

PLANT VARIETIES AND SEEDS ACT 1964^(a)

**THE OIL AND FIBRE PLANT SEED (SCOTLAND) REGULATIONS 2004
THE CEREAL SEED (SCOTLAND) REGULATIONS 2005
THE FODDER PLANT SEED (SCOTLAND) REGULATIONS 2005**

Council Decision 2003/17/EC^(b) on the equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries (“the Decision”) requires Member States to recognise field inspections and seed certification by approved seed certification authorities in certain third countries, subject to certain conditions.

NOW THEREFORE the Scottish Ministers, to give effect to the Decision, issue this general licence under regulation 10(1) of the Oil and Fibre Plant Seed (Scotland) Regulations 2004^(c), regulation 10(1) of the Cereal Seed (Scotland) Regulations 2005^(d) and regulation 10(1) of the Fodder Plant Seed (Scotland) Regulations 2005^(e) and authorise the marketing of oil and fibre plant seed, cereal seed and fodder plant seed to which those Regulations respectively apply subject to the following conditions-

1. Subject to paragraph 2, this general licence shall apply to seed of species the marketing of which is regulated by the Oil and Fibre Plant Seed (Scotland) Regulations 2004, the Cereal Seed (Scotland) Regulations 2005 and the Fodder Plant Seed (Scotland) Regulations 2005.
2. In respect of South Africa, insofar as cereal seed is concerned, this general licence shall apply to the species *Zea Mays* only.
3. In this general licence-
 - (a) “the 2001 Deliberate Release Directive” has the same meaning as it has in the Regulations;
“AOSA” means the Association of Official Seed Analysts;
“authorised seed certification authority” means an authority listed in column 2 of the table in Schedule 1;
“Pre-Basic Seed” has the same meaning as it has in the Regulations;

^(a) 1964 c.14.

^(b) O.J. No. L 8, 14.1.03, p.10 as amended by Council Decision 2003/403/EC (O.J. No. L 141, 7.6.03, p.23.), Council Regulation (EC) No. 885/2004 (O.J. No. L168, 1.5.04, p.1.) Council Decision 2005/834/EC (O.J. No. L 312, 29.11.2005, P.51.) and Council Decision 2007/780/EC (O.J. No. L314, 1.12.2007, p20). The Decision was made under Article 23(1) of Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed (O.J. No. L 193, 20.7.2002, p.12. as amended by Council Directive 2003/61/EC of 18 June 2003 L 165, 3.7.2003, p.23.), Article 20(1) of the Oil and Fibre Plant Seed Directive, Article 16(1) of the Cereal Seed Directive and Article 16(1) of the Fodder Plant Seed Directive. The Scottish Ministers have granted a separate general licence in respect of beet seed (General Licence 2004/3).

^(c) S.S.I. 2004/317.

^(d) S.S.I. 2005/328.

^(e) S.S.I. 2005/329.

“Basic Seed” has the same meaning as it has in the Regulations;

“the Cereal Seed Directive” means Council Directive 66/402/EEC^(a) of 14 June 1966 on the marketing of cereal seed as last amended by Council Directive 2006/55/EC^(b);

“Certified Seed” has the same meaning as it has in the Regulations;

“Certified Seed of the First Generation” has the same meaning as it has in the Regulations;

“Certified Seed of the Second Generation” has the same meaning as it has in the Regulations;

“Certified Seed of the Third Generation” has the same meaning as it has in the Regulations;

“component” has the same meaning as it has in the Regulations;

“the Directives” means the Oil and Fibre Plant Seed Directive, the Cereal Seed Directive and the Fodder Plant Seed Directive and any reference to “the Directives” shall be construed according to their applicability to oil and fibre plant seed, cereal seed and fodder plant seed respectively;

“EC Label” has the same meaning as it has in the Regulations;

“EEA State” has the same meaning as it has in the Regulations;

“Equivalent Third Country” means a country specified in column 1 of the table in Schedule 1;

“the Fodder Plant Seed Directive” means Council Directive 66/401/EEC^(c) of 14 June 1966 on the marketing of fodder plant seed as last amended by Council Directive 2004/117/EC^(d);

“the Food and Feed Regulation” has the same meaning as it has in the Regulations;

“ISTA” means the International Seed Testing Association;

“licensed third country crop inspector” means a person authorised by an authorised seed certification authority in an Equivalent Third Country pursuant to the OECD Schemes to carry out field inspections of crops in that country;

“Member States” means the Member States of the European Community;

^(a) O.J. No. 125, 11.7.1966, p.1309.

^(b) O.J. No. L 159, 13.6.2006, p.13.

^(c) O.J. No. 125, 11.7.1966, p.2298.

^(d) O.J. No. L 14, 18.1.2005, p.18.

“OECD” means the Organisation for Economic Co-operation and Development;

“OECD Certificate” means a certificate issued under the OECD Schemes by a seed certification authority specified in column 2 of the table in Schedule 1;

“OECD Decision” means the Decision of the OECD Council revising the OECD Schemes for Varietal Certification of the Control of Seed Moving in International Trade^(a);

“OECD label” means a label issued under the OECD Schemes;

“OECD Schemes” means the OECD Schemes for the Varietal Certification or the Control of Seed Moving in International Trade as follows-

- (a) the Grass and Legume Seed Scheme (Annex VI to the OECD Decision);
- (b) the Seed Scheme for Crucifers and other Oil or Fibre Species (Annex VII to the OECD Decision);
- (c) the Cereal Seed Scheme (Annex VIII to the OECD Decision);
- (d) the Seed Scheme for Subterranean Clover and Similar Species (Annex X to the OECD Decision); and
- (e) the Maize and Sorghum Seed Scheme (Annex XI to the OECD Decision).

“officially examined” means-

- (a) examined or tested by the Scottish Ministers;
- (b) if the seed has undergone official post-control the results of which have been satisfactory, a field examination carried out by a licensed crop inspector; or
- (c) tested by a licensed seed testing station;

“the Oil and Fibre Plant Seed Directive” means Council Directive 2002/57/EC^(b) on the marketing of seed of oil and fibre plants as amended by Council Directive 2002/68/EC^(c), Commission Directive 2003/45/EC^(d), Council Directive 2003/61/EC^(e) and Council Directive 2004/117/EC^(f);

“the Regulations” means the Oil and Fibre Plant Seed (Scotland) Regulations 2004, the Cereal Seed (Scotland) Regulations 2005 and the Fodder Plant Seed (Scotland) Regulations 2005 and any reference to “the Regulations” shall be construed according to their applicability to oil and fibre plant seed, cereal seed and fodder plant seed respectively;

^(a) C (2000) 146/final

^(b) O.J. No. L 193, 20.7.02, p.74.

^(c) O.J. No. L 195, 24.7.02, p.32.

^(d) O.J. No. L 138, 5.6.03, p.40.

^(e) O.J. No. L 165, 3.7.03, p.23.

^(f) O.J. No. L 14, 18.1.2005, p.18.

“re-labelled and re-fastened” has the same meaning as it has in the OECD Schemes; and

- (b) any reference to a numbered paragraph is a reference to the paragraph so numbered in this general licence or in the Schedule in which that reference occurs.

4. For the purposes of the Regulations-

- (a) field inspections carried out in an Equivalent Third Country concerning seed-producing crops of a type specified in paragraph 1 by a licensed third country crop inspector shall be deemed to have been carried out by a licensed EC crop inspector; and
- (b) field inspections carried out by, or under the supervision of, the authorised seed certification authority in an Equivalent Third Country shall be deemed to have been carried out by a competent seed certification authority of an EEA State other than the United Kingdom,

provided that the conditions specified Part A of Schedule 2 are satisfied.

5. Seed which has been harvested in an Equivalent Third Country and certified by the authorised seed certification authority of that Equivalent Third Country as Pre-Basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation or Certified Seed of the Third Generation shall be deemed for the purposes of the Regulations to be certified by a competent seed certification authority of an EEA State other than the United Kingdom, provided that the conditions specified in Part B of Schedule 2 are satisfied.

6. Where seed to be marketed under this general licence requires to be re-labelled and re-fastened-

- (a) such re-labelling and re-fastening shall be carried out in accordance with the Regulations; and
- (b) an EC label shall be used only-
 - (i) if the seed has been blended with seed of the same variety and category produced in an EEA State in order to improve the germination capacity provided that-
 - (aa) the blend is mixed or blended so that it is as uniform as practicable;
 - (bb) as far as is practicable the seed lot shows no evidence of heterogeneity; and
 - (cc) the label mentions each country of production; or
 - (ii) for small EC packages within the meaning of the Fodder Plant Seed Directive.

7. Seed of a genetically modified variety may not be marketed under this general licence unless an authorisation is in force in respect of the variety concerned under-

- (a) the Food and Feed Regulation; or
- (b) Part B (deliberate release of GMOs for any other purpose than for placing on the market) or Part C (placing on the market of GMOs as or in products) of the 2001 Deliberate Release Directive,

and then only if all appropriate measures, in accordance with the environmental risk assessment in respect of the genetically modified material carried out in accordance with Article 7(4) (environmental risk assessment for seed varieties) of the Common Catalogue Directive have been taken by the producer of the seed to avoid adverse effects on human health and the environment.

8. General licence 2007/1, granted by the Scottish Ministers on 27 June 2007, is revoked.
9. This licence shall have effect from 6 December 2007 to 31 December 2012 (both dates inclusive) unless revoked earlier by the Scottish Ministers.

R N Waterhouse

5/12/07

Dr R N Waterhouse

For and on behalf of the Scottish Ministers

Dated: 5 December 2007

SCHEDULE 1

Column 1	Column 2
Country	Authority
Argentina	Secretaria de Agricultura, Ganaderia, Pesca y Alimentacion, Buenos Aires
Australia	A.F.F.A. Grains Section, Canberra
Canada	Canadian Food Inspection Agency, Ottawa
Chile	Servicio Agricola y Ganadero, Santiago
Croatia	State Institute for Seed and Seedlings, Osijek
Israel	Ministry of Agriculture, Bet-Dagan
Morocco	Service de Controle des Semences et des Plants, Rabat
New Zealand	Ministry of Agriculture and Fisheries, Wellington
Serbia and Montenegro	Federal Ministry of Economic and Internal Trade, Belgrade
South Africa	National Department of Agriculture, Pretoria
Turkey	Ministry of Agriculture and Rural Affairs, Ankara
United States of America	USDA, Beltsville, Maryland
Uruguay	Ministerio de Ganaderia Agricultura y Pesca, Montevideo

SCHEDULE 2

PART A

CONDITIONS RELATING TO FIELD INSPECTIONS CARRIED OUT IN EQUIVALENT THIRD COUNTRIES ON SEED PRODUCING CROPS

1. Field inspections shall be carried out in accordance with the national rules for the application of the OECD Schemes as follows-
 - (a) the Grass and Legume Seed Scheme in the case of species referred to in the Fodder Plant Seed Directive;
 - (b) the Seed Scheme for Crucifers and other Oil or Fibre Species in the case of the species referred to in the Fodder Plant Seed Directive and the Oil and Fibre Plant Seed Directive;
 - (c) the Cereal Seed Scheme, in the case of species referred to in the Cereal Seed Directive, other than *Zea mays*; and
 - (d) the Maize and Sorghum Seed Scheme, in the case of *Zea mays* referred to in the Cereal Seed Directive.

2. Seed not finally certified must be-
 - (a) packed in officially fastened packages, which bear an OECD label for seed which is not finally certified; and
 - (b) accompanied by an OECD Certificate, together with a certificate issued by the relevant authorised seed certification authority providing the following information-
 - (i) the reference number of the seed lot from which the seed used to sow the field was taken;
 - (ii) the name of the EEA State or Equivalent Third Country that certified the seed;
 - (iii) the area cultivated;
 - (iv) the quantity of seed;
 - (v) an attestation that the conditions that have to be satisfied by the crops from which the seed comes have been fulfilled; and
 - (vi) in the case of seed of a variety which has been genetically modified, the certificate shall also clearly indicate that the variety has been genetically modified and provide any other information as may be determined in terms of the authorisation procedure under the Food and Feed Regulation or the 2001 Deliberate Release Directive.

3. All of the information required under this Part shall be given in at least one of the official languages of the European Community.

PART B

CONDITIONS RELATING TO SEED PRODUCED IN EQUIVALENT THIRD COUNTRIES

1. The seed shall be officially certified and its packages officially fastened and marked in accordance with national rules for the application of the OECD Schemes and shall be accompanied by the certificate required under the relevant Scheme as follows-
 - (a) the Grass and Legume Seed Scheme in the case of species of seed referred to in the Fodder Plant Seed Directive;
 - (b) the Seed Scheme for Crucifers and other Oil or Fibre Species in the case of the species referred to in the Fodder Plant Seed Directive and the Oil and Fibre Plant Seed Directive;
 - (c) the Cereal Seed Scheme, in the case of species referred to in the Cereal Seed Directive, other than *Zea mays*; and
 - (d) the Maize and Sorghum Seed Scheme, in the case of *Zea mays* referred to in the Cereal Seed Directive.
2. The seed shall satisfy the conditions specified in the Directives other than those relating to varietal identity and varietal purity and in particular (as the case may be)-
 - (a) Annex II to the Fodder Plant Seed Directive;
 - (b) Annex II to the Cereal Seed Directive; or
 - (c) Annex II to the Oil and Fibre Plant Seed Directive.
3. Each seed lot shall be accompanied by an orange or green ISTA certificate, or in the case of any seed lot imported from the United States of America or Canada, a certificate issued by the officially recognised seed testing laboratory under the responsibility of the relevant authorised seed certification authority, giving the information relating to the conditions specified in paragraph 2.
4. Subject to paragraphs 6 and 7, for the purpose of the examination to check whether the conditions in paragraph 1 of this Schedule have been satisfied, samples shall be taken officially in accordance with ISTA rules and their weights shall conform to the weight stipulated under such methods taking into account those specified in-
 - (a) Annex III, columns 3 and 4, to the Fodder Plant Seed Directive;
 - (b) Annex III, columns 3 and 4, to the Cereal Seed Directive; or
 - (c) Annex III, columns 3 and 4, to the Oil and Fibre Plant Seed Directive.
5. Subject to paragraphs 6 and 7, the examination referred to in paragraph 4 shall be carried out officially in accordance with ISTA rules.
6. Notwithstanding paragraphs 4 and 5, seed sampling and seed testing may be carried out in accordance with the "Derogatory experiment in seed sampling and seed analysis" set out in Annex V(A) to the Decision adopted by the OECD Council on 28 September 2000 on the OECD Schemes.

7. Notwithstanding paragraphs 4 and 5, in the case of the United States of America and Canada, sampling, testing and the issue of seed analysis certificates may be carried out by officially recognised seed testing laboratories according to the rules of AOSA.
8. The following official information shall be marked on packages containing the seed-
 - (a) in the case of seed certified by the relevant authorised seed certification authority as of the same standard as Certified Seed or Certified Seed of the First, Second and Third Generations the reference number of the preceding generation and the name of the country where that seed was officially certified;
 - (b) a statement that the seed complies with EC rules and standards (other than those relating to varietal identity and varietal purity) and in particular the words “EC rules and standards”;
 - (c) a statement that the seed has been “sampled and analysed according to ISTA rules for orange or green certificates by” (name or initials of ISTA seed testing station); or, in the case of the United States of America and Canada, a statement that the seed has been “sampled and analysed according to AOSA rules by” (name or initials of the officially recognised seed testing laboratory);
 - (d) the date of official fastening;
 - (e) where seed lots have been re-labelled and re-fastened, a statement that this operation has taken place, the most recent date of re-fastening and the authorities responsible therefore;
 - (f) the country of production;
 - (g) declared net or gross weight or declared number of pure seeds; and
 - (h) where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of pure seed and the total weight.
9. In the case of seed of a variety which has been genetically modified, any label or document, official or otherwise, which is affixed to or accompanies the seed lot, shall clearly indicate that the variety has been genetically modified and provide any other information as may be determined in the authorisation procedure under the Food and Feed Regulation or the 2001 Deliberate Release Directive.
10. The information referred to in sub-paragraphs (a) to (h) of paragraph 8 may be given either on the OECD label or on any other official label, which in addition, shall give the name of the authority and of the country which certified the seed. Any separate suppliers’ or other labels shall be drawn up in such manner as to avoid confusion with such an official label.

11. An official notice shall be placed inside the seed package giving at least the reference number of the seed lot and the names of the species and the variety.
12. The notice referred to in paragraph 11 shall not be necessary if the reference number of the seed lot and the names of the species and the variety are printed indelibly on the seed package or on an adhesive or tear-resistant label.
13. Any chemical treatment of the seed and the active ingredient shall be noted either on the official label or on a separate label as well as on the container or on an official notice inside it.
14. All information required for official labels, for official notices and for packages shall be given in at least one of the official languages of the European Community.
15. In the case of seed certified by the relevant authorised seed certification authority as of the same standard as Pre-Basic and Basic Seed of varieties which are exclusively maintained within the European Community, the seed of the preceding generations shall have been produced within the European Community.
16. In the case of Pre-Basic and Basic Seed of varieties which are not exclusively maintained within the European Community, the seed of the preceding generations shall have been produced under the responsibility of the breeder or other person responsible for the maintenance of the variety who is referred to in-
 - (a) the EC Common Catalogue of Varieties of Agricultural Plant Species published in the Official Journal of the European Communities;
 - (b) the National List of the Member State that has admitted the variety and has notified the European Commission of acceptance of the variety for the purposes of publication in the Common Catalogue of Agricultural Plant Species where that acceptance has not yet been so published; or
 - (c) the National List or equivalent in a country whose checks on practices for the maintenance of varieties has been recognised under Council Decision 2005/834/EC^(a) as being equivalent to those of the European Community.
17. In the case of seed certified by the relevant authorised seed certification authority as of the same standard as Pre-Basic and Basic Seed of hybrid varieties, the seed of the preceding generations shall also have been produced under the responsibility of the breeder or other person responsible for maintenance of the components of the hybrid variety either within the European Community or in an Equivalent Third Country where the variety components are maintained.
18. Seed certified by the relevant authorised seed certification authority as of the same standard as Certified Seed and Certified Seed of the First, Second and Third Generations shall have been produced from seed of previous generations which was officially controlled and certified either-

^(a) O.J. No. L 312, 29.11.2005, P.51.

- (a) in an EEA state; or
 - (b) in an Equivalent Third Country which has been granted equivalence under Council Decision 2003/17/EC for the production of seed of the same standard as Pre-Basic and Basic Seed of the species concerned, provided that it has been produced from seed produced in accordance with the requirements of paragraphs 15, 16 and 17.
19. The official label shall include the following information-
- (a) the authorised seed certification authority and country;
 - (b) the reference number of the seed lot;
 - (c) where packages have been opened and re-fastened a statement to this effect, the date of re-fastening and the authorities responsible for it;
 - (d) the species;
 - (e) the variety;
 - (f) in the case of hybrids-
 - (i) for seed certified by the relevant authorised seed certification authority as of the same standard as Basic Seed, inbred line or hybrid;
 - (ii) for seed certified by the relevant authorised seed certification authority as of the same standard as Certified Seed, type of hybrid and, where the seed from which the seed certified by the relevant authorised seed certification authority as of the same standard as Certified Seed has been produced has not been certified by an EEA State, a statement that the seed from which the seed certified by the relevant authorised seed certification authority as of the same standard as Certified Seed has been produced has been officially examined; and
 - (g) the country of production.
20. The colour of the official label shall be-
- (a) white with a diagonal violet line for seed certified by the relevant authorised seed certification authority as of the same standard as Pre-Basic Seed;
 - (b) white for seed certified by the relevant authorised seed certification authority as of the same standard as Basic Seed;
 - (c) blue for seed certified by the relevant authorised seed certification authority as of the same standard as Certified Seed and Certified Seed of the First Generation; and
 - (d) red for seed certified by the relevant authorised seed certification authority as of the same standard as Certified Seed of the Second or Third Generations.