SCHEDULE 2

Regulations 2(1), 6(4), 11(1)15(2), 16(2), and 19(14) andparagraphs 2, 3 and 4 of Schedule 1

OFFICIAL CERTIFICATES AND BREEDER'S CONFIRMATIONS

PART I

OFFICIAL CERTIFICATES

Applications for seed harvested in the United Kingdom

1. On receipt of an application made in accordance with regulation 14(1) but not made in pursuance of Article 22 (certification of seed from other EEA States or equivalent third countries) of the Beet Seed Directive for the issue of an official certificate in respect of a seed lot as Pre-Basic Seed, Basic Seed, Certified Seed and seed of a Conservation Variety, the Scottish Ministers shall, subject to paragraphs 2 and 3, issue in respect of such a seed lot an official certificate containing the particulars specified in paragraph 1 of Schedule 3.

When applications will be refused

2.—(1) The Scottish Ministers shall refuse to issue an official certificate in respect of a seed lot unless—

(a) an application has been made to the Scottish Ministers, in writing in such form and manner and at such time as the Scottish Ministers may require, and has been accompanied by such information, material, records, illustrations and other documents as they may require, in respect of—

(i) the seed lot or seed lots to be used for the production of the crop or crops from which is to be or has been obtained the seed lot in respect of which the application for an official certificate has been made; and

(ii) the crop or crops from which the seed lot is to be or has been obtained;

(b) except in the case of seed of seed of a Conservation Variety, an official examination of the crop or crops from which was obtained the seed lot in respect of which the application for an official certificate has been made has shown that the crop or crops met the standards appropriate to the category of seed referred to in the application specified in Part I of Schedule 4; and

(c) an official examination of a sample of the seed lot has shown that the seed lot meets the standards appropriate to the relevant category of seed referred to in the application specified in paragraph 8 of Part II of Schedule 4, except that, in so far as the official examination relates to the standards of percentage of germination specified in Part II of Schedule 4, these standards shall not apply in relation to an application for the issue of an official certificate in respect of lower germination seed.

(2) Notwithstanding sub paragraph (1), the Scottish Ministers shall refuse to issue an official certificate certifying a seed lot either as—

(a) Basic Seed if the seed lot was certified at the time of the relevant application as Certified Seed; or

(b) Pre-Basic Seed if the seed lot was certified at the time of the relevant application as either Basic Seed or Certified Seed,

unless the application is accompanied by the written consent of the Breeder.

When applications may be refused

3. The Scottish Ministers may refuse to issue an official certificate in respect of a seed lot if it appears to them that—

(a) a sample taken from the seed lot for the purpose of an official examination to ascertain whether the seed lot meets the appropriate standards specified in Part II of Schedule 4 has not been taken in accordance with regulation 17(1);

(b) an official examination of a control plot or an examination of a post control plot, sown with a sample of the seed lot shows that the crop does not meet the appropriate standards specified in Part I of Schedule 4; or

(c) there has been any breach of seeds Regulations in relation to the seed lot in respect of which the application for an official certificate has been made.

Applications for seed harvested in an EEA State or third country

4. Notwithstanding paragraphs 2 and 3, on receipt of an application made in accordance with regulation 15(1) and in pursuance of Article 22 (certification of seed from other EEA States or equivalent third countries) of the Beet Seed Directive for the issue of an official certificate in respect of a seed lot as Pre-Basic Seed, Basic Seed or Certified Seed,

(1) the Scottish Ministers shall issue in respect of the seed lot an official certificate containing the particulars specified in paragraph 1 of Schedule 3 if—

(a) the seed has been—

(i) produced directly from fully certified Basic Seed, Certified Seed or seed certified in a third country which is permitted to be sold as Basic Seed or Certified Seed by virtue of a general licence granted by the Scottish Ministers under regulation 7 or the implementation of the Equivalence Decision; and

(ii) harvested in either an EEA State other than the United Kingdom or in a third country;

(b) the seed has been—

(i) produced directly from the crossing of fully certified Basic Seed with seed certified in a third country which is permitted to be sold as Basic Seed by virtue of a general licence granted by the Scottish Ministers under regulation 7 or the implementation of the Equivalence Decision; and

(ii) harvested in either an EEA State other than the United Kingdom or in a third country; or

(c) the seed—

(i) is to be certified by the Scottish Ministers as Basic Seed;

(ii) has been produced directly from fully certified Pre-Basic Seed or from seed certified in a third country which is permitted to be sold as Pre-Basic Seed by virtue of a general licence granted by the Scottish Ministers under regulation 7 or the implementation of the Equivalence Decision; and

(iii) has been harvested in an EEA State other than the United Kingdom or in a third country; and

(2) the official certificate shall be issued provided that—

(a) if the seed has been harvested in an EEA State other than the United Kingdom the seed has been harvested from a crop which has been found by official field inspection to satisfy the crop conditions specified in Annex I(A) of the Beet Seed Directive for the relevant category of seed;

(b) if the seed has been harvested in an EEA State, the seed has been packed in a sealed package in accordance with the requirements of Article 11 of the Beet Seed Directive and has been labelled in accordance with the requirements of Article 12 of the Beet Seed Directive;

(c) if the seed has been harvested in an EEA State, the seed has been imported into the United Kingdom as not finally certified seed;

(d) if the seed has been harvested in an EEA State, the seed is accompanied by an document of the type specified in Article 22(2) of the Beet Seed Directive containing the particulars specified in Part C of Annex IV of the Beet Directive issued by the competent seed certification authority in the EEA State; and

(e) official examination has shown that the conditions specified in Part II of Schedule 4 for the relevant category of seed have been satisfied.

PART II

BREEDER'S CONFIRMATIONS

Applications

5. On receipt of an application made in accordance with regulation 16 for the issue of a breeder's confirmation in respect of a seed lot, as Pre-Basic Seed or Basic Seed, the Scottish Ministers shall, subject to paragraphs 6 and 7, issue in respect of that seed lot a breeder's confirmation containing the particulars specified in paragraph 2 of Schedule 3.

When applications will be refused

6. The Scottish Ministers shall refuse to issue a breeder's confirmation in respect of a seed lot unless—

(a) an application has been made to the Scottish Ministers in writing in such form and manner and at such time as the Scottish Ministers may require, and has been accompanied by such information, material, records, illustrations and other documents as they may require, in respect of—

(i) the seed lot or seed lots to be used for the production of the crop or crops from which is to be or has been obtained the seed lot in respect of which the application for a breeder's confirmation has been made; and

(ii) the crop or crops from which the seed lot is to be or has been obtained;

(b) an official examination of the crop or crops from which was obtained the seed lot in respect of which the application for a breeder's confirmation has been made has shown that the crop or crops meet the standards specified in Part I of Schedule 4 appropriate to the category referred to in the application; and

(c) an official examination of a sample taken from the seed lot has shown that the seed lot meets the standards specified in Part II of Schedule 4 appropriate to the relevant category of seed referred to in the application except that a breeder's confirmation can be issued for Pre-Basic Seed or Basic Seed in respect of seed which attains a lower percentage of germination than that specified in Part II of Schedule 4.

When applications may be refused

7. The Scottish Ministers may refuse to issue a breeder's confirmation in respect of a seed lot if—

(a) it appears to them that a sample taken from the seed lot for the purpose of an official examination to ascertain whether the seed lot meets the appropriate standards specified in Part II of Schedule 4 has not been taken in accordance with regulation 17;

(b) it appears to them that an official examination of a control plot sown with a sample of the seed lot shows that the crop does not meet the appropriate standards specified in Part I of Schedule 4;

(c) it appears to them that there has been a breach of seeds regulations in relation to the seed lot in respect of which application for a breeder's confirmation has been made; or

(d) the breeder applying for the breeder's confirmation in respect of the seed lot notifies them that the application to have the relevant variety accepted on to a UK National List (or to an equivalent list in an EEA State) has been withdrawn or refused.