

SCHEDULE 2

Regulations 10, 11, 13 and 23

Certification requirements

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PART 1

Beet

Scope of Part 1

1. This Part regulates the type of beet in Schedule 1.

Interpretation

2. In these Regulations—
 - (a) “monogerm seed” (“*hadau uneginol*”) means seed that is genetically monogerm; and
 - (b) “precision seed” (“*hadau trachywir*”) means seed designed for use in precision drills to produce single seedlings.

Permitted types of beet seed

3. Beet seed must be—
 - (a) pre-basic seed;
 - (b) basic seed; or
 - (c) certified seed.

Meaning of “pre-basic seed”

4. Pre-basic seed is seed—
 - (a) produced from a generation prior to pre-basic seed by or under the responsibility of the breeder according to well-defined practices for the maintenance of the variety; and
 - (b) intended for the production of—
 - (i) more pre-basic seed;
 - (ii) basic seed; or
 - (iii) with the breeder’s written authority, certified seed.

Meaning of “basic seed”

5. Basic seed is seed—
 - (a) produced under the responsibility of the breeder according to well-defined practices for the maintenance of the variety; and
 - (b) intended for the production of certified seed.

Meaning of “certified seed”

6. Certified seed is seed that is of direct descent from basic seed and is intended for the production of beet.

Crop and seed requirements

7.—(1) Crop inspections by official or licensed crop inspectors must be carried out in accordance with Article 2(3)(A) of, and Annex I(A) to, Council Directive [2002/54/EC](#) on the marketing of beet seed(1), and the crop must satisfy the conditions in that Annex.

(2) The seed produced by the crop must be sampled in accordance with Article 9(2) and Annex II to that Directive, and must satisfy the conditions in Annex I(B) to that Directive.

(3) The seed must be labelled in accordance with Annex III to that Directive.

(4) The maximum moisture content must not exceed 15% by weight.

(5) Diseases and harmful organisms that reduce the usefulness of the seed must be at the lowest possible level.

PART 2

Cereals

CHAPTER 1

Types of seed

Scope of Part 2

8. This Part regulates the types of cereal in Schedule 1.

Permitted types of cereal seed

9.—(1) Cereal seed must be—

- (a) pre-basic seed;
- (b) basic seed;
- (c) certified seed;
- (d) certified seed, first generation;
- (e) certified seed, second generation; or
- (f) seed of a higher voluntary standard.

(2) The seed may be a mixture of cereal species of different varieties provided that each variety in the mixture is certified and is effective against the propagation of harmful organisms.

Meaning of “pre-basic seed” (including hybrids)

10. Pre-basic seed (including hybrids) is seed—

- (a) produced from a generation prior to pre-basic seed or from pre-basic seed by or under the responsibility of the breeder according to well-defined practices for the maintenance of the variety; and
- (b) intended for the production of—
 - (i) more pre-basic seed;
 - (ii) basic seed; or

(1) OJ No L 193, 20.7.2002, p.12, as last amended by Council Directive [2004/117/EC](#) (OJ No L 14, 18.1.2005, p.18).

- (iii) with the breeder’s written authority, certified seed of categories CS, C1 or C2 (hybrid varieties may not be produced to C1 or C2).

Meaning of “basic seed”

11. Basic seed is seed complying with the following conditions.

<i>Type of cereal</i>	<i>Condition</i>
Self-pollinating varieties of oats, naked oats, barley, rye, triticale, wheat, durum wheat and spelt wheat	The seed must be— (a) produced under the responsibility of the breeder according to well-defined practices for the maintenance of the variety; and (b) intended for the production of certified seed of categories CS C1 or C2
Hybrid varieties of oats, barley, rye, wheat, durum wheat, spelt wheat, triticale and maize	The seed must be intended for the production of hybrids
Maize spp open-pollinated varieties	The seed must be— (a) produced under the responsibility of the breeder according to well-defined practices for the maintenance of the variety; (b) intended for the production of seed of this variety of the category 'certified seed' triple cross or of top cross hybrid variety or of intervarietal hybrids
Maize, inbred lines	Any seed

Meaning of “certified seed”

12. Certified seed is seed—
- (a) of rye, maize, or triticale and hybrids of barley, oats, wheat, durum wheat, spelt wheat;
 - (b) that has been produced directly from basic seed or, if the breeder so requests, from seed of a generation prior to basic seed that satisfies the conditions for basic seed; and
 - (c) that is intended for purposes other than the production of cereal seed.

Meaning of “certified seed, first generation”

13. Certified seed, first generation is seed—
- (a) of oats, barley, triticale, wheat, durum wheat or spelt wheat, other than hybrids in each case;
 - (b) produced directly from basic seed or, if the breeder so requests, from pre-basic seed that satisfies the conditions for basic seed; and
 - (c) intended either for the production of seed of the category 'certified seed, second generation' or for purposes other than the production of cereal seed.

Meaning of “certified seed, second generation”

14. Certified seed, second generation is seed—

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- (a) of oats, barley, triticale, wheat, durum wheat or spelt wheat, other than hybrids in each case;
- (b) produced directly from basic seed, from certified seed, first generation or, if the breeder so requests, from pre-basic seed that satisfies the conditions for basic seed; and
- (c) intended for purposes other than the production of cereal seed.

Crop and seed requirements

15.—(1) Crop inspections by official or licensed crop inspectors must be carried out in accordance with Article 2(3)(A) of, and Annex I to, Council Directive [66/402/EEC](#) on the marketing of cereal seed⁽²⁾, and the crop must satisfy the conditions in that Annex.

(2) The seed produced by the crop must be sampled in accordance with Article 7 of, and Annex III to, that Directive and must satisfy the conditions in Annex II to that Directive.

(3) The maximum moisture content must not exceed 17% by weight.

(4) Diseases and harmful organisms that reduce the usefulness of the seed must be at the lowest possible level.

CHAPTER 2

Higher voluntary standards

Higher voluntary standards for cereals

16.—(1) Barley, oats, wheat (including durum wheat and spelt wheat) or naked oats classified as basic seed, or certified seed of categories C1 or C2, may be marketed as being of a higher voluntary standard, which is a standard higher than that regulated under Chapter 1, if it meets the higher standards in this Chapter.

(2) The crop must have at least 99.99% (by number) species purity.

(3) Other than a hybrid, the minimum varietal purity of seed is—

- (a) 99.95% for basic seed;
- (b) 99.9% for C1 seed;
- (c) 99.7% for C2 seed.

(4) In the case of C1 and C2 the seed must have 99% by weight analytical purity.

Additional requirements for barley, wheat, durum wheat and spelt wheat

17. In the case of barley, wheat, durum wheat and spelt wheat—

- (a) the maximum number of wild oats in a crop is 7 per hectare.
- (b) the maximum percentage by number of loose smut infection in seed is—
 - (i) 0.1% for basic seed;
 - (ii) 0.2% for C1 and C2 seed.

Seed from other plants

18. The number of seeds from other plant species in a sample of 1000g must not exceed the following.

(2) OJ No L 125, 11.7.1966, p. 2309, as last amended by Commission Directive [2009/74/EC](#) (OJ No L 166, 27.6.2009, p. 40).

Seed of other species

<i>Category of seed sampled</i>	<i>All other plant species (including species specified in columns 3 to 6)</i>	<i>Other cereal species</i>	<i>All plant species other than cereals</i>	<i>Wild oats or darnel</i>	<i>Wild radish, corn cockle, sterile brome or couch</i>
Basic seed	1	0	1	0	0
C1	2	1	1	0	1
C2	4	3	2	0	1

a Only in respect of wild radish and corn cockle.

Ergot and sclerotia

19. In a sample of 1000g—

- (a) in the case of basic seed there must be no ergot or sclerotia;
- (b) in the case of certified seed (C1 or C2) there must be no more than one piece of ergot or sclerotia.

PART 3

Fodder plants

CHAPTER 1

Basic standards

Scope of Part 3

20. This Part regulates the types of fodder plants in Schedule 1.

Permitted types of fodder seed

21.—(1) Fodder seed must be—

- (a) pre-basic seed;
- (b) basic seed;
- (c) certified seed;
- (d) certified seed, first generation;
- (e) certified seed, second generation;
- (f) commercial seed; or
- (g) seed of a higher voluntary standard.

(2) The seed may be a mixture of fodder species of different varieties provided that each variety in the mixture is certified.

Meaning of “pre-basic seed”

22. Pre-basic seed is seed—

- (a) produced from a generation prior to pre-basic seed by or under the responsibility of the breeder according to well-defined practices for the maintenance of the variety; and
- (b) intended for the production of—
 - (i) more pre-basic seed;
 - (ii) basic seed; or
 - (iii) with the breeder’s written authority, certified seed CS, C1 or C2.

Meaning of “basic seed”

23.—(1) Basic seed is seed of—

- (a) bred varieties; or
 - (b) local varieties.
- (2) Seed of bred varieties is seed—
- (a) produced under the responsibility of the breeder according to well-defined practices for the maintenance of the variety;
 - (b) intended for the production of certified seed.
- (3) Seed of local varieties is seed—
- (a) produced under official control from material officially accepted as being of the local variety on one or more holdings situated within a clearly demarcated region of origin;
 - (b) intended for the production of certified seed.

Meaning of “certified seed”

24. Certified seed is seed (other than of field beans, field peas, lucerne (*Medicago sativa*), lupins and vetches)—

- (a) produced directly from basic seed or, if the breeder so requests, from pre-basic seed that satisfies the conditions for basic seed; and
- (b) intended for purposes other than the production of seed.

Meaning of “certified seed, first generation”

25. Certified seed, first generation in relation to field beans, field peas, lucerne (*Medicago sativa*), lupins and vetches is seed—

- (a) produced directly from basic seed or, if the breeder so requests, from pre-basic seed that satisfies the conditions for basic seed; and
- (b) intended for—
 - (i) the production of certified seed, second generation (in the case of field beans and field peas only); or
 - (ii) purposes other than the production of seed (in all cases).

Meaning of “certified seed, second generation”

26. Certified seed, second generation in relation to field beans, field peas, lucerne (*Medicago sativa*), lupins and vetches is seed—

- (a) produced directly from basic seed, from certified seed, first generation (C1) or, if the breeder so requests, from pre-basic seed that satisfies the conditions for basic seed; and
- (b) intended for purposes other than the production of seed of fodder plants.

Meaning of “commercial seed”

27. Commercial seed is seed of annual meadowgrass, Hungarian vetch or sainfoin that is identifiable as belonging to a species.

Crop and seed requirements

28.—(1) Crop inspections by official or licensed crop inspectors must be carried out in accordance with Article 2(3)(A) of, and Annex I to, Council Directive 66/401/EEC on the marketing of fodder plant seed(3), and the crop must satisfy the conditions in that Annex.

(2) The seed produced by the crop must be sampled in accordance with Annex III to that Directive, and must satisfy the conditions in Annex II to that Directive.

(3) Diseases and harmful organisms that reduce the usefulness of the seed must be at the lowest possible level.

CHAPTER 2**Higher voluntary standards****Higher voluntary standards for fodder seed**

29. In the case of cocksfoot, festulolium, hybrid ryegrass, Italian ryegrass, Lucerne, meadow fescue, perennial ryegrass, red clover, red fescue, sainfoin, small timothy, timothy, smooth stalked meadow grass, tall fescue and white clover, certified seed (CS) may be marketed as certified seed of a higher voluntary standard.

Minimum standards for purity and other species of seed in the sample

30. The sample taken under paragraph 28(2) for the purpose of Council Directive 66/401/EEC must have the minimum standards set out in the following table.

<i>Column header</i>	<i>Minimum analytical purity (% by weight)</i>	<i>Total weight of all other species (% by weight)</i>	<i>Total weight of a single other species (% by weight)</i>	<i>Seed of Rumex spp excluding R acetosella and R maritimus</i>	<i>Seed of couch</i>	<i>Seed of blackgrass</i>	<i>Limits of other specific species</i>
Fine grasses							
festulolium	98	1.5	0	0	10	0	
red fescue	95	1.5	0.5	5	10	10	The sample

(3) OJ No L 125, 11.7.1966, p. 2298, as last amended by Commission Directive 2009/74/EC (OJ No L 166, 27.6.2009, p. 40).

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Column header	Minimum analytical purity (% by weight)	Total weight of all other species (% by weight)	Total weight of a single other species (% by weight)	Seed of Rumex spp excluding R acetosella and R maritimus	Seed of couch	Seed of blackgrass	Limits of other specific species
							must have no more than four seeds ryegrass, cocksfoot, meadow fescue and 0.3% rough stalked meadow grass
smooth-stalked meadowgrass	90	1.5	0.5	2	3	3	Maximum of 0.4% by weight of seed of other meadow grass
Fodder grasses							
cocksfoot	90	1.5	0.5	5	10	10	
meadow fescue, tall fescue	98	1.5	0.5	5	10	10	0.3% rough stalked meadow grass, 0.3% ryegrass
hybrid ryegrass, Italian ryegrass, perennial ryegrass	98	1.5	0.5	5	10	10	0.4% annual meadowgrass, 0.3% rough stalked meadow grass
small timothy, timothy	98	1.5	0.5	4	10	10	0.3% <i>Agrostis</i> spp
Small seeded legumes							

<i>Column header</i>	<i>Minimum analytical purity (% by weight)</i>	<i>Total weight of all other species (% by weight)</i>	<i>Total weight of a single other species (% by weight)</i>	<i>Seed of Rumex spp excluding R acetosella and R maritimus</i>	<i>Seed of couch</i>	<i>Seed of blackgrass</i>	<i>Limits of other specific species</i>
lucerne, red clover, white clover	98	1.5	0.5	10	10	10	0.3% <i>Melilotus spp</i>
sainfoin	98	1.5	0.5	5	10	10	0.3% <i>Melilotus spp</i>

PART 4

Oil and fibre

Scope of Part 4

31. This Part regulates the types of oil and fibre plants in Schedule 1.

Permitted types of oil and fibre seed

32. Oil and fibre seed must be—

- (a) pre-basic seed;
- (b) basic seed;
- (c) certified seed;
- (d) certified seed, first generation;
- (e) certified seed, second generation;
- (f) certified seed, third generation; or
- (g) commercial seed.

Meaning of “pre-basic seed”

33.—(1) “Pre-basic seed” is seed of a generation prior to basic seed—

- (a) that has been produced by or under the responsibility of the breeder according to well-defined practices for the maintenance of the variety, and
- (b) intended to be used for the production of more pre-basic seed, basic seed, or with the breeder’s written authority—
 - (i) in the case of black mustard, brown mustard, dioecious hemp, sunflower, swede rape, turnip rape or white mustard, CS seed;
 - (ii) in the case of monoecious hemp or soya bean, C1 or C2 seed;
 - (iii) in the case of flax or linseed, C1, C2 or C3 seed.

Status: This is the original version (as it was originally made).

(2) But in relation to a component of a hybrid variety, “pre-basic seed” means seed of a generation prior to basic seed that is intended to be used for the production of—

- (a) more pre-basic seed;
- (b) basic seed; or
- (c) with the breeder’s written authority, CS seed.

Meaning of “basic seed” for non-hybrid varieties

34. In the case of a non-hybrid variety, basic seed is seed—

- (a) produced under the responsibility of the breeder according to well-defined practices for the maintenance of the variety;
- (b) intended for the production of—
 - (i) certified seed,
 - (ii) certified seed, first generation,
 - (iii) certified seed, second generation; or
 - (iv) certified seed, third generation.

Meaning of “basic seed” for inbred lines

35. In the case of an inbred line, basic seed is seed of an inbred line of a hybrid that satisfies the conditions for basic seed.

Meaning of “basic seed” for simple hybrids

36. In the case of a simple hybrid, basic seed is seed intended for the production of hybrids.

Meaning of “certified seed”

37. Certified seed is seed of black, brown and white mustard, dioecious hemp, sunflower, swede rape or turnip rape—

- (a) produced directly from basic seed or, if the breeder so requests, from seed of a generation prior to basic seed that satisfies the conditions for basic seed;
- (b) intended for purposes other than the production of seed of oil or fibre plants.

Meaning of “certified seed, first generation”

38. Certified seed, first generation is seed of monoecious hemp, flax, linseed or soya—

- (a) produced directly from basic seed or, if the breeder so requests, from pre-basic seed that satisfies the conditions for basic seed;
- (b) intended either for the production of—
 - (i) certified seed, second generation;
 - (ii) where appropriate, certified seed, third generation; or
 - (iii) for purposes other than the production of seed of oil or fibre plants.

Meaning of “certified seed, second generation”

39.—(1) Certified seed, second generation is seed of flax, linseed, soya or monoecious hemp.

(2) In the case of flax, linseed, soya, it is seed—

- (a) produced directly from basic seed, from certified seed of the first generation or, if the breeder so requests, from pre-basic seed that satisfies the conditions for basic seed; and
- (b) intended for—
 - (i) purposes other than the production of seed or,
 - (ii) where appropriate, the production of certified seed, third generation seed.
- (3) In the case of monoecious hemp it is seed—
 - (a) produced directly from certified seed of the first generation established and officially controlled with a view to the production of certified seed of the second generation; and
 - (b) intended for the production of hemp to be harvested in flower.

Meaning of “certified seed, third generation”

- 40.** Certified seed, third generation is seed from flax or linseed—
- (a) of direct descent from basic seed, from certified seed of the first or second generation or, if the breeder so requests, from seed of a generation prior to basic seed; and
 - (b) intended for purposes other than the production of seed.

Meaning of “commercial seed”

41. Commercial seed (black mustard seed only) is seed that is identifiable as belonging to a species.

Crop and seed requirements

42.—(1) Crop inspections by official or licensed crop inspectors must be carried out in accordance with Article 2(5)(A) of, and Annex I to, Council Directive [2002/57/EC](#) on the marketing of seed of oil and fibre plants⁽⁴⁾, and the crop must satisfy the conditions in that Annex.

(2) The seed produced by the crop must be sampled in accordance with Annex III to that Directive and must satisfy the conditions in Annex II to that Directive.

(3) Diseases and harmful organisms that reduce the usefulness of the seed must be at the lowest possible level.

Requirements for a varietal association

43.—(1) Seed marketed as a varietal association must comply with this paragraph.

(2) The varietal association must be an association of certified CS seed of a specified pollinator-dependant hybrid variety with certified CS seed of one or more specified pollinator varieties both of which have been accepted on to the United Kingdom National List or the Common Catalogue.

(3) The seed of the female and male components of a varietal association must have been dressed using seed dressings of different colours.

(4) The seed must be mechanically combined in the proportions jointly determined by the persons responsible for the maintenance of these components.

(5) The proportions must be notified to the Welsh Ministers by the person responsible for the maintenance of the pollinator-dependent hybrid and pollinators within the varietal association.

(6) In this paragraph—

(4) OJ No L 193, 20.7.2002, p.74, as last amended by Commission Directive [2009/74/EC](#) (OJ No L 166, 27.6.2009, p.40).

Status: This is the original version (as it was originally made).

- (a) “pollinator-dependent hybrid” (“*hybrid peillydd-ddibynnol*”) means the male-sterile component within the varietal association (female component);
- (b) “pollinator” (“*peillydd*”) means a component shedding pollen within a varietal association.

PART 5

Vegetables

Scope of Part 5

44. This Part regulates the types of vegetables in Schedule 1.

Permitted types of vegetable seed

45.—(1) Vegetable seed must be—

- (a) pre-basic seed;
- (b) basic seed;
- (c) certified seed; or
- (d) standard seed.

(2) The seed may be a mixture of different varieties of the same vegetable species provided that each variety in the mixture is standard seed.

Meaning of “pre-basic seed”

46. Pre-basic seed is seed—

- (a) produced from a generation prior to pre-basic seed by or under the responsibility of the breeder according to well-defined practices for the maintenance of the variety; and
- (b) intended for the production of—
 - (i) more pre-basic seed;
 - (ii) basic seed; or
 - (iii) with the breeder’s written authority, certified seed.

Meaning of “basic seed”

47.—(1) Basic seed is seed—

- (a) produced under the responsibility of the breeder according to well-defined practices for the maintenance of the variety;
- (b) intended for the production of certified seed.

(2) For the avoidance of doubt this includes seeds intended as a component of a hybrid variety of vegetable.

Meaning of “certified seed”

48. Certified seed is seed—

- (a) produced directly from basic seed or, if the breeder so requests, from seed of a generation prior to basic seed that satisfies the conditions for basic seed;
- (b) intended mainly for the production of vegetables.

Meaning of “standard seed”

49. Standard seed is seed that is intended mainly for the production of vegetables and has been approved by the Welsh Ministers as having sufficient varietal purity and varietal identity.

Crop and seed requirements

50.—(1) Crop inspections by official or licensed crop inspectors must be carried out in accordance with Article 2(4)(A) of, and Annex I to, Council Directive [2002/55/EC](#) on the marketing of vegetable seed⁽⁵⁾, and the crop must satisfy the conditions in that Annex.

(2) The seed produced by the crop must be sampled in accordance with Article 25 of, and Annex III to, that Directive and must satisfy the conditions in Annex II to that Directive.

(3) Sub-paragraph (1) does not apply in the case of standard seed.

(4) Diseases and harmful organisms that reduce the usefulness of the seed must be at the lowest possible level.

(5) After marketing, vegetable seed is subject to control by the Welsh Ministers for varietal identity and varietal purity.

(5) OJ No L 193, 20.7.2002, p. 33, as last amended by Commission Directive [2009/74/EC](#) (OJ No L 166, 27.6.2009, p. 40).