

**PLANT VARIETIES AND SEEDS ACT 1964<sup>a</sup>**

**THE BEET SEEDS REGULATIONS 1993 (AS AMENDED)**

Council Decision 2003/17/EC<sup>b</sup> 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 5(1)(c) of the Beet Seeds Regulations 1993<sup>c</sup>, and all other powers enabling them to do so, and authorise the marketing of beet seeds to which those Regulations apply that are produced in any country specified in Part I of the Schedule to this general licence, subject to the following conditions:

1. Field inspections carried out by or under the supervision of the authorities listed in Part I of the Schedule hereto against the name of the country in which that crop was harvested shall be deemed to satisfy the conditions laid down in Part I of Schedule 4 to each of the above Regulations in so far as the conditions laid down in Part IIA of the Schedule hereto are satisfied.
2. Where the conditions laid down in Part IIB of the Schedule hereto are satisfied, seed of the categories Basic Seed, Certified Seed of the kinds indicated in Part I of the Schedule harvested in the countries and officially controlled by the respective authorities set out therein shall be deemed to be equivalent to seed of the corresponding categories harvested within a Member State and complying with the above Regulations.
3. Where seed which is authorised to be marketed under this licence is required to be re-labelled and re-fastened an EC Label may only be used if:
  - (a) those seeds have been blended with seeds of the same variety and category produced in a Member State in order to improve the germination capacity and the blend is homogeneous and the label mentions the country of production; or
  - (b) the seeds are beet seeds packaged in a small EC package as such term is used in Council Directive or 2002/54/EC.

Seed may only be marketed under this licence if it is either:-

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<sup>a</sup> 1964 c.14

<sup>b</sup> 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 Oil and Fibre Plant Seed, Cereal Seed and Fodder Plant Seed (General Licence 2007/4).

<sup>c</sup> S.I. 1993/2006, as relevantly amended by S.I. 1997/616 and 1999/1861 and S.S.I. 2000/246.

- (a) of a listed variety which appear on the UK National List or on the European Common Catalogue.
- (b) of a previously listed variety where the variety is on the OECD list for which a marketing extension is in force.

4. In this general licence, unless the context otherwise requires:

- (a) "AOSA" means the Association of Official Seed Analysts;

the "Directive" means Council Directive 2002/54/EC

"EC Label" means a label complying with the requirements of Annexes relating to labelling to whichever of the Directives is relevant to the seeds in question

"Equivalent Third Country" means in relation to the marketing of seed of a particular species a country specified in the first column of the table in Schedule, Part 1 of this General Licences.

"ISTA" means the International Seed Testing Association;

"listed variety" has the same meaning as in the Regulations;

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

"OECD label" means the label provided for under the appropriate scheme of the OECD for the Varietal Certification of Seed moving in International Trade;

"OECD list" means the OECD List of Varieties Eligible for Certification;

"the Regulations" mean the Beet Seeds Regulations 1993; and

- (b) references to the Regulations, to the Directives and to any other Directive, Decision or other Community or OECD legal instrument are to be taken to mean the same as amended, extended or applied.

5. General Licence 2004/3, granted by the Scottish Ministers on 30 April 2004, is revoked.

6. This licence shall have effect from 18 December 2007 to 31 December 2012 (both dates inclusive) unless revoked earlier by the Scottish Ministers.

Dated: 17 December 2007

*R N Waterhouse*

**Dr R N Waterhouse**  
For and on behalf of the Scottish Ministers

**SCHEDULE  
PART I**

<b>Country</b>	<b>Authority</b>
Bulgaria	Executive Agency for variety testing, field inspection and seed control, Sofia
Chile	Servicio Agrícola y Ganadero, Santiago
Croatia	State Institute for Seed and Seedlings, Osijek
New Zealand	Ministry of Agriculture and Fisheries, Wellington
Romania	Ministry of Agriculture, Food and Fisheries, Bucharest
Serbia Montenegro	and Federal Ministry of Economic and Internal Trade, Belgrade.
Turkey	Ministry of Agriculture and Rural Affairs, Ankara
United States of America	USDA, Beltsville, Maryland.

**Seeds to which Licence applies refer to kinds of seeds listed in Schedule 1 of The Beet Seeds Regulations 1993 (S.I. 1993 No. 2006) as amended**

## PART II

### A

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

1. Field inspection shall be carried out in accordance with national rules for the application of the appropriate scheme of the Organisation for Economic Co-operation and Development (OECD) for the Varietal Certification of Seed moving in International Trade as follows:

- sugar beet and fodder beet seed, in the case of *Beta vulgaris* referred to in Directive 2002/54/EC,

2. Seed not finally certified must:

- (a) be packed in officially closed packages, which bear an OECD label for seed which is not finally certified and which shall provide the following additional information:
  - (i) reference number of the seed used to sow the field;
  - (ii) name of the Member State or third country, which certified the seed,
  - (iii) area cultivated;
  - (iv) quantity of seed;
  - (v) the attestation that the conditions that have to be satisfied by the crops from which the seed comes have been fulfilled;
  - (vi) and, 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 for any other information as may be determined in the authorisation procedure required under Community law for the marketing of genetically modified organisms.

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

**PART II**  
**B**

**CONDITIONS RELATING TO SEED PRODUCED IN THIRD COUNTRIES**

1. Seed marketed under this Licence shall be officially certified and its packages officially closed, and marked in accordance with the applicable national rules for the appropriate scheme of the Organisation for Economic Co-operation and Development (OECD) for the Varietal Certification of Seed moving in International Trade as follows, the seed lots shall be accompanied by the certificates required under those OECD schemes:

- sugar beet and fodder beet seed, in the case of *Beta vulgaris* referred to in Directive 2002/54/EC,

Moreover, seed shall satisfy the conditions of the Community rules other than those relating to varietal identity and varietal purity.

2. Seed shall satisfy the applicable conditions other than those relating to varietal identity and varietal purity, set out in Annex I (b) of Council Directive 2002/54/EC (beet seed); and

3. Seed lots shall be accompanied by:

- (i) a certificate relevant to the appropriate OECD scheme; and
- (ii) an orange or green International Seed Testing Association (ISTA) certificate, or, in the case of seed lots 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 authorities listed in Part I of the Schedule to this licence.

4. Subject to paragraphs 6 and 7, for the purpose of the examination to check whether the above conditions 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 for relevant seeds in Annex II, second line, of Council Directive 2002/54/EC; or

5. Subject to paragraphs 6 and 7, the examination referred to in paragraph 4 shall be carried out officially in accordance with the rules established under ISTA rules.

6. By way of derogation from 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 for Varietal Certification of Seed moving in International Trade.

7. As a further derogation from 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 given in respect of package marking:
- (i) in the case of Certified Seed the reference number of the preceding generation and the name of the country where that seed was officially certified;
  - (ii) a statement that the seed complies with EC rules and standards (other than those relating to varietal identity and varietal purity);
  - (iii) a statement that the seed has been “sampled and analysed according to ISTA rules for orange or green certificate 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 initial of the officially recognised seed testing laboratory);
  - (iv) date of official sealing;
  - (v) where seed lots have been “relabelled and reclosed” within the meaning of the OECD Schemes, a statement that this operation took place, the most recent date of resealing and the authorities responsible therefore;
  - (vi) country of production;
  - (vii) declared net or gross weight or declared number of pure seeds or, in the case of beet seeds, of clusters;
  - (viii) 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; and
  - (ix) 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 for any other information as may be determined in the authorisation procedure required under Community law.

9. The information referred to in paragraph 8 may be given either on the OECD label or on another official label, which, in addition, shall give the name of the Authority, and of the country which certified the seed. Any suppliers' labels shall be drawn up in such manner as to avoid confusion with the official label.

10. An official notice placed inside the package shall give at least the reference number of the lot, the species and the variety; in addition, in the case of beet seed it shall be stated, where appropriate, whether the seed is monogerm or precision seed.

11. The notice referred to in paragraph 10 is not necessary if the minimum information is printed indelibly on the package or an adhesive or a tear-resistant label is used.

12. Any chemical treatment of the seed and the active ingredient shall be noted either on the official label or on a special label as well as on the container or inside it.

13. 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.

14. The seed lots shall be accompanied by an orange or green ISTA certificate giving the information relating to the conditions in paragraph 2

15. In the case of Basic seed of varieties, which are exclusively maintained within the Community, the seed of the preceding generations shall have been produced within the Community.

16. In the case of Basic seed of other varieties, the seed of the preceding generations shall have been produced under the responsibility of persons responsible for the maintenance of the variety either within the Community or in a country whose checks on practices for the maintenance of varieties has been recognised under Decision 97/788/EC as being equivalent to those of the Community. The breeder and/or such a representative must be referred to in the EC Common Catalogue of Varieties of Agricultural Plant Species or, for varieties not yet listed there, in the National List of the Member State of admission.

17. Certified seed and Certified seed of the First, Second and Third Generations shall have been produced from Basic seed which was produced and officially controlled and certified, either within the Community or in a third country listed in column 1 of Part I of this Schedule for the production of Basic seed of the species concerned, provided that it has been produced from seed produced in accordance with the requirements of paragraphs 14, 15 and 16 above.

18. The official label shall include the following information:-

- (i) certification Authority and country;
- (ii) reference number of the lot;
- (iii) where packages have been opened and re-sealed a statement to this effect, the date of re-sealing and the Authority responsible for it;
- (iv) species;
- (v) variety;
- (vi) country of production.
  
- (vii) 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 for any other information as may be determined in the authorisation procedure required under Community law.

19. The colour of the label shall be white for basic seed and blue for Certified seed

