
WELSH STATUTORY INSTRUMENTS

2005 No. 3036

The Cereal Seed (Wales) Regulations 2005

PART III

CONTROL OF CEREAL SEED

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 or C2 seed; or
- (c) a mixture of seeds to which regulation 22 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 of officially certified CS seed (other than maize), officially certified C1 seed or C2 seed 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, 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 seed 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 5 kilograms 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 other than a mixture and paragraph 2 of that Schedule in the case of a mixture of seeds.

(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, other than a small package of such seed sealed in the United Kingdom, 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 Cereal Seed Directive.

(7) A package of officially certified basic, CS, C1 or C2 seed, other than a small package of such seed sealed in the United Kingdom, 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 Cereal Seed Directive as they apply to basic, CS, C1 or C2 seed; and
 - (c) in the case of a package of seed sealed in an equivalent third country, in accordance with the provisions of paragraph 1 and 3 of Part B of Annex II to the Third Country Equivalence Decision as they apply to basic, CS, C1 or C2 seed.
- (8) A small package of officially certified pre-basic, basic, CS, C1 or C2 seed sealed in the United Kingdom 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, and
 - (b) in the case of a package of seed sealed in the United Kingdom, elsewhere than in Wales, in accordance with provisions equivalent to the ones contained in sub-paragraph (a).
- (9) A package of a mixture of seeds to which regulation 22 applies, other than a small package of such seeds sealed in the United Kingdom, 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 Cereal Seed Directive as read with Article 13(3) of that Directive.
- (10) A small package of a mixture of seeds to which regulation 22 applies sealed in the United Kingdom 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, and
 - (b) in the case of a package of seed sealed in the United Kingdom, elsewhere than in Wales, in the case of a package of seed sealed in the United Kingdom, elsewhere than in Wales, in accordance with provisions equivalent to the ones contained in sub-paragraph (a).
- (11) A package of officially certified basic, CS, C1 or C2 (other than a small package of such seed sealed in the United Kingdom) and a package of a mixture of seeds to which regulation 22 applies (other than a small package of such seed sealed in the United Kingdom) 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, and
 - (ii) that contains the particulars specified in paragraph 9(c), (e) and (f) of Schedule 8, in the case of basic, CS, C1 or C2 seed, and paragraph 17(a) and (c) of Schedule 8 in the case of a mixture of seeds to which regulation 22 applies;
 - (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 Cereal 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 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.

(12) The provisions of paragraph (11) shall not apply if—

- (a) the particulars specified in paragraph (11)(a)(ii) are printed indelibly on the outside of the package, or
- (b) the official label is an adhesive or a tear resistant label.

(13) Notwithstanding paragraph (7) a package (other than a small 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 and of the colour so specified, and
- (b) the requirements of Part VI of that Schedule are satisfied.

(14) 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.

(15) If any breeder's seed or officially certified pre-basic, basic, CS, C1 or C2 seed or a mixture of seeds to which regulation 22 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) or (10);

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.

(16) Subject to paragraph (17), if a package of officially certified pre-basic, basic, CS, C1 or C2 seed, other than a small package of such 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.

(17) Where a package of seed of the type specified in paragraph 16, 17(3), 22, 23(3), 30, 31(3), 31(4), 38 and 39(3), 39(4), 46, 47(3) or 47(4) of Schedule 1 is resealed, the package shall be labelled with an OECD label containing the particulars otherwise required under this regulation.

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

(19) 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 that person 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.