

## SCHEDULE 1

### INTERPRETATION

#### **PART III**

##### Meaning of CS seed and similar expressions

###### **CS seed**

**22.** In these Regulations in relation to all seed, other than field beans, field peas, Lucerne *Medicago sativa*, lupins and vetches, “CS seed” means seed that —

- (a) has been produced directly from officially certified basic seed or, with the breeder’s written authority, from officially certified pre-basic seed, and
- (b) is intended for purposes other than the production of fodder plant seed.

###### **UK officially certified CS seed of a listed variety**

**23.—**(1) In these Regulations “UK officially certified CS seed of a listed variety” means seed to which paragraph (2), (3) or (4) applies.

(2) This paragraph applies to —

- (a) seed of a listed variety officially certified as CS seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, and
- (b) seed of a previously listed variety officially certified as CS seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development and for which a marketing extension is in force.

(3) This paragraph applies to —

(a) CS seed of a listed variety —

- (i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found, by an official UK field inspection (whenever carried out) or, in the case of a crop that has been produced from seed that has been subject to satisfactory official post control, by a UK field inspection carried out under official supervision following the listing of the variety, to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which CS seed is to be produced;
- (ii) that satisfies the conditions laid down in Parts II and III of Schedule 4 for CS seed; and
- (iii) for which a seed test report has been issued stating that it has been found by an official UK seed test or by a UK seed test carried out under official supervision (in either case whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for CS seed;

(b) CS seed of a previously listed variety that complies with the requirements of paragraph (a) (i) to (iii) and for which a marketing extension is in force;

(c) CS seed of a listed variety —

- (i) that has been imported into the United Kingdom as not finally certified CS seed harvested in another member State, and
- (ii) that complies with the requirements of paragraph (a)(ii) and (iii);

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- (d) CS seed of a previously listed variety —
  - (i) that has been imported into the United Kingdom as not finally certified CS seed harvested in another member State;
  - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
  - (iii) for which a marketing extension is in force;
- (e) CS seed —
  - (i) that has been imported into the United Kingdom as not finally certified CS seed harvested in another member State or an equivalent third country;
  - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
  - (iii) is of a variety that was unlisted at the time when the seed was imported into the United Kingdom but has since been listed;
- (f) CS seed of a listed variety —
  - (i) that has been imported into the United Kingdom as not finally certified CS seed harvested in an equivalent third country, and
  - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
- (g) CS seed —
  - (i) of a previously listed variety that is on the OECD list;
  - (ii) that has been imported into the United Kingdom as not finally certified CS seed harvested in an equivalent third country;
  - (iii) that complies with the requirements of paragraph (a)(ii) and (iii); and
  - (iv) for which a marketing extension is in force,  
other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the National Assembly for Wales or the Department of Agriculture and Rural Development that has not been finally determined.

(4) Seed of a listed variety, or of a previously listed variety for which a marketing extension is in force, in respect of which a successful application has been made to the National Assembly for Wales under regulation 13 to re-grade it as CS seed.

**EC officially certified CS seed of a listed variety**

- 24.** In these Regulations “EC officially certified CS seed of a listed variety” means —
- (a) CS seed of a listed variety officially certified as CS seed by or on behalf of the competent seed certification authority in another member State, and
  - (b) CS seed of a previously listed variety officially certified as CS seed by or on behalf of the competent seed certification authority in another member State and for which a marketing extension is in force.

**Third country officially certified CS seed of a listed variety**

**25.—**(1) In these Regulations “third country officially certified CS seed of a listed variety” means seed to which paragraph (2) or (3) applies.

- (2) This paragraph applies to CS seed of a listed variety —
  - (a) that was harvested from a crop that was produced in an equivalent third country from basic seed that was produced in accordance with the provisions of paragraph 6 of Part B of the Annex to the Third Country Equivalence Decision;

- (b) that has been officially certified as basic seed by the approved seed certification authority in that country in accordance with —
    - (i) in the case of seed other than crucifers, the OECD Grass and Legume Seed Scheme, and
    - (ii) in the case of crucifers, the OECD Crucifer and Oil and Fibre Seed Scheme; and
    - (iii) in both cases, the conditions specified in paragraphs 1 and 2 of Part B of Annex II to the Third Country Equivalence Decision;
  - (c) that has been packed in packages that have been officially closed and marked in accordance with —
    - (i) in the case of seed other than crucifers, the OECD Grass and Legume Seed Scheme, and
    - (ii) in the case of crucifers, the OECD Crucifer and Oil and Fibre Seed Scheme;and, as regards the packaging, in accordance with the relevant conditions specified in paragraph 3 of Part B of the Annex II to the Third Country Equivalence Decision; and
  - (d) that has been imported into the United Kingdom and was accompanied by —
    - (i) an OECD Certificate issued by the approved seed certification authority in respect of the seed lot from which the seed was taken approving the seed in that lot as CS seed; and
    - (ii) subject to paragraph (iii), an Orange or Green International Seed Lot Certificate issued under the Rules of ISTA showing that it has been found to satisfy the relevant Directive seed conditions for CS seed other than those relating to varietal identity and varietal purity; or
    - (iii) in a case where the seed has been certified in Canada or the United States of America, a Lot Inspection Certificate issued by the Official Seed Testing Laboratory under the authority of the State Seed Testing Agency showing that it has been found to satisfy those conditions instead of a certificate of the type referred to in paragraph (ii).
- (3) This paragraph applies to CS seed —
- (a) of a previously listed variety that is on the OECD List and for which a marketing extension is in force, and
  - (b) that complies with the requirements of paragraph (2)(a) to (d).

**Overseas tested officially certified CS seed of a listed variety**

**26.—**(1) In these Regulations “overseas tested officially certified CS seed of a listed variety” means CS seed to which paragraph (2), (3) or (4) applies.

- (2) This paragraph applies to CS seed —
- (a) that has been harvested from a crop produced in a member State (including the United Kingdom) for which a field inspection report was issued by or on behalf of the competent seed certification authority in the member State stating that the crop had been found to satisfy the relevant Directive crop conditions for CS seed;
  - (b) for which a seed test report has been issued —
    - (i) by or on behalf of the competent seed certification authority in the member State, or in a member State, other than the United Kingdom, into which the seed was subsequently imported, or
    - (ii) by a licensed EC seed testing station in either of the member States referred to in paragraph (i),

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- stating that the seed has been found to satisfy the relevant Directive seed conditions for CS seed;
- (c) that has been imported into the United Kingdom as CS seed of a variety that was unlisted at the time when the seed was imported but has since been listed; and
  - (d) that is accompanied by —
    - (i) an Annex V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State referred to in paragraph (a), and
    - (ii) the seed test report referred to in paragraph (b).
- (3) This paragraph applies to CS seed —
- (a) that was harvested from a crop produced in an equivalent third country for which a field inspection report was issued by the approved seed certification authority or a licensed third country crop inspector in that country stating that the crop had been found to satisfy the relevant Directive crop conditions for CS seed;
  - (b) that was subsequently imported into a member State other than the United Kingdom and for which a seed test report has been issued by or on behalf of the competent seed certification authority or by a licensed EC seed testing station in that member State, stating that the seed has been found to satisfy the relevant Directive seed conditions for CS seed;
  - (c) that has been imported into the United Kingdom as CS seed of a variety that was unlisted at the time when the seed was imported but has since been listed; and
  - (d) that is accompanied by —
    - (i) an Annex II.A(3) official certificate relating to the crop from which the seed was harvested issued by the approved seed certification authority in the third country referred to in paragraph (a) stating that the crop has been found to satisfy the relevant crop conditions for CS seed, and
    - (ii) the seed test report referred to in paragraph (b).
- (4) This paragraph applies to CS seed —
- (a) that complies with the requirements of paragraph 25(2)(a) and (d), and
  - (b) that was imported into the United Kingdom as CS seed of a variety that was unlisted at the time when the seed was imported but has since been listed.

**UK officially certified early movement CS seed of a listed variety**

27.—(1) In these Regulations “UK officially certified early movement CS seed of a listed variety” means seed to which paragraph (2), (3) or (4) applies.

- (2) This paragraph applies to —
- (a) seed of a listed variety officially certified as early movement CS seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, and
  - (b) seed of a previously listed variety officially certified as early movement CS seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development and for which a marketing extension is in force.
- (3) This paragraph applies to —
- (a) CS seed of a listed variety —
    - (i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found by an official UK field inspection (whenever carried out) or, in the case of a crop that has

- been produced from seed that has been subject to satisfactory official post control, by a UK field inspection carried out under official supervision following the listing of the variety, to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which CS seed is to be produced;
- (ii) that, subject to paragraph (iii), satisfies the conditions laid down in Parts II and III of Schedule 4 for CS seed;
  - (iii) for which the results of a Schedule 4 germination test are awaited to determine whether the seed will satisfy the applicable germination standard for CS seed but for which a provisional analytical report has been obtained indicating that the seed is likely to meet that standard; and
  - (iv) for which a seed test report has been issued stating that it has been found, subject to the results of the awaited Schedule 4 germination test, by an official UK seed test or by a UK seed test carried out under official supervision (in either case whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for CS seed;
- (b) CS seed of a previously listed variety that complies with the requirements of paragraph (a) (i) to (iv) and for which a marketing extension is in force;
- (c) CS seed of a listed variety —
- (i) that has been imported into the United Kingdom as not finally certified CS seed harvested in another member State, and
  - (ii) complies with the requirements of paragraph (a)(ii) to (iv);
- (d) CS seed of a previously listed variety —
- (i) that has been imported into the United Kingdom as not finally certified CS seed harvested in another member State;
  - (ii) that complies with the requirements of paragraph (a)(ii) to (iv); and
  - (iii) for which a marketing extension is in force;
- (e) CS seed of a listed variety —
- (i) that has been imported into the United Kingdom as not finally certified CS seed harvested in an equivalent third country, and
  - (ii) that complies with the requirements of paragraph (a)(ii) to (iv);
- (f) CS seed —
- (i) of a previously listed variety that is on the OECD list;
  - (ii) that has been imported into the United Kingdom as not finally certified CS seed harvested in an equivalent third country;
  - (iii) that complies with the requirements of paragraph (a)(ii) to (iv); and
  - (iv) for which a marketing extension is in force,
- other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development that has not been finally determined.
- (4) Seed of a listed variety, or of a previously listed variety for which a marketing extension is in force, in respect of which a successful application has been made to the National Assembly for Wales under regulation 13 to re-grade it as early movement CS seed.

**EC officially certified early movement CS seed of a listed variety**

**28.** In these Regulations “EC officially certified early movement CS seed of a listed variety” means —

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- (a) CS seed of a listed variety officially certified as early movement CS seed by or on behalf of the competent seed certification authority in another member State, and
- (b) CS seed of a previously listed variety officially certified as early movement CS seed by or on behalf of the competent seed certification authority in another member State and for which a marketing extension is in force.

**Officially certified CS seed**

**29.** In these Regulations “officially certified CS seed” means —

- (a) UK officially certified CS seed of a listed variety;
- (b) EC officially certified CS seed of a listed variety;
- (c) third country officially certified CS seed of a listed variety;
- (d) overseas tested officially certified CS seed of a listed variety;
- (e) UK officially certified early movement CS seed of a listed variety; and
- (f) EC officially certified early movement CS seed of a listed variety.

**C1 seed**

**30.** In these Regulations, in relation to field beans, field peas, Lucerne *Medicago sativa*, lupins and vetches, “C1 seed” means seed that —

- (a) has been produced directly from officially certified basic seed or, with the breeder’s written authority, from officially certified pre-basic seed, and
- (b) is intended —
  - (i) in the case of field beans and field peas, for production of C2 seed, or
  - (ii) in the case of field beans, field peas, Lucerne *Medicago sativa*, lupins and vetches, for purposes other than the production of fodder plant seed.

**UK officially certified C1 seed of a listed variety**

**31.—(1)** In these Regulations “UK officially certified C1 seed of a listed variety” means seed to which paragraph (2), (3) or (4) applies.

(2) This paragraph applies to —

- (a) seed of a listed variety officially certified as C1 seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, and
- (b) seed of a previously listed variety officially certified as C1 seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development and for which a marketing extension is in force.

(3) This paragraph applies to —

- (a) C1 seed of a listed variety —
  - (i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found, by an official UK field inspection (whenever carried out) or, in the case of a crop that has been produced from seed that has been subject to satisfactory official post control, by a UK field inspection carried out under official supervision following the listing of the variety, to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which C1 seed is to be produced;

- (ii) that satisfies the conditions laid down in Parts II and III of Schedule 4 for C1 seed; and
  - (iii) for which a seed test report has been issued stating that it has been found by an official UK seed test or by a UK seed test carried out under official supervision (in either case whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for C1 seed;
- (b) C1 seed of a previously listed variety that complies with the requirements of paragraph (a) (i) to (iii) and for which a marketing extension is in force;
- (c) C1 seed of a listed variety —
- (i) that has been imported into the United Kingdom as not finally certified C1 seed harvested in another member State, and
  - (ii) that complies with the requirements of paragraph (a)(ii) and (iii);
- (d) C1 seed of a previously listed variety —
- (i) that has been imported into the United Kingdom as not finally certified C1 seed harvested in another member State;
  - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
  - (iii) for which a marketing extension is in force;
- (e) C1 seed —
- (i) that has been imported into the United Kingdom as not finally certified C1 seed harvested in another member State or an equivalent third country;
  - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
  - (iii) is of a variety that was unlisted at the time when the seed was imported into the United Kingdom but has since been listed;
- (f) C1 seed of a listed variety —
- (i) that has been imported into the United Kingdom as not finally certified C1 seed harvested in an equivalent third country, and
  - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
- (g) C1 seed —
- (i) of a previously listed variety that is on the OECD list;
  - (ii) that has been imported into the United Kingdom as not finally certified C1 seed harvested in an equivalent third country;
  - (iii) that complies with the requirements of paragraph (a)(ii) and (iii); and
  - (iv) for which a marketing extension is in force,
- other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development that has not been finally determined.
- (4) Seed of a listed variety, or of a previously listed variety for which a marketing extension is in force, in respect of which a successful application has been made to the National Assembly for Wales under regulation 13 to re-grade it as C1 seed.

**EC officially certified C1 seed of a listed variety**

**32.** In these Regulations “EC officially certified C1 seed of a listed variety” means —

- (a) C1 seed of a listed variety officially certified as C1 seed by the competent seed certification authority in another member State, and

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- (b) C1 seed of a previously listed variety officially certified as C1 seed by the competent seed certification authority in another member State and for which a marketing extension is in force.

**Third country officially certified C1 seed of a listed variety**

**33.**—(1) In these Regulations “third country officially certified C1 seed of a listed variety” means C1 seed to which paragraph (2) or (3) applies.

(2) This paragraph applies to C1 seed of a listed variety —

- (a) that was harvested from a crop that has been produced in an equivalent third country from a preceding generation of seed that was produced in accordance with the provisions of paragraph 6 of Part B of Annex II to the Third Country Equivalence Decision;
- (b) that has been officially certified as basic seed by the approved seed certification authority in that country in accordance with the OECD Grass and Legume Seed Scheme and the conditions specified in paragraphs 1 and 2 of Part B of Annex II to the Third Country Equivalence Decision;
- (c) that has been packed in packages that have been officially closed and marked in accordance with —
  - (i) in the case of seed other than crucifers, the OECD Grass and Legume Seed Scheme, and
  - (ii) in the case of crucifers, the OECD Crucifer and Oil and Fibre Seed Scheme;and, as regards the packaging, in accordance with the relevant conditions specified in paragraph 3 of Part B of Annex II to the Third Country Equivalence Decision; and
- (d) that has been imported into the United Kingdom and was accompanied by —
  - (i) an OECD Certificate issued by the approved seed certification authority in respect of the seed lot from which the seed was taken approving the seed in that lot as C1 seed; and
  - (ii) subject to paragraph (iii), an Orange or Green International Seed Lot Certificate issued under the Rules of ISTA showing that it has been found to satisfy the relevant Directive seed conditions for C1 seed other than those relating to varietal identity and varietal purity; or
  - (iii) in a case where the seed has been certified in Canada or the United States of America, a Lot Inspection Certificate issued by the Official Seed Testing Laboratory under the authority of the State Seed Testing Agency showing that it has been found to satisfy those conditions instead of a certificate of the type referred to in paragraph (ii).

(3) This paragraph applies to C1 seed —

- (a) of a previously listed variety that is on the OECD List and for which a marketing extension is in force, and
- (b) that complies with the requirements of paragraph (2)(a) to (d).

**Overseas tested officially certified C1 seed of a listed variety**

**34.**—(1) In these Regulations “overseas tested officially certified C1 seed of a listed variety” means C1 seed to which paragraph (2), (3) or (4) applies.

(2) This paragraph applies to C1 seed —

- (a) that has been harvested from a crop produced in a member State (including the United Kingdom) for which a field inspection report has been issued by or on behalf of the



- competent seed certification authority in the member State stating that the crop has been found to satisfy the relevant Directive crop conditions for C1 seed;
- (b) for which a seed test report has been issued —
- (i) by or on behalf of the competent seed certification authority in the member State, or in a member State, other than the United Kingdom, into which the seed was subsequently imported, or
  - (ii) by a licensed EC seed testing station in either of the member States referred to in paragraph (i),
- stating that the seed has been found to satisfy the relevant Directive seed conditions for C1 seed;
- (c) that has been imported into the United Kingdom as C1 seed of a variety that was unlisted at the time when the seed was imported but has since been listed; and
- (d) that is accompanied by —
- (i) an Annex V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State referred to in paragraph (a), and
  - (ii) the seed test report referred to in paragraph (b).
- (3) This paragraph applies to C1 seed —
- (a) that was harvested from a crop produced in an equivalent third country for which a field inspection report was issued by the approved seed certification authority or a licensed third country crop inspector in that country stating that the crop had been found to satisfy the relevant Directive crop conditions for C1 seed;
  - (b) that was subsequently imported into a member State other than the United Kingdom and for which a seed test report has been issued by or on behalf of the competent seed certification authority or by a licensed EC seed testing station in that member State, stating that the seed has been found to satisfy the relevant Directive seed conditions for C1 seed;
  - (c) that has been imported into the United Kingdom as C1 seed of a variety that was unlisted at the time when the seed was imported but has since been listed; and
  - (d) that is accompanied by —
- (i) an Annex II.A(3) official certificate relating to the crop from which the seed was harvested issued by the approved seed certification authority in the third country referred to in paragraph (a) stating that the crop has been found to satisfy the relevant crop conditions for C1 seed, and
  - (ii) the seed test report referred to in paragraph (b).
- (4) This paragraph applies to C1 seed —
- (a) that complies with the requirements of paragraph 33(2)(a) to (d), and
  - (b) that was imported into the United Kingdom as C1 seed of a variety that was unlisted at the time when the seed was imported but has since been listed.

#### **UK officially certified early movement C1 seed of a listed variety**

**35.**—(1) In these Regulations “UK officially certified early movement C1 seed of a listed variety” means seed to which paragraph (2), (3) or (4) applies.

- (2) This paragraph applies to —
- (a) seed of a listed variety officially certified as early movement C1 seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, and

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- (b) seed of a previously listed variety officially certified as early movement C1 seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development and for which a marketing extension is in force.
- (3) This paragraph applies to —
- (a) C1 seed of a listed variety —
    - (i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found by an official UK field inspection (whenever carried out) or, in the case of a crop that has been produced from seed that has been subject to satisfactory official post control, by a UK field inspection carried out under official supervision following the listing of the variety, to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which C1 seed is to be produced;
    - (ii) that, subject to paragraph (iii), satisfies the conditions laid down in Parts II and III of Schedule 4 for C1 seed;
    - (iii) for which the results of a Schedule 4 germination test are awaited to determine whether the seed will satisfy the applicable germination standard for C1 seed but for which a provisional analytical report has been obtained indicating that the seed is likely to meet that standard; and
    - (iv) for which a seed test report has been issued stating that it has been found, subject to the results of the awaited Schedule 4 germination test, by an official UK seed test or by a UK seed test carried out under official supervision (in either case whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for C1 seed;
  - (b) C1 seed of a previously listed variety that complies with the requirements of paragraph (a) (i) to (iv) and for which a marketing extension is in force;
  - (c) C1 seed of a listed variety —
    - (i) that has been imported into the United Kingdom as not finally certified C1 seed harvested in another member State, and
    - (ii) complies with the requirements of paragraph (a)(ii) to (iv);
  - (d) C1 seed of a previously listed variety —
    - (i) that has been imported into the United Kingdom as not finally certified C1 seed harvested in another member State;
    - (ii) that complies with the requirements of paragraph (a)(ii) to (iv); and
    - (iii) for which a marketing extension is in force;
  - (e) C1 seed of a listed variety —
    - (i) that has been imported into the United Kingdom as not finally certified C1 seed harvested in an equivalent third country, and
    - (ii) that complies with the requirements of paragraph (a)(ii) to (iv);
  - (f) C1 seed —
    - (i) of a previously listed variety that is on the OECD list;
    - (ii) that has been imported into the United Kingdom as not finally certified C1 seed harvested in an equivalent third country;
    - (iii) that complies with the requirements of paragraph (a)(ii) to (iv); and
    - (iv) for which a marketing extension is in force,

other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development that has not been finally determined.

(4) Seed of a listed variety, or of a previously listed variety for which a marketing extension is in force, in respect of which a successful application has been made to the National Assembly for Wales under regulation 13 to re-grade it as early movement C1 seed.

#### **EC officially certified early movement C1 seed of a listed variety**

**36.** In these Regulations “EC officially certified early movement C1 seed of a listed variety” means —

- (a) C1 seed of a listed variety officially certified as early movement C1 seed by the competent seed certification authority in another member State, and
- (b) C1 seed of a previously listed variety officially certified as early movement C1 seed by the competent seed certification authority in another member State and for which a marketing extension is in force.

#### **Officially certified C1 seed**

**37.** In these Regulations “officially certified C1 seed” means —

- (a) UK officially certified C1 seed of a listed variety;
- (b) EC officially certified C1 seed of a listed variety;
- (c) third country officially certified C1 seed of a listed variety;
- (d) overseas tested officially certified C1 seed of a listed variety;
- (e) UK officially certified early movement C1 seed of a listed variety; and
- (f) EC officially certified early movement C1 seed of a listed variety.

#### **C2 seed**

**38.** In these Regulations, in relation to field beans, field peas, Lucerne *Medicago sativa*, lupins and vetches, “C2 seed” means seed —

- (a) that has been produced directly from —
  - (i) officially certified basic seed;
  - (ii) officially certified C1 seed; or
  - (iii) with the breeder’s written authority, from officially certified pre-basic seed, and
- (b) that is intended for purposes other than the production of fodder plant seed.

#### **UK officially certified C2 seed of a listed variety**

**39.**—(1) In these Regulations, in relation to field beans and field peas, “UK officially certified C2 seed of a listed variety” means seed to which paragraph (2), (3) or (4) applies.

(2) This paragraph applies to —

- (a) seed of a listed variety officially certified as C2 seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, and
- (b) seed of a previously listed variety officially certified as C2 seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development and for which a marketing extension is in force.

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- (3) This paragraph applies to —
- (a) C2 seed of a listed variety —
    - (i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found, by an official UK field inspection (whenever carried out) or, in the case of a crop that has been produced from seed that has been subject to satisfactory official post control, by a UK field inspection carried out under official supervision following the listing of the variety, to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which C2 seed is to be produced;
    - (ii) that satisfies the conditions laid down in Parts II and III of Schedule 4 for C2 seed; and
    - (iii) for which a seed test report has been issued stating that it has been found by an official UK seed test or by a UK seed test carried out under official supervision (in either case whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for C2 seed;
  - (b) C2 seed of a previously listed variety that complies with the requirements of paragraph (a) (i) to (iii) and for which a marketing extension is in force;
  - (c) C2 seed of a listed variety —
    - (i) that has been imported into the United Kingdom as not finally certified C2 seed harvested in another member State, and
    - (ii) that complies with the requirements of paragraph (a)(ii) and (iii);
  - (d) C2 seed of a previously listed variety —
    - (i) that has been imported into the United Kingdom as not finally certified C2 seed harvested in another member State or an equivalent third country;
    - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
    - (iii) for which a marketing extension is in force; and
  - (e) C2 seed —
    - (i) that has been imported into the United Kingdom as not finally certified C2 seed harvested in another member State;
    - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
    - (iii) is of a variety that was unlisted at the time when the seed was imported into the United Kingdom but has since been listed,
  - (f) C2 seed of a listed variety that—
    - (i) has been imported into the United Kingdom as not finally certified C2 seed harvested in an equivalent third country; and
    - (ii) complies with the requirements of paragraphs (a)(ii) and (iii); and
  - (g) C2 seed—
    - (i) of a previously listed variety that is on the OECD list;
    - (ii) that has been imported into the United Kingdom as not finally certified C2 seed harvested in an equivalent third country;
    - (iii) that complies with the requirements of paragraphs (a)(ii) and (iii); and
    - (iv) for which a marketing extension is in force,

other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development that has not been finally determined.

(4) Seed of a listed variety, or of a previously listed variety for which a marketing extension is in force, in respect of which a successful application has been made to the National Assembly for Wales under regulation 13 to re-grade it as C2 seed.

#### **EC officially certified C2 seed of a listed variety**

**40.** In these Regulations “EC officially certified C2 seed of a listed variety” means —

- (a) C2 seed of a listed variety officially certified as C2 seed by the competent seed certification authority in another member State, and
- (b) C2 seed of a previously listed variety officially certified as C2 seed by the competent seed certification authority in another member State and for which a marketing extension is in force.

#### **“Third country officially certified C2 seed of a listed variety**

**41.** In these Regulations “third country officially certified C2 seed of a listed variety” means C2 seed of an approved species to which paragraph (2) or (3) applies.

(1) This paragraph applies to C2 seed of a listed variety that —

- (a) was harvested from a crop that was produced—
  - (i) in an equivalent third country, and
  - (ii) from a preceding generation of seed that was produced in accordance with the provisions of paragraph 6 of Part B of Annex II to the Third Country Equivalence Decision;
- (b) has been officially certified as C2 seed by the approved seed certification authority in that country in accordance with the OECD Grass and Legume Seed Scheme and the conditions specified in paragraphs 1 and 2 of Part B of Annex II to the Third Country Equivalence Decision;
- (c) has been packed in packages that have been officially closed and marked in

accordance with the relevant conditions specified in paragraph 3 of Part B of Annex II to the Third Country Equivalence Decision; and

- (d) has been imported into the United Kingdom and was accompanied by —
  - (i) an OECD Certificate issued by the approved seed certification authority in respect of the seed lot from which the seed was taken approving the seed in that lot as C2 seed; and
  - (ii) subject to paragraph (iii), an Orange or Green International Seed Lot Certificate issued under the Rules of ISTA showing that it has been found to satisfy the relevant Directive seed conditions for C2 seed other than those relating to varietal identity and varietal purity; or
  - (iii) in a case where the seed has been certified in Canada or the United States of America, a Lot Inspection Certificate issued by the Official Seed Testing Laboratory under the authority of the State Seed Testing Agency showing that it has been found to satisfy those conditions instead of a certificate of the type referred to in paragraph (ii).

(2) This paragraph applies to C2 seed —

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- (a) of a previously listed variety that is on the OECD List and for which a marketing extension is in force; and
- (b) that complies with the requirements of paragraphs (2)(a) to (d).

**Overseas tested officially certified C2 seed of a listed variety**

**42.** In these Regulations “overseas tested officially certified C2 seed of a listed variety” means C2 seed to which paragraph (2), (3) or (4) applies.

- (1) This paragraph applies to C2 seed —
  - (a) that has been harvested from a crop produced in a member State (including the United Kingdom) for which a field inspection report has been issued by or on behalf of the competent seed certification authority in the member State stating that the crop has been found to satisfy the relevant Directive crop conditions for C2 seed;
  - (b) for which a seed test report has been issued —
    - (i) by or on behalf of the competent seed certification authority in the member State, or in a member State, other than the United Kingdom, into which the seed was subsequently imported, or
    - (ii) by a licensed EC seed testing station in either of the member States referred to in paragraph (i),
 stating that the seed has been found to satisfy the relevant Directive seed conditions for C2 seed;
  - (c) that has been imported into the United Kingdom as C2 seed of a variety that was unlisted at the time when the seed was imported but has since been listed; and
  - (d) that is accompanied by —
    - (i) an Annex V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State referred to in paragraph (a), and
    - (ii) the seed test report referred to in paragraph (b).
- (2) This paragraph applies to C2 seed of an approved species that —
  - (a) was harvested from a crop produced in an equivalent third country for which a field inspection report was issued by the approved seed certification authority or a licensed third country crop inspector in that country stating that the crop had been found to satisfy the relevant Directive crop conditions for C2 seed;
  - (b) was subsequently imported into a member State other than the United Kingdom and for which a seed test report has been issued by or on behalf of the competent seed certification authority or by a licensed EC seed testing station in that member State, stating that the seed has been found to satisfy the relevant Directive seed conditions for C2 seed;
  - (c) has been imported into the United Kingdom as C2 seed of a variety that was unlisted at the time when the seed was imported but has since been listed; and
  - (d) is accompanied by —
    - (i) an Annex II.A(3) official certificate relating to the crop from which the seed was harvested issued by the approved seed certification authority in the third country referred to in paragraph (a) stating that the crop has been found to satisfy the relevant crop conditions for C2 seed, and
    - (ii) the seed test report referred to in paragraph (b).
- (3) This paragraph applies to C2 seed of an approved species that —
  - (a) complies with the requirements of paragraph 41(1)(a) to (d), and

- (b) was imported into the United Kingdom as C2 seed of a variety that was unlisted at the time when the seed was imported but has since been listed.

**UK officially certified early movement C2 seed of a listed variety**

**43.**—(1) In these Regulations, in relation to field beans and field peas, “UK officially certified early movement C2 seed of a listed variety” means seed to which paragraph (2), (3) or (4) applies.

- (2) This paragraph applies to —
  - (a) seed of a listed variety officially certified as early movement C2 seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, and
  - (b) seed of a previously listed variety officially certified as early movement C2 seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development and for which a marketing extension is in force.
- (3) This paragraph applies to —
  - (a) C2 seed of a listed variety —
    - (i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found by an official UK field inspection (whenever carried out) or, in the case of a crop that has been produced from seed that has been subject to satisfactory official post control, by a UK field inspection carried out under official supervision following the listing of the variety, to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which C2 seed is to be produced;
    - (ii) that, subject to paragraph (iii), satisfies the conditions laid down in Parts II and III of Schedule 4 for C2 seed;
    - (iii) for which the results of a Schedule 4 germination test are awaited to determine whether the seed will satisfy the applicable germination standard for C2 seed but for which a provisional analytical report has been obtained indicating that the seed is likely to meet that standard; and
    - (iv) for which a seed test report has been issued stating that it has been found, subject to the results of the awaited Schedule 4 germination test, by an official UK seed test or by a UK seed test carried out under official supervision (in either case whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for C2 seed;
  - (b) C2 seed of a previously listed variety that complies with the requirements of paragraph (a) (i) to (iv) and for which a marketing extension is in force;
  - (c) C2 seed of a listed variety —
    - (i) that has been imported into the United Kingdom as not finally certified C2 seed harvested in another member State, and
    - (ii) that complies with the requirements of paragraph (a)(ii) to (iv);
  - (d) C2 seed of a previously listed variety —
    - (i) that has been imported into the United Kingdom as not finally certified C2 seed harvested in another member State;
    - (ii) that complies with the requirements of paragraph (a)(ii) to (iv); and
    - (iii) for which a marketing extension is in force,
  - (e) C2 seed of a listed variety that —
    - (i) has been imported into the United Kingdom as not finally certified C2 seed harvested in an equivalent third country; and

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- (ii) complies with the requirements of paragraphs (a)(ii) to (iv); and
- (f) C2 seed —
  - (i) of a previously listed variety that is on the OECD list;
  - (ii) that has been imported into the United Kingdom as not finally certified C2 seed harvested in an equivalent third country;
  - (iii) that complies with the requirements of paragraphs (a)(ii) to (iv); and
  - (iv) for which a marketing extension is in force,  
other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development that has not been finally determined.
- (4) Seed of a listed variety, or of a previously listed variety for which a marketing extension is in force, in respect of which a successful application has been made to the National Assembly for Wales under regulation 13 to re-grade it as early movement C2 seed.

**EC officially certified early movement C2 seed of a listed variety**

44. In these Regulations “EC officially certified early movement C2 seed of a listed variety” means —

- (a) C2 seed of a listed variety officially certified as early movement C2 seed by the competent seed certification authority in another member State, and
- (b) C2 seed of a previously listed variety officially certified as early movement C2 seed by the competent seed certification authority in another member State and for which a marketing extension is in force.

**Officially certified C2 seed**

45. In these Regulations “officially certified C2 seed” means —

- (a) UK officially certified C2 seed of a listed variety;
- (b) EC officially certified C2 seed of a listed variety;
  - (bb) third country officially certified C2 seed of a listed variety;
- (c) overseas tested officially certified C2 seed of a listed variety;
- (d) UK officially certified early movement C2 seed of a listed variety; and
- (e) EC officially certified early movement C2 seed of a listed variety.