
WELSH STATUTORY INSTRUMENTS

2005 No. 1207

The Fodder Plant Seed (Wales) Regulations 2005

PART III

CONTROL OF FODDER PLANT SEED

Marketing of seed

15.—(1) Subject to paragraph (2) and regulations 19 to 22, no person shall market any seed to which these Regulations apply except for seed listed in Schedule 6.

(2) Paragraph (1) shall not apply to the marketing of seed, as grown, for processing, provided that the identity of the seed is ensured.

(3) Any person marketing seed in Wales that has been imported into the EEA from a third country and exceeds two kilograms shall supply the National Assembly for Wales, in writing and within one month of the first marketing of the seed, with the following particulars relating to the seed —

- (a) the species;
- (b) the variety;
- (c) the category;
- (d) the country of production and the official inspection authority;
- (e) the country of despatch;
- (f) the importer; and
- (g) the quantity of seed.

Marketing of HVS seed

16.—(1) This regulation applies to the marketing of officially certified CS seed of an HVS species of seed where any label or notice affixed to, contained in or marked on any package containing the seed, any document accompanying the seed or any particulars displayed in respect of the seed, states or indicates that the seed attains the Higher Voluntary Standards for such seed.

(2) Where any person markets seed to which this regulation applies, the person marketing the seed shall be deemed to state for the purposes of these Regulations, and in relation to the particulars given to a purchaser, that —

- (a) the seed meets the Higher Voluntary Standards for such seed laid down in Part II of Schedule 4, and
- (b) a successful application has been made to the National Assembly for Wales under paragraph (3) verifying that the seed has attained those standards.

(3) An application for verification that CS seed of an HVS species of seed has attained the Higher Voluntary Standards for such seed may be made to the National Assembly for Wales in such form and manner and containing such information and accompanied by such documents as the National Assembly for Wales may require and the National Assembly for Wales shall grant the application

if the National Assembly for Wales is satisfied that the seed meets the Higher Voluntary Standards for such seed laid down in Part II of Schedule 4.

Marketing of officially certified lower germination seed

17.—(1) A person may market officially certified early movement pre-basic, officially certified early movement basic or officially certified early movement commercial seed before the completion of the official germination test, if the person marketing the seed —

- (a) obtains a provisional analytical report indicating what the percentage of germination of the seed is likely to be;
- (b) provides the first buyer, upon or before delivery of the seed, with a writ that the seed is marketed before the completion of the official germination test together with the result in the provisional analytical report;
- (c) notifies the National Assembly for Wales in writing of the name and address of the first buyer by way of trade as soon as practicable after delivery and in any event not later than seven days after delivery;
- (d) guarantees a specific minimum percentage of germination, which shall be the percentage of the germination of the seed as ascertained in the provisional analytical report;
- (e) ensures that a label accompanies the package containing the seed and that the label contains —
 - (i) a statement that the seed is being sold before completion of the official germination test;
 - (ii) a statement of the specific minimum percentage of germination in accordance with paragraph (d), together with his or her name and address and the reference number of the seed lot.

(2) In the event of the official germination test showing the failure of the seed to comply with the minimum germination standard specified in paragraph 14 of Part II of Schedule 4 for seed of the relevant category, the person marketing the seed shall provide the first buyer with the result of the completed official germination test, in writing, as soon as practicable and in any event not later than seven days after being informed of it.

(3) Paragraphs (1) & (2) shall not apply to seed which has been imported from a country which is not an EEA State.

(4) For purposes of this regulation,

- (a) “officially certified early movement pre-basic seed” means—
 - (i) UK officially certified early movement pre-basic seed of a listed variety;
 - (ii) EC officially certified early movement pre-basic seed of a listed variety;
 - (iii) UK officially certified early movement pre-basic seed of a component used in the production of a listed hybrid variety; and
 - (iv) EC officially certified early movement pre-basic seed of a component used in the production of a listed hybrid variety.
- (b) “officially certified basic seed” —
 - (i) UK officially certified early movement basic seed of a listed variety;
 - (ii) EC officially certified early movement basic seed of a listed variety;
 - (iii) UK officially certified early movement basic seed of a component of a listed hybrid variety; and

- (iv) EC officially certified early movement basic seed of a component of a listed hybrid variety.
- (c) “officially certified early movement commercial seed” means —
 - (i) UK officially certified early movement commercial seed;
 - (ii) EC officially certified early movement commercial seed.

Marketing of officially certified early movement seed

18.—(1) No person shall market officially certified early movement pre-basic or basic seed unless —

- (a) he or she guarantees a minimum percentage of germination for the seed that is —
 - (i) the same as the EC minimum percentage of germination for the relevant species of seed and the same as or less than the percentage of germination for the seed ascertained by the provisional analysis on which the certification of the seed was based, or
 - (ii) less than the EC minimum percentage of germination for the relevant species of seed and the same as the percentage of germination ascertained by the provisional analysis on which the certification of the seed was based, and
- (b) he or she provides the purchaser, upon or before delivery of the seed, with a statement —
 - (i) stating that the seeds are being marketed before the completion of the official germination test;
 - (ii) specifying the guaranteed minimum percentage of germination; and
 - (iii) specifying the name and address of the person marketing the seed and the reference number of the seed lot.

(2) No person shall market officially certified early movement CS, C1, C2 or commercial seed unless —

- (a) he or she guarantees a minimum percentage of germination for the seed that is —
 - (i) the same as the EC minimum percentage of germination for the relevant species of seed, and
 - (ii) the same as, or less than, the percentage of germination for the seed ascertained by the provisional analysis on which the certification of the seed was based, and
- (b) he or she provides the purchaser, upon or before delivery of the seed, with a statement —
 - (i) stating that the seeds are being marketed before the completion of the official germination test;
 - (ii) specifying the guaranteed minimum percentage of germination; and
 - (iii) specifying the name and address of the person marketing the seed and the reference number of the seed lot.

(3) Where any person —

- (a) markets seed in accordance with paragraph (1) or (2), and
- (b) the official germination test shows that the percentage of germination of the seed is less than the minimum percentage of germination guaranteed in accordance with the requirements of paragraph (1)(a) or (2)(a) as the case may be,

he or she shall provide the purchaser with the result of the completed official germination test as soon as practicable and, in any event, not later than seven days after being informed of it.

Exception for scientific purposes and selection work

19.—(1) Subject to paragraphs (6) and (7), the prohibition in regulation 15(1) shall not apply to the marketing by a producer of small quantities of seed for scientific purposes or selection work for which —

- (a) an authorisation has been granted to the producer by the National Assembly for Wales in accordance with this regulation, or
- (b) an authorisation has been granted to the producer by or on behalf of —
 - (i) the Secretary of State;
 - (ii) the Scottish Ministers;
 - (iii) the Department of Agriculture and Rural Development; or
 - (iv) a competent seed certification authority in another member State, pursuant to Article 4a(1)(a) of the Fodder Plant Seed Directive.

(2) An application for authorisation under paragraph (1)(a) shall be made in such form and manner and at such time as the National Assembly for Wales shall require and shall be accompanied by such information as the National Assembly for Wales may require for the purpose of determining whether to grant an authorisation.

(3) The National Assembly for Wales shall not grant an authorisation under paragraph (1)(a) in respect of seed of a genetically modified variety unless an authorisation is in force in respect of the variety concerned under Part C of Council Directive [2001/18/EC\(1\)](#) on the deliberate release into the environment of genetically modified organisms and repealing Council Directive [90/220/EEC](#).

(4) The National Assembly for Wales shall not grant a regulation 19 authorisation in respect of seed of a genetically modified variety unless an authorisation is in force in respect of the variety concerned under either —

- (a) Part C of the Deliberate Release Directive; or
- (b) the Food and Feed Regulation.

(5) The National Assembly for Wales may vary, suspend revoke or add conditions to authorisations to which paragraph (1) applies by service of a notice on the producer.

(6) Where an authorisation to which paragraph (1) applies has been granted, the marketing by a producer of small quantities of seed for scientific purposes or selection work shall be in accordance with the conditions attached to that authorisation, whether granted by the National Assembly for Wales or, subject to paragraph (5), any other competent seed certification authority in the United Kingdom or in another member State.

(7) The National Assembly for Wales may revoke or suspend an authorisation that has effect in Wales by virtue of this regulation by service of a notice on the producer concerned, and where such a notice has been served, marketing of seed for scientific purposes or selection work may only be authorised subsequently by the National Assembly for Wales in accordance with this regulation.

Exception for tests and trials

20.—(1) Subject to paragraphs (5) and (6), the prohibition in regulation 15(1) shall not apply to the marketing by a producer of seed for test and trial purposes for which —

- (a) an authorisation has been granted to the producer by the National Assembly for Wales in accordance with this regulation, or
- (b) an authorisation has been granted to the producer by or on behalf of —
 - (i) the Secretary of State;

(1) O.J. L106, 17.4.2001, p.1.

- (ii) the Scottish Ministers;
- (iii) the Department of Agriculture and Rural Development; or
- (iv) a competent seed certification authority in another member State,
pursuant to Article 4a(1)(b) of the Fodder Plant Seed Directive.

(2) An application for authorisation under paragraph (1)(a) shall be made in such form and manner and at such time as the National Assembly for Wales shall require and shall be accompanied by such information as the National Assembly for Wales may require for the purpose of determining whether to grant an authorisation.

(3) The National Assembly for Wales shall not grant an authorisation under paragraph (1)(a) unless —

- (a) it considers that the amount of seed that may be marketed under it is of an appropriate quantity for the test or trial;
 - (b) an application has been submitted to the National Authorities under regulation 4(1)(a) of the Seeds (National Lists of Varieties) Regulations 2001⁽²⁾ for acceptance of the variety concerned on to a National List that has not been withdrawn or finally determined; and
 - (c) in the case of seed of a genetically modified variety, an authorisation is in force in respect of the variety concerned under Part C of Council Directive 2001/18/EC on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC.
- (4) In granting an authorisation under paragraph (1)(a) the National Assembly for Wales —
- (a) shall specify the amount of seed that may be marketed under it, and
 - (b) may impose such other conditions as the National Assembly for Wales thinks necessary or desirable having regard to the nature of the test or trial and the nature of the seed to which the authorisation relates, including a condition relating to the keeping of records in respect of the marketing of the seed.
 - (c) in the case of seed of a genetically modified variety, an authorisation is in force in respect of the variety concerned under either —
 - (i) Part C of the Deliberate Release Directive; or
 - (ii) The Food and Feed Regulation.

(5) The National Assembly for Wales may vary, suspend, revoke or add conditions to authorisations to which paragraph (1) applies by service of a notice on the producer.

(6) Where an authorisation to which paragraph (1) applies has been granted, the marketing by a producer of seed for test and trial purposes shall be in accordance with the conditions attached to that authorisation, whether granted by the National Assembly for Wales or, subject to paragraph (5), any other competent seed certification authority in the United Kingdom or in another member State.

(7) The National Assembly for Wales may revoke or suspend an authorisation that has effect in Wales by virtue of this regulation by service of a notice in writing on the producer concerned, and where such a notice has been served, marketing of seed for test and trial purposes may only be authorised subsequently by the National Assembly for Wales in accordance with this regulation.

General exemptions

21.—(1) The prohibition in regulation 15(1) shall not apply to the marketing of seed that is authorised by a general licence made by the National Assembly for Wales under this regulation but

(2) S.I.2001/3510.

in all other respects the provisions of these Regulations shall continue to apply in relation to the marketing of the seed.

(2) Subject to paragraph (3), the National Assembly for Wales may, by a general licence, exempt any person or class of persons, or persons generally, from compliance with any provision of these Regulations.

(3) The National Assembly for Wales shall not exercise the power to issue a general licence under paragraph (2) except —

- (a) to the extent that the provisions of the general licence are permitted in accordance with a temporary experiment organised under Article 13a of the Fodder Plant Seed Directive;
 - (b) to give effect to the provisions of a Council Decision made under Article 16 of the Fodder Plant Seed Directive and amendments made to such a Decision; or
 - (c) to the extent that the provisions of the general licence are permitted in accordance with measures taken pursuant to Article 17 of the Fodder Plant Seed Directive.
- (4) A general licence issued under paragraph (2) —
- (a) shall have effect during the period specified in it unless the National Assembly for Wales revokes it earlier, and
 - (b) may impose such conditions as the National Assembly for Wales thinks necessary or desirable having regard to the marketing permitted by the general licence and the nature of the seed to which it relates, including a condition relating to the keeping of records in respect of the marketing of the seed.

Mixtures

22.—(1) The prohibition in regulation 15(1) shall not apply to the marketing of a mixture of various genera, species or varieties of seeds that includes seed to which these Regulations apply and that is not intended to be used to produce fodder plants if —

- (a) the seed in the mixture to which these Regulations apply complied, before mixing, with the relevant provisions of these Regulations, and
- (b) if any seeds in the mixture are cereal seeds, oil and fibre plant seeds or vegetable seeds, they complied, before mixing, with the relevant provisions of the Cereal Seeds Regulations 2003⁽³⁾, the Oil and Fibre Plant Seed (Wales) Regulations 2004⁽⁴⁾ or the Vegetable Seeds Regulations 2003⁽⁵⁾ respectively.

(2) The prohibition in regulation 15(1) shall not apply to the marketing of a mixture of various genera, species or varieties of seeds that is intended to be used to produce a mixture of plants, including plants of a species specified in Schedule 2, which are intended for use as fodder plants, if —

- (a) the seed in the mixture is a mixture of seed to which these Regulations apply and the seed in the mixture complied, before mixing, with the relevant provisions of these Regulations, or
- (b) the seed in the mixture is a mixture of —
 - (i) seed to which these Regulations apply that complied, before mixing, with the relevant provisions of these Regulations; and
 - (ii) cereal seeds, oil and fibre plant seeds or vegetable seeds to which the Cereal Seed (Wales) Regulations 2003, the Oil and Fibre Plant Seed (Wales) Regulations 2003 or the Vegetable Seed (Wales) Regulations 2003 respectively apply and that complied, before mixing, with the relevant provisions of those Regulations, and

⁽³⁾ S.I. 1993/2005.

⁽⁴⁾ S.I. 2004/2881.

⁽⁵⁾ S.I. 1993/2008.

the mixture does not include any grass seed of a variety which has not been examined for its value for cultivation and use for the purposes of Article 4(1) of the Common Catalogue Directive because the breeder has declared that seed of that variety is not intended for the production of fodder plants.

(3) A person who wishes to market a mixture of seeds to which paragraph (1) or (2) applies without including the percentage by weight of each of the components by species and, where appropriate, by variety on the label referred to in regulation 26(11), (12) or (13) may apply to the National Assembly for Wales to register the mixture.

(4) Any application referred to in paragraph (3) shall include the name under which the mixture is to be marketed and the percentage, by weight, of each of the components by species and, where appropriate, by variety.

(5) The National Assembly for Wales shall register a mixture in respect of which an application has been made under paragraph (3) and in accordance with paragraph (4) if the name under which the mixture is to be marketed has not already been registered with it.

(6) Any person who sells or supplies a package (other than a small EC A or EC B package) containing a registered mixture of seeds and does so under its registered name and without including —

(a) the species and, where appropriate, the variety of each of the components in the mixture, and

(b) the percentage by weight of each of those components,

on the label referred to in regulation 26(11), shall, on or before the sale or supply of such package, provide the person to whom the package of seeds is sold or supplied with a notice containing the information referred to in paragraphs (a) and (b).

(7) Any person (“the seller”) who sells or supplies a small EC A or EC B package containing a registered mixture of seeds produced in the United Kingdom and does so —

(a) under its registered name, and

(b) in a package that includes the species and, where appropriate, the variety of each of the components in the mixture on the label referred to in regulation 26(12) in the case of a small EC A package of seeds and regulation 26(13) in the case of a small EC B package of seeds, but does not include the percentage by weight of each of those components in the mixture,

shall, on or before the sale or supply of such seed, notify the person (“the purchaser”) to whom the package of seeds is sold or supplied that the seller shall provide the information relating to the percentage by weight of each of the components in the mixture to the purchaser on request.

(8) A person who has registered a mixture of seeds with the National Assembly for Wales in accordance with this regulation may apply to the National Assembly for Wales to cancel the registration and the National Assembly for Wales, having received such an application, shall cancel the registration and notify the applicant that this has been done.

Sampling

23.—(1) A sample of seeds taken in connection with an application under regulation 6, 11 or 13 shall be drawn —

(a) by an authorised officer or a licensed seed sampler acting under the supervision of the authority who appointed him or her;

(b) in accordance with the method laid down in Schedule 5 of the Seed (Registration, Licensing and Enforcement) (England) Regulations 2002(6); and

(c) from a homogeneous seed lot.

(2) Subject to paragraph (4), the maximum weight of a seed lot, other than a seed lot of a mixture of seeds to which regulation 22(1) or (2) applies, shall be that set out in column (2) of the table in Schedule 7.

(3) Subject to paragraph (4), the maximum weight of a seed lot of a mixture of seeds to which regulation 22(1) or (2) applies shall be 10 tonnes except that —

(a) where more than 50% of the mixture consists of a species of seed for which the maximum weight of a seed lot prescribed in seed regulations is 20 tonnes, the maximum weight of the seed lot shall be 20 tonnes; and

(b) where more than 50% of the mixture consists of a species of seed for which the maximum weight of a seed lot prescribed in seed regulations is 25 tonnes, the maximum weight of the seed lot shall be 25 tonnes.

(4) A seed lot may exceed the maximum weight for a seed lot required under paragraph (2) or (3) by not more than 5%.

(5) The minimum weight of a sample shall be that set out in column (3) of the table in Schedule 7.

(6) If a sample of seeds submitted or taken in connection with an application made under regulation 6, 11 or 13 —

(a) is found not to have been taken in accordance with paragraph (1);

(b) is taken from a seed lot that does not comply with paragraph (2) or (3); or

(c) does not comply with paragraph (5);

no further use of that sample shall be made under these Regulations, and any findings or results already obtained from testing seed taken from that sample, or from inspecting plants grown in a control plot that has been sown with seed from that sample, shall be disregarded.

Packaging

24.—(1) No person shall market —

(a) any officially certified pre-basic, basic, CS, C1, C2 or commercial seed, or

(b) a mixture of seeds to which regulation 22 applies,

unless it is marketed in a sufficiently homogeneous seed lot or in part of such a seed lot.

(2) Subject to paragraph (3), no person shall market —

(a) any breeder's seed;

(b) officially certified pre-basic, basic, CS, C1, C2 or commercial seed; or

(c) a mixture of seeds to which regulation 22 applies,

unless it is in a properly sealed package.

(3) Paragraph (2) shall not apply in the case of —

(a) the marketing to the final consumer of —

(i) seed of field beans or field peas not exceeding 3 kilograms in weight;

(ii) seed, other than seed of field beans and field peas, not exceeding 2 kilograms in weight; or

- (iii) a mixture of seeds to which the provisions of regulation 22(1) and (2) apply not exceeding 7 kilograms in weight, or
 - (b) the marketing of officially certified C1 or C2 seed of field beans or field peas in bulk direct to the final consumer in a container that is closed after filling and in respect of which the person marketing the seed delivers a note to the final consumer containing the information that, if the seed had been contained in a package, would need to have been given on the official label on such package in accordance with regulation 26(7).
- (4) In this regulation, in the case of breeder's seed, "properly sealed package" means a sealed package of seed that has been sealed in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the label or package.
- (5) In this regulation, in the case of a package of seed to which paragraph (6) applies and that has been sealed only once, "properly sealed package" means —
- (a) in the case of a package of seed sealed in Wales, a sealed package of seed that has been sealed —
 - (i) no later than at the time of official sampling;
 - (ii) by a person to whom regulation 25(5) applies;
 - (iii) using a non-reusable sealing system or some other sealing system that includes the use of an official label or the affixing of an official seal; and
 - (iv) in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the official label or package;
 - (b) in the case of a package of seed sealed in —
 - (i) in the United Kingdom, elsewhere than in Wales, or
 - (ii) in another member State,a sealed package of seed that has been sealed in accordance with the provisions of Article 9(1) of the Fodder Plant Seed Directive;
 - (c) in the case of a package of seed sealed in an equivalent third country, a sealed package of seed that has been sealed in accordance with the provisions of paragraph 1 of Part B of Annex II to the Third Country Equivalence Decision.
- (6) This paragraph applies to a package of officially certified pre-basic, basic, CS, C1, C2 or commercial seed other than a small EC B package of basic, CS, C1, C2 or commercial seed.
- (7) In this regulation, in the case of a package of seed to which paragraph (8) applies and that has been sealed only once, "properly sealed package" means —
- (a) in the case of a package of seed sealed in Wales, a sealed package of seed that has been sealed —
 - (i) by a person to whom regulation 25(5) applies;
 - (ii) using a non-reusable sealing system or some other sealing system that includes the use of an official label or the affixing of an official seal; and
 - (iii) in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the official label or package, or
 - (b) in the case of a package of seed sealed in —
 - (i) in the United Kingdom, elsewhere than in Wales, or
 - (ii) in another member State,a sealed package of seed that has been sealed in accordance with the provisions of Article 9(1) of the Fodder Plant Seed Directive.

(8) This paragraph applies to a package of a mixture of seeds to which regulation 22 applies other than a small EC A or B package of such seed.

(9) In this regulation, in the case of a package of seed to which paragraph (10) applies and that has been sealed only once, “properly sealed package” means —

(a) in the case of a package of seed sealed in Wales, a sealed package of seed that has been sealed in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the label or package,

(b) in the case of a package of seed sealed in —

(i) the United Kingdom, elsewhere than in Wales, or

(ii) another member State,

a sealed package of seed that has been sealed in accordance with the relevant provisions of Article 9(3) of the Fodder Plant Seed Directive.

(10) This paragraph applies to —

(a) a small EC A or B package of a mixture of seeds to which regulation 22 applies, and

(b) a small EC B package of officially certified basic, CS, C1, C2 or commercial seed.

(11) In this regulation, in the case of a package of seed to which paragraph (12) applies and that has been sealed more than once, “properly sealed package” means —

(a) in the case of a package of seed that has been resealed in Wales, a sealed package of seed that, on each occasion it has been resealed, has been resealed —

(i) by a person to whom regulation 25(5) applies, and

(ii) in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the official label or package;

(b) in the case of a package of seed that has been resealed in —

(i) the United Kingdom, elsewhere than in Wales, or

(ii) another member State,

a sealed package of seed that, on each occasion it has been resealed, has been sealed in accordance with the provisions of Article 9(2) of the Fodder Plant Seed Directive; and

(c) in the case of seed that has been resealed in an equivalent third country, a sealed package of seed that, on each occasion it has been resealed, has been resealed in accordance with the provisions of paragraph 1 of Part B of Annex II to the Third Country Equivalence Decision.

(12) This paragraph applies to —

(a) a package of officially certified pre-basic, basic, CS, C1, C2 or commercial seed, other than a small EC B package of officially certified basic, CS, C1, C2 or commercial seed, and

(b) a package of a mixture of seeds to which regulation 22 applies, other than a small EC A or B package of such seeds.

(13) In this regulation, in the case of a package of seed to which paragraph (14) applies and that has been sealed more than once, “properly sealed package” means —

(a) in the case of a package of seed that has been resealed in Wales, a sealed package of seed that, on each occasion it has been resealed, has been resealed —

(i) by a person to whom regulation 25(5) applies, and

(ii) in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the label or package, and

(b) in the case of a package of seed that has been resealed in —

- (i) the United Kingdom, elsewhere than in Wales, or
- (ii) another member State,

a sealed package of seed that, on each occasion it has been resealed, has been resealed in accordance with the provisions of Article 9(3) of the Fodder Plant Seed Directive.

- (14) This paragraph applies to —
- (a) a small EC A or B package of a mixture of seeds to which regulation 22 applies, and
 - (b) a small EC B package of officially certified basic, CS, C1, C2 or commercial seed.

Sealing of packages

- 25.—(1) Subject to paragraph (2), no person shall seal a package of —
- (a) officially certified pre-basic, basic, CS, C1, C2 or commercial seed, or
 - (b) a mixture of seeds to which regulation 22 applies,

except a person to whom paragraph (5) applies.

- (2) Paragraph (1) shall not apply in the case of —
- (a) a small EC A or B package of a mixture of seeds to which regulation 22 applies, or
 - (b) a small EC B package of officially certified basic, CS, C1, C2 or commercial seed.

- (3) Subject to paragraph (4), no person shall reseal a package of —
- (a) officially certified pre-basic, basic, CS, C1, C2 or commercial seed, or
 - (b) a mixture of seeds to which regulation 22 applies,

except a person to whom paragraph (5) applies.

(4) Paragraph (3) shall not apply where a package has been resealed that had previously been opened by the final consumer of the seed for the purpose of using some of the seed in the package.

- (5) This paragraph applies to —
- (a) an authorised officer and any person being supervised by such a person, and
 - (b) a licensed seed sampler and any person being supervised by such a person.

Labelling of packages

- 26.—(1) Subject to paragraphs (2), (3) and (4), no person shall market any —
- (a) breeder's seed;
 - (b) officially certified pre-basic, basic, CS, C1, C2 or commercial seed; or
 - (c) a mixture of seeds to which regulation 22(1) or (2) applies,

except in a package that is labelled in accordance with the following paragraphs of this regulation.

(2) Paragraph (1) shall not apply to the marketing of seed, as grown, for processing provided the identity of the seed is ensured.

(3) Paragraph (1) shall not apply to the marketing in bulk of officially certified C1 or C2 seed of field beans or field peas direct to the final consumer in a container that is closed after filling and in respect of which the person marketing the seed delivers a note to the final consumer, not later than the time of delivery of the seed, containing the information given on the official label on the container from which the seed was taken.

(4) A person may market any seeds otherwise than in a package that complies with the other provisions of this regulation direct to the final consumer where the seed is sold or supplied in a quantity not exceeding —

- (a) 3 kilograms in the case of seed of field beans or field peas;
- (b) 2 kilograms in the case of seed other than seed of field beans and field peas; or
- (c) 7 kilograms in the case of a mixture of seeds to which the provisions of regulation 22(1) or (2) apply,

and is taken, in the presence of the final consumer, from a container on which there is clearly and visibly marked or near which there is clearly and visibly displayed a statement containing particulars of the matters specified in paragraph 1 of Schedule 8 in the case of seed of the species specified in sub-paragraph (a) and (b) of this paragraph and paragraph 2 of that Schedule in the case of seed of the type specified in sub-paragraph (c) of this paragraph.

(5) A package of breeder's seed shall be labelled in accordance with paragraphs 3 and 4 of Schedule 8.

(6) A package of officially certified pre-basic seed shall be labelled —

- (a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 5 to 8 of Schedule 8, and
- (b) in the case of a package of seed sealed —
 - (i) in the United Kingdom, elsewhere than in Wales, or
 - (ii) in another member State,
 in accordance with the provisions of Article 14a(c) of the Fodder Plant Seed Directive.

(7) A package of officially certified basic, CS, C1 or C2 seed, other than a small EC B package of such seed, shall be labelled —

- (a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 9 to 13 of Schedule 8;
- (b) in the case of a package of seed sealed —
 - (i) in the United Kingdom, elsewhere than in Wales, or
 - (ii) in another member State,
 in accordance with the provisions of Article 10(1)(a) of the Fodder Plant Seed Directive as they apply to basic, CS, C1 or C2 seed; and
- (c) in the case of a package of basic, CS or C1 seed sealed in an equivalent third country, in accordance with the provisions of paragraph 1 of Part B of Annex II to the Third Country Equivalence Decision as they apply to that category of seed.

(8) A small EC B package of officially certified basic, CS, C1 or C2 seed shall be labelled —

- (a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 14 to 16 of Schedule 8;
- (b) in the case of a package of seed sealed —
 - (i) in the United Kingdom, elsewhere than in Wales, or
 - (ii) in another member State,
 in accordance with the provisions of Article 10a(1) of the Fodder Plant Seed Directive.

(9) A package of officially certified commercial seed, other than a small EC B package of such seed, shall be labelled —

- (a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 17 to 21 of Schedule 8, and
- (b) in the case of a package of seed sealed —
 - (i) in the United Kingdom, elsewhere than in Wales, or

- (ii) in another member State,
in accordance with the provisions of Article 10(1)(a) of the Fodder Plant Seed Directive as they apply to commercial seed.
- (10) A small EC B package of officially certified commercial seed shall be labelled —
 - (a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 22 to 24 of Schedule 8;
 - (b) in the case of a package of seed sealed —
 - (i) in the United Kingdom, elsewhere than in Wales, or
 - (ii) in another member State,in accordance with the provisions of Article 10(a)(1) of the Fodder Plant Seed Directive.
- (11) A package of a mixture of seeds to which regulation 22(1) or (2) applies, other than a small EC A or B package of such seeds, shall be labelled —
 - (a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 25 to 28 of Schedule 8;
 - (b) in the case of a package of seed sealed —
 - (i) in the United Kingdom, elsewhere than in Wales, or
 - (ii) in another member State,in accordance with the provisions of Article 10(1)(a) of the Fodder Plant Seed Directive as read with Article 13(3) of that Directive.
- (12) A small EC A package of a mixture of seeds to which regulation 22(1) or (2) applies shall be labelled —
 - (a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 29 to 31 of Schedule 8,
 - (b) in the case of a package of seed sealed —
 - (i) in the United Kingdom, elsewhere than in Wales, or
 - (ii) in another member State,in accordance with the provisions of Article 10a(1) of the Fodder Plant Seed Directive as read with Article 13(3) of that Directive.
- (13) A small EC B package of a mixture of seeds to which regulation 22(1) or (2) applies shall be labelled —
 - (a) in the case of a package of seed sealed in Wales, in accordance with paragraphs 32 to 34 of Schedule 8,
 - (b) in the case of a package of seed sealed —
 - (i) in the United Kingdom, elsewhere than in Wales, or
 - (ii) in another member State,in accordance with the provisions of Article 10a(1) of the Fodder Plant Seed Directive as read with Article 13(3) of that Directive.
- (14) A package of officially certified basic, CS, C1, C2 or commercial seed (other than a small EC B package of such seed) and a package of a mixture of seeds to which regulation 22(1) or (2) applies (other than a small EC A or B package of such seeds) shall contain a document that —
 - (a) in the case of a package of seed sealed in Wales —
 - (i) is the same colour as the official label fixed to the outside of the package in accordance with the provisions of this regulation;

- (ii) in the case of basic, CS, C1 or C2 seed contains the particulars specified in paragraph 9(c), (e) and (f) of Schedule 8;
 - (iii) in the case of commercial seed contains the particulars specified in paragraph 17(b), (d) and (f) of Schedule 8;
 - (iv) in the case of a registered mixture of seeds contains the particulars specified in paragraph 25(c) and (e) of Schedule 8; and
 - (v) in the case of a mixture of seeds other than a registered mixture of seeds contains the particulars specified in paragraph 25(c) and (f) of Schedule 8;
- (b) in the case of a package of seed sealed —
- (i) in the United Kingdom, elsewhere than in Wales, or
 - (ii) in another member State,
- is in accordance with the provisions of Article 10(1)(b) of the Fodder Plant Seed Directive as they apply to such seed and as read with Article 13.3 of that Directive in the case of a mixture of seeds to which regulation 22(1) or (2) applies; and
- (c) in the case of a package of seed sealed in an equivalent third country, is in accordance with the provisions of paragraph 3.3 of Part B of Annex II to the Third Country Equivalence Decision as they apply to such seed.
- (15) The provisions of paragraph (14) shall not apply if —
- (a) the particulars specified in paragraph (14)(a)(ii), (iii) or (v) as appropriate are printed indelibly on the outside of the package, or
 - (b) the official label is an adhesive or a tear resistant label.
- (16) Notwithstanding paragraph (7) a package of officially certified basic, CS, C1 or C2 seed may be marketed if —
- (a) the appropriate particulars of the matters specified in paragraphs 9(a) to (l) of Schedule 8, and if so desired the particulars specified in paragraph 10 of that Schedule, are printed or stamped indelibly on the package in a panel of at least the size specified in paragraph 11 of Schedule 8 and of the colour specified in paragraph 12 of Schedule 8, and
 - (b) the requirements of Part VII of that Schedule are satisfied.
- (17) In the case of seed of a variety that has been genetically modified —
- (a) any label or document, official or otherwise, which is fixed to or accompanies a seed lot or any part of a seed lot under the provisions of these Regulations, and
 - (b) any particulars given under paragraph (4),
- shall clearly indicate that the variety has been genetically modified.
- (18) If any breeder's seed or officially certified pre-basic, basic, CS, C1, C2 or commercial seed or a mixture of seeds to which regulation 22(1) or (2) applies has been subjected to any chemical treatment then this fact and the nature of the treatment or the proprietary name of the chemical used in the treatment shall be stated either —
- (a) in a case where paragraph (3) or (4) applies, with the particulars given in accordance with that paragraph; and
 - (b) in a case where paragraph (3) or (4) does not apply —
 - (i) on a separate supplier's label on the package; or
 - (ii) on the label required under paragraph (5), (6), (7), (8), (9), (10), (11), (12) or (13);

and also, except where the information prescribed by this paragraph is given on an adhesive or tear-resistant label, either on the outside of the package or on a document enclosed inside the package.

(19) Subject to paragraph (20), if a package of officially certified pre-basic, basic, CS, C1, C2 or commercial seed, other than a small EC A or EC B package of a mixture of seeds to which regulation 22(1) or (2) applies or a small EC B package of officially certified basic, CS, C1, C2 or commercial seed, has been resealed this fact shall be stated on the official label together with the date of resealing and the name of the authority responsible for the resealing.

(20) Where a package of seed of the type specified in paragraph 11, 12(3), 17, 18(3), 25, 26(3), 26(4), 33, 34(3), 34(4), 41, 42(2) and 43(3) of Schedule 1 is resealed, the package shall be labelled with an OECD label containing the particulars otherwise required under this regulation.

(21) The particulars and the information given in accordance with this regulation shall be given in one of the official languages of any member State.

(22) Subject to the provisions of the Act and of these Regulations, no person shall, in the course of the marketing or the preparation for marketing of any seed by himself or herself or another person, wilfully reproduce, remove, alter, deface, conceal or misuse in any way any label fixed to, contained in or marked on any package of seed or which is to be so fixed, contained or marked.