L.N. 81 of 2006

PLANT QUARANTINE ACT
(CAP. 433)

Seeds of Agricultural Plants and Vegetables Regulations, 2006

IN exercise of the powers conferred by article 32 of the Plant Quarantine Act, the Minister for Rural Affairs and the Environment has made the following regulations:-

Title.

1. The title of these regulations is the Seeds of Agricultural Plants and Vegetables Regulations, 2006.

Scope.

2. (1) The scope of these regulations is to make provision for assuring that any seeds produced, placed on the market in Malta or to be exported to the European Community, or being transhipped through Malta prior to its transport to another Member State, meets specified standards of quality.

(2) These regulations also control the production, with a view to marketing and to the marketing, of seeds of agricultural plants and vegetables of the genera, species and their hybrids listed in Schedule I of these regulations, within the Community.

(3) These regulations shall apply to seeds intended to be used only for the production of crops and shall not apply to seeds:

(a) marketed for delivery to third countries;

(b) used or to be used in the course of a process of selection; or

(c) marketed with a view to processing, treatment or cleaning, where their identity is stated by the person by whom they are marketed.

(4) These regulations shall not apply to propagation material intended to be exported to third countries, if properly identified as such and kept sufficiently isolated, without prejudice to the health rules laid down in the Act.

Interpretation.

3. (1) For the purpose of these regulations, the following general definitions shall apply:

"agricultural plants" are plants that are subdivided into:

(a) cereals that are plants of the genera and species listed in Table 1.1 of Schedule I of these regulations, intended for agricultural or horticultural production other than the production for ornamental purposes;

(b) fodder plants that are plants of genera and species listed in Tables 1.2 and 1.3 of Schedule I;

(c) seed potatoes that are tubers or propagation material for planting other than true potato seed, of the genus and species stated in Table 1.4 of Schedule I;

"the Act" means the Plant Quarantine Act, 2001;

"the Department" means the department responsible for plant health;

"the Director" means the Director responsible for the department and includes to the extent of the authority given, any officer authorised by him, in writing, to act in that behalf for any of the purposes of the Act;

"genetically-modified seed" refers to seed that has its genetic material altered in a way that does not exist naturally within the meaning of Directive 2001/18/EC of the European Parliament and of the Council of the 12th March, 2001;

"marketing" refers to 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, and "market" and "marketed" shall be construed accordingly:

Provided that trade in seed that is not aimed at commercial exploitation of the variety, such as the following operations, shall not be regarded as marketing:

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

(b) the supply of seed to providers of services for processing or packaging, provided that the provider of services does not acquire title to seed thus supplied.

Provided further that the supply of seed, under certain conditions to providers of services for the production of certain agricultural raw materials, intended for industrial purposes, or seed propagation for that purpose, shall not be regarded as marketing, provided that the provider of services does not acquire title to either the seed thus supplied or the product of the harvest. The supplier of seed shall provide the Seed Certification Authority with a copy of the relevant parts of the contracts made with the provider of services and this shall include the standards and conditions currently met by the seed provided;

"official examination" means:

(a) an examination carried out by or on behalf of the Director, subject to an application for such examination having been done to the Director in such form and manner and at such time as the Director may, at his discretion, require and to the payment of any fees;

(b) an examination carried out by or on behalf of the said Department; or

(c) in relation to seed produced elsewhere other than in Malta, an examination approved by the Director;

"official label" means a label issued or authorised by the Department;

"official measures" are measures taken by:

(a) the Department;

(b) any legal person acting under the responsibility of the Department; or

(c) any natural person duly designated for that purpose, in the case of ancillary activities, which are also subject to the Department's control:

Provided that the persons mentioned under (b) and (c) above derive no private gain from such measures;

"seed lot" means an identifiable consignment of seed of a weight not exceeding that specified in Schedule IV, bearing a unique reference number, in which the seed shall have been mixed or blended so that, as far as is practicable, the seed lot shows no evidence of heterogeneity;

"seed as grown" means seed as harvested, marketed for processing, provided that the identity of the seed is ensured;

"small packages of fodder plants" refers to packages of seed containing a net weight of not more than 10 kilograms of pre-basic seed;

"small EC A packages of fodder plants" are packages containing a mixture of seeds not intended for the production of fodder plants with a net weight of not more than 2 kilograms, excluding, where appropriate, granulated pesticides, pelleting substances or other solid additives*;*

"small EC B packages of fodder plants" are packages which may contain basic seed, certified seed, commercial seed or, if the packages concerned are not small EC A packages, a mixture of seed with a net weight not exceeding 10 kilograms excluding, where appropriate, granulated pesticides, pelleting substances or other solid additives;

"small EC packages of vegetables" refers to packages with certified seed or standard seed up to a maximum net weight as specified hereunder:

(a) 5 kilograms for legumes;

(b) 500 grams for asparagus, red beet or beetroot, carrots, gourd, marrows, onions, radish, spinach, spinach beet or chard, turnips and watermelons; and

(c) 100 grams for all other species of vegetables;

"vegetables" are plants of the genera and species listed in Table 1.5 of Schedule I and intended for agricultural or horticultural production but not for ornamental uses.

(2) The following definitions shall apply in respect of cereals:

"basic seed of hybrids of oats, barley, rye, wheat, durum wheat, spelt wheat and self-pollinating triticale" means seed which -

(a) is intended for the production of hybrids;

(b) subject to the provisions of regulation 16 hereof, satisfies the conditions laid down in Schedules II and III for basic seed; and

(c) has been found by official examination or in the case of the conditions laid down in Schedule III, either by official examination or by examination carried out under official supervision to satisfy the conditions set out in (a) and (b);

"basic seed of maize and sorghum species" refers to seed that can be -

1. basic seed of open-pollinated varieties which refers to seed that -

(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 varieties, top cross hybrids or of inter-varietal hybrids;

(iii) subject to the provisions of regulation 16, satisfies the conditions laid down in Schedules II and III for basic seed; and

(iv) has been found by official examination or in the case of the conditions laid down in Schedule III, either by official examination or by examination carried out under official supervision to satisfy the conditions set out in (i), (ii) and (iii);

2. basic seed of inbred lines refers to seed which -

(i) subject to the provisions of regulation 16, satisfies the conditions laid down in Schedules II and III for basic seed; and

(ii) has been found by official examination or in the case of the conditions laid down in Schedule III, either by official examination or by examination carried out under official supervision to satisfy the conditions set out in (i);

3. basic seed of simple hybrids means seed that -

(i) is intended for the production of double hybrids, triple cross or top cross hybrids;

(ii) subject to the provisions of regulation 16, satisfies the conditions laid down in Schedules II and III for basic seed; and

(iii) has been found by official examination or in the case of the conditions laid down in Schedule III, either by official examination or by examination carried out under official supervision to satisfy the conditions set out in (i) and (ii);

"basic seed of oats, barley, canary grass, rye, wheat, durum wheat, spelt wheat and self-pollinating triticale, other than hybrids in each case" refers to seed that -

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

(b) is intended for the production of certified seed, certified seed of the first generation or certified seed of the second generation;

(c) subject to the provisions of regulation 16, satisfies the conditions laid down in Schedules II and III for basic seed, and

(d) has been found by official examination or in the case of the conditions laid down in Schedule III, either by official examination or by examination carried out under official supervision to satisfy the conditions set out in (a), (b) and (c);

"certified seed of canary grass, other than hybrids, rye, sorghum, sudan grass, maize and hybrids of oats, barley, wheat,

durum wheat, spelt wheat and self-pollinating triticale refers to seed which -

(a) has originated directly from basic seed or, if the breeder so requests, from pre-basic seed which can satisfy and has been found, by official examination, to satisfy the conditions laid down in Schedules II and III for basic seed;

(b) is intended for purposes other than the production of cereal seed;

(c) subject to the provisions of regulation 16, satisfies the conditions laid down in Schedules II and III for certified seed; and

(d) has been found by official examination or by examination carried out under official supervision to satisfy the conditions set out in (a), (b) and (c);

"certified seed of the first generation of oats, barley, wheat, durum wheat, spelt wheat and self-pollinating triticale, other than hybrids in each case refers to seed which -

(a) has been produced directly from basic seed or, if the breeder so requests, from pre-basic seed, which has been found by official examination, to satisfy the conditions laid in Schedules II and III for basic seed;

(b) is intended either for the production of certified seed of the second generation or for purposes other than the production of cereal seed;

(c) satisfies the conditions laid down in Schedules II and III for certified seed of the first generation; and

(d) has been found by official examination or by examination carried out under official supervision to satisfy the conditions set out in (a), (b) and (c);

"certified seed of the second generation of oats, barley, wheat, durum wheat, spelt wheat and self-pollinating triticale, other than hybrids in each case means seed that -

(a) has been produced directly from basic seed, from certified seed of the first generation, or if the breeder so requests, from seed of a generation prior to basic seed which

has been found by official examination to satisfy conditions laid down in Schedules II and III for basic seed;

(b) is intended for purposes other than the production of cereal seed;

(c) satisfies the conditions laid down in Schedules II and III for certified seed of the second generation; and

(d) has been found by official examination or by examination carried out under official supervision to satisfy the conditions set out in (a), (b) and (c);

"pre-basic seed" means seed -

(a) of a generation earlier than that of basic seed and has been produced by or under the responsibility of the breeder; and

(b) which is intended for the production of basic seed or, if the breeder so requests, certified seed, certified seed of the first generation or certified seed of the second generation; and

(c) which satisfies the requirements for basic seed;

"varieties, hybrids and inbred lines of maize and sorghum species" refer to -

(a) the open-pollinated variety which is a sufficiently uniform and stable variety;

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

(c) the simple hybrid which refers to the first generation of a cross, defined by the breeder, between two inbred lines;

(d) the double hybrid which is the first generation of a cross, defined by the breeder, between two simple hybrids;

(e) the triple cross hybrid meaning the first generation of a cross, defined by the breeder, between an inbred line and a simple hybrid;

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

(g) the intervarietal hybrid which refers to the first generation of a cross, defined by the breeder, between plants grown from basic seed of two open-pollinated varieties, defined by the breeder.

(3) The following definitions shall apply in respect of fodder plants:

"basic seed of bred varieties" refers to seed which -

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

(b) is intended for the production of certified seed;

(c) subject to the provisions of regulation 16, satisfies the conditions laid down in Schedules II and III for basic seed; and

(d) has been found by official examination or, in the case of the conditions laid down in Annex III, either by official examination or by examination carried out under official supervision, to satisfy the conditions set out in (a), (b) and (c);

"basic seed of local varieties" refers to seed that -

(a) has been 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) is intended for the production of certified seed;

(c) subject to the provisions of regulation 16, satisfies the conditions laid down in Schedules II and III for basic seed; and

(d) has been found by official examination or, in the case of the conditions laid down in Annex III, either by official examination or by examination carried out under official

supervision, to satisfy the conditions set out in (a), (b) and (c);

"certified seed of all the species listed in Tables 1.2 and 1.3 of Schedule I other than *Medicago sativa, Pisum sativum*, *Vicia faba* and *Vicia sativa*" refers to seed which -

(a) has been produced directly from basic seed, or if the breeder so requests, from seed of a generation prior to basic seed which has been found, by official examination, to satisfy the conditions laid in Schedules II and III for basic seed;

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

(c) subject to the provisions of regulation 16, satisfies the conditions laid down in Schedules II and III for certified seed; and

(d) has been found by official examination or by examination carried out under official supervision to satisfy the conditions set out in (a), (b) and (c);

"certified seed of the first generation of *Medicago sativa, Pisum sativum, Vicia faba* and *Vicia sativa*" means seed which -

(a) has been produced directly from basic seed, or if the breeder so requests, from seed of a generation prior to basic seed which has been found by official examination to satisfy conditions laid in Schedules II and III for basic seed;

(b) is intended either for the production of certified seed of the second generation or for purposes other than the production of fodder plant seeds;

(c) subject to the provisions of regulation 16, satisfies the conditions laid down in Schedules II and III for certified seed; and

(d) has been found by official examination or by examination carried out under official supervision, to satisfy the conditions set out in (a), (b) and (c);

"certified seed of the second generation of *Medicago sativa, Pisum sativum, Vicia faba* and *Vicia sativa*" refers to seed which -

(a) has been produced directly from basic seed, from certified seed of the first generation or, if the breeder so requests, from seed of a generation prior to basic seed which can satisfy and has been found by official examination to satisfy conditions laid in Schedules II and III for basic seed;

(b) is intended for purposes other than the production of seeds of fodder plants;

(c) subject to the provisions of regulation 16 regarding seed as grown, satisfies the conditions laid down in Schedules II and III for certified seed; and

(d) has been found by official examination or by examination carried out under official supervision, to satisfy the conditions set out in (a), (b) and (c);

"commercial seed" refers to seed which –

(a) is identifiable as belonging to a species;

(b) subject to the provisions of regulation 16, satisfies the conditions laid down in Schedule III for commercial seed; and

(c) has been found by official examination or by examination carried out under official supervision, to satisfy the conditions set out in (a) and (b).

(4) The following definitions shall apply in respect of potatoes:

"basic seed potatoes" refers to potato tubers which -

(a) have been produced according to accepted practices for the maintenance of the variety and of health;

(b) are intended mainly for the production of certified seed potatoes;

(c) satisfy the minimum conditions laid down in Schedules II and III for basic seed potatoes; and

(d) have been found by official examination, to satisfy the minimum conditions mentioned above;

"certified seed potatoes" means potato tubers that -

(a) are of direct descent from basic seed, certified seed or from seed of a generation prior to basic seed which have been found by official examination, to satisfy the conditions laid down in Schedules II and III for basic seed;

(b) are intended mainly for the production of potatoes other than seed potatoes;

(c) satisfy the minimum conditions laid down in Schedules II and III for certified seed potatoes; and

(d) have been found by official examination, to satisfy the above minimum conditions;

"pre-basic seed potatoes" refers to potato tubers which –

(a) have been produced in accordance with accepted practices for the maintenance of the variety and of health;

(b) are intended mainly for the production of basic seed;

(c) satisfy the minimum conditions for pre-basic seed; and

(d) have been found by official examination, to satisfy the minimum conditions referred to in point (c) of this definition.

(5) The following definitions shall apply in respect of vegetables:

"basic seed" refers to seed which -

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

(b) is intended for the production of certified seed;

(c) subject to the provisions of regulation 16, satisfies the conditions laid down in Schedules II and III for basic seed; and

(d) has been found by official examination or, in the case of the conditions laid down in Schedule III, either by official examination or examination carried out under official supervision to satisfy the conditions set out in (a), (b) and (c);

"certified seed" means seed that -

(a) is produced directly from basic seed or, if the breeder so requests, from pre-basic seed, which can satisfy and has been found by official examination, to satisfy the conditions laid down in Schedules II and III for basic seed;

(b) is intended mainly for the production of vegetables;

(c) subject to the provisions of regulation 16, satisfies the conditions in Schedules II and III for certified seed;

(d) has been found by official examination or by examination carried out under official supervision to satisfy the conditions set out in (a), (b) and (c); and

(e) is subject to official post-control examination by check inspection to verify its varietal identity and varietal purity;

"standard seed" means seed of vegetables which -

(a) has sufficient varietal identity and varietal purity;

(b) is intended mainly for the production of vegetables;

(c) satisfies the conditions laid down in Schedule III; and

(d) is subject to official post-control by check inspection to verify its varietal identity and varietal purity.

Certification.

4. No person shall produce, place on the market in Malta or to the European Community or tranship through Malta prior to transport to another Member State any propagation material unless this has been certified by the Director for any such purpose.

Notification.

5. (1) Any person producing, placing on the market in Malta or transhipping through Malta prior to transport to another Member State any propagation material shall notify the Director.

(2) A notice submitted in accordance with sub-regulation (1) of this regulation shall be submitted on such form and in such manner and within such time as the Director may form time to time by notice in the Gazette, establish.

General certification procedure.

6. (1) Upon receipt of a notice in accordance with the provisions of regulation 5 hereof, the Director shall ascertain that the conditions for certification have been met and the Director shall issue such a certificate only if the propagation material meets such conditions or standards.

(2) Prior to certifying any propagation material in accordance with sub-regulation (1) of this regulation, the Director or his authorised representative shall inspect, collect and test such sample or samples as may be required in order to establish that any provisions of these regulations are satisfied.

(3) Any certificate issued in accordance with this regulation shall only be valid for the propagation material for which the inspection, sampling and testing were carried out in accordance with sub-regulation (2) hereof.

Listing of varieties.

7. For cereals, fodder plants, potatoes and vegetables, only varieties officially accepted by the Department may be marketed. National catalogues of such varieties shall be established and such catalogues may be consulted by any person.

Conditions for listing of varieties of agricultural plants and vegetable species.

8. (1) A variety of seeds of agricultural plants and vegetables cannot be certified and marketed unless it is officially accepted according to the following provisions of this regulation. One or more catalogues of all varieties that are officially accepted for certification, verification as standard seed (in the case of vegetable seeds) and marketing in Malta, must be established. In the case of vegetables, the catalogues shall be subdivided according to the varieties:

(a) whose seed may be certified as either basic seed or certified seed, or may be verified as standard seed; or

(b) whose seed may not be verified except as standard seed.

(2) (a) A variety is accepted only if it is distinct, stable and sufficiently uniform. In the case of a genetically-modified variety, the deliberate release into the environment of the variety shall be accepted only if all appropriate measures have been taken to avoid adverse effects on human health and the environment. In the case of

agricultural plants and industrial chicory (vegetable), the variety must be of satisfactory value for cultivation and use;

(b) A variety shall be regarded as distinct if, whatever the origin (artificial or natural) of the initial variation from which it has resulted, is clearly distinguishable in one or more important characteristics from any other variety known in the Community. The characteristics must lead to a precise recognition and precise definition. A variety known in the Community shall be any one which, at the time when the application for its acceptance to be assessed is duly made, is either listed in the Common Catalogue of varieties of agricultural plant species or the Common Catalogue of vegetable species, or if not listed in the Common Catalogues, has been accepted or has been submitted for acceptance in Malta, either for certification and marketing, or for certification for other countries, or for verification as standard seed in the case of vegetables, unless the afore mentioned conditions are no longer fulfilled in all the Member States concerned before the decision on the application for acceptance of the variety to be assessed, is taken;

(c) A variety shall be regarded as stable if, after successive propagation or multiplications or at the end of each cycle (where the breeder has defined a particular cycle of propagation or multiplications), it remains true to the description of its essential characteristics;

(d) A variety shall be regarded as sufficiently uniform if, apart from a very few aberrations, the plants of which it is composed are, taking into account the distinctive features of the reproductive systems of the plants, similar or genetically identical as regards the characteristics taken as a whole, which are considered for this purpose.

(3) (a) Examination of the value for cultivation and use referred to in paragraph (2) (a) of this regulation shall not be required for the acceptance of:

(i) varieties of grasses if the breeder declares that the seeds of his variety are not intended for the production of fodder plants. It may be decided to the extent that this is justified in the interest of free circulation of seed that varieties have to be shown by appropriate examination to be suitable for the purpose for which they are declared to be intended to be used. In such cases, the conditions for the examination shall be determined;

(ii) varieties whose seeds are to be marketed in another Member State which has already accepted the varieties, taking into consideration their value for cultivation and use.

(iii) for the acceptance of varieties (inbred lines and hybrids) which are intended solely as components for hybrid varieties satisfying the requirements laid down in paragraph (2)(a):

Provided further that where material derived from a plant variety is intended to be used as a food or food ingredient falling within the scope of Regulation (EC) No. 258/97, these must not present a danger for the consumer, mislead the consumer and differ from foods or food ingredients which they are intended to replace to such an extent that their normal consumption would be nutritionally disadvantageous for the consumer;

(b) The value of a variety of agricultural plants for cultivation or use shall be regarded as satisfactory if, compared to other varieties accepted in the national catalogue, its qualities, taken as a whole, offer, at least as far as production in any given region is concerned, a clear improvement either for cultivation or as regards the uses which can be made of the crops or the products derived therefrom. Where other superior characteristics are present, individual inferior characteristics may be disregarded.

(4) The acceptance of varieties shall be based on the results of official examinations, particularly growing trials, covering a sufficient number of characteristics for the variety to be described. The methods used for determining characteristics must be accurate and reliable. It shall be ensured that varieties coming from other Member States are subject to the same requirements, in particular as regards the acceptance procedure, as those that apply to local varieties.

(5) (a) In order to establish distinctness, the growing trials shall include at least the available comparable varieties which are known in the Community within the meaning of paragraph (2)(a) hereof;

(b) For the purpose of applying sub-regulation (6) of this regulation, other available comparable varieties shall be included. In the case of vegetable varieties whose seed may not be verified except as standard seed, the results of unofficial examinations and knowledge gained from practical experience during cultivation may be taken into consideration in relation to the results of an official examination;

(c) It may be prescribed that, as from dates established according to rules of the European Union, varieties of certain vegetable species will no longer be accepted except on the basis of official tests. Current scientific and technical knowledge on the following matters shall be taken into account:

(i) the characteristics to be covered as a minimum by the examinations of the various species;

(ii) the minimum requirements for carrying out the examinations;

(iii) the necessary arrangements for the growing trials to be carried out with a view to assessing the value for cultivation or use in the case of agricultural plants.

(6) Official publication of the national catalogues of varieties accepted in Malta, shall be arranged and, where maintenance breeding of the variety is required, the name of the person or persons responsible for this in Malta, should be noted. When several persons are responsible for the maintenance of a variety, the names need not be published. Instead, the catalogue shall indicate the authority holding the list of names of persons responsible for the maintenance of the variety. At the time of acceptance, the variety shall be known by the same name in all the Member States. If it is known that seed or propagation material of a variety is marketed in another country under a different name, that name shall also be indicated in the catalogue. For each new variety accepted in Malta, the other Member States and the European Commission have to receive a brief description of the most important character for use.

(7) (a) A special file on each accepted variety, containing a description of the variety and a clear summary of all the facts on which acceptance was based, shall be compiled. The varietal descriptions shall apply for plants produced directly from:

(i) seeds and young plants of the category certified seed and propagation material, in the case of agricultural plants; and

(ii) certified seed or from standard seed, in the case of vegetables;

(b) Acceptance files shall be made available for the personal and exclusive use of any person including those of other Member States and the European Commission who are able to show a legitimate interest. Information that is treated as confidential such as results of examination studies of the genealogical components of hybrids and synthetic varieties shall not be exchanged apart from exceptional cases;

(c) If and when genetically-modified varieties are accepted, they should be clearly indicated as such in the catalogue of varieties. It shall be ensured that any person marketing such a variety

clearly indicates in his sales catalogue that the variety is genetically-modified;

(d) In the case of varieties (inbred lines, hybrids) of agricultural plants that are intended solely as components for final varieties, the provisions of paragraph (7) apply only to the extent that the seeds that belong to them are to be marketed under their names. In the meantime, in the case of cereals other than maize, these provisions may be applied to other component varieties in respect of seed intended for certification in Malta. Component varieties shall be indicated as such.

(8) (a) Acceptance of a variety shall be valid until the end of the tenth calendar year following acceptance. It may be renewed at given intervals if it still cultivated on such a scale as to justify this, or should be retained in the interest of conserving plant genetic resources, and providing that the requirements as to distinctness, uniformity and stability, are still satisfied;

(b) For both agricultural plants and vegetables, applications for renewal shall be submitted not later than two years before the expiry of acceptance except for plant genetic resources. The period of validity of acceptance shall be extended provisionally until a decision is taken on the application for renewal;

(c) Accepted varieties must be maintained according to accepted practices for the maintenance of the variety. It must at all times be possible to check maintenance from the records kept by the person or persons responsible for the variety. These records shall also cover the production of all generations prior to basic seed (of agricultural plants and vegetables) or propagation material (of agricultural plants). Samples may be requested from the person responsible for the variety. Such samples may if necessary be taken officially;

(d) Where maintenance takes place in another Member State, Malta and the other country shall assist each other administratively as regards verification.

(9) (a) Any doubts which arise after the acceptance of a variety concerning the appraisal of its distinctness or of its name at the time of acceptance are clarified;

(b) Where, after acceptance of a variety, it is established that the condition concerning distinctness within the meaning of sub-regulation (2) of this regulation was not fulfilled at the time of acceptance, acceptance shall be replaced by another decision or, where

appropriate, a revocation, which conforms with these regulations. By this other decision, the variety shall, with effect from the date of its initial acceptance, no longer be regarded as a variety known in the Community within the meaning of paragraph (2) (b). Where, after acceptance of a variety, it is established that its name was not acceptable when the variety was accepted, the name shall be adapted in such a way that it conforms with these regulations. It may be permitted that the previous name may be used temporarily as an additional name. The detailed arrangements in accordance with which the previous name may be used as an additional name shall be established according to the rules of the European Union.

(10) (a) Acceptance of a variety is surely revoked if it is proved, on examination, that the variety is no longer distinct, stable or sufficiently uniform or, if the person or persons responsible for the variety so request, unless maintenance of the variety is assured;

(b) Acceptance of a variety may be revoked if the laws, regulations and administrative provisions adopted in this regulation are not complied with and, if, at the time of the application for acceptance or during examination, false or fraudulent particulars were supplied concerning the facts on the basis of which acceptance was granted;

(c) Where acceptance is refused or revoked, the results of the examinations shall be made available to persons affected by such a decision. It shall be ensured that a variety is deleted from the catalogues if its acceptance has been revoked or if the period of validity of acceptance has expired.

(11) A period of certification, verification as standard seed (of vegetables) and marketing of seed (of agricultural plants and vegetables) and propagation material (of agricultural plants), may be allowed up to the 30th June of the third year at most after expiry of the acceptance.

(12) Any application or withdrawal of an application for acceptance of a variety, any entry in the catalogues of varieties as well as any amendments thereto shall be notified forthwith to the other Member States and the European Commission.

9. (1) Seed of the categories indicated below, may not be placed on the market unless it has been officially certified as such: Seed certification.

(a) In the case of agricultural plants -

(i) cereals – basic or certified seed,

(ii) fodder plants – as referred to in sub-regulation (2),

(iii) potatoes – basic or certified seed, and

(b) In the case of vegetables -

(i) other than in the case of industrial chicory – basic, certified or standard seed,

(ii) industrial chicory – basic or certified seed.

(2) Seed of red top, brown top, creeping bent grass, velvet bent, sheep's fescue, Berseem/Egyptian clover and common vetch may not be placed on the market unless it has been officially certified as basic or certified seed. Fodder plant seed of the genera and species other than those mentioned above may not be placed on the market unless the seed has been officially certified as basic or certified seed or is commercial seed.

Examination under official supervision.

10. When examination of seeds of cereals, fodder plants and vegetables is carried out under official supervision, the following requirements shall be complied with in respect of field inspections and seed testing:

(1) Field inspections

(a) The inspectors shall:

(i) have the necessary technical qualifications;

(ii) derive no private gain in connection with the carrying out of the inspections;

(iii) have been officially licensed by the Seed Certification Authority and this licensing shall include either the oath of inspectors or the signature by inspectors of a written statement of commitment to the rules governing official examinations;

(iv) carry out inspections under official supervision in accordance with the rules applicable to official inspections;

(b) The seed crop that is going to be inspected shall be grown from seed which has undergone official post-control, the results of which have been satisfactory;

(c) A proportion of seed crops shall be checked by official inspectors. That proportion shall be at least 5%;

(d) A proportion of samples from the seed lots harvested from the seed crops shall be drawn for official post-control and, where appropriate, for official laboratory seed testing in respect of varietal identity and purity;

(e) Infringements of the rules governing examination under official supervision will be regulated under regulations 29 and 30 of the Act. The penalties must be effective, proportionate and dissuasive. The licence of officially licensed inspectors as referred to in sub-paragraph (a)(iii) hereof who are found guilty of deliberately or negligently contravening the rules governing official examinations, shall be withdrawn. Any certification of seed that has been examined shall be annulled in the event of such contravention unless it has been shown that such seed still meets all relevant requirements.

(2) Seed testing

(a) Seed testing shall be carried out by seed-testing laboratories which have been authorised for that purpose by the Seed Certification Authority under the conditions set out in sub-paragraphs (b) to (d);

(b) The seed-testing laboratory shall have a seed analyst-in-charge who has direct responsibility for the technical operations of the laboratory and has the necessary qualifications for the technical management of a seed-testing laboratory. Its seed analysts shall have the necessary technical qualifications obtained through training courses organised under conditions applicable to official seed analysts and confirmed by official examinations. The laboratory shall be maintained in premises and with equipment officially considered by the Seed Certification Authority to be satisfactory for the purpose of seed testing, within the scope of the authorisation. It shall carry out seed testing in accordance with current international methods;

(c) The seed-testing laboratory shall be either an independent laboratory or a laboratory belonging to a seed company. In case of the latter, the laboratory may carry out seed testing only on seed lots produced on behalf of the seed company to which it belongs, unless it has been otherwise agreed between that company, the applicant for certification and the Seed Certification Authority;

(d) The seed-testing laboratory's performance of seed testing shall be subject to appropriate supervision by the Seed Certification Authority;

(e) For the purposes of the supervision referred to in (d), a proportion of the seed lots submitted for official certification shall be check-tested by official seed testing. That proportion shall in principle be as evenly spread as possible over natural and legal persons submitting seed for certification and the species submitted but may also be oriented to eliminate specific doubts. That proportion shall be at least 5%.

(f) Infringements of the rules governing examination under official supervision will be regulated under regulations 29 and 30 of the Act. The penalties must be effective, proportionate and dissuasive. The authorisation of officially authorised seed-testing laboratories as referred to in sub-paragraph (a) hereof who are found guilty of deliberately or negligently contravening the rules governing official examinations, shall be withdrawn. Any certification of seed that has been examined shall be annulled in the event of such contravention unless it has been shown that such seed still meets all relevant requirements.

Seed examination.

11. Official seed examinations should be carried out in accordance with current international methods, in so far as such methods exist.

Sampling of seeds.

12. (1) For the examination of seed for certification, samples must be drawn officially or under official supervision in accordance with appropriate methods. This applies to the following:

(a) checking of varieties (cereals and fodder plants) and inbred lines of maize (cereals);

(b) examination of seed for certification (cereals, fodder plants, potatoes and vegetables); and

(c) post-control tests of standard seed (vegetables).

(2) Without prejudice to the free movement of seed within the Community, the Department shall take all the necessary measures to ensure that that it is supplied with the following particulars during the marketing of quantities exceeding two kilograms of seed imported from third countries and sampling of such seed is carried out officially:

(a) species;

(b) variety;

(c) category;

(d) country of production and official inspection authority;

(e) country of dispatch;

(f) importer;

(g) quantity of seed.

The manner in which these particulars are to be presented may be determined by the Department.

(3) When the seed sampling under official supervision provided for in sub-regulation (1) is carried out, the following requirements shall be complied with:

(a) Seed sampling shall be carried out by seed samplers who have been authorised for that purpose by the Seed Certification Authority under the conditions set out in (b), (c) and (d);

(b) Seed samplers shall have the necessary technical qualifications obtained through training courses organised under conditions applicable to official seed samplers and confirmed by official examinations. They shall carry out seed sampling in accordance with current international methods;

(c) Seed samplers shall be:

(i) independent natural persons;

(ii) persons employed by natural or legal persons whose activities do not involve seed production, seed growing, seed processing or seed trade; or

(iii) persons employed by natural or legal persons whose activities involve seed production, seed growing, seed processing or seed trade.

In the case referred to in (iii), a seed sampler may carry out seed sampling only on seed lots produced on behalf of his employer, unless it has been otherwise agreed between his employer, the applicant for certification and the Seed Certification Authority;

(d) The performance of the seed samplers shall be subject to proper supervision by the Seed Certification Authority. When automatic sampling is in operation, appropriate procedures must be adhered to and officially supervised;

(e) For the purposes of the supervision referred to in (d), a proportion of the seed lots entered for official certification shall be check-sampled by official seed samplers. That proportion shall in principle be as evenly spread as possible over natural and legal persons submitting seed for certification (cereals, fodder plants and vegetables) and the species submitted (cereals and fodder plants) but may also be oriented to eliminate specific doubts. That proportion shall be at least 5%. This check sampling does not apply to automatic sampling. The seed samples drawn officially shall be compared with those of the same seed lot but drawn under official supervision;

(f) Infringements of the rules governing examination under official supervision will be regulated under regulations 29 and 30 of the Act. The penalties must be effective, proportionate and dissuasive. The authorisation of officially authorised seed samplers as referred to in sub-paragraph (2) (a) hereof who are found guilty of deliberately or negligently contravening the rules governing official examinations, shall be withdrawn. Any certification of the seed sampled shall be annulled in the event of such contravention unless it has been shown that such seed still meets all relevant requirements;

(g) Further measures applicable to the carrying out of seed sampling under official supervision shall be established by the Department.

(4) For the examination of seed for certification, examination of commercial seed and post-control tests, samples shall be drawn from homogeneous lots. The maximum weight of a lot and the minimum weight of a sample are given in Schedule IV to these regulations.

Post-control tests.

13. (1) If it is repeatedly found, during post-control tests carried out in the field, that vegetable seed of any one variety does not adequately satisfy the conditions laid down in respect of varietal identity and purity, the Department shall ensure that the person marketing it, is wholly or partially forbidden to market such seed (where appropriate, for a specified period). Any measures taken shall be withdrawn as soon as it has been established with adequate certainty, that the seed intended for

marketing will in the future satisfy the conditions as to varietal identity and varietal purity.

(2) Seed of the categories certified seed and standard seed is subject to official post-control in the field by inspection to compare their varietal identity and purity against standard controls.

Packaging of seeds.

14. (1) Packages or containers containing basic and certified seed of cereals, fodder plants, potatoes and vegetables, and commercial seed of fodder plants, except small packages of basic and certified vegetable seeds and, in the case of fodder plants small EC B packages of certified and commercial seed, shall be sealed officially or under official supervision in such a manner that they cannot be opened without damaging the sealing system or leaving evidence of tampering on either the official label or on the package. In order to ensure closure, the sealing system shall comprise at least either the official label or the affixing of an official seal. This measure will not be necessary if a non-reusable sealing system is used. The Department may establish exceptions to this sub-regulation as it may deem fit in the case of small packages sealed in Malta of cereal and potato seeds and EC B packages of fodder plant seeds. In the case of vegetable seeds, there may be determined exceptions to this sub-regulation and sub-regulation (2) for small packages of basic vegetable seed.

(2) Packages containing seeds of agricultural plants and vegetables, except small EC B packages of fodder plant seeds, shall not be resealed on one or more occasions unless this is carried out officially or under official supervision. If packages are re-sealed, the fact of resealing and the most recent date of re-sealing and the authority responsible for resealing, shall be stated on the label required under regulation 15.

(3) Packages of standard vegetable seed, small packages of certified vegetable seed and small EC B packages of fodder plant seeds, shall be sealed (not necessarily officially or under official supervision) in such a manner that they cannot be opened without damaging the sealing system or without leaving evidence of tampering on the label or the package. Packages of standard vegetable seed shall also bear a lead or an equivalent sealing device attached by the person responsible for attaching labels.

(4) In the case of small packages of certified seed of fodder plants and vegetables, packages shall not be sealed on one or more occasions under official supervision. All necessary measures shall be taken to ensure that in the case of small packages of certified vegetable seed and small packages of fodder plant seeds, the identity of the seed

can be verified in particular at the time when seed lots are divided. At this stage, it may be required that small packages divided or produced in Malta, be sealed officially or under official supervision.

Labelling of packages.

15. (1) The packages of all seed categories referred to in regulation 9 hereof, excluding standard vegetable seed, small packages of basic and certified vegetable seed and small EC B packages of certified and commercial seed of fodder plants, shall have affixed on the outside, an official label that has not been previously used, and as appropriate to the seed, with the particulars as specified in Schedule V hereof, in Maltese or in English. The information should be printed indelibly on the label. Delible printing is not authorised. The dimensions and colour of the label are specified in the same Schedule. The labels on packages containing vegetable seeds may be placed inside transparent packages provided it can be read. The labels must be adhesive and made from tear-resistant material. When a label with a string-hole is used, its attachment to the package shall be ensured in all cases with an official seal. The use of official adhesive labels shall be authorised. The indelible printing of the prescribed particulars on the package in accordance with the label models may be authorised under official supervision. If in cases under regulation 16, the seed of the categories listed below does not satisfy the conditions laid down in Schedule III in respect of germination, this fact shall be stated on the label:

(a) for agricultural plants -

cereals – basic or maize seed;

fodder plants – basic and certified seed; and

(b) for vegetables – basic seed.

The Department may establish exceptions to the provisions of sub-regulation (1) hereof in the case of small packages of cereals, potatoes and vegetables sealed in Malta.

(2) When a non-adhesive label is used, the package shall contain an official document in the same colour as the official label giving at least the information mentioned below:

(a) for agricultural plants -

(i) cereals (basic and certified seed) -

- reference number of lot,

- species and variety.

(ii) Fodder plants (basic, certified and commercial seed except small EC B packages of certified and commercial seed) -

- reference number of lot,

- species and variety,

In the case of commercial seed, reference number of lot, species and the words "Commercial seed" should be written down.

(iii) Potatoes (basic and certified seed)

- producer's identification number or reference number of lot,

- month and year of sealing,

- country of production.

(b) Vegetables (basic and certified seed except small packages)

- reference number of lot,

- species and variety,

- category.

This document shall be drawn up in such a manner that it cannot be confused with the official label referred to under sub-regulation (1). This document is not necessary if the information is printed indelibly on the package or if, in accordance with the provisions under sub-regulation (1), an adhesive label, a label of tear-resistant material or a label inside a transparent package, is used. Packages should also include the producer's identification particulars.

(3) (a) In cases other than those provided for in these regulations, packages or containers of basic and certified seed of agricultural plants and vegetables, commercial seed of fodder plants and standard vegetable seed shall bear a supplier's label which may be either a label separate from the official label or take the form of the

supplier's information as stated in Schedule V printed on the package or container itself. In the case of cereals, seed lots have to comply with the provisions referred to in regulation 29 concerning the presence of *Avena fatua* and an official certificate attesting compliance with these conditions has to be issued;

(b) Small EC B packages of fodder plant seeds, packages of standard vegetable seed and small packets of certified vegetable seed shall bear on the outside a supplier's label or a printed or stamped notice in Maltese or English, except for small packages of standard seed in which case the information stated under this provision shall be clearly separate from any information given on the label or the package. In the case of transparent packages, this label may be placed inside, provided it can be read through the package;

(c) In the case of small EC B packages of fodder plant seeds, the packages can also bear an officially assigned serial number on the outside or on the supplier's label. Should an official, adhesive label be used, the particulars to be written on the label are indicated in Schedule V. This serial number shall not be required for small EC A packages of fodder plant seeds;

(4) It shall be ensured that persons responsible for affixing the labels on packages containing standard vegetable seed intended for marketing:

(a) inform the authorities of the dates when their activities begin and end;

(b) keep records of all lots of standard seed and make them available to the country for not less than three years;

(c) make available for not less than two years, a control sample of seed of varieties for which maintenance is required; and

(d) draw samples from each lot intended for marketing and make them available for not less than two years.

The operations referred to in sub-regulations (2) and (4) shall be subject to official checks carried out on a random basis. The obligation stated in sub-regulation (3) shall apply only to producers.

Provisional certification.

16. (1) For the purpose of making seed of cereals, fodder plants and vegetables rapidly available, not withstanding the fact that the official examination to check compliance with the conditions laid down in Schedule III in respect of germination has not been concluded, the

official certification or approval (the latter applying for fodder plants only) and marketing as far as the first purchaser by way of trade of the categories basic seed or certified seed of cereals, fodder plants and vegetables or commercial seed in the case of fodder plants, may be authorised.

(2) Certification or approval shall be granted only on prescription of a provisional analytical report on the seeds and provided that the name and address of the first recipient are given. All necessary measures shall be taken to ensure that the supplier guarantees the germination ascertained at the provisional analysis. This germination shall be stated for marketing purposes on a special label bearing the name and address of the supplier and reference number of the lot. The above provisions shall not apply to seeds imported from third countries.

Marketing of seeds.

17. (1) Seeds of the categories indicated in regulation 9 shall be marketed in sufficiently homogeneous lots and in sealed packages or containers with appropriate labelling as described in regulation 15. The packages must be new and the containers must be clean.

(2) Seed as grown of cereals, fodder plants and vegetables may be marketed for processing, provided that the identity of the seed is ensured.

(3) Bred seed of generations prior to basic seed of agricultural plants and vegetables, may also be placed on the market. The conditions under which bred seed of generations prior to basic seed may be placed on the market, shall be as follows:

(a) it shall have been officially inspected by the Seed Certification Authority in accordance with the provisions applicable to the certification of basic seed;

(b) it shall be packed in packages or containers as described in these regulations; and

(c) the packages shall bear an official label giving the particulars as shown in Schedule V for pre-basic seed.

Seed mixtures.

18. (1) Mixtures of seeds of various species of cereals can be marketed, provided that the components of which complied, before mixing, with the marketing rules applicable to them. Specific cereal mixtures of seeds of various varieties but belonging to the same species can be marketed, provided that scientific or technical knowledge indicates that these mixtures are such as to be particularly effective against the propagation of certain harmful organisms and provided also

that the components of the mixtures comply, before mixing, with the marketing rules applicable to them.

(2) Producers may be authorised to place on the market small packages of mixtures of standard vegetable seed of different varieties of the same species. In cases when this provision applies, the species, the rules for the maximum size of the small packages and the requirements for labelling shall be established.

(3) Mixtures of various genera, species or varieties of fodder plants may be placed on the market if they are intended for use:

(a) not as fodder plants, in which case the mixtures may contain seeds of fodder plants listed in Tables 1.2 and 1.3 of Schedule I and so covered by these regulations;

(b) as fodder plants, in which case the mixture may contain seeds of plant species listed in Tables 1.1, 1.3 or 1.5 of Schedule I, with the exception of varieties of grasses listed in Table 1.2 of the same Schedule which are not intended for the production as fodder plants; or

(c) in the preservation of the natural environment in the context of the conservation of genetic resources in which case the mixtures may contain seeds of fodder plant species and seeds of other plant species within the meaning of these regulations.

Regulations 14, 15, 17 (1) and (4) and 20 shall apply for the above seed mixtures. For this purpose, small EC A packages of fodder plant seeds shall be considered as small EC B packages.

Genetically-modified seeds.

19. In the case of seeds of a variety that have been genetically-modified, any label or document, official or otherwise, which is affixed to or accompanies the seed lot, shall clearly indicate that the variety has been genetically-modified.

Chemically-treated seeds.

20. (1) If any seeds of the categories mentioned in regulation 9, have been subjected to any chemical treatment, this fact and the nature of the treatment or the proprietary name of the chemical substance used in the treatment, shall be stated either on the official or supplier's label, or on the package or container, or in a statement enclosed in the package or container.

(2) In the case of small packages of vegetables, this information may be printed directly on the package or inside it.

Seed for scientific purposes.

21. The Director may authorise local producers or breeders to place on the market small but appropriate quantities of seeds for scientific purposes or selection work and, for other test or trial purposes, provided that the seeds belong to varieties for which an application for entry in the national catalogues has been submitted and, in the case of vegetable seeds, specific technical information has been submitted. In case of genetically-modified seeds, such authorisation should be granted only if all appropriate measures have been taken to avoid adverse effects on human health and the environment in accordance with Directive 2001/18/EC of the European Parliament and of the Council of the 12th March, 2001.

Less stringent requirements.

22. (1) In order to remove any temporary difficulties, which cannot be overcome in the general supply of seed of the categories mentioned in regulation 9, the Department may be authorised to permit for a specified period, the marketing in quantities necessary to resolve the supply difficulties of seed of a category subject to less stringent requirements, or of seed of a variety not included in the Common Catalogues of varieties of agricultural plant and vegetable species or in the national catalogues of varieties. For a category of seed of any given variety, the official or supplier's label shall be that provided for the corresponding category. For seeds of varieties not included in the above mentioned catalogues, the colour of the official label shall be brown. The label shall always state that the seed in question, is of a category satisfying less stringent requirements.

(2) The Department may authorise the official certification and marketing of basic seed of cereals, fodder plants and vegetables except seed potatoes, which does not satisfy the conditions laid down in Schedule III in respect of germination. A similar authorisation may be granted in respect of certified seed of red clover where such seed is intended for the further production of other certified seed. In such cases, all necessary measures shall be taken to ensure that the supplier guarantees a specific germination that he shall state for marketing purposes on a special label bearing his name and address and the reference number of seed lot.

Additional or more stringent requirements.

23. (1) The Department may as regards the conditions laid down in Schedules II and III, impose additional or more stringent requirements for the certification of seeds of agricultural plants and vegetables produced in Malta and also for the examination of commercial seed of fodder plants produced in Malta.

(2) The certification of seeds of the following species may be restricted to certified seed of the first generation:

(i) cereals – oats, barley and wheat,

(ii) fodder plants – field pea, field bean and lucerne.

Marketing restrictions.

24. Seeds placed on the market under the provisions of the European Union directives, whether mandatory or discretionary, shall not be subject to any marketing restrictions as regards their characteristics, examination requirements, marking and sealing, other than those laid down in the directives.

Seeds harvested in another country.

25. (1) Seeds harvested in another country may upon request be certified in Malta on the condition that the crop has been inspected by the competent authorities in that country and have been found to comply with the provisions of these regulations.

(2) Seeds of fodder plants and cereals harvested in a third country shall, upon request, be officially certified if:

(a) it has been produced directly from:

(i) basic seed or certified seed (in the case of cereals, seeds of the first generation are considered) officially certified either in one or more Member States or in a third country which has been granted equivalence under regulation 26; or

(ii) the crossing of basic seed officially certified in a Member State with basic seed officially certified in a third country referred to in (i);

(b) it has undergone field inspection satisfying the conditions laid down in an equivalence decision made under regulation 26 for the relevant category;

(c) official examination has shown that the conditions laid down in Annex III for the same category are satisfied.

Equivalence.

26. Seeds harvested in a third country must afford the same assurances as seeds harvested within the Community with respect to their characteristics and the arrangements for its examination, for ensuring identity, for marking and for control. In such case, the seeds shall be equivalent in these respects to seeds harvested within the Community and complying with the provisions of these regulations.

Moisture content of cereals.

27. For purposes of certification, the maximum moisture content for basic and certified seed of cereals (except maize) shall be 13% by weight. That for maize shall be 14%. The Director may alter the maximum moisture content as the need be.

Conditions applicable to hybrids of cereals.

28. Unless otherwise specified, seed of the hybrids listed in Table 1.1 of Schedule I shall be subject to the standards or other conditions applicable to seed of each of the species from which they are derived.

Presence of *Avena fatua* in cereals.

29. The official certificate referred to in paragraph 15 (3)(a) of these regulations shall be issued in the following case:

the crop shall be free from *Avena fatua* at the time of field inspection officially carried out in conformity with the provisions of Schedule II and if a sample of at least 1 kilogram is drawn in accordance with established procedures, no seeds of *Avena fatua* should be found at the time of official examination.

Seed potatoes produced by micropropagation.

30. For seed potatoes produced by micropropagation techniques and which do not meet the size requirements of these regulations, the Director may determine the following according to the rules of the European Union:

(a) derogation from specific provisions of these regulations; and

(b) the conditions and designations applicable to such seed potatoes.

Separation of seed potatoes from other potatoes.

31. For plant health reasons, seed potatoes produced in Malta may be separated during production from other potatoes**.**

This requirement may include measures for the separation of the production of seed potatoes and other potatoes, and the separation of the grading, storage, transportation and handling of seed potatoes and other potatoes.

Size requirements of seed potatoes and tubers.

32. Seed potatoes may not be marketed unless they are of a minimum size such that they do not pass through a square mesh of 25mm x 25mm. In the case of potato tubers which are too large to pass through a square mesh of 35mm x 35mm, the upper and lower size limits shall be expressed in multiples of 5. The maximum variation in size between tubers in a lot shall be such that the difference between the dimensions of the two square meshes used does not exceed 25mm. These sizing standards may be modified in accordance with the rules of the European Union. A lot shall not contain more than 3% by weight of tubers smaller than the minimum size indicated or, more than 3% by weight of tubers larger than the maximum size indicated.

Treatment of seed potatoes with sprout inhibitors.

33. Seed potatoes may not be placed on the market if they have been treated with sprout inhibitors.

Grading of seed potatoes.

34. (1) Seed potatoes that do not during marketing satisfy the minimum conditions laid down in Schedule III, may be sorted. The tubers that are not rejected shall then undergo a further official examination.

(2) Basic seeds are subdivided into Community grades (EC 1, EC 2 and EC 3) satisfying different requirements as specified in Schedules II and III. Certified seed may also be subdivided into grades. The conditions and designations applicable to such grades are determined according to the rules of the European Union.

Official inspections and testing.

35. The Department shall ensure that official inspections and testing of seeds are carried out. These shall be performed in relation to the marketing of seeds of cereals, fodder plants, potatoes and vegetables, at least by random checks to verify compliance with the requirements and conditions of these regulations.

Conservation of plant genetic resources.

36. In the interest of conserving plant genetic resources, the Department may depart from the criteria laid down in paragraph (2) (a) of regulation 8. Therefore, specific conditions may be established that take into account developments in relation to the conservation *in situ* and the sustainable use of plant genetic resources through growing and marketing of seed of landraces and varieties which are naturally adapted to the local and regional conditions and threatened by genetic erosion. These conditions shall include in particular the following points:

(a) landraces and varieties shall be accepted in accordance with the provisions of these regulations. In the case of agricultural plants, the procedure of official acceptance shall take into account specific quality characteristics and requirements. In particular, the results of unofficial tests and knowledge gained from practical experience during cultivation, reproduction and use and the detailed descriptions of the varieties and their relevant denominations shall be taken into account and, if sufficient, shall result in exemption from the requirement of official examination. Upon acceptance of a landrace or variety, it shall be indicated as a conservation variety in the Common Catalogues;

(b) appropriate quantitative restrictions.

Experimentation to improve certain provisions in these regulations.

37. (1) For the purpose of seeking improved alternatives to certain provisions set out in these regulations, temporary experiments other than those related to plant health, may be organised under specified conditions at Community level, the duration of which shall not exceed seven years. In the context of such experiments, the Department may be released from certain obligations laid down in these regulations. The

extent of that release shall be defined with reference to the provisions to which it applies.

(2) Community comparative tests and trials shall be carried out within the Community for the post-control of samples of seeds of agricultural plants and vegetables placed on the market under the provisions of these regulations, whether mandatory or discretionary, and taken during sampling. These tests and trials may include the following:

(a) seed harvested in third countries;

(b) seed suitable for organic farming, and seed marketed in relation to the conservation *in situ* and the sustainable use of plant genetic resources.

These tests and trials shall be used to harmonise the technical methods of certification and to check satisfaction of the conditions with which the seed must comply and the Commission shall make the necessary arrangements for the comparative tests and trials to be carried out.

38. The Seeds of Agricultural Plants and Vegetables Regulations, 2004 are hereby revoked. Revokes L.N. 276 of 2004.

Schedule I

Lists of genera and species

The following tables list the genera and species to which these regulations apply:

1. Agricultural plants

I. Cereals

Table 1.1:

Latin Name	Common Name
Avena sativa L.	Oats
Hordeum vulgare L.	Barley
Phalaris canariensis L.	Canary grass
Secale cereale L.	Rye
Sorghum bicolor (L.) Moench	Sorghum
Sorghum sudanense (Piper) Stapf	Sudan grass
x Triticosecale Wittm.	Triticale
Triticum aestivum L. emend. Fiori et Paol.	Wheat
Triticum durum Desf.	Durum wheat
Triticum spelta L.	Spelt wheat
Zea mays L. (partim) except *Zea mays* convar. *microsperma* Koern. and *Zea mays* convar. *saccharata* Koern.	Maize (except popcorn and sweet corn)
Sorghum bicolor x S. sudanense	Hybrid resulting from crossing Sorghum and Sudan grass

II. Fodder Plants

Table 1.2:

Latin Name	Common Name
Gramineae (Grasses)	
Agrostis canina L.	Velvet bent
Agrostis capillaris L. *(ex tenuis)*	Brown top
Agrostis gigantea Roth.	Redtop
Agrostis stolonifera L.	Creeping bent grass
Cynodon dactylon (L.) Pers.	Bermuda grass
Festuca ovina L.	Sheep's fescue
Festuca pratensis Hudson	Meadow fescue
Festuca rubra L.	Red fescue
Lolium multiflorum Lam.	Italian ryegrass (incl. Westerworld ryegrass)
Lolium perenne L.	Perennial ryegrass
Poa pratensis L.	Smooth-stalk meadowgrass
Leguminosae (Legumes)	
Hedysarum coronarium L.	Sulla
Medicago sativa L.	Lucerne
Pisum sativum L. (partim)	Field pea
Trifolium alexandrinum L.	Berseem, Egyptian clover
Trifolium pratense L	Red clover
Vicia faba L. (partim)	Field bean
Vicia sativa L.	Common vetch

Other species of fodder plants

Table 1.3:

Latin Name	Common Name
Brassica oleracea L. convar. *acephala* (DC) Alef. var. *medullosa* Thell. + var. *varidis* L.	Fodder kale

III. Potatoes

Table 1.4:

Latin Name	Common Name
Solanum tuberosum L.	Potato

2. Vegetables

Table 1.5:

Latin Name	Common Name
Allium cepa L.	Onion
Allium porrum L.	Leek
Anthriscus cerefolium (L.) Hoffm.	Chervil
Apium graveolens L.	Celery
Asparagus officinalis L.	Asparagus
Beta vulgaris L. var. *conditiva* Alef.	Beetroot, Red beet
Beta vulgaris L. var. *vulgaris*	Spinach beet, Chard
Brassica oleracea L. convar. *acephala* (DC.) Alef. var. *gongylodes*	Kohlrabi
Brassica oleracea L. convar. *acephala* (DC.) Alef. var. *sabellica* L.	Curly kale
Brassica oleracea L. convar. *botrytis* (L.) Alef. var. *botrytis* L.	Cauliflower
Brassica oleracea L. convar. *botrytis* (L.) Alef. var. *cymosa* Duch.	Sprouting broccoli, Calabrese
Brassica oleracea L. convar. *oleracea* var. *gemmifera* DC.	Brussels sprouts
Brassica oleracea L. convar. *capitata* (L.) Alef. var. *alba* DC.	Cabbage
Brassica oleracea L. convar. *capitata* (L.) Alef. var. *rubra* DC.	Red cabbage
Brassica oleracea L. convar. *capitata* (L.) Alef. var. *sabauda* DC.	Savoy cabbage
Brassica pekinensis (Lour.) Rupr.	Chinese cabbage
Brassica rapa L. var. *rapa*	Turnip
Capsicum annuum L.	Chilli, Pepper, Capsicum
Cichorium endivia L.	Endive
Cichorium intybus L.	Witloof chicory, large-leaved chicory (Italian chicory), Industrial chicory
Citrullus lanatus (Thunb.) Matsum. et Nakai	Water melon
Cucumis melo L.	Melon
Cucumis sativus L.	Cucumber, Gherkin
Cucurbita maxima Duchesne	Gourd
Cucurbita pepo L.	Marrow
Cynara cardunculus L.	Cardoon
Daucus carota L.	Carrot
Foeniculum vulgare Miller	Fennel
Lactuca sativa L.	Lettuce
Lycopersicon lycopersicum (L.) Karsten ex Farw.	Tomato
Petroselinum crispum (Miller) Nyman ex A. W. Hill	Parsley
Phaseolus coccineus L.	Runner bean
Phaseolus vulgaris L.	French bean
Pisum sativum L. (partim)	Pea, excluding field pea
Raphanus sativus L.	Radish
Scorzonera hispanica L.	Scorzonera or black salisfy
Solanum melongena L.	Aubergine (eggplant)
Spinacia oleracea L.	Spinach
Valerianella locusta (L.) Laterr.	Corn salad or lamb's lettuce
Vicia faba L. (partim)	Broad bean

Schedule II

Conditions to be satisfied by the crop

1. Agricultural plants

I. Cereals

Basic seed and certified seed of cereals and their hybrids

1. Varietal identity and varietal purity
The crop shall possess adequate varietal identity and purity.

2. Crop health
Harmful organisms that reduce the usefulness of the seeds, in particular *Ustilagineae,* shall be present at the lowest possible level.

3. Previous cropping and contamination
The crop may be grown only on land that has not previously been cropped in a manner that might adversely affect the nature or quality of the seeds to be produced, and the field shall be sufficiently free from plants that are volunteers from previous cropping.

4. Field and crop inspections
The satisfaction of all the standards or other conditions mentioned in this Schedule, shall, in the case of basic seed, be examined in official field inspections and, in the case of certified seed, be examined either in official field inspections or in inspections carried out under official supervision.
These field inspections shall be carried out in accordance with the following conditions:

(i) 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:

- For *Avena sativ*a, *Hordeum vulgare*, *Phalaris canariensis*, Triticosecale, *Triticum aestivum*, *Triticum durum*, *Triticum spelta, Triticosecale* and *Secale cereal*e: 1
- For *Sorghum* spp. and *Zea mays* during the flowering season:
  - open-pollinated varieties 1
  - inbred lines or hybrids 3

When the crop follows a *Sorghum* spp. and *Zea mays* crop in either the preceding year or current year, at least one special field inspection shall be carried out to check the satisfaction of the provisions laid down in point 3 mentioned previously in this Schedule.

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 Schedule, shall be determined in accordance with appropriate methods.

A. Basic seed and certified seed

1. Varietal identity and varietal purity
As indicated in point 1 previously, the crop shall possess sufficient varietal identity and purity. In the case of a crop of an inbred line, sufficient identity and purity as regards its characteristics, must be present.

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 *Phalaris canariensis* and *Secale cereale* excluding hybrids, *Sorghum* spp. and *Zea mays* shall conform to the following standards or other conditions:

Phalaris canariensis and *Secale cereale*, excluding hybrids:
The number of plants of the crop species, which are recognizable as obviously not being true to the variety shall not exceed:

- one per $30m^2$ for the production of basic seed, and
- one per $10m^2$ for the production of certified seed.

*Zea may*s:
(a) The percentage by number of plants, which are recognisable 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 hybrids, each component	0.1%
(iii) open-pollinated varieties	0.5%

(bb) for the production of certified seed:

(i) components of hybrid varieties	
- inbred lines	0.2%
- simple hybrid	0.2%
- open-pollinated variety	1.0%
(ii) open-pollinated varieties	1.0%

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

(aa) 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 the 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 are 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.

Sorghum spp.:
(a) The percentage by number of plants of a *Sorghum* spp. other than the crop species or plants which are recognisable as obviously not being true to the inbred line or to the component shall not exceed:

(aa) for the production of basic seed:

(i) at flowering	0.1%
(ii) at maturity	0.1%

(bb) for the production of certified seed:

(i) plants of the male component which have shed pollen when the plants of the female component have receptive stigmas	0.1%
(ii) plants of the female component	
- at flowering	0.3%
- at maturity	0.1%

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

(aa) sufficient pollen shall be shed by the plants of the male component while the plants of the female component have receptive stigmas;

(bb) where plants of the female component have receptive stigmas, the percentage of plants of that component which have shed pollen or are shedding pollen shall not exceed 0.1%.

(c) Crops of open-pollinated varieties or synthetic varieties of S*orghum* spp. shall conform to the following standards:

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

- one per $30m^2$ for the production of basic seed, and
- one per $10m^2$ for the production of certified seed.

2. Isolation distances

The crop shall conform to the following standards shown in Table 1.6 as regards the minimum distances from neighbouring crops of other varieties or of the same variety, which may result in undesirable foreign pollination and particularly in the case of sorghum, from sources of *Sorghum halepense*:

Table 1.6:

Crop	Minimum distance
1	**2**
Phalaris canariensis and *Secale cereale* excluding hybrids:	
- for the production of basic seed and pre-basic seed	300m
- for the production of certified seed	250m
Sorghum spp.	300m
Triticosecale, self-pollinating varieties:	
- for the production of basic seed	50m
- for the production of certified seed	20m
Zea mays	200m

With the approval of the Department, these distances can be disregarded if there is adequate protection against undesirable pollen.

B. Hybrids of rye:

1. Varietal identity and varietal purity

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 $30m^2$ for the production of basic seed, and
- one per $10m^2$ for the production of certified seed, this standard applies for 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%.

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

2. Isolation distances

The crop shall conform to the following standards shown in Table 1.7, as regards the minimum distances from neighbouring sources of pollen that may result in undesirable foreign pollination.

Table 1.7:

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

C. Crops to produce certified seed of hybrids of oats, barley, wheat, durum wheat, spelt wheat and self-pollinating triticale:

1. Varietal identity and varietal purity

The characteristics of the components must be recognised in order to assess varietal identity and purity.

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

(i) the minimum varietal purity of each component:
- oats, barley, wheat, durum wheat and spelt wheat shall be 99.7%;
- self-pollinating triticale shall be 99%.

(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 hybridity during field inspection need not be done.

2. Isolation distances

The minimum distance of the female component of the cereal crop shall be 25m away from any other variety of the same species except from a crop of the male component. This will prevent undesirable foreign pollination from occurring.

With the approval of the Department, this distance can be disregarded if there is sufficient protection from any undesirable foreign pollination.

II. Fodder Plants

Basic seed, certified seed, certified seed of the first and second generations

1. Varietal identity and varietal purity

The crop shall have adequate varietal identity and purity. In particular, crops other than those of the species *Pisum sativum, Vicia faba*, *Brassica oleracea* convar. *acephala* or *Poa pratensis* shall conform to the following standards:
the number of plants of the crop species which are recognisable as obviously not being true to the variety shall not exceed:

- one per $30m^2$ for the production of basic seed, and
- one per $10m^2$ for the production of certified seed.

In the case of *Poa pratensis,* the number of plants of the crop species which are recognisable as obviously not being true to the variety shall not exceed:

- one per $20m^2$ for the production of basic seed, and
- four per $10m^2$ for the production of certified seed.

However, in the case of varieties which are officially classified as apomictic uniclonal varieties under agreed procedures, a number of plants recognisable as not being true to the variety, which does not exceed six per $10m^2$, may be regarded as satisfying the before mentioned standards for the production of certified seed.

Seeds of other plant species which are difficult to distinguish from the crop seeds in a laboratory test shall be at a low level.
In particular, the number of plants of *Lolium* species other than the crop species shall not exceed:

- one per $50m^2$ for the production of basic seed, and
- one per $10m^2$ for the production of certified seed.

2. Crop health

Harmful organisms that reduce the usefulness of the seed shall be present at the lowest possible level.

3. Previous cropping and contamination

The previous cropping of the field shall have not 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 that are volunteers from previous cropping.

4. Field and crop inspections

The satisfaction of the standards or other conditions mentioned in this Schedule shall, in the case of basic seed, be examined in official field inspections and, in the case of certified seed, be examined either in official field inspections or in inspections carried out under official supervision.

These field inspections shall be carried out in accordance with the following conditions:

- ü The cultural condition of the field and the stage of development and condition of the crop shall permit an adequate examination; and
- ü There shall be at least one field inspection.

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 Schedule, shall be determined in accordance with appropriate methods.

5. Isolation distances

The crop shall conform to the following standards shown in Table 1.8 overleaf as regards distances from neighbouring sources of pollen which may result in undesirable foreign pollination.

Table 1.8:

Crop	Minimum distance
1	**2**
Brassica spp.	
- for the production of basic seed	400m
- for the production of certified seed	200m
Species or varieties other than Brassica spp.,Pisum sativum and varieties of Poa pratensis referred to in the second part of the third sentence of point 1 regarding varietal identity and purity	
- for the production of seed intended for multiplication, fields up to two hectares	200m
- for the production of seed intended for multiplication, fields over two hectares	100m
- for the production of seed intended for the production of fodder plants, fields up to two hectares	100m
- for the production of seed intended for the production of fodder plants, fields over two hectares	50m

With the approval of the Department, these distances can be disregarded if there is adequate protection against undesirable pollen.

III. Seed Potatoes

Basic and certified seed

1. Varietal identity and varietal purity
The crop shall possess adequate varietal identity and varietal purity.

2. Crop health
Harmful organisms that reduce the usefulness of the seeds shall at least be present at the lowest possible level.

A. Minimum conditions to be satisfied by basic and certified seed potatoes

(a) Certified seed potatoes
- (i) On official inspection of the growing plants, the number affected by black-leg must not exceed 4%;
- (ii) In the direct progeny, the number of plants showing symptoms of severe viral infection must not exceed 10%. Light mosaics merely causing discolouration and not leaf deformation, shall be ignored.

(b) In assessing the progeny of a variety affected by a chronic viral disease, slight symptoms caused by the virus in question shall not be taken into account.

The tolerances allowed under points (a)(ii) and (b) above and point (c) of the Community grades referred to later on are applicable only where the viral diseases are caused by viruses that are prevalent in Europe.

(d) The production ground must not be infected by *Heterodera rostochiensis* Woll. and the crop must be free from *Synchytrium endobioticum* (Schilb.) Perc. and *Corynebacterium sepedonicum* (Spieck. and Kotth.) Skapt. and Burkh..

B. Conditions to be satisfied by the material from which the Community grades of basic seed potatoes shall derive

1. In cases where methods of micropropagation, including the meristem technique, are used:
   1.1 the mother tuber shall be free from the following harmful organisms:
      (a) *Erwinia carotovora* var. *atroseptica*
      (b) *Erwinia chrysanthemi*
      (c) Potato leaf roll virus
      (d) Potato virus A
      (e) Potato virus M
      (f) Potato virus S
      (g) Potato virus X
      (h) Potato virus Y

   Compliance with the above requirements shall be established by official testing or testing under official supervision according to appropriate methods.

   1.2 the material multiplied *in vitro* and derived from the mother tuber shall comply with the conditions laid down in point 1.1 above. However, the requirements of compulsory official testing or testing under official supervision do not apply.

2. In cases where the method of clonal selection is used, the initial plant and the tubers directly derived from it shall:
   2.1 be free from the harmful organisms listed under 1.1 above. Compliance with the requirements in respect of (c) and (h) shall be established by official testing under official supervision according to appropriate methods;
   2.2 have been grown in a crop satisfying the requirements under point 3 below.

3. The crops shall:
   3.1 be raised in a production ground where three years at least have elapsed since potatoes were last grown;
   3.2 be isolated from crops of a lower status by an adequate isolation distance. The satisfaction of this requirement shall be checked by official field inspection;
   3.3 in respect of blackleg:
      (a) be free from blackleg, in the case of EC grade 1, or
      (b) contain not more than 0.25% of plants affected by blackleg, in the case of EC grade 2 and EC grade 3.

      Compliance with this requirement shall be checked by official field inspection.

   3.4 contain not more than 0.1% of plants showing symptoms of infection by viruses. The compliance with this requirement shall be checked by official field inspection, supplemented in case of doubt by laboratory tests on leaves according to appropriate methods;
   3.5 where an official field inspection is provided for, be subject to at least two official field inspections;
   3.6 be subject to as low a limit as possible on the maximum number of multiplications, account being taken of the production conditions.

C. Additional or more stringent conditions to be satisfied by the crops of basic seed potatoes

ü *EC grade 1*
The crop shall:
(a) be raised in a production ground where three years at least have elapsed since potatoes were last grown;
(b) be free from plants affected by blackleg. Compliance with this requirement shall be checked by official field inspection;
(c) contain not more than 0.5% of plants showing symptoms of viral infection. Compliance with this requirement shall be checked by official field inspection, supplemented in case of doubt by laboratory tests on leaves according to appropriate methods;
(d) where official field inspection is provided for, be subject to at least two official field inspections;
(e) be subject to as low a limit as possible on the maximum number of generations, account being taken of the production conditions.

ü *EC grade 2*
The conditions laid down in the case of EC grade 1, with the exception of point (b), shall apply. The standard in respect of blackleg shall be not more than 0.5% of plants affected.

ü *EC grade 3*
The conditions laid down in the case of EC grade 1, with the exception of subparagraphs (b) and (c), shall apply. The standard in respect of blackleg shall be not more than 1% of plants affected. The standard in respect of infection by viruses shall be not more than 1% of plants showing symptoms thereof.

3. Previous cropping and contamination
The crop may be grown only on land which has not previously been cropped in a manner that might adversely affect the nature or quality of the seed to be produced. The field shall be sufficiently free from such plants which are volunteers from previous cropping.

4. Field and crop inspections
The field and crop shall be officially examined when the cultural condition of the field and the stage of development and condition of the crop permit this. The size, the number and the distribution of the areas of the field to be inspected, shall be determined with appropriate methods.

2. Vegetables

Basic and certified seed

1. Varietal identity and varietal purity
The crop shall possess adequate varietal identity and varietal purity.

2. Crop health
Harmful organisms and diseases that reduce the usefulness of the seeds shall be present at the lowest possible level.

3. Previous cropping and contamination
The crop may be grown only on land that has not previously been cropped in a manner that might adversely affect the nature or quality of the seed to be produced. The field shall be sufficiently free from such plants that are volunteers from previous cropping.

4. Field and crop inspections

In the case of basic seed, at least one official field inspection shall be carried out. For certified seed, at least one field inspection shall be carried out, officially controlled by means of check inspection of at least 20% of the crop of each species.

The cultural condition of the field and the stage of development of the crop shall be such as to permit suitable checks of varietal identity and purity and health status of the crop.

5. Isolated distances

The minimum distances from neighbouring plants which might result in undesirable foreign pollination shall be the following:

(a) *Beta vulgaris*

(i) From any pollen sources of the genus *Beta* not included in subparagraphs (ii) or (iii)	1000m
(ii) From pollen sources of varieties of the same subspecies belonging to a different group of varieties :	
- crops to produce basic seed	1000m
- crops to produce certified seed	600m
(iii) From pollen sources of varieties of the same subspecies belonging to the same group of varieties:	
- crops to produce basic seed	600m
- crops to produce certified seed	300m

The groups of varieties referred to in points (ii) and (iii) shall be determined by the Department.

(b) *Brassica species*

(i) From sources of foreign pollen liable to cause serious deterioration of varieties of *Brassica* species:	
- crops to produce basic seed	1000m
- crops to produce certified seed	600m
(ii) From other sources of foreign pollen liable to cross with varieties of *Brassica* species:	
- crops to produce basic seed	500m
- crops to produce certified seed	300m

(c) *Industrial chicory*

(i) From other species of the same genera or subspecies	1000m
(ii) From another variety of industrial chicory:	
- crops to produce basic seed	600m
- crops to produce certified seed	300m

(d) *Other species*

(i) From sources of foreign pollen liable to cause serious deterioration of varieties of other species as a result of cross-fertilisation:	
- crops to produce basic seed	500m
- crops to produce certified seed	300m
(ii) From other sources of foreign pollen liable to cross with varieties of other species as a result of cross-fertilisation:	
- crops to produce basic seed	300m
- crops to produce certified seed	100m

With the approval of the Department, these distances can be disregarded if there is adequate protection from any undesirable, foreign pollination.

Schedule III

Conditions to be satisfied by the seeds

1. Agricultural plants

I. Cereals

Basic seed, certified seed and certified seed of the first and second generations

1. Varietal identity and varietal purity

The seeds shall have sufficient varietal identity and varietal purity appropriate to the species, variety and category specified in Schedule II Section I (Cereals), or in the case of seeds of an inbred line, sufficient identity and purity as regards its characteristics.

For seeds of hybrid varieties of *Sorghum* spp. and *Zea may*s, the above mentioned provisions shall also apply to the characteristics of the components.

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

A. Avena sativa, Hordeum vulgare, Triticum aestivum, Triticum durum and Triticum spelta, other than hybrids in each case (Table 1.9):

Table 1.9:

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 Schedule II Section I.

B. Self-pollinating varieties of Triticosecale other than hybrids (Table 1.10):

Table 1.10:

Category	Minimum varietal purity (%)
1	**2**
Basic seed	99.7
Certified seed, 1st generation	99.0
Certified seed, 2nd generation	98.0

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

C. Hybrids of oats, barley, 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.

D. Sorghum spp. and 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:

(a) either by blending seed lots in a proportion appropriate to the variety where, on one hand, a female male-sterile component has been used and, on the other, a female male-fertile component has been used, or

(b) 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 Schedule II.

E. Hybrids of Rye:

Seeds 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 these regulations in respect of identity and purity as regards the characters of the components including male sterility.

2. Seed health

Harmful organisms which reduce the usefulness of the seed shall be at the lowest possible level. In particular, the seeds 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 classified in column 3 of Table 1.17 of Schedule IV Section I).

Table 1.11:

Category	***Claviceps purpurea***
1	**2**
Cereals other than hybrid rye: - basic seed - certified seed	 1 3
Hybrids of rye: - basic seed - certified seed	 1 4([a])

where ([a]) = the presence of five sclerotia or their fragments 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 its fragments.

3. Standards or other conditions to be met by the seeds

The seeds shall conform to the following standards or other conditions with regards to germination, analytical purity and content of seeds of other plant species, as shown in Table 1.12:

Table 1.12:

Species and category	Minimum germination (% of pure seed)	Minimum analytical purity (% by weight)	Maximum content by number of seeds of other plant species in a sample of the weight specified in column 4 of Table 1.16 of Schedule IV (total per column)				
			Other plant species (a)	Other cereal species	Plant species other than cereals	*Avena fatua, Avena sterilis, Avena ludoviciana, Lolium temulentum*	*Raphanus raphanistrum, Agrostemma githago*
1	2	3	4	5	6	7	8
Avena sativa, Hordeum vulgare, Triticum aestivum, Triticum durum, Triticum spelta:							
- basic seed	85	99	4	1(b)	3	0 (c)	1
- certified seed 1st and 2nd generations'	85(d)	98	10	7	7	0 (c)	3
Phalaris canariensis							
- basic seed	75	98	4	1(b)	-	0 (c)	-
- certified seed	75	98	10	5	-	0 (c)	-
Secale cereale							
- basic seed	85	98	4	1(b)	3	0 (c)	1
- certified seed	85	98	10	7	7	0 (c)	3
Sorghum spp.	80	98	0	-	-	-	-
Triticosecale							
- basic seed	80	98	4	1(b)	3	0(c)	1
- certified seed 1st and 2nd generations	80	98	10	7	7	0(c)	3
Zea mays	90	98	0	-	-	-	-

where (reference to Table 1.12)

(a) refers to the maximum content of seeds laid down in column 4 which includes also seeds of the species in columns 5 to 8;
(b) states that a second seed shall not be regarded as an impurity if a second sample of the same weight is free from any seeds of other cereal species;
(c) states that 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) is the minimum germination capacity of varieties of *Avena sativa* which are officially classified as of the "naked oat" type, which is reduced to 75% of pure seed. In such a case, "minimum germination capacity 75%" shall be endorsed on the official label.

II. Fodder Plants

Basic seed, certified seed, certified seed of the first and second generations and commercial seed

1. Varietal identity and varietal purity
The seeds shall possess adequate varietal identity and purity.

2. Seed health
Harmful organisms that reduce the usefulness of the seed shall be present at the lowest possible level.

A. Basic seed

1. Varietal identity and varietal purity
The minimum varietal purity of seeds of *Pisum sativum, Brassica oleracea* convar. *acephala*, *Vicia faba* and of varieties of *Poa pratensis* referred to in the second part of the third sentence of point 1 of Schedule II Section II (Fodder plants), shall be 99.7%.

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

2. Standards or other conditions to be met by the seed
The seeds shall satisfy the standards or other conditions set out in Table 1.13:

Table 1.13:

Species	Maximum content of seeds of other plant species						Other standards or conditions
	Total (% by weight)	Content by number in a sample of the weight specified in column 4 of Table 1.18 of Schedule IV Section II (total per column)					
		A single species	*Rumex* spp. other than *Rumex acetosella* & *Rumex maritimus*	*Agropyron repens*	*Alopecurus myosuroides*	*Melilotus* spp.	
1	2	3	4	5	6	7	8
Gramineae							
Agrostis canina	0.3	20	1	1	1	-	(f)
Agrostis capillaris	0.3	20	1	1	1	-	(f)
Agrostis gigantea	0.3	20	1	1	1	-	(f)
Agrostis stolonifera	0.3	20	1	1	1	-	(f)
Cynodon dactylon	0.3	20(a)	1	1	1	-	(f)
Festuca ovina	0.3	20(a)	2	5	5	-	(f)
Festuca pratensis	0.3	20(a)	2	5	5	-	(f)
Festuca rubra	0.3	20(a)	2	5	5	-	(f)
Lolium multiflorum	0.3	20 (a)	2	5	5	-	(f)
Lolium perenne	0.3	20(a)	2	5	5	-	(f)
Poa pratensis	0.3	20(b)	1	1	1	-	(e) (f)
Leguminosae							
Hedysarum coronarium	0.3	20	2	-	-	0 (d)	(f)
Medicago sativa	0.3	20	3	-	-	0 (d)	(f)
Pisum sativum	0.3	20	2	-	-	0 (c)	-
Trifolium alexandrinum	0.3	20	3	-	-	0 (d)	(f)
Trifolium pratense	0.3	20	5	-	-	0 (d)	(f)
Vicia faba	0.3	20	2	-	-	0 (c)	-
Vicia sativa	0.3	20	2	-	-	0 (c)	(g)
Other species							
Brassica oleracea convar. *acephala*	0.3	20	3	-	-	-	(f)

where (reference to Table 1.13)

(a) a maximum total of 80 seeds of *Poa* spp. shall not be regarded as an impurity;
(b) refers to the condition laid down in column 3 which is not applicable to the seeds of *Poa* spp.. The maximum total content of seeds of *Poa* spp. other than the species to be examined shall not exceed one in a sample of 500 seeds;
(c) states that the determination of seeds of *Melilotus* spp. by number need not be carried out unless there is doubt whether the conditions laid down in column 7 have been satisfied;
(d) states that the presence of one seed of *Melilotus* spp. in a sample of the prescribed weight, shall not be regarded as an impurity where a second sample of twice the prescribed weight is free from any seeds of *Melilotus* spp.;
(e) states that the condition (c) laid down in Table 1.14 of this Schedule is not applicable;
(f) states that the conditions (e) and (g) laid down in Table 1.15 of this Schedule are not applicable;
(g) states that the condition (i) laid down in Table 1.14 of this Schedule is not applicable.

B. Certified seed

1. Varietal identity and varietal purity
In particular, the seeds of the species listed below shall conform to the following standards or other conditions.

The minimum varietal purity shall be:

- *Poa pratensis* varieties referred to in the second part of the third sentence of point 1 of Schedule II and *Brassica oleracea* convar. *acephala* 98%
- *Pisum sativum and Vicia faba*
  - certified seed, first generation 99%
  - certified seed, second and subsequent generations 98%

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

2. Standards or other conditions to be met by the seeds
The seeds shall conform to the following standards or other conditions as regards germination, analytical purity and content of seeds of other plant species, as shown in Tables 1.14 and 1.15:

Table 1.14:

Species	Germination		Analytical purity					
	Minimum germination (% of pure seed)	Maximum content of hard seed (% of pure seed)	Minimum analytical purity (% of weight)	Maximum content of seeds of other plant species (% of weight)				
				Total	A single species	*Agropyron repens*	*Raphanus raphanistrum*	*Sinapis arvensis*
1	2	3	4	5	6	7	8	9
Gramineae								
Agrostis canina	75 (a)	-	90	2.0	1.0	0.3	-	-
Agrostis capillaris	75 (a)	-	90	2.0	1.0	0.3	-	-
Agrostis gigantea	80 (a)	-	90	2.0	1.0	0.3	-	-
Agrostis stolonifera	75 (a)	-	90	2.0	1.0	0.3	-	-
Cynodon dactylon	70 (a)	-	90	2.0	1.0	0.3	-	-
Festuca ovina	75 (a)	-	85	2.0	1.0	0.5	-	-
Festuca pratensis	80(a)	-	95	1.5	1.0	0.5	-	-
Festuca rubra	75 (a)	-	90	1.5	1.0	0.5	-	-
Lolium multiflorum	75 (a)	-	96	1.5	1.0	0.5	-	-
Lolium perenne	80 (a)	-	96	1.5	1.0	0.5	-	-
Poa pratensis	75 (a)	-	85	2.0 (c)	1.0 (c)	0.3	-	-
Leguminosae								
Hedysarum coronarium	75 (a) (b)	30	95	2.5	1.0	-	-	-
Medicago sativa	80 (a) (b)	40	97	1.5	1.0	-	-	-
Pisum sativum	80 (a)	-	98	0.5	0.3	-	-	-
Trifolium alexandrinum	80 (a) (b)	20	97	1.5	1.0	-	-	-
Trifolium pratense	80 (a) (b)	20	97	1.5	1.0	-	-	-
Vicia faba	80 (a) (b)	5	98	0.5	0.3	-	-	-
Vicia sativa	85 (a) (b)	20	98	1.0 (i)	0.5 (i)	-	-	-
							-	-
Other species							-	-
Brassica oleracea convar. *acephala*	75 (a)	-	98	1.0	0.5	-	0.3	0.3

Table 1.15:

Species	Analytical purity		Maximum content of seed of other plant species in a sample of the weight specified in column 4 of Table 1.18 of Schedule IV (total per column)		
	Maximum content of seeds of other plant species (% by weight)		*Avena fatua, Avena ludoviciana & Avena sterilis*	*Cuscuta* spp.	*Rumex* spp. other than *Rumex acetosella & Rumex maritimus*
	Alopecurus myosuroides	*Melilotus* spp.			
1	**9**	**10**	**12**	**13**	**14**
Gramineae					
Agrostis canina	0.3	-	-	0 (d) (e)	2 (h)
Agrostis capillaris	0.3	-	-	0 (d) (e)	2 (h)
Agrostis gigantea	0.3	-	-	0 (d) (e)	2 (h)
Agrostis stolonifera	0.3	-	-	0 (d) (e)	2 (h)
Cynodon dactylon	0.3	-	-	0 (d) (e)	2
Festuca ovina	0.3	-	-	0 (d) (e)	5 (h)
Festuca pratensis	0.3	-	-	0 (d) (e)	5 (h)
Festuca rubra	0.3	-	-	0 (d) (e)	5 (h)
Lolium multiflorum	0.3	-	-	0 (d) (e)	5 (h)
Lolium perenne	0.3	-	-	0 (d) (e)	5 (h)
Poa pratensis	0.3	-	-	0 (d) (e)	2 (h)
Leguminosae					
Hedysarum coronarium	-	0.3	-	0 (e)	5
Medicago sativa	-	0.3	-	0 (f) (g)	10
Pisum sativum	-	0.3	-	0 (d)	5 (h)
Trifolium alexandrinum	-	0.3	-	0 (f) (g)	10
Trifolium pratense	-	0.3	-	0 (f) (g)	10
Vicia faba	-	0.3	-	0 (d)	5 (h)
Vicia sativa	-	0.3	0 (j)	0 (d)	5 (h)
Other species					
Brassica oleracea convar. *acephala*	-	-	-	0 (d) (e)	10

where (reference to Tables 1.14 and 1.15)

(a) states that all fresh and healthy seeds which do not germinate after pre-treatment shall be regarded as seeds which have germinated;
(b) refers to hard seeds present which shall be regarded as seed capable of germination up to the maximum quantity indicated;
(c) states that a maximum total of 0.8% by weight of seeds of other *Poa* species shall not be regarded as an impurity;
(d) refers to the determination of seeds of *Cuscuta* spp. by number that need not be carried out unless there is doubt whether the conditions laid down in column 13 have been satisfied;
(e) states that the presence of one seed of *Cuscuta* spp. in a sample of the prescribed weight shall not be regarded as an impurity where a second sample of the same weight is free from any seed of *Cuscuta* spp.;
(f) refers to the weight of the sample for the determination of seeds of *Cuscuta* spp. by number which shall be twice the weight specified in column 4 of Table 1.18 of Schedule IV for the relevant species;
(g) states that the presence of one seed of *Cuscuta* spp. in a sample of the prescribed weight, shall not be regarded as an impurity where a second sample of twice the prescribed weight is free from any

seed of *Cuscuta* spp.;

(h) states that the determination of seeds of *Rumex* spp. other than *Rumex acetosella* and *Rumex maritimus* by number need not be carried out unless there is doubt whether the conditions laid down in column 14 have been satisfied;

(i) states that the maximum total of 0.5% by weight of seeds of *Lupinus albus*, *Lupinus angustifolius*, *Lupinus luteus*, *Pisum sativum*, *Vicia faba*, *Vicia pannonica*, *Vicia sativa* and *Vicia villosa* in another relevant species shall not be regarded as an impurity;

(j) states that the determination of seeds of *Avena fatua*, *Avena ludoviciana* and *Avena sterilis* by number need not be carried out unless there is doubt whether the conditions laid down in column 12 of Table 1.15 have been satisfied.

C. Commercial Seed

Subject to the provisions below, the conditions laid down in Tables 1.14 and 1.15 and point 2 (regarding harmful organisms affecting all seed categories as described in Section II of this Schedule) shall apply to commercial seed:

- The percentages by weight laid down in columns 5 and 6 of Table 1.14 of this Schedule are increased by 1%.
- For *Poa pratensis*, a maximum total of 3% by weight of seeds of other *Poa* species shall not be regarded as an impurity;
- For *Hedysarum coronarium*, a maximum total of 1% by weight of seeds of *Melilotus* spp. shall not be regarded as an impurity;
- In the case of *Vicia* spp., a maximum total of 6% by weight of seeds of *Vicia pannonica, Vicia villosa* or related cultivated species in another relevant species shall not be regarded as an impurity;
- In the case of *Vicia sativa*, the minimum analytical purity shall be 97% by weight.

III. Seed Potatoes

Basic and certified seed

1. Varietal identity and varietal purity

The seeds shall possess adequate varietal identity and purity. For basic seed in the direct progeny, the number of plants not being true to the variety must not exceed 0.25% and the number of plants of a different variety must not exceed 0.1%. In the case of certified seed in the direct progeny, the number of plants not being true to the variety must not exceed 0.5% and the number of plants of a different variety must not exceed 0.2%.

2. Seed health

Harmful organisms that reduce seed usefulness shall be at the lowest possible level.

A. Minimum quality conditions for lots of certified seed potatoes

(a) The tolerances allowed for the following impurities, blemishes and diseases affecting seed potatoes are the following:

(i) Presence of earth and extraneous matter	2% by weight
(ii) Dry and wet rot, except if caused by *Synchytrium endobioticum, Corynebacterium sepedonicum* or *Pseudomonas solanacearum*	1% by weight
(iii) External blemishes eg. misshapen or damaged tubers	3% by weight

(iv) Common scab: tubers with over more than one-third of their surface affected 5% by weight

Total tolerance for points (ii) to (iv) 6% by weight

(b) Seed potatoes shall be free from *Heterodera rostochiensi*s, *Synchytrium endobioticum, Corynebacterium sepedonicum* and *Pseudomonas solanacearum.*

B. Conditions to be satisfied by lots of Community grades of basic seed potatoes

EC grades 1, 2 and 3
Lots shall contain not more than 1% weight of earth and extraneous matter. Compliance with this requirement shall be checked by official examination and they shall contain not more than 0.5% by weight of tubers infected by dry or wet rot. Compliance with this requirement shall be checked by official examination.

2. Vegetables

Basic seed, certified seed and standard seed

1. Varietal identity and varietal purity
The seeds shall possess adequate varietal identity and purity.

2. Seed health
Diseases and harmful organisms that reduce the usefulness of the seeds shall be at the lowest possible level.

Additional requirements:
(i) Legume seeds shall not be contaminated by the following live insects:
- *Acanthoscelides obtectus* Sag.
- *Bruchus affinis* Froel.
- *Bruchus atomarius* L.
- *Bruchus pisorum* L.
- *Bruchus rufimanus* Boh..

(ii) Seeds must not be contaminated with live *Acari*na.

3. Standards or conditions to be met by the seeds
The seeds shall satisfy the standards or conditions shown in Table 1.16.

Table 1.16:

Species	Minimum analytical purity (% by weight)	Maximum content of seeds of other plant species (% by weight)	Minimum germination (% clusters of pure seed)
Allium cepa	97	0.5	70
Allium porrum	97	0.5	65
Anthriscus cerefolium	96	1.0	70
Apium graveolens	97	1.0	70
Asparagus officinalis	96	0.5	70
Beta vulgaris (Cheltenham beet)	97	0.5	50 (clusters)
Beta vulgaris (others)	97	0.5	70 (clusters)
Brassica oleracea (cauliflower)	97	1.0	70
Brassica oleracea (other subspecies)	97	1.0	75
Brassica pekinensis	97	1.0	75
Brassica rapa	97	1.0	80
Capsicum annuum	97	0.5	65
Cichorium endivia	95	1.0	65
Cichorium intybus (Witloof & large-leaved chicory [Italian chicory])	95	1.5	65
Cichorium intybus (Industrial chicory)	97	1	80
Citrullus lanatus	98	0.1	75
Cucumis melo	98	0.1	75
Cucumis sativus	98	0.1	80
Cucurbita maxima	98	0.1	80
Cucurbita pepo	98	0.1	75
Cynara cardunculus	96	0.5	65
Daucus carota	95	1.0	65
Foeniculum vulgare	96	1.0	70
Lactuca sativa	95	0.5	75
Lycopersicon lycopersicum	97	0.5	75
Petroselinum crispum	97	1.0	65
Phaseolus coccineus	98	0.1	80
Phaseolus vulgaris	98	0.1	75
Pisum sativum	98	0.1	80
Raphanus sativus	97	1.0	70
Scorzonera hispanica	95	1.0	70
Solanum melongena	96	0.5	65
Spinacia oleracea	97	1.0	75
Valerianella locusta	95	1.0	65
Vicia faba	98	0.1	80

Schedule IV

Sampling of seed lots

1. Agricultural plants

I. Cereals

The maximum weight of a seed lot and the minimum weight of a submitted sample shall be as indicated in Table 1.17. The maximum lot weight shall not exceed that indicated by more than 5%.

Table 1.17:

Species	Maximum weight of a lot (tonnes)	Minimum weight of a sample to be drawn from a lot (grams)	Weight of the sample for determination by number provided for in Table 1.11 & columns 4 to 8 of Table 1.12 (Schedule III) (grams)
1	**2**	**3**	**4**
Avena sativa, *Hordeum vulgare,* *Triticum aestivum,* *Triticum durum,* *Triticum spelta,* *Triticosecale,* *Secale cereale*	25	1000	500
Phalaris canariensis	10	400	200
Sorghum spp.	10	1000	900
Zea mays, basic seed of inbred lines	40	250	250
Zea mays, basic seed other than inbred lines; certified seed	40	1000	1000

II. Fodder Plants

The table below (Table 1.18) shows the maximum weight of a seed lot and the minimum submitted sample weight. The maximum lot weight shall not be exceeded by more than 5%.

Table 1.18:

Species	Maximum weight of a seed lot (tonnes)	Minimum weight of a sample to be drawn from a lot (grams)	Weight of the sample for the determinations by number provided in columns 3 to 7 of Table 1.13 & columns 12 to 14 of Table 1.15 (Schedule III) (grams)
1	**2**	**3**	**4**
Gramineae			
Agrostis canina	10	50	5
Agrostis capillaris	10	50	5
Agrostis gigantea	10	50	5
Agrostis stolonifera	10	50	5
Cynodon dactylon	10	50	5
Festuca ovina	10	100	30
Festuca pratensis	10	100	50
Festuca rubra	10	100	30
Lolium multiflorum	10	200	60
Lolium perenne	10	200	60
Poa pratensis	10	50	5
Leguminosae			
Hedysarum coronarium			
- fruit	10	1000	300
- seed	10	400	120
Medicago sativa	10	300	50
Pisum sativum	25	1000	1000
Trifolium alexandrinum	10	400	60
Trifolium pratense	10	300	50
Vicia faba	25	1000	1000
Vicia sativa	25	1000	1000
Other species			
Brassica oleracea convar. *acephala*	10	200	100

2. Vegetables

A. Maximum weight of a seed lot

Table 1.19 indicates the maximum weight of a seed lot that must not be exceeded by more than 5%:

Table 1.19:

Category	Maximum lot weight (tonnes)
1	**2**
Seeds of *Phaseolus vulgaris, Pisum sativum* and *Vicia faba*	25
Seeds of a size not less than that of a grain of wheat, other than *Phaseolus vulgaris, Pisum sativum* and *Vicia faba*	20
Seeds of a size smaller than a grain of wheat	10

B. Sample weight of vegetable seeds

The minimum submitted sample weight of vegetable seed is indicated below (Table 1.20):

Table 1.20:

Species	Weight (grams)
1	**2**
Allium cepa	25
Allium porrum	20
Anthriscus cerefolium	20
Apium graveolens	5
Asparagus officinalis	100
Beta vulgaris	100
Brassica oleracea (all kinds)	25
Brassica pekinensis	20
Brassica rapa	20
Capsicum annuum	40
Cichorium endivia	15
Cichorium intybus (Witloof & large-leaved chicory [Italian chicory])	15
Cichorium intybus (Industrial chicory)	50
Citrullus lanatus	250
Cucumis melo	100
Cucumis sativus	25
Cucurbita maxima	250
Cucurbita pepo	150
Cynara cardunculus	50
Daucus carota	10
Foeniculum vulgare	25
Lactuca sativa	10
Lycopersicon lycopersicum	20
Petroselinum crispum	10
Phaseolus coccineus	1000
Phaseolus vulgaris	700
Pisum sativum	500
Raphanus sativus	50
Lycopersicon lycopersicum	20
Scorzonera hispanica	30
Solanum melongena	20
Spinacia oleracea	75
Valerianella locusta	20
Vicia faba	1000

In the case of F_1 hybrid varieties of the species mentioned in Table 1.20, the minimum weight of the submitted sample may be reduced to a quarter of the weight specified for the variety. However, the sample must have a weight of at least 5g and consists of at least 400 seeds.

Schedule V

Official labelling of seed packages

1. Agricultural plants

I. Cereals

A. Pre-basic seed

(a) Required information for the label

- ü Certification authority and Member State or their distinguishing abbreviations,
- ü Reference number of lot,
- ü Month and year of sealing expressed thus: "sealed …. (month and year)" or month and year of the last official sampling for the purposes of certification expressed thus: "sampled …. (month and year)",
- ü Species, indicated at least under its botanical name, which may be given in an abridged form and without the authors' name, in Latin characters,
- ü Variety, indicated at least in Latin characters,
- ü "Pre-basic seed",
- ü Declared net or gross weight, or declared number of seeds,
- ü Number of generations preceding seed of the categories certified seed or certified seed of the first generation,
- ü Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and the approximate ratio between the weight of pure seeds and the total weight.

(b) Minimum size of the label is 110mm x 67mm.

(c) The label shall be coloured white with a diagonal violet line.

B. Basic and certified seed

(a) Required information for the label

- ü "EC rules and standards",
- ü Certification authority and Member State or their distinguishing abbreviations,
- ü Reference number of lot,
- ü Month and year of sealing expressed thus: "sealed …. (month and year)" or month and year of the last official sampling for the purposes of certification expressed thus: "sampled …. (month and year)",
- ü Species, indicated at least under its botanical name, which may be given in abridged form and without the authors' names, in Latin characters,
- ü Variety, indicated at least in Latin characters,
- ü Category,
- ü Country of production,
- ü Declared net or gross weight, or declared number of seeds,
- ü 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,
- ü In the case of varieties which are hybrids or inbred lines:
  - (i) for basic seed where the hybrid or inbred line to which the seeds belongs has been officially accepted under these regulations: 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) 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) for certified seed: the name of the variety to which the seeds belongs, accompanied by the word "hybrid",

- ü 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.

In certain circumstances, the requirement to indicate the botanical name in respect of individual species may be disregarded and, where appropriate, for limited periods where it has been established that the disadvantages of its implementation outweigh the advantages expected for the marketing of seed.

(b) Minimum size of the label is 110mm x 67mm.
(c) The label shall be coloured white for basic seed, blue for certified seed and certified seed of the first generation and red for certified seed of the second generation.

C. Seed mixtures

(a) Required information for the label
- ü "Mixture of …. (species or varieties)",
- ü Authority responsible for sealing and Member State or their distinguishing abbreviations,
- ü Reference number of the lot,
- ü Month and year of sealing expressed thus: "sealed …. (month and year)",
- ü Species, category, variety and country of production and proportion by weight of each of the components; the names of the species and varieties shall be indicated at least in Latin characters,
- ü Declared net or gross weight, or declared number of seeds,
- ü 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,
- ü 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,
- ü "Marketing permitted exclusively in ….".

(b) Minimum dimensions of the label is 110mm x 67mm.
(c) The label shall be coloured green.

D. Seed not finally certified or harvested in another Member State

(a) Required information for the label
- ü Authority responsible for field inspection and Member State or their distinguishing abbreviations,
- ü Species, indicated at least under its botanical name, which may be given in an abridged form and without the authors' names, in Latin characters,
- ü Variety, indicated at least in Latin characters (in the case of inbred lines and hybrids which are intended solely as components for hybrid varieties, the word "component" shall be added),
- ü Category,
- ü In the case of hybrid varieties, the word "hybrid" shall be added,

- ü Declared net or gross weight,
- ü The words "seed not finally certified".

In certain circumstances, the requirement to indicate the botanical name in respect of individual species may be disregarded and, where appropriate, for limited periods where it has been established that the disadvantages of its implementation outweigh the advantages expected for the marketing of seed.

(b) The label shall be coloured grey.

Information required for the documentation of seed not finally certified or harvested in another Member State:

- ü Authority issuing the document,
- ü Species, indicated at least under its botanical name, which may be given in an abridged form and without the authors' names, in Latin characters,
- ü Variety, indicated at least in Latin characters,
- ü Category,
- ü Reference number of the seed used to sow the field and name of the country or countries which certified that seed,
- ü Field or lot reference number,
- ü Area cultivated for the production of the lot covered by the document,
- ü Quantity of seed harvested and number of packages,
- ü Number of generations after basic seed, in the case of certified seed,
- ü Attestation that the conditions to be satisfied by the crop from which the seed comes have been fulfilled,
- ü Where appropriate, results of a preliminary seed analysis.

II. Fodder Plants

A. Pre-basic seed

(a) Required information for the label

- ü Certifying authority and country and their distinguishing abbreviations,
- ü Reference number of lot,
- ü Month and year of sealing expressed thus: "sealed …. (month and year)" or month and year of the last official sampling for the purposes of certification expressed thus: "sampled …. (month and year)",
- ü Species, indicated at least under its botanical name, which may be given in an abridged form and without the authors' name, in Latin characters,
- ü Variety, indicated at least in Latin characters,
- ü "Pre-basic seed",
- ü Country of production,
- ü Declared net or gross weight, or declared number of seeds,
- ü Number of generations preceding seeds of the category certified seed or certified seed of the first generation,
- ü Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and the approximate ratio between the weight of pure seeds and the total weight.

(b) Minimum size of the label is 110mm x 67mm.

(c) The label shall be coloured white with a diagonal violet line.

B. Basic seed, certified seed, certified seed of the first and second generations

(a) Required information for the label

- ü "EC rules and standards",
- ü Certifying authority and Member State and their distinguishing abbreviations,
- ü Reference number of the lot,
- ü Month and year of sealing expressed thus: "sealed …. (month and year)", or month and year of the last official sampling for the purposes of certification expressed thus: "sampled …. (month and year)",
- ü Species, indicated at least under its botanical name, which may be given in abridged form and without the authors' names, in Latin characters,
- ü Variety indicated at least in Latin characters,
- ü Category,
- ü Country of production,
- ü Declared net or gross weight, or declared number of pure seeds,
- ü 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,
- ü For certified seed of the second generation and subsequent generations after basic seed: number of generations after basic seed,
- ü For seed of grass varieties (Gramineae), in respect of which no official examination of their value for cultivation and use has been carried out (regulation 8 of these regulations): "Not intended for the production of fodder plants",
- ü 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.

In certain circumstances, the requirement to indicate the botanical name in respect of individual species may be disregarded and, where appropriate, for limited periods where it has been established that the disadvantages of its implementation outweigh the advantages expected for the marketing of seed.

(b) Minimum size of the label is 110mm x 67mm.

(c) The label shall be coloured white for basic seed, blue for certified seed and certified seed of the first generation and red for certified seed of the second generation.

C. Commercial seed

(a) Required information for the label

- ü "EC rules and standards",
- ü "Commercial seed (not certified as to variety)",
- ü Supervising authority and Member State or their distinguishing abbreviations,
- ü Reference number of lot,
- ü Month and year of sealing expressed thus: "sealed …. (month and year)" or month and year of the last official sampling for the purposes of certification expressed thus: "sampled …. (month and year)",
- ü Species, indicated at least under its botanical name, which may be given in abridged form and without the authors' names, in Latin characters,
- ü Area of production,
- ü Declared net or gross weight, or declared number of pure seeds,
- ü Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of pure seed and the total weight,

- ü 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.

In certain circumstances, the requirement to indicate the botanical name in respect of individual species may be disregarded and, where appropriate, for limited periods where it has been established that the disadvantages of its implementation outweigh the advantages expected for the marketing of seed.

(b) Minimum size of the label is 110mm x 67mm.
(c) The label shall be coloured brown.

D. Seed mixtures

(a) Required information for the label
- ü "Seed mixture for …. (intended use)",
- ü Authority responsible for sealing and Member State or their distinguishing abbreviations,
- ü Reference number of lot,
- ü Month and year of sealing expressed thus: "sealed …. (month and year)",
- ü Percentage by weight of the various components shown by species and, where appropriate, by variety, both indicated at least in Latin characters; it is sufficient to give the name of the mixture if the percentage by weight has been notified in writing to the purchaser and officially recorded,
- ü Declared net or gross weight, or declared number of seeds,
- ü Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and the approximate ratio between the weight of pure seeds and the total weight,
- ü 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.

(b) Minimum size of the label is 110mm x 67mm.
(c) The label shall be coloured green.

E. Seed not finally certified or harvested in another Member State

(a) Required information for the label
- ü Authority responsible for field inspection and Member State or their distinguishing abbreviations,
- ü Species, indicated at least under its botanical name, which may be given in an abridged form and without the authors' names, in Latin characters,
- ü Variety, indicated at least in Latin characters,
- ü Category,
- ü Field or lot reference number,
- ü Declared net or gross weight,
- ü The words "seed not finally certified".

In certain circumstances, the requirement to indicate the botanical name in respect of individual species may be disregarded and, where appropriate, for limited periods where it has been established that the disadvantages of its implementation outweigh the advantages expected for the marketing of seed.

(b) The label shall be coloured grey.

Information required for the documentation of seed not finally certified or harvested in another Member State:

- ü Authority issuing the document,
- ü Species, indicated at least under its botanical name, which may be given in an abridged form and without the authors' name, in Latin characters,
- ü Variety, indicated at least in Latin characters,
- ü Category,
- ü Reference number of the seed used to sow the field and name of the country or countries which certified the seed,
- ü Field or lot reference number,
- ü Area cultivated for the production of the lot covered by the document,
- ü Quantity of seed harvested and number of packages,
- ü Number of generations after basic seed, in the case of certified seed,
- ü Attestation that the conditions to be satisfied by the crop from which the seed comes have been fulfilled,
- ü Where appropriate results of a preliminary seed analysis.

F. Supplier's label for small EC B packages of certified or commercial seed other than a mixture

(a) Required information for the label

- ü "Small EC B package",
- ü Name and address of supplier responsible for marking or his identification mark,
- ü Officially assigned serial number,
- ü Service which assigned the serial number and Member State or their distinguishing abbreviations,
- ü Reference number if the official serial number does not enable the admitted seed lot to be identified,
- ü Species, indicated at least in Latin characters,
- ü Variety, indicated at least in Latin characters (for certified seed only),
- ü "Category" (in the case of certified seed) or "Commercial seed",
- ü Net or gross weight, or number of pure seeds,
- ü Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and the approximate ratio between the weight of pure seeds and the total weight,
- ü In the case of certified seed of grass varieties (Gramineae), in respect of which no official examination of their value for cultivation and use has been carried out (regulation 2 of these regulations): "Not intended for the production of fodder plants".

(b) Minimum size of the label is 110mm x 67mm.

(c) The label shall be coloured blue for certified seed and certified seed of the first generation and red for certified seed of the second generation.

G. Supplier's label for small packages of seed mixtures

(a) Required information for the label

- ü "Small EC A package" or "Small EC B package",
- ü Name and address of supplier responsible for marking or his identification mark,
- ü Small EC B package: officially assigned serial number,
- ü Small EC B package: service which assigned the serial number and Member State or their distinguishing abbreviations,
- ü Small EC B package: reference number if the official serial number does not enable the used seed lots to be identified,

- Small EC A package: reference number enabling the used seed lots to be identified,
- Small EC A package: country or its distinguishing abbreviation,
- "Seed-mixture for …. (intended use)",
- Net weight or gross weight, or number of pure seeds,
- Where weight is indicated and granulated pesticides, pelleting substances, or other solid additives are used, the nature of the additives and the approximate ratio between the weight of pure seeds and the total weight,
- Percentage by weight of the various components shown by species and, where appropriate, by variety both indicated at least in Latin characters; it is sufficient to give part of this information, as Malta may prescribe for small packages produced in its territory, and a reference to the kind of mixture if the proportion by weight can be communicated to the purchaser on request and has been officially recorded.

(b) Minimum size of the label is 110mm x 67mm.
(c) The label shall be coloured green.

III. Seed Potatoes

A. Pre-basic seed

(a) Required information for the label
- Certification authority and Member State or their distinguishing abbreviations,
- Producer's identification number or reference number of lot,
- Month and year of sealing,
- Species, indicated at least under its botanical name, which may be given in an abridged form and without the authors' names, or its common name, or both, in Latin characters,
- Variety, indicated at least in Latin characters,
- "Pre-basic seed",
- Declared net weight.

(b) Minimum size of the label is 110mm x 67mm.
(c) The label shall be coloured white with a diagonal violet line.

B. Basic and certified seed

(a) Required information for the label
- "EC rules and standards",
- Certification authority and Member State or their distinguishing abbreviations,
- Producer's identification number or reference number of lot,
- Month and year of sealing,
- Species, indicated at least under its botanical name, which may be given in an abridged form and without the author's names, or its common name, or both, in Latin characters,
- Variety, indicated at least in Latin characters,
- Country of production,
- Category, and if desirable, grade,
- Size,
- Declared net weight.

(b) Minimum size of the label is 110mm x 67mm.
(c) The label shall be coloured white for basic seed and blue for certified seed.

C. Supplier's label for basic and certified seed

(a) Required information for the label
- "EC rules and standards",
- Name and address of the person responsible for affixing the labels or his identification mark,
- Month and year of sealing,
- Species, indicated at least under its botanical name, which may be given in an abridged form and without the authors' names, or its common name, or both, in Latin characters,
- Variety, indicated at least in Latin characters,
- Country of production,
- Category, and if desirable, grade,
- Size,
- Reference number enabling the lot to be identified,
- Declared net weight.

(b) Minimum size of the label is 110mm x 67mm.

(c) The label shall be coloured white for basic seed and blue for certified seed.

2. Vegetables

A. Pre-basic seed

(a) Required information
- Certification authority and Member State or their distinguishing abbreviations,
- Reference number of lot,
- Month and year of sealing expressed thus: "sealed …. (month and year)", or month and year of the last official sampling for the purposes of certification expressed thus: "sampled …. (month and year)",
- Species, indicated at least under its botanical name, which may be given in an abridged form and without the authors' names, or its common name, or both, in Latin characters,
- Variety, indicated at least in Latin characters,
- "Pre-basic seed",
- Declared net or gross weight, or declared number of seeds,
- Number of generations preceding seed of the category certified seed,
- Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and the approximate ratio between the weight of pure seeds and the total weight.

(b) Minimum size of the label is 110mm x 67mm.

(c) The label shall be coloured white with a diagonal violet line.

B. Basic and certified seed (excluding small packages)

(a) Required information for the label
- "EC rules and standards",
- Certification authority and Member State or their distinguishing abbreviations,
- Month and year of sealing expressed thus: "sealed …. (month and year)", or month and year of the last official sampling for the purposes of certification expressed thus: "sampled …. (month and year)",
- Reference number of lot,
- Species, indicated at least in Latin characters, under its botanical name, which may be given in an abridged form and without the authors' names, or its common name, or both,

- Variety, indicated at least in Latin characters,
- Category,
- Country of production,
- Declared net or gross weight, or declared number of seeds,
- 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 total weight,
- In the case of varieties which are hybrids or inbred lines:
  (i) for basic seed where the hybrid or inbred line to which the seed belongs has been officially accepted under these regulations: 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) 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) for certified seed: the name of the variety to which the seed belongs accompanied by the word "hybrid".
- Where at least germination has been re-tested, the words "retested …. (month and year)" may be indicated.

(b) Minimum dimensions of the label are 110mm x 67mm.
(c) The label shall be coloured white for basic seed and blue for certified seed.

C. Seeds not finally certified or harvested in another Member State

(a) Required information for the label
- Authority responsible for field inspection and Member State or their distinguishing abbreviations,
- Species, indicated at least under its botanical name, which may be given in an abridged form and without the authors' names, or under its common name, or both, in Latin characters,
- Variety, indicated at least in Latin characters,
- Category,
- Field or lot reference number,
- Declared net or gross weight,
- The words "seed not finally certified".

(b) The label shall be coloured grey.

Information required for the documentation of seed not finally certified or harvested in another Member State:

- Authority issuing the document,
- Species, indicated at least under its botanical name, which may be given in an abridged form and without the authors' names, or under its common name, or both, in Latin characters,
- Variety, indicated at least in Latin characters,
- Category,
- Reference number of the seed used to sow the field and name of the country or countries which certified the 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,
- 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.

D. Supplier's label or inscription on packages of standard seed (excluding small packages)

(a) Required information for the label
- "EC rules and standards",
- Name and address of the person responsible for affixing the labels or his identification mark,
- Marketing year of the sealing or of the last examination of germination (the end of the marketing year may be indicated),
- Species, indicated at least in Latin characters,
- Variety, indicated at least in Latin characters,
- Category: indicated with the letters "ST",
- Reference number given by the person responsible for affixing the labels,
- Declared net or gross weight, or declared number of seeds,
- 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 seed and the total weight.

(b) Minimum size of the label is 110mm x 67mm.

(c) The label shall be coloured dark yellow.

E. Supplier's label for small packages of certified seed

(a) Required information for the label
- "EC rules and standards",
- Name and address of the person responsible for affixing the label or his identification mark,
- Marketing year of the sealing or of the last examination of germination (the end of the marketing year may be indicated),
- Species, indicated at least in Latin characters,
- Variety, indicated at least in Latin characters,
- Category, indicated with the letters "C" or "Z",
- Reference number enabling the certified lot to be identified,
- Declared net or gross weight or declared number of seeds, except for small packages not exceeding 500 grams,
- 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.

(b) The label shall be coloured blue.

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