
Changes to legislation: There are outstanding changes not yet made to Council Decision of 16 December 2002 on the equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries (Text with EEA relevance) (2003/17/EC). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

ANNEX II

A. Conditions relating to field inspections carried out in third countries on seed-producing crops

1. Field inspections shall be carried out in accordance with national rules for the application of the OECD Schemes for the Varietal Certification of Seed moving in International Trade as follows:
 - sugar beet and fodder beet seed, in the case of *Beta vulgaris* referred to in Directive 2002/54/EC,
 - grass and legume seed, in the case of the species referred to in Directive 66/401/EEC,
 - crucifer seed and other oil and fibre species seed, in the case of the species referred to in Directives 66/401/EEC and 2002/57/EC,
 - cereal seed, in the case of the species referred to in Directive 66/402/EEC, other than *Zea mays* and *Sorghum* spp.,
 - maize and sorghum seed, in the case of *Zea mays* and *Sorghum* spp. referred to in Directive 66/402/EEC^[F1],
 - ^[F2]vegetable seed, in the case of the species referred to in Directive 2002/55/EC.]

Textual Amendments

- F1** Substituted by [Decision \(EU\) 2018/1674 of the European Parliament and of the Council of 23 October 2018 amending Council Decision 2003/17/EC as regards the equivalence of field inspections carried out in the Federative Republic of Brazil on fodder plant seed-producing crops and cereal seed-producing crops and on the equivalence of fodder plant seed and cereal seed produced in the Federative Republic of Brazil, and as regards the equivalence of field inspections carried out in the Republic of Moldova on cereal seed-producing crops, vegetable seed-producing crops and oil and fibre plant seed-producing crops and on the equivalence of cereal seed, vegetable seed and oil and fibre plant seed produced in the Republic of Moldova.](#)
- F2** Inserted by [Decision \(EU\) 2018/1674 of the European Parliament and of the Council of 23 October 2018 amending Council Decision 2003/17/EC as regards the equivalence of field inspections carried out in the Federative Republic of Brazil on fodder plant seed-producing crops and cereal seed-producing crops and on the equivalence of fodder plant seed and cereal seed produced in the Federative Republic of Brazil, and as regards the equivalence of field inspections carried out in the Republic of Moldova on cereal seed-producing crops, vegetable seed-producing crops and oil and fibre plant seed-producing crops and on the equivalence of cereal seed, vegetable seed and oil and fibre plant seed produced in the Republic of Moldova.](#)

2. Seed not finally certified shall be packed in officially closed packages which bear a special label provided for this purpose by the OECD.
3. Seed not finally certified shall be accompanied, without prejudice to the certificate provided by the OECD schemes, by an official certificate giving the following information:
 - reference number of the seed used to sow the field, and name of the Member State or third country which certified that seed,
 - area cultivated,
 - quantity of seed,
 - the attestation that the conditions that have to be satisfied by the crops from which the seed comes have been fulfilled.
- B. Conditions relating to seed produced in third countries

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1. Seed shall be officially certified and its packages officially closed and marked in accordance with national rules for the application of the OECD Schemes for the Varietal Certification of Seed moving in International Trade as follows; the seed lots shall be accompanied by the certificates required under those OECD schemes:
 - sugar beet and fodder beet seed, in the case of *Beta vulgaris* referred to in Directive 2002/54/EC,
 - grass and legume seed, in the case of the species referred to in Directive 66/401/EEC,
 - crucifer seed and other oil or fibre species seed, in the case of the species referred to in Directives 66/401/EEC and 2002/57/EC,
 - cereal seed, in the case of the species referred to in Directive 66/402/EEC, other than *Zea mays* and *Sorghum* spp.,
 - maize and sorghum seed, in the case of *Zea mays* and *Sorghum* spp. referred to in Directive 66/402/EEC^[F1],
 - ^[F2]vegetable seed, in the case of the species referred to in Directive 2002/55/EC.]

Moreover, seed shall satisfy the conditions of Community rules other than those relating to varietal identity and varietal purity.

2. Seed shall satisfy the following conditions.
 - 2.1. The conditions which seed shall satisfy in accordance with the second subparagraph of paragraph 1 are laid down in the following Directives:
 - Directive 66/401/EEC, Annex II,
 - Directive 66/402/EEC, Annex II,
 - Directive 2002/54/EC, Annex I(B),
 - ^[F2]Directive 2002/55/EC, Annex II,]
 - Directive 2002/57/EC, Annex II.
 - ^[F1]2.2. For the purpose of the examination to check whether the conditions set out in paragraph 2.1 have been satisfied, samples shall be taken officially or under official supervision in accordance with the ISTA Rules, and their weights shall conform to the weight stipulated under such methods, taking into account the weights specified in the following Directives:
 - Directive 66/401/EEC, Annex III, columns 3 and 4,
 - Directive 66/402/EEC, Annex III, columns 3 and 4,
 - Directive 2002/54/EC, Annex II, second line,
 - Directive 2002/55/EC, Annex III,
 - Directive 2002/57/EC, Annex III, columns 3 and 4.]
 - ^[F1]2.3. The examination shall be carried out officially or under official supervision in accordance with the ISTA Rules.]
 - ^{F3}2.4.

Textual Amendments

- F3** Deleted by [Decision \(EU\) 2018/1674 of the European Parliament and of the Council of 23 October 2018 amending Council Decision 2003/17/EC as regards the equivalence of field inspections carried out in the Federative Republic of Brazil on fodder plant seed-producing crops and cereal seed-producing crops and on the equivalence of fodder plant seed and cereal seed produced in the Federative Republic of Brazil, and as regards the equivalence of field inspections carried out in the Republic of Moldova on cereal](#)

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seed-producing crops, vegetable seed-producing crops and oil and fibre plant seed-producing crops and on the equivalence of cereal seed, vegetable seed and oil and fibre plant seed produced in the Republic of Moldova.

3. Seed shall satisfy the following additional conditions in respect of package marking.
 - 3.1. The following official information shall be given:
 - a statement that the seed satisfies the conditions of Community rules other than those relating to varietal identity and varietal purity: ‘EC rules and standards’,
 - [F¹a statement that the seed has been sampled and tested in accordance with current international methods: ‘Sampled and analysed in accordance with the provisions set out in the ISTA International Rules for Seed Testing with regard to Orange International Seed Lot Certificates by ..., (name or member code of the ISTA seed testing station)’],
 - date of official closing,
 - where seed lots have been ‘relabelled and refastened’ within the meaning of the OECD schemes, also a statement that this operation took place, the most recent date of reclosing and the Authorities responsible therefore,
 - country of production,
 - declared net or gross weight or declared number of pure seeds or, in the case of beet seed, clusters, and
 - 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.

This information may be given either on the OECD label or on an additional official label which shall give the name of the service and the country. Any suppliers' labels shall be drawn up in such a manner that they cannot be confused with the additional official label.

- 3.2. In the case of seed of a variety which has 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 and provide for any other information as may be determined in the authorisation procedure required under Community law.
- 3.3. An official notice placed inside the package shall give at least the reference number of the lot, the species and the variety; in addition, in the case of beet seed, it shall be stated, where appropriate, whether the seed is monogerm or precision seed.

This notice is not necessary if the minimum information is printed indelibly on the package or if an adhesive label or a label of non-tear material is used.

- 3.4. Any chemical treatment of the seed and the active substance shall be noted either on the official label or on a special label as well as on the container or inside it.
- 3.5. All information required for official labels, for official notices and for packages shall be given in at least one of the official languages of the Community.
- [F¹4. The seed lots shall be accompanied by an ISTA Orange International Seed Lot Certificate giving the information relating to the conditions in paragraph 2.]
5. In the case of basic seed of varieties which are exclusively maintained within the Community, the seed of the preceding generations shall have been produced within the Community.

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In the case of basic seed of other varieties, the seed of the preceding generations shall have been produced under the responsibility of the persons responsible for the maintenance breeding, referred to in the common catalogue of varieties of agricultural plant species either within the Community or in a third country which has been granted, under Decision 97/788/EC⁽¹⁾, the equivalence of checks on practices for the maintenance of varieties carried out in third countries.

6. For certified seed of all generations, seed of the previous generations shall have been produced and officially controlled and certified:
- either within the Community, or
 - in a third country which has been granted equivalence under this Decision for the production of basic seed of the species concerned, provided that it has been produced from seed produced in accordance with paragraph 5.

7. In the case of Canada and the United States of America, by way of derogation from:
- points 2.2 and 2.3,
 - point 3.1, second indent, and
 - point 4,

sampling, testing and issue of seed analysis certificates may be carried out by officially recognised seed testing laboratories according to the rules of the AOSA. In this case:

- the following statement shall be given under paragraph 3.1: ‘Sampled and analysed according to AOSA rules by ...’ (name or initials of the officially recognised seed testing laboratory), and
- the certificates required under paragraph 4 shall be issued by the officially recognised seed testing laboratory under the responsibility of the Authorities listed in Annex I.

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- (1) [OJ L 322, 25.11.1997, p. 39](#). Decision as last amended by Decision 2002/580/EC ([OJ L 184, 13.7.2002, p. 26](#)).

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Changes and effects yet to be applied to :

- Annex 2 para. B(3.1) words omitted by [S.I. 2021/393 reg. 6\(5\)\(a\)](#)
- Annex 2 para. B(3.2) words omitted by [S.I. 2021/393 reg. 6\(5\)\(b\)](#)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Art. A1 inserted by [S.I. 2019/162 reg. 6\(2\)](#)
- Art. A1 words inserted in earlier amending provision [S.I. 2019/162, reg. 6\(2\)](#) by [S.I. 2020/1388 reg. 30\(3\)\(a\)\(ii\)](#)
- Art. A1(1) words omitted by [S.I. 2021/393 reg. 6\(2\)](#)
- Art. A1(1)(d) words inserted in earlier amending provision [S.I. 2019/162, reg. 6\(2\)](#) by [S.I. 2020/1388 reg. 30\(3\)\(a\)\(i\)](#)
- Annex 2 para. B point 6 word inserted by [S.I. 2019/162 reg. 6\(6\)\(b\)\(viii\)\(bb\)](#)
- Annex 2 para. B point 6 word omitted by [S.I. 2019/162 reg. 6\(6\)\(b\)\(viii\)\(bb\)](#)
- Annex 2 para. B point 3.1 word substituted by [S.I. 2019/162 reg. 6\(6\)\(b\)\(iv\)\(bb\)](#)
- Annex 2 para. B point 6 words inserted by [S.I. 2019/162 reg. 6\(6\)\(b\)\(viii\)\(cc\)](#)
- Annex 2 para. A point 3 words omitted by [S.I. 2019/162 reg. 6\(6\)\(a\)\(ii\)](#)
- Annex 2 para. A heading words substituted by [S.I. 2019/162 reg. 6\(6\)\(a\)\(i\)](#)
- Annex 2 para. B heading words substituted by [S.I. 2019/162 reg. 6\(6\)\(b\)\(i\)](#)
- Annex 2 para. B point 1 words substituted by [S.I. 2019/162 reg. 6\(6\)\(b\)\(ii\)](#)
- Annex 2 para. B point 2.1 words substituted by [S.I. 2019/162 reg. 6\(6\)\(b\)\(iii\)](#)
- Annex 2 para. B point 3.1 words substituted by [S.I. 2019/162 reg. 6\(6\)\(b\)\(iv\)\(aa\)](#)
- Annex 2 para. B point 3.2 words substituted by [S.I. 2019/162 reg. 6\(6\)\(b\)\(v\)](#)
(This amendment not applied to [legislation.gov.uk](#). [Reg. 6\(4\)\(b\)\(v\)](#) substituted immediately before IP completion day by [S.I. 2020/1388, regs. 1\(2\)\(a\), 30\(3\)\(d\)\(ii\)](#))
- Annex 2 para. B point 3.5 words substituted by [S.I. 2019/162 reg. 6\(6\)\(b\)\(vi\)](#)
- Annex 2 para. B point 5 words substituted by [S.I. 2019/162 reg. 6\(6\)\(b\)\(vii\)\(aa\)](#)
(This amendment not applied to [legislation.gov.uk](#). [Reg. 6\(4\)\(b\)\(vii\)](#) substituted immediately before IP completion day by [S.I. 2020/1388, regs. 1\(2\)\(a\), 30\(3\)\(d\)\(iii\)](#))
- Annex 2 para. B point 5 words substituted by [S.I. 2019/162 reg. 6\(6\)\(b\)\(vii\)\(bb\)](#)
(This amendment not applied to [legislation.gov.uk](#). [Reg. 6\(4\)\(b\)\(vii\)](#) substituted immediately before IP completion day by [S.I. 2020/1388, regs. 1\(2\)\(a\), 30\(3\)\(d\)\(iii\)](#))
- Annex 2 para. B point 6 words substituted by [S.I. 2019/162 reg. 6\(6\)\(b\)\(viii\)\(aa\)](#)
- Annex 2 para. B(5) words substituted by [S.I. 2021/393 reg. 6\(5\)\(c\)\(i\)](#)
- Annex 2 para. B(5) words substituted by [S.I. 2021/393 reg. 6\(5\)\(c\)\(ii\)](#)
- Annex 2 para. B(6) words substituted by [S.I. 2021/393 reg. 6\(5\)\(d\)](#)
- Annex 2 para. B point 3.2 words substituted by [S.I. 2019/162, reg. 6\(6\)\(b\)\(v\)](#) (as substituted) by [S.I. 2020/1388 reg. 30\(3\)\(d\)\(ii\)](#)
- Annex 2 para. B point 5 words substituted by [S.I. 2019/162, reg. 6\(6\)\(b\)\(vii\)\(aa\)](#) (as substituted) by [S.I. 2020/1388 reg. 30\(3\)\(d\)\(iii\)](#)
- Annex 2 para. B point 5 words substituted by [S.I. 2019/162, reg. 6\(6\)\(b\)\(vii\)\(bb\)](#) (as substituted) by [S.I. 2020/1388 reg. 30\(3\)\(d\)\(iii\)](#)
- Annex 2 para. B point 6 words substituted in earlier amending provision [S.I. 2019/162, reg. 6\(6\)\(b\)\(viii\)\(cc\)](#) by [S.I. 2020/1388 reg. 30\(3\)\(d\)\(iv\)](#)
- Art. 3(2)(a) words substituted by [S.I. 2019/162 reg. 6\(4\)\(b\)\(iii\)\(aa\)](#)
- Art. 3(2)(a) words substituted by [S.I. 2019/162 reg. 6\(4\)\(b\)\(iii\)\(bb\)](#)
- Art. 3(2)(a) words substituted by [S.I. 2021/393 reg. 6\(4\)\(b\)\(ii\)](#)

- Art. 3(2)(b) words substituted by [S.I. 2019/162 reg. 6\(4\)\(b\)\(iv\)\(aa\)](#)
- Art. 3(2)(b) words substituted by [S.I. 2019/162 reg. 6\(4\)\(b\)\(iv\)\(bb\)](#) (This amendment not applied to [legislation.gov.uk](#). Reg. 6(4)(b)(iv)(bb) substituted immediately before IP completion day by [S.I. 2020/1388, regs. 1\(2\)\(a\), 30\(3\)\(d\)\(i\)](#))
- Art. 3(2)(b) words substituted by [S.I. 2019/162, reg. 6\(6\)\(b\)\(iv\)\(bb\)](#) (as substituted) by [S.I. 2020/1388 reg. 30\(3\)\(d\)\(i\)](#)