

SCHEDULE 4

Exceptions

PART 2

Marketing seed that does not comply with Schedule 2

Early movement of seed

- 5.—(1) A person may market officially certified early movement pre-basic or basic seed if—
- (a) that person guarantees a minimum percentage of germination for the seed that is—
 - (i) the same as the EU minimum percentage of germination for the relevant species of seed and the same as, or less than, the percentage of germination for the seed ascertained by the provisional analysis on which the certification of the seed was based; or
 - (ii) less than the EU minimum percentage of germination for the relevant species of seed and the same as the percentage of germination ascertained by the provisional analysis on which the certification of the seed was based.
 - (2) A person may market officially certified early movement CS, C1, C2, C3 or commercial seed if—
 - (a) that person guarantees a minimum percentage of germination for the seed that is—
 - (i) the same as the EU minimum percentage of germination for the relevant species of seed; or
 - (ii) the same as, or less than, the percentage of germination ascertained by the provisional analysis on which the certification of the seed was based.
 - (3) Where any person markets seed, in accordance with sub-paragraph (1) or (2), that person shall provide the purchaser, upon or before delivery of the seed, with a statement—
 - (a) stating that the seeds are being marketed before the completion of the official germination test;
 - (b) specifying the guaranteed minimum percentage of germination; and
 - (c) specifying the name and address of the person marketing the seed and the reference number of the seed lot.
 - (4) Where any person—
 - (a) markets officially certified early movement seed in accordance with sub-paragraphs (1) and (2), and
 - (b) the official germination test shows that the percentage of germination of the seed is less than the minimum percentage of germination guaranteed in accordance with the requirements of paragraph (1)(a) or (2)(a), as the case may be,that person shall provide the purchaser with the result of the completed official germination test as soon as practicable and, in any event, not later than seven days after being informed of it.
 - (5) A person marketing seed, which has been officially certified as early movement seed under paragraph 6(3), must make an application for final certification of that seed within 21 days of the completion of the official germination test.
 - (6) This paragraph does not apply in the case of—
 - (a) vegetable seed; or

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(b) seed imported from a third country.