avoid loss of genetic diversity or natural habitat and improve species distribution.

(2) An authorisation—

(a) may only be granted if the preservation mixture comprises exclusively of seed native to England;

(b) may specify the amount of seed that may be marketed under it;

(c) may impose conditions relating to the retention and production of samples of the preservation mixture;

(d) must specify the natural environments and the regions in England for which the mixture is suitable;

(e) must impose conditions relating to—

(i) the keeping and production of records in respect of the collection, preparation and marketing of the preservation mixture; and

(ii) labelling for the purposes of ensuring proper identification and traceability of the seed.

(3) It must have a pink supplier's label.

Marketing unlisted varieties (other than vegetable seed) for tests and trials

9.—(1) The Secretary of State may authorise the marketing of seed for which an application for entry in the United Kingdom National List has been submitted but not yet granted.

(2) This paragraph does not apply in relation to vegetable seed (for which see the following paragraph).

(3) An applicant must be a producer established in England.

(4) An authorisation is valid for one year and is renewable.

(5) An authorisation becomes invalid once the variety is added to the United Kingdom National List or the application to be listed is withdrawn or rejected.

(6) The authorisation may only be requested by the person who has submitted an application for entry of the varieties concerned in the United Kingdom National List.

(7) An authorisation may only be granted for tests or trials carried out at agricultural enterprises to gather information on the cultivation or use of the variety.

(8) The quantities authorised for each variety must not exceed the following percentages of seed of the same species used annually in the United Kingdom—

(a) in the case of durum wheat: 0.05 %,

(b) in the case of field pea, field bean, oats, barley and wheat: 0.3 %,

(c) in all other cases: 0.1 %,

except that, if such quantities are not sufficient to sow 10 hectares, the quantity needed for such an area may be authorised.

(9) Fodder plant seed must comply with the conditions for—

(a) certified seed (all species other than field peas and field beans); or

(b) certified seed, second generation (field peas and field beans).

(10) Cereal seed must comply with the conditions for—

(a) certified seed (rye, maize and hybrids of oats and red oats, barley, wheat, durum wheat, spelt wheat and triticale other than self-pollinating varieties); or

(b) certified seed, second generation oats and red oats, barley, wheat, durum wheat, spelt wheat and self-pollinating varieties of triticale, other than hybrids in each case.

(11) Beet seed must comply with the conditions for certified seed.

(12) Seed of oil and fibre plants must comply with the conditions for—

(a) certified seed (all species other than flax and linseed);

(b) certified seed, second and third generation (flax and linseed).

(13) The package must be labelled with an orange label which must include the words "variety not yet officially listed; for tests and trials only" and, where applicable "genetically modified variety" in addition to the other labelling requirements in these Regulations.

Marketing unlisted varieties of vegetable seed

10.—(1) For the purpose of gaining knowledge and practical experience of a variety during cultivation, the Secretary of State may authorise the marketing of vegetable seed not listed on the United Kingdom National List provided an application has been made for entry into the National List of at least one member State.

(2) An authorisation is valid for one year and is renewable twice for a period not exceeding one year at each renewal.

(3) There are no quantitative restrictions on the amount that may be authorised.

(4) The authorisation may only be requested by the person who has submitted an application for entry of the varieties concerned on to the relevant National List.

(5) The package must have an orange label and include the words "Variety not yet officially listed" in addition to the other labelling requirements of these Regulations (except that the name of the certifying authority and the country of origin need not appear).

(6) The person marketing the seed must—

(a) retain a sample of each seed lot marketed and keep it for at least two years;

(b) record for each sale the name and address of the buyer and keep the record for at least three years.

Marketing for scientific or selection purposes

11.—(1) The Secretary of State may authorise a producer to place on the market small quantities of seed (other than vegetable seed) for scientific or selection purposes.

(2) The Secretary of State may grant an authorisation whether or not the variety is listed on the United Kingdom National List or the Common Catalogue.

(3) An applicant must be a producer established in England.

(4) The package must have an orange label and include the words "Variety not yet officially listed" (if this is the case) in addition to the other labelling requirements of these Regulations.

(5) The person marketing the seed must—

(a) retain a sample of each seed lot marketed and keep it for at least two years;

(b) record for each sale the name and address of the buyer and keep the record for at least three years.

Restrictions relating to genetically modified seed

12. The Secretary of State may only grant an authorisation in respect of seed of a genetically modified variety under paragraphs 8 to 11 if the marketing and release of the genetically modified material by the applicant have been authorised for cultivation under either—

(a) Directive 2001/18/EC of the European Parliament and of the Council (on the deliberate release into the environment of genetically modified organisms(**30**)), or

(b) Regulation (EC) No 1829/2003 (on genetically modified food and feed(**31**)).

Marketing imported seed to be labelled as HVS

13.—(1) Seed certified in another member State or third country may be marketed as meeting a higher voluntary standard in accordance with this paragraph.

(2) A sample must be submitted to the Secretary of State for testing, and the Secretary of State, if satisfied that the sample meets the higher voluntary standard, must issue a certificate confirming this.

(3) The seed must be re-labelled using —

(a) an official label issued by the Secretary of State if the seed is from another member State, or

(b) an OECD label if the seed is from a third country,

and in both cases the country of production must be stated on the label.

(4) Seed imported pending inclusion in the United Kingdom National List or not finally certified in the country of production may be verified as being of a higher voluntary standard and re-graded after listing or final certification.

Marketing seed certified in another member State

14. Seed fully certified and labelled in another member State may be marketed without further certification under these Regulations.

Marketing seed of amateur vegetable varieties

15.—(1) The Secretary of State may authorise the marketing of seed of an amateur vegetable variety in accordance with this paragraph.

(2) The seed must be of a variety listed as an amateur vegetable variety in the United Kingdom National List.

(3) The seed must comply with the requirements for marketing of standard seed set out in Council Directive 2002/55/EC(**32**) on the marketing of vegetable seed, except the requirements in respect of minimal varietal purity.

(4) The seed must have sufficient varietal purity.

(5) The seed must be marketed in small packages not exceeding the net weight specified in Annex II to Commission Directive 2009/145/EC(**33**) (which relates to amateur vegetable varieties).

(6) The seed must be labelled with a supplier's label or a printed or stamped notice which, in addition to complying with the applicable provisions of paragraph 25 of Schedule 3, contains the words "amateur variety".

(**30**) OJ No L 106, 17.4.2001, p. 1, as last amended by Directive 2008/27/EC (OJ No L 81, 20.3.2008, p. 45).
(**31**) OJ No L 268, 18.10.2003, p. 1, as last amended by Regulation (EC) No 298/2008 (OJ No L 97, 9.4.2008, p. 64).
(**32**) OJ No L 193, 20.7.2002, p. 33, as last amended by Commission Directive 2009/74/EC (OJ No L 166, 27.6.2009, p. 40).
(**33**) OJ No L 312, 27.11.2009, p. 44.

(7) In this regulation "amateur vegetable variety" has the meaning given by regulation 5A(5) of the Seeds (National Lists of Varieties) Regulations 2001(**34**).

PART 3

Certifying seed that does not fully comply with these Regulations

Seed not finally certified, harvested in another member State

16.—(1) Seed—

(a) that has been produced—

(i) directly from basic seed or certified seed of the first generation officially certified either in another member State or in a third country that has been granted equivalence under the Directive relating to that seed specified in Schedule 2, or

(ii) from the crossing of basic seed certified in a member State with basic seed certified in such a third country, and

(b) that has been harvested in another member State,

may be certified if that seed has undergone field inspection for that category of seed and if official examination has shown that the conditions for seed of that category are satisfied.

(2) Where the seed has been produced directly from officially certified seed of generations prior to basic seed, it may be certified as basic seed if the conditions laid down for that category are satisfied.

(3) It must be labelled with a grey label bearing the following information—

(a) the authority responsible for field inspection and the name or initials of the member State;

(b) the species, indicated at least under its botanical name, which may be given in abridged form and without the author's names;

(c) the variety (in the case of inbred lines and hybrids intended solely as components for hybrid varieties, the word 'component' must be added);

(d) the category;

(e) in the case of hybrid varieties, the word 'hybrid';

(f) the declared net or gross weight;

(g) the words 'seed not finally certified'.

(4) It must be accompanied by an official document stating—

(a) the authority issuing the document;

(b) the species, indicated at least under its botanical name, which may be given in abridged form and without the authorities' names;

(c) the variety;

(d) the category;

(e) the reference number of the seed used to sow the field and name of the country that certified that seed;

(f) the reference number of the seed lot or field;

(g) the area cultivated for the production of the seed lot covered by the document;

(h) the quantity of seed harvested and number of packages;

(**34**) S.I. 2001/3510; regulation 5A was inserted by S.I. 2011/464.

(i) the number of generations after basic seed, in the case of certified seed;

(j) an attestation that the conditions to be satisfied by the crop from which the seed comes have been fulfilled;

(k) where appropriate, the results of a preliminary seed analysis.

Seed not finally certified, harvested in a third country

17.—(1) Seed harvested in a third country may be certified if—

(a) it has been produced directly from—

(i) basic seed or certified seed of the first generation certified either in a member State or in a third country that has been granted equivalence under Council Decision 2003/17/EC 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(**35**); or

(ii) the crossing of basic seed officially certified in a member State with basic seed certified in such a third country;

(b) it has undergone field inspection in accordance with Council Decision 2003/17/EC;

(c) examination has shown that the conditions for seed of that category are satisfied;

(d) it is accompanied by a certificate from the competent authority of the country of origin certifying its status.

(2) The label must be grey.

Marketing extensions

18. The Secretary of State may grant a marketing extension allowing an extended period for the certification and marketing of seed of a variety that has been deleted from the United Kingdom National List or the Common Catalogue.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in England, implement—

Council Directive 66/401/EEC on the marketing of fodder plant seed;

Council Directive 66/402/EEC on the marketing of cereal seed;

Council Directive 2002/54/EC on the marketing of beet seed;

Council Directive 2002/55/EC on the marketing of vegetable seed;

Council Directive 2002/57/EC on the marketing of seed of oil and fibre plants;

(partially) Commission Directive 2008/62/EC providing for certain derogations for acceptance of agricultural landraces and varieties which are naturally adapted to the local and regional conditions

(**35**) OJ No L 8, 14.1.2003, p. 10, as last amended by Council Decision 2007/780/EC (OJ No L 314, 1.12.2007, p. 20).

and threatened by genetic erosion and for marketing of seed and seed potatoes of those landraces and varieties;

Commission Directive 2009/74/EC amending Council Directives 66/401/EEC, 66/402/EEC, 2002/55/EC and 2002/57/EC as regards the botanical names of plants, the scientific names of other organisms and certain Annexes to Directives 66/401/EEC, 66/402/EEC and 2002/57/EC in the light of developments of scientific and technical knowledge; and

(partially) Commission Directive 2009/145/EC providing for certain derogations, for acceptance of vegetable landraces and varieties which have been traditionally grown in particular localities and regions and are threatened by genetic erosion and of vegetable varieties with no intrinsic value for commercial crop production but developed for growing under particular conditions and for marketing of seed of those landraces and varieties.

They revoke and replace the Seed Marketing Regulations 2010 (S.I. 2010/2605), in order to implement (in part) Commission Directive 2009/145/EC (seeds of vegetable conservation varieties and of amateur vegetable varieties), by amending paragraph 7 of Schedule 4 and adding a new paragraph 15 to that Schedule.

The remaining provisions of Commission Directive 2009/145/EC are implemented by amendments to the Seeds (National Lists of Varieties) Regulations 2001 (S.I. 2001/3510).

Parts 1 and 2 of the Regulations are introductory and set out the various categories of seed.

The types of seed to which the Regulations apply are set out in Schedule 1.

Part 3 contains requirements for marketing seed. In order to be marketed, the seed must comply with the requirements set out for certification, packaging, sealing and labelling (regulation 8). Schedule 2 sets out certification requirements and Schedule 3 sets out labelling requirements and provision for sale of loose seed. Schedule 4 sets out exceptions to the general requirements.

Part 3 also imposes record-keeping requirements (regulation 19).

Under Part 4, a licence is required to carry out certain operations such as marketing seed (regulation 20). The Secretary of State licenses crop inspectors, seed samplers and seed testing stations to act under these Regulations (regulation 21).

Part 5 sets out administrative provisions (including provision for fees) and transitional provisions.

In accordance with section 16(7) of the Plant Varieties and Seeds Act 1964, breach of the regulations is an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale.

A transposition note for the implementation of Commission Directive 2009/145/EC is available from the Food and Environment Research Agency, Whitehouse Lane, Huntingdon Road, Cambridge CB3 OLF.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector, in relation to the transposition of Commission Directive 2009/145/EC, is available from that same address, and is published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.