

**EXPLANATORY MEMORANDUM TO
THE SEED MARKETING REGULATIONS 2010**

2010 No. 2605

1. This explanatory memorandum has been prepared by the Food and Environment Research Agency (Fera), an Executive Agency of Defra, and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The purpose of these regulations is to consolidate 5 largely horizontal seed marketing regulations and the connected Seed Licensing and Enforcement Regulations into a single instrument. The regulations implement long standing Council Directives on the marketing of beet, fodder, cereals, oil and fibre plants and vegetables which prescribe minimum quality standards for seeds to ensure that purchasers receive seeds of a reasonable and uniform quality. The directives set out conditions covering all aspects of production and marketing including checks on varietal and analytical purity, germination and conditions and procedures for the official examination of crops and the testing of seeds. The licensing and enforcement regulations licence companies to market certified seeds and licence individuals to undertake certain crop inspection and seed sampling functions under official supervision.

This consolidation also transposes some non-controversial botanical nomenclature changes and technical standard updates required by Commission Directive 2009/74.

Combining the 6 regulations will condense around 500 pages of protracted and complicated regulations into a single composite instrument of around 50 pages through the use of horizontal provisions applicable to each of the crop groups and ambulatory reference to the technical standards in the parent marketing Directives.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None

4. Legislative Context

4.1 This instrument consolidates six sets of existing regulations from 2002; five Seed Marketing (England) Regulations (as amended), controlling the certification and marketing of seed of cereals, beet, fodder plant, oil & fibre plant and vegetables, and The Seed (Registration, Licensing and Enforcement) (England) Regulations (as amended). They replace the provisions of those instruments with a single set of provisions for the certification and marketing of seed of these crop groups. The Regulations give effect to five Council Directives and one Commission Directive governing the marketing of seed. They also transpose Commission Directive 2009/74 which updates botanical nomenclature and technical standards in the Council marketing Directives to reflect development in scientific and technical knowledge.

4.2 A transposition note can be seen in Annex 1.

5. Territorial Extent and Application

This instrument applies to England.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

This is essentially a consolidation exercise. The six separate regulations being consolidated have been amended several times and needed to be remade. In the interests of better regulation it has been decided to combine and simplify the existing texts into a single instrument. It was further decided, to save departmental and Parliamentary time, to use this consolidation as a convenient means to transpose a number of non-controversial botanical nomenclature changes and technical standard updates required by Council Directive 2009/74.

8. Consultation outcome

Fera has consulted the main industry representative organisation and discussed the proposed simplification/consolidation proposals with industry at 3 separate certification workshops around the country. The proposals met with universal approval.

9. Guidance

As this is a consolidation, current procedures and guidance will remain the same. However, Fera will revise and remake its existing guides in due course and in line with the recommendations of the Anderson review of regulatory guidance.

10. Impact

As this is a consolidation and current procedures will not change, no impact assessment has been conducted. However, condensing and combining the regulations into one instrument will have a beneficial impact on all stakeholders by making the regulations more understandable and easier to use.

11. Regulating small business

The legislation continues to apply to small business but current procedures will not change. Fera has consulted small businesses through correspondence and regional workshops.

12. Monitoring & review

The efficacy of the consolidated regulations will be routinely and continuously monitored and reviewed in day to day dealings with seed companies and through Fera's established twice yearly bilateral meetings with the main industry representative organisations (NFU, Agricultural Industries Confederation, British Society of Plant Breeders and the National Association of Agricultural Contractors).

13. Contact

Tony Watts of the Food and Environment Research Agency Tel: 01223 342374 or email:
tony.watts@fera.gsi.gov.uk

Annex 1: TRANSPOSITION NOTE – The Seed Marketing Regulations 2010

This Transposition Note has been prepared by the Food and Environment Research Agency (Fera), an Executive Agency of Defra, to explain how the Seeds Marketing Regulations 2010 transpose and consolidate, into a single instrument applying in English law, the requirements of the following directives:

- Council Directive 2002/54/EC on the marketing of beet seed.
- Council Directive 66/402/EEC on the marketing of cereal seed.
- Council Directive 66/401/EEC on the marketing of fodder plant seed.
- Council Directive 2002/57/EC on the marketing of seed of oil and fibre plants.
- Council Directive 2002/55/EC on the marketing of vegetable seed, and
- Commission Directive 2009/74 which updates nomenclature changes and technical standard in the aforementioned Council Directives.

The Council Directives prescribe procedures and quality standards for marketing seeds of the main agricultural and horticultural species to ensure that consumers receive seed of a uniform and satisfactory standard. These measures include checks on varietal and analytical purity, germination and conditions for the official examination of crops and the testing of seeds.

The Council Directives are currently transposed in English law through 5 corresponding and largely horizontal seed marketing regulations and the connected Seed Licensing and Enforcement Regulations which licence companies to market certified seeds and licence individuals to undertake certain crop inspection and seed sampling functions under official supervision.

The Seed Marketing Regulations 2010 seek to consolidate these separate longstanding regulations into a single instrument while at the same time making some non-contentious nomenclature and technical standard updates required by Commission Directive 2009/74.

While Defra is ultimately accountable for UK compliance, as a devolved matter, the seed marketing directives have been transposed separately by the Devolved Administrations through their own free standing national seed marketing regulations.

Transposition Note
The Seed Marketing Regulations 2010

Vegetable Seed

Article of Directive 2002/55/EC (vegetable seed)	Purpose	Implementation
Article 1 para 1	Application to the production with a view to marketing, and to the marketing, of vegetable seed.	No obligation to implement. Part 1, reg.2
Article 1 para 2	Not applicable to vegetable seed shown to be intended for export to third countries.	Part 2, reg.4(2)
Article 2(1)(a) para 1	Definition of marketing.	Part 1, reg.2(1)
Article 2(1)(a) para 2	Seed not aimed at a commercial exploitation of the variety is not marketing; supply for official testing; providers of services for processing or packaging.	Part 1, reg.2(2)
Article 2(1)(a), para. 3	Supply of seed to providers of services for the production of certain agricultural raw materials is not marketing; provision of supply contract to certification authority	Part 1, reg.2(2)
Article 2(1)(a) para. 4	Conditions for application shall be determined under procedure in Article 46(2).	N/A (No obligation on MS)
Article 2(1)(b)	List of vegetables covered, not for ornamental use.	Schedule 1 (Vegetables)
Article 2(1)(c)(i), (ii)	Basic seed definition.	Schedule 2, Part 5, reg.47
Article 2(1)(c)(iii), (iv)	Conditions in Annexes I and II/official examination, or examination under official supervision.	Schedule 2, Part 5, reg.50
Article 2(1)(d)(i), (ii)	Certified seed definition.	Schedule 2, Part 5, reg.48
Article 2(1)(d)(iii),(iv)	Conditions in Annexes I and II/official examination, or examination under official supervision.	Schedule 2, Part 5, reg.50
Article 2(1)(d)(v)	Which is subject to official post-control by check inspection to verify it varietal	Part 3, reg.15

	identity and varietal purity.	
Article 2(1)(e)(i), (ii)	Standard seed definition.	Schedule 2, Part 5 (Vegetables), reg. 49
Article 2(1)(e) (iii)	Conditions in Annex II	Schedule 2, Part 5, reg.50
Article 2(1)(e)(iv)	Official post control by check inspection to verify its varietal identity and purity.	Part 3, reg.15
Article 2(1)(f)	Official measures definition by MS authority, legal person acting under state responsibility or natural person duly sworn, provided no private gain.	Part 4, reg.21
Article 2(1)(g)	EC small packages definition.	Schedule 3, Part 4, reg.18
Article 2(2)	Amendments to list of species to be adopted in accordance to procedure in Article 46(2)	N/A (no MS obligation)
Article 2(3)	Types of varieties including components to be specified and defined in accordance to procedure in Article 46(2)	N/A (no MS obligation)
Article 2(4)	Field inspection under official supervision for certification	Part 5, reg.50 Part 4, reg.21
(a)(i) (a)(ii) (a)(iii)	qualifications derive no private gain officially licensed	
(a)(iv)		Part 5, reg.50
(b) – (d)	carry out inspections under official supervision in accordance with rules applicable to official inspections	Part 3, reg.15
	Seed crop to be grown from seed, to be inspected by official inspectors, samples	Part 4, reg.22

(e)	for official post control and, where appropriate, testing Penalties for infringements of provisions on examination under official supervision, including withdrawal of licence	
Article 2(4)(B)(a)	Seed testing by laboratories authorised under conditions	Part 4, reg.21
Article 2(4)(B) (b) para 1	Seed analyst in charge who has direct responsibility and necessary qualifications for technical management of lab.	Part 4, reg.21
Article 2(4)(B) (b) para 2	Technical qualification.	Part 4, reg.21
Article 2(4)(B) (b) para 3	In premises/with equipment officially considered satisfactory.	Part 4, reg.21
Article 2(4)(B) (b) para 4	Testing in accordance with current international methods.	Part 4, reg.21
Article 2(4)(B) (c)	Seed-testing laboratory to be independent or belonging to seed company.	Part 4, reg.21
Article 2(4)(B) (d)	Appropriate official supervision of seed-testing laboratory's testing.	Part 4, reg.21&22
Article 2(4)(B) (e)	Necessary seed lots to be check-tested by officials.	Part 3 reg.15
Article 2(4)(B) (f)	Penalties for infringements of national provisions on examination under official supervision which may include withdrawal of authorisation.	Part 4, reg.22
Article 3(1)	Vegetable seed may not be certified, verified as standard seed and marketed unless the variety is officially accepted in one or more MS.	Part 3, reg.10 Schedule 2, Part 5, reg.49
Article 3(2)	MS to establish catalogues of officially accepted varieties,	Part 1, reg.3

	subdivided according to varieties.	
Article 3(3)	Common catalogue to be established on the basis of national catalogues of MS.	Part 1, reg.3
Article 3(4)	MS may provide that acceptance of a variety for inclusion in common/another MS' catalogue is equivalent to their own.	Part 1, reg.3
Article 4(1)	Variety only to be accepted if distinct, stable and sufficiently uniform; industrial chicory – variety to be of satisfactory value for cultivation and use.	Part 1, reg.3
Article 4(2)	Genetically modified varieties only if all appropriate measures taken to avoid adverse effects on human health and environment.	Schedule 3, Part 1, reg.3 Schedule 4, Part 2, reg.12
Article 4(3)	When material derived from plant variety intended to be used for food or feed, variety to be accepted on if approved under relevant EC Regulations.	Schedule 4, Part 2, reg.12
Article 4(4)	MS may depart from acceptance criteria insofar as specific conditions are established under Article 46 procedure.	[N/A, no obligation on MS]
Article 5(1)	Variety is distinct if clearly distinguishable in one or more important characteristics from other known variety. [etc.]	Part 1, reg. 3 NB: Not in seed marketing regs
Article 5(2)	Variety is stable if, after successive propagation or multiplications or at the end of each cycle it remains true to the description of its essential characteristics.	Part 1, reg. 3 NB: Not in seed marketing regs
Article 5(3)	Variety is sufficiently uniform if, apart from a very	Part 1, reg. 3 NB: Not in seed marketing

	few aberrations, the plants of which it is composed are similar or genetically identical as regards the characteristics.	regs
Article 6	Varieties coming from other MS to be subject to the same requirements, in particular as regards acceptance procedure, as those which apply to domestic varieties.	Part 1, reg. 3 NB: Not in seed marketing regs
Article 7(1) para 1	Acceptance of varieties to be based on the results of official examination, particularly growing trials; methods to determine characteristics to be accurate and reliable; trials to include at least the available comparable varieties in Article 5(1).	Part 1, reg. 3 NB: Not in seed marketing regs
Article 7(1) para 2	It may be prescribed under Article 46(2) procedure that, from specified dates, varieties of certain vegetable species will no longer be accepted except on the basis of official tests.	[N/A, no obligation on MS]
Article 7(2)	Under Article 46(2) procedure, characteristics to be covered by examination of the various species and minimum requirements for carrying out the examinations to be fixed.	[N/A, no obligation on MS]
Article 7(3)	Where examination of genealogical components is necessary to study hybrids and synthetic varieties, results of examination and description of genealogical components are, if the breeder so requests, to be treated as confidential.	Part 5, reg.31
Article 7(4)(a)	Environmental risk assessment to be carried out	Schedule 4, Part 2, reg.12

	for a genetically modified variety.	
Article 7(4)(b)	Procedures for environmental risk assessment equivalent to those laid down in Directive 90/220/EEC to be introduced on a proposal from the Commission for a Regulation.	[N/A, no obligation on MS]
Article 7(4)(c)	Articles 11-18 Directive 90/220/EEC not to apply to genetically modified varieties once Regulation in 7(4)(b) enters into force.	[N/A, no obligation on MS]
Article 7(4)(d)	Technical and scientific details of implementation of the environmental risk assessment to be adopted under Article 46(2) procedure.	[N/A, no obligation on MS]
Article 7(5)	Variety intended to be used in food or feed is accepted only if authorised under relevant legislation.	Schedule 4, Part 2, reg.12
Article 8	When lodging an application for the acceptance of a variety, applicant to indicate whether acceptance has already been applied for in another MS, which MS was concerned and whether the application was granted.	Part 1, reg.3 Part 3, reg.10
Article 9(1)	Official publication of catalogues of varieties and, where maintenance breeding of the variety is required, the name of persons responsible for or authority holding the list of names of persons responsible.	Part 3, reg.10
Article 9(2)	Variety to be known by the same name in all MS at the time of acceptance.	Part 1, reg. 3 NB: Not in seed marketing regs
Article 9(3)	Variety that is not clearly distinguishable from a variety previously accepted	Part 1, reg. 3 NB: Not in seed marketing regs

	<p>in a MS or from another variety assessed with regard to distinctness, stability and uniformity, bears the name of that variety. Provision not to apply if it is likely to mislead or cause confusion concerning the variety in question, if other facts prevent its utilisation or if third party rights impede the free use of that name.</p>	
Article 9(4)	<p>MS to compile a special file on each variety accepted containing a description of the variety for plants produced directly from certified or standard seed and clear summary of facts on which acceptance based.</p>	<p>Part 1, reg. 3 NB: Not in seed marketing regs</p>
Article 9(5)	<p>Genetically modified varieties which have been accepted to be clearly indicated in the catalogue of varieties. Any person marketing genetically modified variety to clearly indicate that in sales catalogue.</p>	<p>Schedule 3, Part 1, reg.3</p>
Article 9(6)	<p>Article 63 Council Regulation 2100/94/EC on Community plant variety rights to apply to the suitability of denomination of variety. Detailed implementing rules as to suitability of denominations of varieties may be adopted under Article 46(2) procedure.</p>	<p>[N/A, no obligation on MS.]</p>
Article 10(1)	<p>Application or withdrawal of an application for acceptance of a variety, entry in a catalogue or amendment to be notified forthwith to the other MS and Commission.</p>	<p>N/A</p>

Article 10(2)	MS to send other MS and Commission a brief description of characteristics of each new variety accepted. On request, to communicate a description of special characteristics which enable the variety to be distinguished from other similar varieties.	N/A
Article 10(3)	Each MS to make available to other MS and Commission files on accepted varieties or those that have ceased to be accepted. Information exchanged concerning those files to be treated as confidential.	N/A
Article 10(4)	Acceptance files to be made available for personal and exclusive use of any person able to show a legitimate interest, except where information must be treated as confidential under Article 7(3).	Part 1, reg. 3 NB: Not in seed marketing regs
Article 10(5)	Where acceptance of a variety is refused or revoked, results of examinations to be made available to persons affected by such decision.	Part 1, reg. 3 NB: Not in seed marketing regs
Article 11(1)	Accepted varieties to be maintained according to accepted practices.	Part 1, reg. 3 NB: Not in seed marketing regs
Article 11(2)	Must at all times be possible to check maintenance from records kept by person(s) responsible for the variety, to cover production of all generations prior to basic seed.	Part 1, reg. 3 NB: Not in seed marketing regs
Article 11(3)	Samples may be requested from the person responsible for the variety and, if necessary, be taken officially.	Part 1, reg. 3 NB: Not in seed marketing regs
Article 11(4)	Where maintenance takes	Part 1, reg. 3

	place in a MS other than that in which the variety was accepted, MS concerned shall assist each other administratively as regards checks.	NB: Not in seed marketing regs
Article 12(1)	Acceptance to be valid for 10 years. [Acceptance in former GDR]	Part 1, reg. 3 NB: Not in seed marketing regs
Article 12(2)	Acceptance may be renewed at give intervals if variety is still cultivated on a scale to justify this or should be retained to conserve plant genetic resources, providing that requirements as to distinctness, uniformity and stability satisfied Applications for renewal to be submitted not later than 2 years before expiry of acceptance, except in the case of plant genetic resources under Article 44.	Part 1, reg. 3 NB: Not in seed marketing regs
Article 12(3)	Period of validity of acceptance to be extended provisionally until a decision is taken on the application for renewal. [Provision for acceptance granted before specified period for certain MS]	Part 1, reg. 3 NB: Not in seed marketing regs
Article 13(1)	Any doubts arising after acceptance of a variety concerning appraisal of its distinctness or name at time of acceptance to be removed.	Part 1, reg. 3 NB: Not in seed marketing regs
Article 13(2)	After acceptance, where it is established that the condition concerning distinctness was not fulfilled at the time of acceptance, acceptance to be replaced by another decision or revocation. Variety no longer to be regarded as a variety known in the	Part 1, reg. 3 NB: Not in seed marketing regs

	Community.	
Article 13(3)	Where, after acceptance, it is established that a variety's name was not acceptable at the time of acceptance, name to be adapted to conform.	Part 1, reg. 3 NB: Not in seed marketing regs
Article 13(4)	Rules for paras. 1 to 3 may be established under Article 46(2) procedure.	N/A (no obligation on MS).
Article 14(1)	Acceptance to be revoked if (a) variety proved on examination to be no longer distinct; (b) persons responsible for the variety so request, unless maintenance is assured.	Part 1, reg. 3 NB: Not in seed marketing regs
Article 14(2)	MS may revoke acceptance of a variety (a) if provisions of Directive not complied with, (b) false or fraudulent particulars were supplied at the time of application for acceptance or during examination.	Part 1, reg. 3 NB: Not in seed marketing regs
Article 15(1)	Variety to be deleted from catalogues if acceptance revoked or period of validity expired.	Part 1, reg. 3 NB: Not in seed marketing regs
Article 15(2)	MS may allow a period for certification, verification as standard seed and marketing of seed up to 30 June of third year at the most after expiry of acceptance.	Schedule 4, Part 3, reg.17
Article 15(3)	Where varieties have been renewed, MS may allow names used before renewal to be used until 30 June 1994.	[N/A – period expired].
Article 16(1)	No marketing restrictions relating to variety with effect from publication referred to in Article 17.	Part 1, reg. 3 NB: Not in seed marketing regs
Article 16(2)	MS may, on application, be authorised to prohibit the use of variety in all or part of its territory or lay down	[N/A, no obligation on MS]

	conditions [etc]	
Article 17	Commission to publish in Official Journal a list of all varieties whose seed is subject to no marketing restrictions as regards variety.	[N/A, no obligation on MS]
Article 18	If cultivation of a variety is established to be harmful to plant health or present a risk to environment or human health, MS may be authorised under Article 46 procedure to prohibit marketing of seed or propagating material of that variety.	[N/A, no obligation on MS]
Article 19	Where a variety ceases to be accepted in MS which initially accepted it, one or more MS may continue to accept it provided that requirements for acceptance continue to be met.	[N/A, no obligation on MS]
Article 20(1)	Seed of industrial chicory not to be marketed unless officially certified as basic or certified seed.	N/A (derogation)
Article 20(2)	Seed of other vegetable species not to be marketed unless officially certified as basic or certified seed, or is standard seed.	Schedule 2, Part 5, re.45 & 49
Article 20(3)	It may be provided under Article 46(2) procedure that after specified dates, seed of certain vegetable species may not be marketed unless officially certified as basic or certified seed.	[N/A, no obligation on MS]
Article 20(4)	Official examination of seeds to be carried out in accordance with international methods.	Part 3, reg.11 (5-6)
Article 21	Bred seed of generations prior to basic seed and seed	Schedule 2, Part 5, re.46 Schedule 4, Part 1, reg. 2

	as grown, marketed for processing, provided identity of the seed is ensured, may be marketed.	
Article 22(a)	MS may make derogations for authorisation of certification/marketing of basic seed that does not meet conditions in Annex II for germination; must be supplier's guarantee and special label	Schedule 4, Part 2, reg.4
Article 22(b)	MS may make derogations to make basic, certified or commercial seed rapidly available before official examination; MS to assist each other as regards inspection.	Schedule 4, Part 2, reg.5 Schedule 4, Part 2, reg.4-5 All necessary information appears on labels and documentation. Additional information available on request.
Article 22 para 4	Article 22 derogation not applicable to seed imported from third countries.	N/A as no equivalence arrangements
Article 23(1)(a)	MS may authorise marketing of small quantities of seed for scientific purposes or selection work.	Schedule 4, Part 2, reg.11
Article 23(1)(b)	MS may authorise breeders and representatives to market, for a limited period, seed belonging to a variety for which an application for inclusion in a national catalogue has been submitted in at least one MS and for which specific technical information has been submitted.	Schedule 4, Part 2, reg.10
Article 23(2)	Conditions for authorisation in (b) above to be determined under Article 46(2) procedure.	N/A (no obligation on MS)
Article 23(3)	Authorisations granted before 14 December 1998 to remain in force pending determination under Article 23(2).	N/A (no obligation on MS)

Article 24	MS may impose additional/more stringent requirements for certification of seed.	N/A No HVS in Vegetables
Article 25(1)	For the examination of seed for certification, samples to be drawn officially or under official supervision. Seed sampling to be carried out officially for random checks under Article 39. Also to apply where samples of standard seed are drawn for post-control tests.	Schedule 2, Part 5, reg.50
Article 25(1a)(a),(b)	For seed sampling under official supervision, seed samplers to be authorised; and qualified in training courses/exams; sample in accordance with current international methods.	Part 4, reg. 21 & 22
Article 25(1a)(1)(c)	Seeds samplers to be independent natural persons; employed not in trade or in trade sampling only lots of employer.	Contained in details of licence under Part 4, reg.21 & 22
Article 25(1a)(1)(d)-(f)	Supervision of performance of seed samplers; check-sampling by official seed samplers of seed lots entered for official certification; penalties for infringements of provisions on examination under official supervision.	Part 3, reg.15
Article 25(1b)	Further measures for seed sampling may be adopted under Article 46(2) procedure.	N/A (no obligation on MS)
Article 25(2)	Samples of seeds for examination for certification and post-control test to be	Part 3, reg.15 & 16 Schedule 2, Part 5, reg. 50

	drawn from homogenous lots; max/min. weight of sample in Annex III.	
Article 26(1)	Basic, certified and standard seeds to be marketed in sufficiently homogenous lots and sealed in accordance with Articles 27 and 28.	Part 3, reg.16 Schedule 2, Part 5, reg.50
Article 26(2)	MS may provide derogations from packaging/sealing for marketing of small quantities.	Schedule 3, Part 5, reg.25
Article 26(3)	Notwithstanding 26(1), MS may authorise their own producers to market small packages of mixtures of standard seed of different varieties of the same species. Species, rules for maximum size and labelling requirements to be established under Article 46 (2) procedure.	Part 3, reg.18 Schedule 2, Part 5, reg. 45(2) Schedule 3, Part 4, reg. 18
Article 27(1) Para 1	Sealing of packages of basic, certified and commercial seed (except for EC small packages for certified and commercial seed) officially or under official supervision; such that cannot be opened without damaging the system.	Part 3, reg. 16 & 17
Article 27(1) Para 2,3	Sealing system to comprise a label or official seal unless non-reusable sealing system used.	Part 3, reg. 16 & 17
Article 27(1) Para 4	It may be established whether sealing system complies under procedure in Article 46(2).	N/A (no obligation on MS)
Article 27(2)	No resealing unless done officially.	Part 3, reg.16
Article 27(3)	Packages of standard seed and small packages of certified seed to be sealed	Part 3, reg.16

	<p>such that cannot be opened without damaging sealing system.</p> <p>Except for small packages, also to bear a lead of equivalent sealing device attached by the person responsible for attaching labels.</p> <p>Compliance of particular sealing device may be established under Article 46(2) procedure.</p>	N/A
Article 27(4)	<p>MS may provide exceptions to 27(1) and (2) for small packages of basic seed closed on their own territory.</p> <p>Conditions relating to these exceptions may be determined under Article 46(2) procedure.</p>	N/A
Article 28(1)(a)	<p>Labelling requirements of basic, certified and commercial seeds except in packages for certified and basic seed.</p>	Schedule 3, Part 2, reg.5-9
Article 28(1)(b)	<p>Official document giving at least information in Annex IV, not necessary if information is printed indelibly on container or adhesive/non-tear label used.</p>	Schedule 3, Part 4, reg.6
Article 28(2)	<p>MS may provide exceptions to 28(1) for small packages their own territory.</p>	N/A
Article 28(3)	<p>Packages of standard seed and small packages of certified seed to bear a supplier's label or a printed or stamped notice. Blue label for certified, dark yellow for standard. [etc]</p>	Schedule 3, Part 4, reg.18
Article 28(4)	<p>Varieties widely known on 1 July 1973 (UK) may also have reference on label to any maintenance of the</p>	N/A

	variety, following the varietal name.	
Article 29	Measures to ensure that identity of seed in small packages of certified seed can be checked in particular when divided up; may require small packages divided up in territory to be sealed officially.	N/A
Article 30	It may be provided under Article 46(2) procedure that MS may require, in cases other than provided under the Directive, packages of basic, certified or standard seed to bear a supplier's label which may either be separate from official label or form supplier's information printed on package. For basic and certified seed, label or printing not to be confused with official label.	N/A (no obligation on MS).
Article 31	Label/document to indicate that seed is of a variety which has been genetically modified.	Schedule 3, Part 1, reg.3
Article 32	Any chemical treatment of basic, certified or commercial seed to be noted on official label or supplier's label and on package or inside it. For small packages, this information may be printed directly on the package or inside it.	Schedule 3, Part 1, reg.4
Article 33	Temporary experiments under specified conditions at Community level releasing MS from certain obligations may be organised under Article 21 procedure.	N/A (no obligation on MS)
Article 34	No other marketing restrictions on seed.	Schedule 4, Part 3, reg.17

	MS may be authorised to provide that after specified dates seed of certain species of vegetable may not be marketed unless officially certified as basic or certified seed.	
Article 35	Marketing of bred seed of generations prior to basic seed only after official inspection; packing; label.	Part 3, reg.12 Schedule 2, Part 5, reg.46 Schedule 3, Part 2, reg.6-8
Article 36(1)	Official certification as certified seed of seed produced directly from basic seed or certified seed officially certified in another MS or third country which has been granted equivalence and harvested in another MS; or produced directly from the crossing of basic seed officially certified as above; and which has been harvested in a MS to be officially certified as certified seed after official examination.	Schedule 4, Part 3, reg.15
Article 36(2)	Labelling/packaging of seed harvested in EC intended for certification; clearly indicating if genetically modified.	Schedule 3, Part 1, reg.3
Article 36(3)	Seed harvested in a third country to be officially certified if produced directly from basic or certified seed officially certified in one or more MS or third country with equivalence or the crossing of basic seed officially certified in a MS with basic seed officially certified in that third country; field inspection.	Schedule 4, Part 3, reg.16
Article 37	Council to determine whether official examinations of	N/A (no obligation on MS)

	varieties in third countries/seed in third countries/field inspections comply. Application to new MS.	
Article 38	May be decided that MS may permit marketing for a specified period of seed subject to less stringent requirements under Article 46(2) procedure.	N/A (no obligation on MS)
Article 39(1)	Official inspections, at least by random checks to verify compliance with conditions.	Part 1, reg. 15
Article 39(2)	To ensure supply of particulars during marketing of quantities of more than 2 kg of seed imported from third countries.	Part 5, reg.27(3)
Article 40	Certified and standard seed to be subject to official post-control in the field by inspection to compare their varietal identity and purity against standard controls.	Part 1, reg.15
Article 41	Persons responsible for affixing labels for standard seed for marketing to: (a) inform MS of dates when activities begin and end; (b) keep records of all lots of standard seed and make available to MS for at least 3 years; (c) make available to MS for at least 2 years a control sample of seed of varieties for which maintenance is not required; (d) draw samples from each lot intended for marketing and make available to MS for at least 2 years. Checks on a random basis for operations under (b) and (d). Any person intending to refer	Part 3, reg.19 Part 4, reg.20 & 22

	to a given maintenance of a variety for a variety widely known (Article 28(4)) to state this intention in advance.	
Article 42	If it is repeatedly found during post-control tests carried out in the field that seed of any one variety does not adequately satisfy the conditions laid down in respect of varietal identity or purity, MS shall ensure that the person marketing it is wholly or partially forbidden to market such seed until it is established with adequate certainty that it will in future satisfy such conditions.	Schedule 2, Part 5, reg.50 Part 5, reg. 23
Article 43	Community comparative tests for post-control of samples.	N/A (no obligation on MS)
Article 44	Specific conditions may be established under Article 46(2) procedure to take account of developments in relation to conditions under which chemically treated seed may be marketed; shall be established to take account of developments in relation to the conservation in situ and sustainable use of plant genetic resources.	[N/A, no obligation on MS]
Article 45	Amendments to content of Annexes in light of development of scientific and technical knowledge under Article 46(2) procedure.	[N/A, no obligation on MS]
Article 46	Commission to be assisted by Standing Committee on Seeds (etc.); procedures to be followed.	N/A (no obligation on MS)
Article 47	Directive is without prejudice to laws for protection of health and life of humans etc.	Schedule 2, Part 5, reg.50 (5)

Article 48	Specific conditions to take account of developments in specified areas may be established under Article 46(2) procedure.	N/A (no obligation on MS)
Article 49	Whole or partial release from obligations on application by MS.	N/A (no obligation on MS)
Article 50	MS to communicate to Commission the text of main provisions of domestic law adopted.	N/A [[done in original implementation]
Article 51	Repeal of Directive 70/458/EEC as amended.	N/A (no obligation on MS)
Article 52	Directive enters into force 20 days after publication in OJ.	N/A (no obligation on MS)
Article 53	Addressed to MS	N/A (no obligation on MS)

**Transposition Note
The Seed Marketing Regulations 2010**

Oil and Fibre Seeds

Article of Directive 2002/57/EC (on the marketing of seed of oil and fibre plants)	Purpose	Implementation
Article 1	Application to the production with a view to marketing, and to the marketing, of seed of oil and fibre plants intended for agricultural production but not for ornamental purposes.	Part 1, reg.2 Part 4, reg.20
Article 1a, para. 1	Definition of marketing.	Part 1, reg. 2(1)
Article 1a, para. 2	Seed not aimed at a commercial exploitation of the variety is not marketing; supply for official testing; providers of services for processing or packaging.	Part 1, reg.2 (2)
Article 1a, para. 3	Supply of seed to providers of services for the production of certain agricultural raw materials is not marketing; provision of supply contract to certification authority	Part 1, reg.2(2)
Article 1a, para. 4	Conditions for application	N/A (No obligation on MS)

	shall be determined under procedure in Article 25(2).	
Article 2(1)(b)	List of oil and fibre plants covered.	Schedule 1 (oil and fibre plants)
Article 2(1)(c)1(i), (ii)	Basic seed (varieties other than hybrids) definition.	Schedule 2, Part 4, reg.34
Article 2(1)(c)(iii), (iv)	Conditions in Annexes I and II/official examination, or examination under official supervision.	Schedule 2, Part 4, reg.42 Part 3, reg.15
Article 2(1)(d)(1)(i)	Basic seed of inbred lines definition.	Schedule 2, Part 4, reg.35
Article 2(1)(d)(1)(ii)	Official examination.	Schedule 2, Part 4, reg.42 Part 3, reg.15
Article 2(1)(d)(2)(i)	Basic seed of simple hybrids definition.	Schedule 4, Part 4, reg.36
Article 2(1)(d)(2)(ii), (iii)	Conditions in Annexes I and II/official examination, or examination under official supervision.	Schedule 2, Part 4, reg.42 Part 3, reg.15
Article 2(1)(e)(i), (ii)	Certified seed definition	Schedule 2, Part 4, reg.37
Article 2(1)(e)(iii), (iv)	Conditions in Annexes I and II/official examination, or examination under official supervision.	Schedule 2, Part 4, reg.42 Part 3, reg.15
Article 2(1)(f)(i), (ii)	Certified seed, first generation definition	Schedule 2, Part 4, reg.38
Article 2(1)(f)(iii),(iv)	Conditions in Annexes I and II/official examination, or examination under official supervision.	[Schedule 2, Part 4, reg.42 Part 3, reg.15
Article 2(1)(g) (i), (ii)	Certified seed, second generation (groundnut, flax, linseed, soya, cotton) definition.	Schedule 2, Part 4, reg.39
Article 2(1)(g)(iii),(iv)	Conditions in Annexes I and II/official examination, or examination under official supervision.	Schedule 2, Part 4, reg.42 Part 3, reg.15
Article 2(1)(h)(i),(ii)	Certified seed, second generation (monoecious hemp) definition	Schedule 2, Part 4, reg.39
Article 2(1)(h)(iii),(iv)	Conditions in Annexes I and	Schedule 2, Part 4, reg.42

	II/official examination, or examination under official supervision.	Part 3, reg.15
Article 2(1)(i)(i), (ii)	Certified seed, third generation (flax, linseed)	Schedule 2, Part 4, reg.40
Article 2(1)(i)(iii), (iv)	Conditions in Annexes I and II/examination, or examination under official supervision.	Schedule 2, Part 4, reg.42 Part 3, reg.15
Article 2(1)(j)(i)	Commercial seed definition	Schedule 2, Part 4, reg.41
Article 2(1)(j)(ii), (iii)	Conditions in Annexes I and II/examination, or examination under official supervision.	Schedule 2, Part 4, reg.42 Part 3, reg.15
Article 2(1)(k)	Official measures definition by MS authority, legal person acting under state responsibility or natural person duly sworn, provided no private gain.	Part 4, reg.21
Article 2(2)	Amendments to list of species to be adopted in accordance to procedure in Article 25(2)	N/A (no MS obligation)
Article 2(3)	Types of varieties including components to be specified and defined in accordance to procedure in Article 25(2)	N/A (Commission procedure, no MS obligation)
Article 2(3a)	Amendments to para. 1(c) and (d) to include hybrids of oil and fibre plants other than sunflower to be adopted under Article 25(2) procedure.	N/A (no MS obligation)
Article 2(4)	MS may in the case of flax or linseed include several generations in the basic seed category and subdivide this category by generation; official examinations.	N/A (no MS obligation)
Article 2(5)(A) (a)(i) (a)(ii)	Field inspection under official supervision for certification	Part 4, reg.21

(a)(iii)	qualifications derive no private gain officially licensed	
(a)(iv)	carry out inspections under official supervision in accordance with rules applicable to official inspections	Part 3, reg.15
(b) – (d)	Seed crop to be grown from seed, to be inspected by official inspectors, samples for official post control and, where appropriate, testing	Part 5, reg.23
(e)	Penalties for infringements of provisions on examination under official supervision, including withdrawal of licence	
Article 2(5)(B)(a)	Seed testing by laboratories authorised under conditions	Part 4, reg. 21&22
Article 2(5)(B) (b) para 1	Seed analyst in charge who has direct responsibility and necessary qualifications for technical management of lab.	Part 4, reg.21
Article 2(5)(B) (b) para 2	Technical qualification.	Part 4, reg.21&22
Article 2(5)(B) (b) para 3	In premises/with equipment officially considered satisfactory.	Part 4, reg.21 & 22
Article 2(5)(B) (b) para 4	Testing in accordance with current international methods.	Part 3, reg.11(5)
Article 2(5)(B) (c)	Seed-testing laboratory to be independent or belonging to seed company.	Part 4, reg.21&22
Article 2(5)(B) (d)	Appropriate official	Part 4, reg.21&22

	supervision of seed-testing laboratory's testing.	
Article 2(5)(B) (e)	Necessary seed lots to be check-tested by officials.	Part 3, reg.15
Article 2(5)(B) (f)	Penalties for infringements of national provisions on examination under official supervision which may include withdrawal of authorisation.	Part 5, reg. 23
Article 2(6)	Further measures re carrying out of examinations under official supervision may be adopted in accordance with procedure under Article 21	N/A (No MS obligation)
Article 3(1)	Certification of specified types of seed as basic or certified seed.	Schedule 2, Part 4, reg.32
Article 3(2)	Certification of types of seed as basic or certified seed or commercial seed of types other than those listed in Article 3(1)	Schedule 2, Part 4, reg.32
Article 3(3)	Commission provision of other types under Article 25(2) procedure	N/A (No MS obligation)
Article 3(4)	Official examination carried out in accordance with international methods	Part 3, reg.11(5)
Article 4	Bred seed of generations prior to basic seed and seed as grown, marketed for processing, provided identity of seed is ensured, may be marketed.	Schedule 2, Part 4, reg.33
Article 5(a)	MS may make derogations for authorisation of certification/marketing of basic seed that does not meet conditions in Annex II for germination; must be supplier's guarantee and special label	Schedule 4, Part 2,reg.5
Article 5(b)	MS may make derogations to make basic, certified or commercial seed rapidly	Schedule 4, Part 2, reg.5

	available before official examination;	
Article 5 para 4	Article 4 derogation not applicable to seed imported from third countries.	Schedule 4, Part 2, reg.5
Article 5 para 5	MS to assist each other as regards inspection.	All necessary information appears on labels and documentation. Additional information available on request.
Article 6(1)(a)	MS may authorise marketing of small quantities of seed for scientific purposes or selection work.	Schedule 4, Part 2, reg.11
Article 6(1)(b)	MS may authorise appropriate quantities of seed for other test or trial purposes, provided it belongs to varieties for which an application for entry has been submitted.	Schedule 4, Part 2, reg.9
Article 6(1) para 4	For genetically modified material, authorisations only if all appropriate measures taken to avoid adverse effects on human health.	Schedule 4, Part 2, reg.12
Article 6(2)	Purposes for authorisation to be determined under Article 25(2) procedure.	N/A (no obligation on MS)
Article 6(3)	Authorisations granted before Directive to remain in force pending determination under Article 6(2).	N/A (no obligation on MS)
Article 7	MS may impose additional/more stringent requirements for certification of seed and examination of commercial seed.	N/A HVS doesn't apply to Oil & Fibre Seeds
Article 8	Confidentiality of description of genealogical components if breeder requests.	Part 5, reg. 31
Article 9(1)	For the checking of varieties, examination of seed for certification and examination of commercial seed, samples	Part 3, reg.15

	to be drawn officially or under official supervision. Seed sampling to be carried out officially for random checks under Article 19.	Part 5, reg.24
Article 9(1a)(a),(b)	For seed sampling under official supervision, seed samplers to be authorised; and qualified in training courses/exams; sample in accordance with current international methods.	Part 4, reg.21 & 22
Article 9(1a)(c)	Seeds samplers to be independent natural persons; employed not in trade or in trade sampling only lots of employer.	Part 4, reg.21 & 22
Article 9(1a)(d)-(f)	Supervision of performance of seed samplers; check-sampling by official seed samplers of seed lots entered for official certification; penalties for infringements of provisions on examination under official supervision.	Contained in the provision of the licence Part 4, reg. 22
Article 9(1b)	Further measures for seed sampling may be adopted under Article 25(2) procedure.	N/A (no obligation on MS)
Article 9(2)	Seeds for examination for certification and commercial seed for examination to be drawn from homogenous lots; max/min. weight of sample in Annex III.	Part 3, reg.16(2)
Article 10(1)	Basic, certified and commercial seeds to be marketed in sufficiently homogenous lots and sealed /marked in accordance with Articles 11 and 12 as appropriate.	Part3, reg.16(2)

Article 10(2)	MS may provide derogations from packaging/sealing for marketing of small quantities	Part 3, reg.16(6)
Article 11(1) Para 1	Sealing of packages of basic, certified and commercial seed (except for small EC B packages for certified and commercial seed) officially or under official supervision; such that cannot be opened without damaging the system.	Part 3, reg.16
Article 11(1) Para 2,3	Sealing system to comprise a label or official seal unless non-reusable sealing system used.	Part 3, reg.16
Article 11(1) Para 4	It may be established whether sealing system complies under procedure in Article 25(2).	N/A (no obligation on MS)
Article 11(2)	No resealing unless done officially.	Part 3, reg.16
Article 11(3)	MS may provide exceptions to para. 1 in the case of small packages sealed in own territory.	Part 3, reg.16
Article 12(1)(a)	Labelling requirements of basic, certified and commercial seeds.	Schedule 3, Part 2, reg. 7&8 Part 1 & Part 2
Article 12(1)(b)	Official document giving at least information in Annex IV, not necessary if information is printed indelibly on container or adhesive/non-tear label used.	Schedule 3, Part 4, reg.6
Article 12(2)	MS may provide exceptions to para 1 for small packages sealed in own territory.	Part 3, reg.16(6)
Article 12(3)	Directive shall not affect right of MS to require seed of oil and fibre plants shown to be intended for purposes other than agricultural production not to be marketed unless this fact is	N/A

	stated on the label.	
Article 13	It may be provided that MS may require, in cases other than provided under the Directive, packages of basic, certified or commercial seed to bear a supplier's label which may either be separate from official label or form supplier's information printed on package	N/A (no obligation on MS).
Article 14	Label to indicate that seed is of a variety which has been genetically modified.	Schedule 4, Part 2, reg.12
Article 15	Any chemical treatment of basic, certified or commercial seed to be noted on official label or supplier's label and on package or inside it.	Schedule 3, Part 1, reg.4
Article 16	Temporary experiments under specified conditions at Community level releasing MS from certain obligations may be organised under Article 25(2) procedure.	N/A (no obligation on MS)
Article 17	No other marketing restrictions on seed.	N/A
Article 18	Marketing of bred seed of generations prior to basic seed only after official inspection; packing; label.	Schedule 2, Part4, reg.33 Schedule 3, Part 2, Reg. 6-8 Schedule 3, Part 4, reg.24
Article 19(1)	Official certification as certified seed of seed produced directly from basic seed or certified seed of the first generation officially certified in another MS or third country which has been granted equivalence and harvested in another MS; or produced directly from the crossing of basic seed officially certified as above; and which has been	Schedule 4, Part 3, reg.16

	harvested in a MS to be officially certified as certified seed after official examination.	
Article 19(2)	Labelling/packaging of seed harvested in EC intended for certification; clearly indicating if genetically modified.	Schedule 4, Part 2 reg.12 Schedule 4, Part 3, reg.15
Article 19(3)	Seed harvested in a third country to be officially certified if produced directly from basic or certified seed in MS or third country with equivalence or the crossing of basic seed officially certified in a MS with basic seed officially certified in that third country; field inspection.	Schedule 4, Part 3, reg.16
Article 19a	Species of oil and fibre plants to be marketed in the form of a varietal association	Schedule 2, Part 4, reg.43
Article 20	Council to determine whether field inspections/seed in third countries comply.	N/A (no obligation on MS)
Article 21	May be decided that MS may permit marketing for a specified period of seed subject to less stringent requirements under Article 25(2) procedure	N/A (no obligation on MS)
Article 22(1)	Official inspections, at least by random checks to verify compliance with conditions.	Part 3, reg.15
Article 22(2)	To ensure supply of particulars during marketing of quantities of more than 2 kg of seed imported from third countries.	Part 5, reg.27(3)
Article 23	Community comparative tests for post-control of samples.	N/A (no obligation on MS)
Article 24	Amendments to Annexes in light of development of scientific or technical	N/A (no obligation on MS)

	knowledge under Article 25(2) procedure.	
Article 25	Commission to be assisted by Standing Committee on Seeds (etc.); procedures to be followed.	N/A (no obligation on MS)
Article 26	Save as otherwise provided in Annex II in respect of the presence of diseases, harmful organisms and their vectors, Directive without prejudice to protection of health and life of humans.	Schedule 2, Part 4, reg.47(4)
Article 27	Specific conditions to take account of developments in specified areas may be established under Article 25(2) procedure.	N/A (no obligation on MS)
Article 28	Whole or partial release from obligations on application by MS.	N/A (no obligation on MS)
Article 29	MS to communicate to Commission text of main provisions of domestic law.	N/A [done for original implementation]
Article 30	Commission to submit detailed evaluation of simplification of certification procedures introduced by Article 5 Directive 98/96/EC.	N/A (no obligation on MS, period expired)
Article 31	Repeal of Directive 69/208/EEC as amended.	N/A (no obligation on MS)
Article 32	Entry into force of Directive.	N/A (no obligation on MS, in force)
Article 33	Addressed to MS	N/A (no obligation on MS)

Transposition Note
The Seed Marketing Regulations 2010

Cereal Seeds

Article of Directive 66/402 (cereal seeds)	Purpose	Implementation
Article 1	Application to the production with a view to marketing, and to the marketing, of cereal seed.	No obligation to implement. Part 1 reg. 2(Regulations apply to seeds listed in Schedule 1, including cereal seeds Part 4 reg. 20 (Marketing

		seed requires a licence)
Article 1a, para. 1	Definition of marketing.	Part 1, reg.2 (1)
Article 1a, para. 2	Seed not aimed at a commercial exploitation of the variety is not marketing; supply for official testing; providers of services for processing or packaging.	Part 1 reg. 2(2)
Article 1a, para. 3	Supply of seed to providers of services for the production of certain agricultural raw materials is not marketing; provision of supply contract to Certification Authority	Part 1 reg. 2(2)
Article 1a, para. 4	Conditions for application shall be determined under procedure in Article 21.	N/A (No obligation on MS)
Article 2(1)(A)	List of cereal plants covered.	Schedule 1 (Cereal)
Article 2(1)B	Varieties, hybrids and inbred lines of maize and <i>Sorghum</i> spp.	Schedule 2 Part 2 Chapter 1
Article 2(1) C(a), (b)	Basic seed definition.	Schedule 2, Part 2 Chapter 1, reg. 11
Article 2(1) C (c), (d)	Conditions in Annexes I and II/official examination, or examination under official supervision.	Schedule 2, Part 2 chapter 1 reg. 15
Article 2(1)Ca(a)	Basic seed which is intended for the production of hybrids.	[Schedule 2, Part 2 chapter 1, reg11]
Article 2(1)Ca (b),(c)	Conditions in Annexes I and II/official examination, or examination under official supervision.	Schedule 2, Part 2 , Chapter 1 reg. 15
Article 2(1)D(1)(a), (b)	Basic seed (maize and <i>Sorghum</i> spp) open-pollinated varieties	[Schedule 2, Part 2 , Chapter 1 reg. 11]
Article 2(1)D(1)(c), (d)	Conditions in Annexes I and II/official examination, or examination under official supervision.	Schedule 2, Part 2 , Chapter 1, reg. 15
Article 2(1)D(2)	Basic seed of maize (inbred lines)	[Schedule 2, Part 2 , Chapter 1, reg. 11]
Article 2(1)D(2)(a),(b)	Conditions in Annexes I and II/official examination, or examination under official	Schedule 2, Part 2 , Chapter 1, reg. 15

	supervision.	
Article 2(1)D(3)(a)	Basic seed of simple hybrids which is intended for the production of double hybrids, triple cross hybrids or Top Cross hybrids	[Schedule 2, Part 2 , Chapter 1, reg.11]
Article 2(1)D(3)(b), (c)	Conditions in Annexes I and II/official examination, or examination under official supervision.	Schedule 2, Part 2 ,Chapter 1 reg.15
Article 2(1)(E)(a),(b)	Certified seed definition	Schedule 2, Part 2 , Chapter 1 reg.12
Article 2(1)(E)(c),(d)	Conditions in Annexes I and II/official examination, or examination under official supervision.	Schedule 2, Part 2 , Chapter 1 reg.15
Article 2(1)(F) (a), (b)	Certified seed, first generation definition.	Schedule 2, Part 1 , Chapter 1, reg. 13
Article 2(1)(F)(c),(d)	Conditions in Annexes I and II/official examination, or examination under official supervision.	Schedule 2, Part 2 , Chapter 1 reg.15
Article 2(1)(G)(a),(b)	Certified seed, second generation definition	Schedule 2, Part 2 , Chapter 1, reg.14
Article 2(1)(G)(c),(d)	Conditions in Annexes I and II/official examination, or examination under official supervision.	Schedule 2, Part 2 , Chapter 1, reg.15
Article 2(1)(H)	Official measures definition by MS authority, legal person acting under state responsibility or natural person duly sworn, provided no private gain.	Part 4 reg.21
Article 2(1a)	Amendments to list of species to be adopted in accordance to procedure in Article 21	N/A (no MS obligation)
Article 2(1b)	Amendments to include hybrids to be adopted under Article 21 procedure.	N/A (Commission procedure, no MS obligation)
Article 2(1c)	Different types of varieties to be specified under Article 21 procedure.	N/A (Commission procedure, no MS obligation)
Article 2(1e)	Authorisation of MS not to apply conditions in Annex 2	N/A (No MS obligation)

	on production	
Article 2(2)(a), (b)	MS may include several generations in the basic seed category and subdivide by generation; provide official examinations not be carried out on all lots unless there is doubt whether Annex II conditions met.	[N/A, no obligation on MS]
Article 2(2)(c)	Derogation for certification in transitional period (3 years from entry into force)	N/A (transitional period now expired, no MS obligation)
Article 2(2)(d)	MS may be authorised on request and under Article 21 procedure to officially certify seed of autogamous species of certified seed first generation until 30 June 1989	N/A (No obligation on MS and time period expired)
Article 2(3)(A)	Field inspection under official supervision for certification	Part 4, reg.21
(a)(i) (a)(ii) (a)(iii)	qualifications derive no private gain officially licensed	Part 3 reg.15
(a)(iv)	carry out inspections under official supervision in accordance with rules applicable to official inspections	Part 5, reg. 23
(b) – (d)		
(e)	Seed crop to be grown from seed to be inspected by official inspectors, samples for official post control and, where appropriate, testing	
	Penalties for infringements of provisions on examination	

	under official supervision, including withdrawal of licence	
Article 2(3)(B)(a)	Seed testing by laboratories authorised under conditions	Part 4, reg. 21 & 22
Article 2(3)(B) (b) para 1	Seed analyst in charge who has direct responsibility and necessary qualifications for technical management of lab.	Part 4, reg.21 & 22
Article 2(3)(B) (b) para 2	Technical qualification.	Part 4, reg. 21 & 22
Article 2(3)(B) (b) para 3	In premises/with equipment officially considered satisfactory.	Part 4, reg. 21 & 22
Article 2(3)(B) (b) para 4	Testing in accordance with current international methods.	Part 4, reg. 21 & 22
Article 2(3)(B) (c)	Seed-testing laboratory to be independent or belonging to seed company.	Part 4, reg. 21 & 22
Article 2(3)(B) (d)	Appropriate official supervision of seed-testing laboratory's testing.	Part 4, reg. 21 & 22
Article 2(3)(B) (e)	Necessary seed lots to be check-tested by officials.	Part 3, reg. 15
Article 2(3)(B) (f)	Penalties for infringements of national provisions on examination under official supervision which may include withdrawal of authorisation.	Part 5, reg.23
Article 2(4)	Further measures re carrying out of examinations under official supervision may be adopted in accordance with procedure under Article 21	N/A (No MS obligation)
Article 3(1)	Certification of cereal seed as basic seed, certified seed, certified seed first generation or certified seed second generation.	Schedule 2, Part 2, reg. 8-14
Article 3(2)	To fix maximum moisture content of BS and CS of all kinds.	Schedule 2 Part 2 reg.15(4)
Article 3(3)	Official examination of seeds	

	in accordance with current international methods.	Part 3, reg. 11(5)
Article 3a	Notwithstanding Article 3(1) requirement for certification, bred seed of generations prior to basic seed and seed as grown, marketed for processing, may be marketed.	Schedule 2, Part 2, reg.10 Schedule 4, Part 1, reg.2
Article 4(1)(a)	MS may make derogations for authorisation of certification/marketing of basic seed that does not meet conditions in Annex II for germination; must be supplier's guarantee and special label	Schedule 4, Part 2, reg.4
Article 4(1)(b)	MS may make derogations to make basic seed and certified seed rapidly available before official examination; MS to assist each other as regards inspection.	Schedule 4, Part 2, reg.5 All necessary information appears on labels and documentation. Additional information available on request.
Article 4(4)	Article 4 derogation not applicable to seed imported from third countries.	Schedule 4, Part 2, reg. 4 & 5
Article 4a(1)(a)	MS may authorise marketing of small quantities of seed for scientific purposes or selection work.	Schedule 4, Part 2, reg.11
Article 4a(1)(b)	MS may authorise appropriate quantities of seed for other test or trial purposes, provided it belongs to varieties for which an application for entry has been submitted.	Schedule 4, Part 2, reg. 9
Article 4a(1) para 4	For genetically modified material, authorisations only if all appropriate measures taken to avoid adverse effects on human health.	Schedule 4, Part 2, reg.12
Article 4(2)	Purposes for authorisation to be determined under Article 21 procedure.	N/A (no obligation on MS)
Article 4(3)	Authorisations granted	N/A (no obligation on MS)

	before Directive to remain in force pending determination under Article 4(2).	
Article 5	MS may impose additional/more stringent requirements for certification of seed and examination of commercial seed.	Schedule 2, Part 2, reg. 16 – 18
Article 5a	MS may restrict certification of specified types (oats, barley, rice and wheat) to first generation.	Schedule 2, Part 2, reg. 12 - 14
Article 6	Confidentiality of description of genealogical components if breeder requests.	Part 5 reg. 31
Article 7(1)	For the checking of varieties, examination of seed for certification and examination of commercial seed, samples to be drawn officially or under official supervision. Seed sampling to be carried out officially for random checks under Article 19.	Schedule 2, Part 2, reg.15 Part 3, reg.15 & Part 5 reg. 24
Article 7(1a)(a),(b)	For seed sampling under official supervision, seed samplers to be authorised; and qualified in training courses/exams; sample in accordance with current international methods.	Part 4, reg.21& 22
Article 7(1a)(1)(c)	Seeds samplers to be independent natural persons; employed not in trade or in trade sampling only lots of employer.	This is contained in Licence granted under Part 4, reg. 21 &22
Article 7(1a)(1)(d)-(f)	Supervision of performance of seed samplers; check-sampling by official seed samplers seed lots entered for official certification; penalties for infringements of	Contained in the provisions of the licence Part 4, reg.22

	provisions on examination under official supervision.	
Article 7(1b)	Further measures for seed sampling may be adopted under Article 21 procedure.	N/A (no obligation on MS)
Article 7(2)	Seeds for examination for certification and commercial seed for examination to be drawn from homogenous lots; max/min. weight of sample in Annex III.	Schedule 2, Part 2 reg.15 & Part 3, reg.16(2)
Article 8(1)	Basic, certified and commercial seeds to be marketed in sufficiently homogenous lots and sealed /marked in accordance with Articles 9, 10 and 10a as appropriate.	Schedule 2, Part 2 reg.15 & Part 3 reg.16(2)
Article 8(2)	MS may provide derogations from packaging/sealing for marketing of small quantities	Schedule 3, Part 5, reg.25
Article 9(1) Para 1	Sealing of packages of basic and certified seed officially or under official supervision; such that cannot be opened without damaging the system.	Part 3, reg.16
Article 9(1) Para 2,3	Sealing system to comprise a label or official seal unless non-reusable sealing system used.	Part 3, reg. 16 & 17
Article 9(1) Para 4	It may be established whether sealing system complies under procedure in Article 21.	N/A (no obligation on MS)
Article 9(1) Para 5	No resealing unless done officially.	Part 3, reg.16
Article 9(3)	MS may provide exceptions to Article 9(1) for small packages sealed in their own territory.	Part 3, reg.16(6)
Article 10(1)(a)	Labelling requirements of basic and certified seeds of all kinds.	Part 3, reg. 16 & 17; Schedule 3
Article 10(1)(b)	Official document giving at	Schedule 3, Part 4, reg.6

	least information in Annex IV, not necessary if information is printed indelibly on container or adhesive/non-tear label used.	
Article 10(2)	MS may provide for exceptions to 10(1) in the case of small packages sealed in their own territory.	Part 3, reg.16 (6)
Article 10(3)	MS may be authorised to retain provisions until 30 June 1980.	N/A (no obligation on MS and time period expired)
Article 10a	MS may provide derogation to sealing/labelling and a simplified procedure for marketing certified seed in bulk; conditions to be determined under Article 21 procedure or as set out in Article 2, Commission Decision 94/650/EC.	(N/A since no obligation)
Article 11(1)	It may be provided under Article 21 procedure that MS may require, in cases other than provided under the Directive, packages of basic, certified or commercial seed to bear a supplier's label which may either be separate from official label or form supplier's information printed on package	No provision [Schedule 4 and 5 is official label only] but N/A (no obligation on MS).
Article 11(2)	Directive shall not affect the right of MS to require that seed lots complying with special conditions concerning the presence of Avena fatua laid down under Article 21 procedure shall be accompanied by official certificate of compliance.	N/A
Article 11a	Label to indicate that seed is of a variety which has been genetically modified.	Schedule 3, Part 1, reg.3
Article 12	Any chemical treatment of basic, certified or	Schedule 3, Part 1,reg.4

	commercial seed to be noted on official label or supplier's label and on package or inside it.	
Article 13(1)	Seed of a species of cereal to be marketed in the form of specific mixtures of seeds of various varieties...	Schedule 2, Part 2, reg.9 (2)
Article 13(2)	Marketing of cereal seed in the form of mixtures of various species...	Schedule 2, Part 3, reg.9(2)
Article 13(2a)	Specific conditions for marketing of mixtures to be determined under Article 21 procedure.	N/A (no obligation on MS)
Article 13(3)	Provisions of Articles 8,9, 10 and 11 shall apply except that for blended seed the label must be green.	Schedule 3, Part 2, reg.9
Article 13a	Temporary experiments under specified conditions at Community level releasing MS from certain obligations may be organised under Article 21 procedure.	N/A (no obligation on MS)
Article 14(1)	No other marketing restrictions on seed	N/A
Article 14(1a)	Commission to authorise stricter provisions for marketing of forage crop seed for presence of <i>Avena fatua</i> under Article 21 procedure	N/A (no duty on MS)
Article 14a	Marketing of bred seed of generations prior to basic seed only after official inspection; packing; label.	Part 3, reg.12 Schedule 3, Part 2, reg. 6-8
Article 15(1)	Official certification as certified seed of seed produced directly from basic seed or certified seed of <i>the first generation</i> officially certified in another MS or third country which has been	Schedule 4, Part 2, reg.14 (MS) Part 5, reg.27 (Third Countries)

	granted equivalence and harvested in another MS; or produced directly from the crossing of basic seed officially certified as above; and which has been harvested in a MS to be officially certified as certified seed after official examination.	
Article 15(2)	Labelling/packaging of seed harvested in EC intended for certification.	Schedule 4, Part 3,reg.15 Part 5, reg.27
Article 15(3)	Seed harvested in a third country to be officially certified if produced directly from basic or certified seed <i>of the first generation</i> in MS or third country with equivalence or the crossing of basic seed officially certified in a MS with basic seed officially certified in that third country; field inspection.	Schedule 4, Part 3, reg.16 Part 5, reg. 27
Article 16	Council to determine whether field inspections/seed in third countries comply.	N/A (no obligation on MS)
Article 17	May be decided that MS may permit marketing for a specified period of seed subject to less stringent requirements under Article 21 procedure	N/A (no obligation on MS)
Article 18	Directive does not apply to seed shown to be intended for export to third countries	Part 5, reg.26
Article 19(1)	Official inspections, at least by random checks to verify compliance with conditions.	Part 3, reg.15
Article 19(2)	To ensure supply of particulars during marketing of quantities of more than 2 kg of seed imported from third countries.	Part 5, reg.27(3)

Article 20	Community comparative tests for post-control of samples.	N/A (no obligation on MS)
Article 21	Commission to be assisted by Standing Committee on Seeds (etc.); procedures to be followed.	N/A (no obligation on MS)
Article 21a	Amendments to Annexes in light of development of scientific or technical knowledge under Article 21 procedure.	N/A (no obligation on MS)
Article 21b	Amendments to Annexes to establish conditions for crop and seed of hybrids of oats, barley, rice, wheat, durum wheat, spelt wheat and other species to be adopted under Article 21 procedure.	N/A (no obligation on MS)
Article 22	<i>Save as otherwise provided in Annex II in respect of tolerances for harmful organisms</i> , Directive is without prejudice to laws for protection of health and life of humans etc.	Schedule 2, Part 2, Chapter 1, reg.15 N/A
Article 22a	Specific conditions to take account of developments in specified areas may be established under Article 21 procedure.	N/A (no obligation on MS)
Article 23	Date of implementation	N/A (transpired)
Article 23a	Whole or partial release from obligations on application by MS	N/A (no obligation on MS)
Article 24	Addressed to MS	N/A (no obligation on MS)

Transposition Note
The Seed Marketing Regulations 2010

Cereal Seeds

Article of Directive 66/402 (cereal seeds)	Purpose	Implementation
Article 1	Application to the production with a view to marketing, and to the marketing, of cereal seed.	No obligation to implement. Part 1 reg. 2(Regulations apply to seeds listed in Schedule 1, including cereal seeds

		Part 4 reg. 20 (Marketing seed requires a licence)
Article 1a, para. 1	Definition of marketing.	Part 1, reg.2 (1)
Article 1a, para. 2	Seed not aimed at a commercial exploitation of the variety is not marketing; supply for official testing; providers of services for processing or packaging.	Part 1 reg. 2(2)
Article 1a, para. 3	Supply of seed to providers of services for the production of certain agricultural raw materials is not marketing; provision of supply contract to Certification Authority	Part 1 reg. 2(2)
Article 1a, para. 4	Conditions for application shall be determined under procedure in Article 21.	N/A (No obligation on MS)
Article 2(1)(A)	List of cereal plants covered.	Schedule 1 (Cereal)
Article 2(1)B	Varieties, hybrids and inbred lines of maize and <i>Sorghum</i> spp.	Schedule 2 Part 2 Chapter 1
Article 2(1) C(a), (b)	Basic seed definition.	Schedule 2, Part 2 Chapter 1, reg. 11
Article 2(1) C (c), (d)	Conditions in Annexes I and II/official examination, or examination under official supervision.	Schedule 2, Part 2 chapter 1 reg. 15
Article 2(1)Ca(a)	Basic seed which is intended for the production of hybrids.	[Schedule 2, Part 2 chapter 1, reg11]
Article 2(1)Ca (b),(c)	Conditions in Annexes I and II/official examination, or examination under official supervision.	Schedule 2, Part 2 , Chapter 1 reg. 15
Article 2(1)D(1)(a), (b)	Basic seed (maize and <i>Sorghum</i> spp) open-pollinated varieties	[Schedule 2, Part 2 , Chapter 1 reg. 11]
Article 2(1)D(1)(c), (d)	Conditions in Annexes I and II/official examination, or examination under official supervision.	Schedule 2, Part 2 , Chapter 1, reg. 15
Article 2(1)D(2)	Basic seed of maize (inbred lines)	[Schedule 2, Part 2 , Chapter 1, reg. 11]
Article 2(1)D(2)(a),(b)	Conditions in Annexes I and II/official examination, or	Schedule 2, Part 2 , Chapter 1, reg. 15

	examination under official supervision.	
Article 2(1)D(3)(a)	Basic seed of simple hybrids which is intended for the production of double hybrids, triple cross hybrids or Top Cross hybrids	[Schedule 2, Part 2 , Chapter 1, reg.11]
Article 2(1)D(3)(b), (c)	Conditions in Annexes I and II/official examination, or examination under official supervision.	Schedule 2, Part 2 ,Chapter 1 reg.15
Article 2(1)(E)(a),(b)	Certified seed definition	Schedule 2, Part 2 , Chapter 1 reg.12
Article 2(1)(E)(c),(d)	Conditions in Annexes I and II/official examination, or examination under official supervision.	Schedule 2, Part 2 , Chapter 1 reg.15
Article 2(1)(F) (a), (b)	Certified seed, first generation definition.	Schedule 2, Part 1 , Chapter 1, reg. 13
Article 2(1)(F)(c),(d)	Conditions in Annexes I and II/official examination, or examination under official supervision.	Schedule 2, Part 2 , Chapter 1 reg.15
Article 2(1)(G)(a),(b)	Certified seed, second generation definition	Schedule 2, Part 2 , Chapter 1, reg.14
Article 2(1)(G)(c),(d)	Conditions in Annexes I and II/official examination, or examination under official supervision.	Schedule 2, Part 2 , Chapter 1, reg.15
Article 2(1)(H)	Official measures definition by MS authority, legal person acting under state responsibility or natural person duly sworn, provided no private gain.	Part 4 reg.21
Article 2(1a)	Amendments to list of species to be adopted in accordance to procedure in Article 21	N/A (no MS obligation)
Article 2(1b)	Amendments to include hybrids to be adopted under Article 21 procedure.	N/A (Commission procedure, no MS obligation)
Article 2(1c)	Different types of varieties to be specified under Article 21 procedure.	N/A (Commission procedure, no MS obligation)
Article 2(1e)	Authorisation of MS not to	N/A (No MS obligation)

	apply conditions in Annex 2 on production	
Article 2(2)(a), (b)	MS may include several generations in the basic seed category and subdivide by generation; provide official examinations not be carried out on all lots unless there is doubt whether Annex II conditions met.	[N/A, no obligation on MS]
Article 2(2)(c)	Derogation for certification in transitional period (3 years from entry into force)	N/A (transitional period now expired, no MS obligation)
Article 2(2)(d)	MS may be authorised on request and under Article 21 procedure to officially certify seed of autogamous species of certified seed first generation until 30 June 1989	N/A (No obligation on MS and time period expired)
Article 2(3)(A)	Field inspection under official supervision for certification	Part 4, reg.21
(a)(i) (a)(ii) (a)(iii)	qualifications derive no private gain officially licensed	Part 3 reg.15
(a)(iv)	carry out inspections under official supervision in accordance with rules applicable to official inspections	Part 5, reg. 23
(b) – (d)		
(e)	Seed crop to be grown from seed to be inspected by official inspectors, samples for official post control and, where appropriate, testing	
	Penalties for infringements of	

	provisions on examination under official supervision, including withdrawal of licence	
Article 2(3)(B)(a)	Seed testing by laboratories authorised under conditions	Part 4, reg. 21 & 22
Article 2(3)(B) (b) para 1	Seed analyst in charge who has direct responsibility and necessary qualifications for technical management of lab.	Part 4, reg.21 & 22
Article 2(3)(B) (b) para 2	Technical qualification.	Part 4, reg. 21 & 22
Article 2(3)(B) (b) para 3	In premises/with equipment officially considered satisfactory.	Part 4, reg. 21 & 22
Article 2(3)(B) (b) para 4	Testing in accordance with current international methods.	Part 4, reg. 21 & 22
Article 2(3)(B) (c)	Seed-testing laboratory to be independent or belonging to seed company.	Part 4, reg. 21 & 22
Article 2(3)(B) (d)	Appropriate official supervision of seed-testing laboratory's testing.	Part 4, reg. 21 & 22
Article 2(3)(B) (e)	Necessary seed lots to be check-tested by officials.	Part 3, reg. 15
Article 2(3)(B) (f)	Penalties for infringements of national provisions on examination under official supervision which may include withdrawal of authorisation.	Part 5, reg.23
Article 2(4)	Further measures re carrying out of examinations under official supervision may be adopted in accordance with procedure under Article 21	N/A (No MS obligation)
Article 3(1)	Certification of cereal seed as basic seed, certified seed, certified seed first generation or certified seed second generation.	Schedule 2, Part 2, reg. 8-14
Article 3(2)	To fix maximum moisture content of BS and CS of all kinds.	Schedule 2 Part 2 reg.15(4)

Article 3(3)	Official examination of seeds in accordance with current international methods.	Part 3, reg. 11(5)
Article 3a	Notwithstanding Article 3(1) requirement for certification, bred seed of generations prior to basic seed and seed as grown, marketed for processing, may be marketed.	Schedule 2, Part 2, reg.10 Schedule 4, Part 1, reg.2
Article 4(1)(a)	MS may make derogations for authorisation of certification/marketing of basic seed that does not meet conditions in Annex II for germination; must be supplier's guarantee and special label	Schedule 4, Part 2, reg.4
Article 4(1)(b)	MS may make derogations to make basic seed and certified seed rapidly available before official examination; MS to assist each other as regards inspection.	Schedule 4, Part 2, reg.5 All necessary information appears on labels and documentation. Additional information available on request.
Article 4(4)	Article 4 derogation not applicable to seed imported from third countries.	Schedule 4, Part 2, reg. 4 & 5
Article 4a(1)(a)	MS may authorise marketing of small quantities of seed for scientific purposes or selection work.	Schedule 4, Part 2, reg.11
Article 4a(1)(b)	MS may authorise appropriate quantities of seed for other test or trial purposes, provided it belongs to varieties for which an application for entry has been submitted.	Schedule 4, Part 2, reg. 9
Article 4a(1) para 4	For genetically modified material, authorisations only if all appropriate measures taken to avoid adverse effects on human health.	Schedule 4, Part 2, reg.12
Article 4(2)	Purposes for authorisation to be determined under Article 21 procedure.	N/A (no obligation on MS)

Article 4(3)	Authorisations granted before Directive to remain in force pending determination under Article 4(2).	N/A (no obligation on MS)
Article 5	MS may impose additional/more stringent requirements for certification of seed and examination of commercial seed.	Schedule 2, Part 2, reg. 16 – 18
Article 5a	MS may restrict certification of specified types (oats, barley, rice and wheat) to first generation.	Schedule 2, Part 2, reg. 12 - 14
Article 6	Confidentiality of description of genealogical components if breeder requests.	Part 5 reg. 31
Article 7(1)	For the checking of varieties, examination of seed for certification and examination of commercial seed, samples to be drawn officially or under official supervision. Seed sampling to be carried out officially for random checks under Article 19.	Schedule 2, Part 2, reg.15 Part 3, reg.15 & Part 5 reg. 24
Article 7(1a)(a),(b)	For seed sampling under official supervision, seed samplers to be authorised; and qualified in training courses/exams; sample in accordance with current international methods.	Part 4, reg.21& 22
Article 7(1a)(1)(c)	Seeds samplers to be independent natural persons; employed not in trade or in trade sampling only lots of employer.	This is contained in Licence granted under Part 4, reg. 21 &22
Article 7(1a)(1)(d)-(f)	Supervision of performance of seed samplers; check-sampling by official seed samplers seed lots entered for official certification;	Contained in the provisions of the licence Part 4, reg.22

	penalties for infringements of provisions on examination under official supervision.	
Article 7(1b)	Further measures for seed sampling may be adopted under Article 21 procedure.	N/A (no obligation on MS)
Article 7(2)	Seeds for examination for certification and commercial seed for examination to be drawn from homogenous lots; max/min. weight of sample in Annex III.	Schedule 2, Part 2 reg.15 & Part 3, reg.16(2)
Article 8(1)	Basic, certified and commercial seeds to be marketed in sufficiently homogenous lots and sealed /marked in accordance with Articles 9, 10 and 10a as appropriate.	Schedule 2, Part 2 reg.15 & Part 3 reg.16(2)
Article 8(2)	MS may provide derogations from packaging/sealing for marketing of small quantities	Schedule 3, Part 5, reg.25
Article 9(1) Para 1	Sealing of packages of basic and certified seed officially or under official supervision; such that cannot be opened without damaging the system.	Part 3, reg.16
Article 9(1) Para 2,3	Sealing system to comprise a label or official seal unless non-reusable sealing system used.	Part 3, reg. 16 & 17
Article 9(1) Para 4	It may be established whether sealing system complies under procedure in Article 21.	N/A (no obligation on MS)
Article 9(1)Para 5	No resealing unless done officially.	Part 3, reg.16
Article 9(3)	MS may provide exceptions to Article 9(1) for small packages sealed in their own territory.	Part 3, reg.16(6)
Article 10(1)(a)	Labelling requirements of basic and certified seeds of all kinds.	Part 3, reg. 16 & 17; Schedule 3

Article 10(1)(b)	Official document giving at least information in Annex IV, not necessary if information is printed indelibly on container or adhesive/non-tear label used.	Schedule 3, Part 4,reg.6
Article 10(2)	MS may provide for exceptions to 10(1) in the case of small packages sealed in their own territory.	Part 3, reg.16 (6)
Article 10(3)	MS may be authorised to retain provisions until 30 June 1980.	N/A (no obligation on MS and time period expired)
Article 10a	MS may provide derogation to sealing/labelling and a simplified procedure for marketing certified seed in bulk; conditions to be determined under Article 21 procedure or as set out in Article 2, Commission Decision 94/650/EC.	(N/A since no obligation)
Article 11(1)	It may be provided under Article 21 procedure that MS may require, in cases other than provided under the Directive, packages of basic, certified or commercial seed to bear a supplier's label which may either be separate from official label or form supplier's information printed on package	No provision [Schedule 4 and 5 is official label only] but N/A (no obligation on MS).
Article 11(2)	Directive shall not affect the right of MS to require that seed lots complying with special conditions concerning the presence of Avena fatua laid down under Article 21 procedure shall be accompanied by official certificate of compliance.	N/A
Article 11a	Label to indicate that seed is of a variety which has been genetically modified.	Schedule 3, Part 1, reg.3
Article 12	Any chemical treatment of	

	basic, certified or commercial seed to be noted on official label or supplier's label and on package or inside it.	Schedule 3, Part 1, reg.4
Article 13(1)	Seed of a species of cereal to be marketed in the form of specific mixtures of seeds of various varieties...	Schedule 2, Part 2, reg.9 (2)
Article 13(2)	Marketing of cereal seed in the form of mixtures of various species...	Schedule 2, Part 3, reg.9(2)
Article 13(2a)	Specific conditions for marketing of mixtures to be determined under Article 21 procedure.	N/A (no obligation on MS)
Article 13(3)	Provisions of Articles 8,9, 10 and 11 shall apply except that for blended seed the label must be green.	Schedule 3, Part 2, reg.9
Article 13a	Temporary experiments under specified conditions at Community level releasing MS from certain obligations may be organised under Article 21 procedure.	N/A (no obligation on MS)
Article 14(1)	No other marketing restrictions on seed	N/A
Article 14(1a)	Commission to authorise stricter provisions for marketing of forage crop seed for presence of <i>Avena fatua</i> under Article 21 procedure	N/A (no duty on MS)
Article 14a	Marketing of bred seed of generations prior to basic seed only after official inspection; packing; label.	Part 3, reg.12 Schedule 3, Part 2, reg. 6-8
Article 15(1)	Official certification as certified seed of seed produced directly from basic seed or certified seed <i>of the first generation</i> officially certified in another MS or	Schedule 4, Part 2, reg.14 (MS) Part 5, reg.27 (Third Countries)

	third country which has been granted equivalence and harvested in another MS; or produced directly from the crossing of basic seed officially certified as above; and which has been harvested in a MS to be officially certified as certified seed after official examination.	
Article 15(2)	Labelling/packaging of seed harvested in EC intended for certification.	Schedule 4, Part 3,reg.15 Part 5, reg.27
Article 15(3)	Seed harvested in a third country to be officially certified if produced directly from basic or certified seed <i>of the first generation</i> in MS or third country with equivalence or the crossing of basic seed officially certified in a MS with basic seed officially certified in that third country; field inspection.	Schedule 4, Part 3, reg.16 Part 5, reg. 27
Article 16	Council to determine whether field inspections/seed in third countries comply.	N/A (no obligation on MS)
Article 17	May be decided that MS may permit marketing for a specified period of seed subject to less stringent requirements under Article 21 procedure	N/A (no obligation on MS)
Article 18	Directive does not apply to seed shown to be intended for export to third countries	Part 5, reg.26
Article 19(1)	Official inspections, at least by random checks to verify compliance with conditions.	Part 3, reg.15
Article 19(2)	To ensure supply of particulars during marketing of quantities of more than 2 kg of seed imported from	Part 5, reg.27(3)

	third countries.	
Article 20	Community comparative tests for post-control of samples.	N/A (no obligation on MS)
Article 21	Commission to be assisted by Standing Committee on Seeds (etc.); procedures to be followed.	N/A (no obligation on MS)
Article 21a	Amendments to Annexes in light of development of scientific or technical knowledge under Article 21 procedure.	N/A (no obligation on MS)
Article 21b	Amendments to Annexes to establish conditions for crop and seed of hybrids of oats, barley, rice, wheat, durum wheat, spelt wheat and other species to be adopted under Article 21 procedure.	N/A (no obligation on MS)
Article 22	<i>Save as otherwise provided in Annex II in respect of tolerances for harmful organisms</i> , Directive is without prejudice to laws for protection of health and life of humans etc.	Schedule 2, Part 2, Chapter 1, reg.15 N/A
Article 22a	Specific conditions to take account of developments in specified areas may be established under Article 21 procedure.	N/A (no obligation on MS)
Article 23	Date of implementation	N/A (transpired)
Article 23a	Whole or partial release from obligations on application by MS	N/A (no obligation on MS)
Article 24	Addressed to MS	N/A (no obligation on MS)

**Transposition Note
The Seed Marketing Regulations 2010**

Beet Seed

Article of Directive 2002/54/EC (beet seed)	Purpose	Implementation
Article 1 para 1	Application to the production with a view to marketing, and to the marketing, of beet	Part 1, reg.2 Part 4, reg.20

	seed.	
Article 1 para 2	Not applicable to beet seed shown to be intended for export to third countries.	Part 2, reg.4(2)
Article 2(1)(a), para. 1	Definition of marketing.	Part 1, reg.2(1)
Article 2(1)(a), para. 2	Seed not aimed at a commercial exploitation of the variety is not marketing; supply for official testing; providers of services for processing or packaging.	Part 1, reg.2(2)
Article 2(1)(a), para. 3	Supply of seed to providers of services for the production of certain agricultural raw materials is not marketing; provision of supply contract to Certification Authority	Part 1, reg.2(2)
Article 2(1)a, para. 4	Conditions for application shall be determined under procedure in Article 21.	N/A (No obligation on MS)
Article 2(1)(b)	Beet means sugar and fodder beet of the species <i>Beta vulgaris</i> L.	Schedule 1
Article 2(1)(c)(i), (ii)	Basic seed definition.	Schedule 2, Part 1, reg.5
Article 2(1)(c)(iii), (iv)	Conditions in Annexes I and II/official examination, or examination under official supervision.	Schedule 2, Part 1 reg.7
Article 2(1)(d)(i),(ii)	Certified seed definition	Schedule 2, Part 1 reg.6
Article 2(1)(d)(iii),(iv)	Conditions in Annexes I and II/official examination, or examination under official supervision.	Schedule 2, Part 1 , reg.7
Article 2(1)(e)	Monogerm seed definition	Schedule 2, Part 1, reg.2
Article 2(1)(f)	Precision seed definition	Schedule 2, Part 1, reg.2
Article 2(1)(g)	Official measures definition by MS authority, legal person acting under state responsibility or natural	Part 4, reg.21(4)

	person duly sworn, provided no private gain.	
Article 2(1)(h)	Small EC packages definition.	Schedule 3, Part 4, reg.19
Article 2(2)	Types of varieties including components to be specified and defined in accordance to procedure in Article 28	N/A (Commission procedure, no MS obligation)
Article 2(3)(A)	Field inspection under official supervision for certification	Part 4, reg.21
(a)(i) (a)(ii) (a)(iii) (a)(iv)	qualifications derive no private gain officially licensed carry out inspections under official supervision in accordance with rules applicable to official inspections	Part 3, reg.15
(b) – (d)		
(e)	Seed crop to be grown from seed, to be inspected by official inspectors, samples for official post control and, where appropriate, testing Penalties for infringements of provisions on examination under official supervision, including withdrawal of licence	Part 5, reg.23
Article 2(3)(B)(a)	Seed testing by laboratories authorised under conditions	Part 4, reg. 21&22
Article 2(3)(B) (b) para 1	Seed analyst in charge who has direct responsibility and necessary qualifications for technical management of lab.	Part 4, reg. 21&22
Article 2(3)(B) (b) para 2	Technical qualification.	Part 4, reg.21 & 22
Article 2(3)(B) (b) para 3	In premises/with equipment officially considered satisfactory.	Part 4, reg.21&22

Article 2(3)(B) (b) para 4	Testing in accordance with current international methods.	Part 3, reg. 11 (5 -6)
Article 2(3)(B) (c)	Seed-testing laboratory to be independent or belonging to seed company.	included in licence under Part 4, reg. 21 & 22
Article 2(3)(B) (d)	Appropriate official supervision of seed-testing laboratory's testing.	Included under licence in Part 4, reg. 21 & 22
Article 2(3)(B) (e)	Necessary seed lots to be check-tested by officials.	Part 3, reg.15
Article 2(3)(B) (f)	Penalties for infringements of national provisions on examination under official supervision which may include withdrawal of authorisation.	Part 5, reg.23
Article 2(4)	Further measures re carrying out of examinations under official supervision may be adopted in accordance with procedure under Article 28.	N/A (No MS obligation)
Article 3(1)	Certification of specified types of seed as basic or certified seed.	Part 2, reg.5 Schedule 2, Part 1, reg. 5 & 6
Article 3(2)	Official examination carried out in accordance with international methods.	Part 3, reg.11 (6)
Article 4	Notwithstanding Article 3(1) requirement for certification, bred seed of generations prior to basic seed and seed as grown, marketed for processing, may be marketed.	Schedule 2, Part 1, reg.4 Schedule 4, Part 1, reg.2
Article 5(a)	MS may make derogations for authorisation of certification/marketing of basic seed that does not meet conditions in Annex II for germination; must be supplier's guarantee and special label.	Schedule 4, Part 2, reg. 4
Article 5(b)	MS may make derogations to make basic or certified seed rapidly available before official examination;	Schedule 4, Part 2, reg.5

Article 5 para 4 Para 5	Article 4 derogation not applicable to seed imported from third countries. MS to assist each other as regards inspection.	Schedule 4, Part 2, reg. 4&5 All necessary information appears on labels and documentation. Additional information available on request.
Article 6(1)(a)	MS may authorise marketing of small quantities of seed for scientific purposes or selection work.	Schedule 4, Part 2, reg. 11
Article 6(1)(b)	MS may authorise appropriate quantities of seed for other test or trial purposes, provided it belongs to varieties for which an application for entry has been submitted.	Schedule 4, Part 2, reg.9
Article 6(1) para 4	For genetically modified material, authorisations only if all appropriate measures taken to avoid adverse effects on human health.	Schedule 4, Part 2, reg. 12
Article 6(2)	Purposes for authorisation to be determined under Article 28(2) procedure.	N/A (no obligation on MS)
Article 6(3)	Authorisations granted before 14 December 1998 to remain in force pending determination under Article 4(2).	N/A (no obligation on MS)
Article 7	MS may impose additional/more stringent requirements for certification of seed.	N/A No HVS in Beet
Article 8	Confidentiality of description of genealogical components if breeder requests.	Part 5, re. 31
Article 9(1)	For the checking of varieties, examination of seed for certification, samples to be drawn officially or under official supervision.	Schedule 2, Part 1, reg.7 Part 3, reg.15 Part 5, reg.24

	Seed sampling to be carried out officially for random checks under Article 25.	
Article 9(1a)(a),(b)	For seed sampling under official supervision, seed samplers to be authorised; and qualified in training courses/exams; sample in accordance with current international methods.	Part 4, reg. 21 & 22
Article 9(1a)(1)(c)	Seeds samplers to be independent natural persons; employed not in trade or in trade sampling only lots of employer.	Part 4, reg. 21&22
Article 9(1a)(1)(d)-(f)	Supervision of performance of seed samplers; check-sampling by official seed samplers of seed lots entered for official certification; penalties for infringements of provisions on examination under official supervision.	Contained in licence under Part 4, reg. 21 & 22
Article 9(1b)	Further measures for seed sampling may be adopted under Article 21 procedure.	N/A (no obligation on MS)
Article 9(2)	Seeds for examination for certification and commercial seed for examination to be drawn from homogenous lots; max/min. weight of sample in Annex II.	Schedule 2, Part 1, reg.7 Part 3,reg.16(2)
Article 10(1)	Basic, certified and commercial seeds to be marketed in sufficiently homogenous lots and sealed /marked in accordance with Articles 11, 12 and 13 as appropriate.	Schedule 2, Part 1, reg.7 Part 3,reg.16(2)
Article 10(2)	MS may provide derogations from packaging/sealing for marketing of small quantities.	Schedule 3, Part 5,reg.25

Article 11(1) Para 1	Sealing of packages of basic and certified seed (except for small EC packages for certified and commercial seed) officially or under official supervision; such that cannot be opened without damaging the system.	Part 3, reg.16
Article 11(1) Para 2,3	Sealing system to comprise a label or official seal unless non-reusable sealing system used.	Part 3, reg. 16 & 17
Article 11(1) Para 4	It may be established whether sealing system complies under procedure in Article 28(2).	N/A (no obligation on MS)
Article 11(2)	No resealing unless done officially, except for small EC packages.	Part 3, reg. 16
Article 11(3)	Small EC packages to be sealed such that cannot be opened without damaging sealing system.	Part 3, reg. 16 Schedule 3, Part 4, reg.19
Article 12(a)	Labelling requirements of basic and certified seeds except in small EC packages for certified seed.	Schedule 3, Part 2, reg.5 & 7 Schedule 3, Part 1
Article 12(b)	Official document giving at least information in Annex IV, not necessary if information is printed indelibly on container or adhesive/non-tear label used.	Schedule 3, Part 4, reg.6
Article 13	Labelling of small EC packages	Schedule 3, Part 4, reg. 11
Article 14	MS may provide that on request small EC packages are sealed/marked officially/under official supervision.	N/A in any event since no obligation on MS
Article 15	Measures to ensure that identity of seed in small packages can be checked in particular when divided up; may require small packages	N/A since not an obligation on MS

	divided up in territory to be sealed officially.	
Article 16	It may be provided that MS may require, in cases other than provided under the Directive, packages of basic or certified seed of any kind to bear a supplier's label which may either be separate from official label or form supplier's information printed on package	N/A (no obligation on MS) .
Article 17	Label to indicate that seed is of a variety which has been genetically modified.	Schedule 3, Part 1, reg.3
Article 18	Any chemical treatment of basic, certified or commercial seed to be noted on official label or supplier's label and on package or inside it.	Schedule 3, Part 1, reg.4
Article 19	Temporary experiments under specified conditions at Community level releasing MS from certain obligations may be organised under Article 21 procedure.	N/A (no obligation on MS)
Article 20	No other marketing restrictions on seed	N/A
Article 21	Marketing of bred seed of generations prior to basic seed only after official inspection; packing; label.	Schedule 3, Part 2, reg.6-8
Article 22(1)	Official certification as certified seed of seed produced directly from basic seed officially certified in another MS or third country which has been granted equivalence and harvested in another MS; or produced directly from the crossing of basic seed officially certified as above; and which has been harvested in a MS to be officially certified as certified	Schedule 4, Part 3, reg.15 & 16 Part 5, reg.27

	seed after official examination.	
Article 22(2)	Labelling/packaging of seed harvested in EC intended for certification; clearly indicating if genetically modified	Schedule 4, Part 3, reg.15 Schedule 4, Part 2, reg.12
Article 22(3)	Seed harvested in a third country to be officially certified if produced directly from basic seed in MS or third country with equivalence or the crossing of basic seed officially certified in a MS with basic seed officially certified in that third country; field inspection.	Schedule 4, Part 3, reg.16
Article 23	Council to determine whether field inspections/seed in third countries comply.	N/A (no obligation on MS)
Article 24	May be decided that MS may permit marketing for a specified period of seed subject to less stringent requirements under Article 28(2) procedure	N/A (no obligation on MS)
Article 25(1)	Official inspections, at least by random checks to verify compliance with conditions.	Part 3, reg.15
Article 25(2)	To ensure supply of particulars during marketing of quantities of more than 2 kg of seed imported from third countries.	Part 5, reg.27(3)
Article 26	Community comparative tests for post-control of samples.	N/A (no obligation on MS)
Article 27	Amendments to Annexes in light of development of scientific or technical knowledge to be adopted under Article 28(2) procedure.	N/A (no obligation on MS)
Article 28	Commission to be assisted by Standing Committee on	N/A (no obligation on MS)

	Seeds (etc.); procedures to be followed.	
Article 29	Directive is without prejudice to laws for protection of health and life of humans etc.	N/A
Article 30	Specific conditions to take account of developments in specified areas may be established under Article 21 procedure.	N/A (no obligation on MS)
Article 30A	Whole or partial release from obligations on application by MS for growing/marketing of beet seed of minimal economic importance in its territory.	N/A (no obligation on MS)
Article 31	Submission to Commission by MS of text.	N/A (done in original implementation)
Article 32	Commission submission of evaluation of simplification procedures.	N/A (no obligation on MS)
Article 33	Repeal of Directive 66/400/EEC as amended.	N/A (no obligation on MS)
Article 34	Entering into force of Directive.	N/A (no obligation on MS)
Article 35	Addressed to MS	N/A (no obligation on MS)

**Transposition Note
The Seed Marketing Regulations 2010**

Fodder Seeds

Article of Directive 66/401 (fodder seeds)	Purpose	Implementation
Article 1	Application to the production with a view to marketing, and to the marketing, of fodder plant seed.	No obligation to implement. Part 1, reg. 2(Regulations apply to seeds listed in Schedule 1, including fodder plant seeds). Part 4, reg.20 (Marketing seed requires a licence)
Article 1a, para. 1	Definition of marketing.	Part 1, reg. 2(1)
Article 1a, para. 2	Seed not aimed at a commercial exploitation of the variety is not marketing; supply for official testing; providers of services for processing or packaging.	Part 1, reg. 2(2)

Article 1a, para. 3	Supply of seed to providers of services for the production of certain agricultural raw materials is not marketing; provision of supply contract to Certification Authority	Part 1, reg. 2(2)
Article 1a, para. 4	Conditions for application shall be determined under procedure in Article 21.	N/A (No obligation on MS)
Article 2(1)(A)	List of fodder plants covered.	Schedule 1 (Fodder plants)
Article 2(1)(B)1(a), (b)	Basic seed definition (bred and local varieties).	Schedule 2, Part 3, reg.23
Article 2(1)(B)(c), (d)	Conditions in Annexes I and II/official examination, or examination under official supervision.	Schedule 2, Part 3, reg.28
Article 2(1)(B)(2)(a), (b)	Seed of local varieties definition.	Schedule 2, Part 3, reg. 24 - 26
Article 2(1)(B)(2)(c), (d)	Conditions in Annexes I and II/official examination, or examination under official supervision.	Schedule 2, Part 3, Chapter 1, reg. 28
Article 2(1)(C)(a),(b)	Certified seed definition	Schedule 2, Part 3, Chapter 1, reg. 24-26
Article 2(1)(C)(c),(d)	Conditions in Annexes I and II/official examination, or examination under official supervision.	Schedule 2, Part 3, Chapter 1, reg.24-26
Article 2(1)(Ca) (a), (b)	Certified seed, first generation definition.	Schedule 2, Part 3, Chapter 1, reg. 24-26
Article 2(1)(Ca)(c),(d)	Conditions in Annexes I and II/official examination, or examination under official supervision.	Schedule 2, Part 3, Chapter 1, reg.24-26
Article 2(1)(Cb)(a),(b)	Certified seed, second generation definition	Schedule 2, Part 3, Chapter 1, reg. 24-26
Article 2(1)(Cb)(c),(d)	Conditions in Annexes I and II/official examination, or examination under official supervision.	Schedule 2, Part 3, Chapter 1, reg. 28
Article 2(1)(D)(a)	Commercial seed definition	Schedule 2, Part 3, Chapter 1, reg. 27

Article 2(1)(D)(b), (c)	Conditions in Annexes I and II/examination, or examination under official supervision.	Schedule 2, Part 3, Chapter 1, reg. 28
Article 2(1)(E)	Official measures definition by MS authority, legal person acting under state responsibility or natural person duly sworn, provided no private gain.	Part 4, reg. 21
Article 2(1)(F), (G)	Small EC A and EC B packages definition.	Schedule 3, Part 4, reg. 21
Article 2(1a)	Amendments to list of species to be adopted in accordance to procedure in Article 21	N/A (no MS obligation)
Article 2(1b)	Types of varieties including components to be specified and defined in accordance to procedure in Article 21	N/A (Commission procedure, no MS obligation)
Article 2(1d)	Authorisation of MS not to apply conditions in Annex 2 on production	N/A (No MS obligation)
Article 2(2)	Derogation for certification in transitional period (4 years from entry into force)	N/A (transitional period now expired, no MS obligation)
Article 2(3)(A)	Field inspection under official supervision for certification	Part 4, reg.21
(a)(i)		
(a)(ii)		
(a)(iii)	qualifications derive no private gain officially licensed	
(a)(iv)		
(b) – (d)	carry out inspections under official supervision in accordance with rules applicable to official inspections	Part 3, reg.15

(e)	Seed crop to be grown from seed, at least 5% to be inspected by official inspectors, samples for official post control and, where appropriate, testing Penalties for infringements of provisions on examination under official supervision, including withdrawal of licence	Part 5, reg. 23
Article 2(3)(B)(a)	Seed testing by laboratories authorised under conditions	Part 4, reg. 21 & 22
Article 2(3)(B) (b) para 1	Seed analyst in charge who has direct responsibility and necessary qualifications for technical management of lab.	Part 4, reg.21 & 22
Article 2(3)(B) (b) para 2	Technical qualification.	Part 4, reg. 21 & 22
Article 2(3)(B) (b) para 3	In premises/with equipment officially considered satisfactory.	Part 4, reg. 21 & 22
Article 2(3)(B) (b) para 4	Testing in accordance with current international methods.	Part 4, reg. 21 & 22
Article 2(3)(B) (c)	Seed-testing laboratory to be independent or belonging to seed company.	Part 4, reg. 21 & 22
Article 2(3)(B) (d)	Appropriate official supervision of seed-testing laboratory's testing.	Part 4, reg. 21 & 22
Article 2(3)(B) (e)	Necessary seed lots to be check-tested by officials.	Part 3, reg. 15
Article 2(3)(B) (f)	Penalties for infringements of national provisions on examination under official supervision which may include withdrawal of authorisation.	Part 5, reg.23
Article 2(4)	Further measures re carrying out of examinations under official supervision may be adopted in accordance with	N/A (No MS obligation)

	procedure under Article 21	
Article 3(1)	Certification of specified types of seed as basic or certified seed	Schedule 2, Part 3, Chapter 1, reg.20 – 27
Article 3(1)a	Exceptions for Spain until 31 December 1989	N/A to UK and time limit expired.
Article 3(2)	Certification of types of seed as basic or certified seed or commercial seed of types other than those listed in Article 3(1)	Schedule 2, Part 3, Chapter 1, reg. 20 – 27
Article 3(3)	Commission provision of other types under Article 21 procedure	N/A (No MS obligation)
Article 3(4)	Official examination carried out in accordance with international methods	Part 3, reg.11 (5)
Article 3a	Notwithstanding Article 3(1) requirement for certification, bred seed of generations prior to basic seed and seed as grown, marketed for processing, may be marketed.	Schedule 2, Part 3, Chapter 1, reg.22 Schedule 4, Part 1, reg.2
Article 4 (a)	MS may make derogations for authorisation of certification/marketing of basic seed that does not meet conditions in Annex II for germination and for certified seed <i>Trifolium pratense</i> ; must be supplier's guarantee and special label	Schedule 4, Part 2, reg.4
Article 4(b)	MS may make derogations to make basic, certified or commercial seed rapidly available before official examination; MS to assist each other as regards inspection.	Schedule 4, Part 2, reg.5 All necessary information appears on labels and documentation. Additional information available on request.
Article 4 para 4	Article 4 derogation not applicable to seed imported from third countries.	Schedule 4, Part 2, reg. 4 & 5
Article 4a(1)(a)	MS may authorise marketing of small quantities of seed for scientific purposes or selection work.	Schedule 4, Part 2, reg.11

Article 4a(1)(b)	MS may authorise appropriate quantities of seed for other test or trial purposes, provided it belongs to varieties for which an application for entry has been submitted.	Schedule 4, Part 2, reg. 9
Article 4a(1) para 4	For genetically modified material, authorisations only if all appropriate measures taken to avoid adverse effects on human health.	Schedule 4, Part 2, reg.12
Article 4(2)	Purposes for authorisation to be determined under Article 21 procedure.	N/A (no obligation on MS)
Article 4(3)	Authorisations granted before Directive to remain in force pending determination under Article 4(2).	N/A (no obligation on MS)
Article 5	MS may impose additional/more stringent requirements for certification of seed and examination of commercial seed.	[Schedule 2, Part 3, Chapter 2, reg.29
Article 5a	MS may restrict certification of specified types (<i>Lupinus spp.</i> , <i>Pisum sativum</i> , <i>Vicia spp.</i> , and <i>Medicago sativa</i>) to first generation.	Schedule 2, Part 3, Chapter 1, reg. 24 – 26
Article 6	Confidentiality of description of genealogical components if breeder requests.	Part 5, reg. 31
Article 7(1)	For the checking of varieties, examination of seed for certification and examination of commercial seed, samples to be drawn officially or under official supervision. Seed sampling to be carried out officially for random checks under Article 19.	Schedule 2, Part 3, Chapter 1, reg. 28 Part 3, reg.15 & Part 5, reg.24
Article 7(1a)(a),(b)	For seed sampling under	Part 4, reg. 21 (2)

	official supervision, seed samplers to be authorised; and qualified in training courses/exams; sample in accordance with current international methods.	
Article 7(1a)(1)(c)	Seeds samplers to be independent natural persons; employed not in trade or in trade sampling only lots of employer.	contained in provisions of licence under Part 4, reg.22
Article 7(1a)(1)(d)-(f)	Supervision of performance of seed samplers; check-sampling by official seed samplers of at least 5% of seed lots entered for official certification; penalties for infringements of provisions on examination under official supervision.	Contained in provisions of licence under Part 4, reg.22
Article 7(1b)	Further measures for seed sampling may be adopted under Article 21 procedure.	N/A (no obligation on MS)
Article 7(2)	Seeds for examination for certification and commercial seed for examination to be drawn from homogenous lots; max/min. weight of sample in Annex III.	Schedule 2, Part 3, Chapter1, reg.28 Part 3, reg. 16 (2)
Article 8(1)	Basic, certified and commercial seeds to be marketed in sufficiently homogenous lots and sealed /marked in accordance with Articles 9, 10 and 10a as appropriate.	Schedule 2, Part 3, Chapter 1, reg.28 Part 3, reg.16 (2)
Article 8(2)	MS may provide derogations from packaging/sealing for marketing of small quantities	Schedule 3, Part 5, reg.25
Article 9(1) Para 1	Sealing of packages of basic, certified and commercial seed (except for small EC B packages for certified and commercial seed) officially or under official supervision;	Part 3, reg.16 Schedule 3, Part 4, reg. 21 – 23

	such that cannot be opened without damaging the system.	
Article 9(1) Para 2,3	Sealing system to comprise a label or official seal unless non-reusable sealing system used.	Part 3, reg. 16 & 17
Article 9(1) Para 4	It may be established whether sealing system complies under procedure in Article 21.	N/A (no obligation on MS)
Article 9(2)	No resealing unless done officially, except for small EC B packages.	Part 3, reg. 16 & 17 Schedule 3, Part 4, reg. 21 - 23
Article 9(3)	Small EC B packages to be sealed such that cannot be opened without damaging sealing system.	Part 3, reg. 16 & 17 Schedule 3, Part 4, reg. 21 - 23
Article 10(1)(a)	Labelling requirements of basic, certified and commercial seeds except in small EC B packages for certified and basic seed.	Part 3, reg. 16 & 17 Schedule 3, Part 4, reg. 21 - 23
Article 10(1)(b)	Official document giving at least information in Annex IV, not necessary if information is printed indelibly on container or adhesive/non-tear label used.	Schedule 3, Part 4, reg.6
Article 10a	Labelling of small EC B packages	Part 3, reg. 16 & 17 Schedule 3, Part 4, reg. 21-23
Article 10b	MS may provide that on request small EC B packages are sealed/marked officially/under official supervision.	Part 3, reg. 16 & 17 Schedule 3, Part 4, reg. 21 - 23
Article 10c	Measures to ensure that identity of seed in small packages can be checked in particular when divided up; may require small packages divided up in territory to be sealed officially.	N/A since not an obligation on MS
Article 10d	MS may provide derogation to sealing/labelling and a	N/A since no obligation

	simplified procedure for marketing certified seed in bulk; conditions to be determined under Article 21 procedure or as set out in Article 2, Commission Decision 94/650/EC.	
Article 11	It may be provided that MS may require, in cases other than provided under the Directive, packages of basic, certified or commercial seed to bear a supplier's label which may either be separate from official label or form supplier's information printed on package	N/A (no obligation on MS) .
Article 11a	Label to indicate that seed is of a variety which has been genetically modified.	Schedule 3, Part 1, reg.3
Article 12	Any chemical treatment of basic, certified or commercial seed to be noted on official label or supplier's label and on package or inside it.	Schedule 3, Part 1, reg.4
Article 13(1)	Marketing of mixtures of seeds not intended for use as fodder plants, intended for use as fodder plants and compliance with marketing regulations applicable to other types of seed in the mixture; or intended for use in the preservation of the natural environment and compliance with marketing regulations to be determined under Article 21 procedure; other conditions to be determined under Article 21 procedure	Schedule 4, Part 2, reg.8
Article 13(2)	Articles 8, 9, 10b, 11 and 12 apply and, providing label is green, Article 10 and 10a; small EC A packages to be	Schedule 3, Part 4, reg.23 Schedule 4, Part 2, reg.8

	considered small EC B; officially assigned serial number in Article 10(a)(1)(b) not required for small EC A packages.	
Article 13a	Temporary experiments under specified conditions at Community level releasing MS from certain obligations may be organised under Article 21 procedure.	N/A (no obligation on MS)
Article 14(1)	No other marketing restrictions on seed	[No provision]
Article 14(1a)	Commission to authorise stricter provisions for marketing of forage crop seed for presence of <i>Avena fatua</i> under Article 21 procedure	N/A (no duty on MS)
Article 14a	Marketing of bred seed of generations prior to basic seed only after official inspection; packing; label.	Part 3, reg.12 Schedule 3, Part 2, reg.6-8
Article 15(1)	Official certification as certified seed of seed produced directly from basic seed or certified seed officially certified in another MS or third country which has been granted equivalence and harvested in another MS; or produced directly from the crossing of basic seed officially certified as above; and which has been harvested in a MS to be officially certified as certified seed after official examination.	Schedule 4, Part 2, reg.14 Part 5,reg. 27
Article 15(2)	Labelling/packaging of seed harvested in EC intended for certification; clearly indicating if genetically modified.	Schedule 4, Part 3, reg.15 Schedule 4, Part 1, reg.3 Schedule 4, Part 2, reg.12
Article 15(3)	Seed harvested in a third country to be officially	Schedule 4, Part 3, reg.16

	certified if produced directly from basic or certified seed in MS or third country with equivalence or the crossing of basic seed officially certified in a MS with basic seed officially certified in that third country; field inspection.	
Article 16	Council to determine whether field inspections/seed in third countries comply.	N/A (no obligation on MS)
Article 17	May be decided that MS may permit marketing for a specified period of seed subject to less stringent requirements under Article 21 procedure	N/A (no obligation on MS)
Article 18	Directive does not apply to seed shown to be intended for export to third countries	Part 5, reg.26
Article 19(1)	Official inspections, at least by random checks to verify compliance with conditions.	Part 3, reg.15
Article 19(2)	To ensure supply of particulars during marketing of quantities of more than 2 kg of seed imported from third countries.	Part 5, reg.27(3)
Article 20	Community comparative tests for post-control of samples.	N/A (no obligation on MS)
Article 21	Commission to be assisted by Standing Committee on Seeds (etc.); procedures to be followed.	N/A (no obligation on MS)
Article 21a	Amendments to Annexes in light of development of scientific or technical knowledge under Article 21 procedure.	N/A (no obligation on MS)
Article 22	Directive is without prejudice to laws for protection of health and life of humans etc.	N/A
Article 22a	Specific conditions to take account of developments in	N/A (no obligation on MS)

	specified areas may be established under Article 21 procedure.	
Article 23	Date of implementation	N/A (transpired)
Article 23a	Whole or partial release from obligations on application by MS	N/A (no obligation on MS)
Article 24	Addressed to MS	N/A (no obligation on MS)