

## SCHEDULE 1

### INTERPRETATION

#### PART 5

##### Meaning of expressions relating to imported not finally certified seed

###### **Not finally certified pre-basic seed harvested in another member State**

68.—(1) In these Regulations “not finally certified pre-basic seed harvested in another member State” means pre-basic seed—

- (a) to which sub-paragraph (2) applies;
- (b) that has been harvested from a crop produced in another member State and has been found by a field examination of the crop carried out by or on behalf of the competent seed certification authority in the member State to satisfy the Directive crop conditions for basic seed;
- (c) that has been packed in a sealed package in accordance with the requirements of Article 11(1) of the Oil and Fibre Plant Seed Directive and is labelled with a grey label;
- (d) that has been imported into the United Kingdom as not finally certified seed; and
- (e) that is accompanied by an Annex V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State in which the seed was harvested.

(2) This sub-paragraph applies to pre-basic seed of—

- (a) a listed variety;
- (b) a variety that is unlisted but in respect of which an application for listing that has not been withdrawn or finally determined has been made;
- (c) a previously listed variety for which a marketing extension is in force;
- (d) a component used in the production of a listed hybrid variety;
- (e) a component used in the production of a hybrid variety that is unlisted but in respect of which an application for listing has been made that has not been withdrawn or finally determined; or
- (f) a component used in the production of a previously listed hybrid variety for which a marketing extension is in force.

(3) In this paragraph “grey label” means, in relation to the seed contained in the package on which the label is affixed, a grey coloured label containing the following particulars—

- (a) the authority responsible for the field inspection of the crop and the name of the member State or their commonly used initials;
- (b) the species of the seed, indicated at least in Roman characters under its botanical name, which may be given in abridged form and without the author’s name;
- (c) the variety of the seed, indicated at least in Roman characters in all cases, and, in the case of a component intended to be used solely as a component in the production of a hybrid variety, followed by the word component;
- (d) the category of the seed;
- (e) in the case of a hybrid variety, the word “hybrid”;
- (f) the field or lot reference number of the seed;

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- (g) the declared net or gross weight of the seed; and
- (h) the words “seed not finally certified”.

**Not finally certified basic seed harvested in another member State**

69.—(1) In these Regulations “not finally certified basic seed harvested in another member State” means basic seed—

- (a) to which sub-paragraph (2) applies;
  - (b) that has been harvested from a crop produced in another member State and has been found by a field examination of the crop carried out by or on behalf of the competent seed certification authority in the member State to satisfy the Directive crop conditions for basic seed;
  - (c) that has been packed in a sealed package in accordance with the requirements of Article 11(1) of the Oil and Fibre Plant Seed Directive and is labelled with a grey label;
  - (d) that has been imported into the United Kingdom as not finally certified seed; and
  - (e) that is accompanied by an Annex V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State in which the seed was harvested.
- (2) This sub-paragraph applies to basic seed of—
- (a) a listed variety;
  - (b) a variety that is unlisted but in respect of which an application for listing has been made that has not been withdrawn or finally determined;
  - (c) a previously listed variety for which a marketing extension is in force;
  - (d) a component of a listed hybrid variety;
  - (e) a component of a hybrid variety that is unlisted but in respect of which an application for listing has been made that has not been withdrawn or finally determined; or
  - (f) a component of a previously listed hybrid variety for which a marketing extension is in force.
- (3) In this paragraph “grey label” shall have the same meaning as in paragraph 68(3).

**Not finally certified CS seed harvested in another member State**

70.—(1) In these Regulations “not finally certified CS seed harvested in another member State” means CS seed—

- (a) to which sub-paragraph (2) applies;
- (b) that has been harvested from a crop—
  - (i) that has been produced in another member State directly from officially certified basic seed, and, in the case of a crop from which CS seed of a hybrid variety is to be harvested, includes a crop that has been produced from crossing basic seed officially certified by or on behalf of a competent seed certification authority in a member State with basic seed officially certified by an approved seed certification authority in an equivalent third country; and
  - (ii) that has been found by a field examination of the crop carried out by or on behalf of the competent seed certification authority in the member State, or, in the case of seed that has been harvested from a crop that has been produced from seed that has undergone official post-control the results of which have been satisfactory, by a field

- examination of the crop carried out by a licensed EC crop inspector in that member State, to satisfy the Directive crop conditions for CS seed;
- (c) that has been packed in a sealed package in accordance with the requirements of Article 9(1) of the Oil and Fibre Plant Seed Directive and is labelled with a grey label;
  - (d) that has been imported into the United Kingdom as not finally certified seed; and
  - (e) that is accompanied by an Annex V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State in which the seed was harvested.
- (2) This sub-paragraph applies to CS seed of—
- (a) a listed variety;
  - (b) a variety that is unlisted but in respect of which an application for listing has been made that has not been withdrawn or finally determined; and
  - (c) a previously listed variety for which a marketing extension is in force.
- (3) In this paragraph “grey label” shall have the same meaning as in paragraph 68(3).

**Not finally certified C1 seed harvested in another member State**

71.—(1) In these Regulations “not finally certified C1 seed harvested in another member State” means C1 seed—

- (a) to which sub-paragraph (2) applies;
  - (b) that has been harvested from a crop—
    - (i) that has been produced in another member State directly from officially certified basic seed, and
    - (ii) that has been found by a field examination of the crop carried out by or on behalf of the competent seed certification authority in the member State, or, in the case of seed that has been harvested from a crop that has been produced from seed that has undergone official post-control the results of which have been satisfactory, by a field examination of the crop carried out by a licensed EC crop inspector in that member State, to satisfy the Directive crop conditions for C1 seed;
  - (c) that has been packed in a sealed package in accordance with the requirements of Article 11(1) of the Oil and Fibre Plant Seed Directive and is labelled with a grey label;
  - (d) that has been imported into the United Kingdom as not finally certified seed; and
  - (e) that is accompanied by an Annex V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State in which the seed was harvested.
- (2) This sub-paragraph applies to C1 seed of—
- (a) a listed variety;
  - (b) a variety that is unlisted but in respect of which an application for listing has been made that has not been withdrawn or finally determined; and
  - (c) a previously listed variety for which a marketing extension is in force.
- (3) In this paragraph “grey label” shall have the same meaning as in paragraph 68(3).

**Not finally certified C2 seed harvested in another member State**

72.—(1) In these Regulations “not finally certified C2 seed harvested in another member State” means C2 seed—

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- (a) to which sub-paragraph (2) applies;
  - (b) that has been harvested from a crop—
    - (i) that has been produced in another member State directly from officially certified basic seed or C1 seed, and
    - (ii) that has been found by a field examination of the crop carried out by or on behalf of the competent seed certification authority in the member State, or, in the case of seed that has been harvested from a crop that has been produced from seed that has undergone official post-control the results of which have been satisfactory, by a field examination of the crop carried out by a licensed EC crop inspector in that member State, to satisfy the Directive crop conditions for C2 seed;
  - (c) that has been packed in a sealed package in accordance with the requirements of Article 11(1) of the Oil and Fibre Plant Seed Directive and is labelled with a grey label;
  - (d) that has been imported into the United Kingdom as not finally certified seed; and
  - (e) that is accompanied by an Annex V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State in which the seed was harvested.
- (2) This sub-paragraph applies to C2 seed of—
- (a) a listed variety;
  - (b) a variety that is unlisted but in respect of which an application for listing has been made that has not been withdrawn or finally determined; and
  - (c) a previously listed variety for which a marketing extension is in force.
- (3) In this paragraph “grey label” shall have the same meaning as in paragraph 68(3).

**Not finally certified C3 seed harvested in another member State**

73.—(1) In these Regulations “not finally certified C3 seed harvested in another member State” means C3 seed—

- (a) to which sub-paragraph (2) applies;
  - (b) that has been harvested from a crop—
    - (i) that has been produced in another member State directly from officially certified basic, C1 or C2 seed, and
    - (ii) that has been found by a field examination of the crop carried out by or on behalf of the competent seed certification authority in the member State, or, in the case of seed that has been harvested from a crop that has been produced from seed that has undergone official post-control the results of which have been satisfactory, by a field examination of the crop carried out by a licensed EC crop inspector in that member State, to satisfy the Directive crop conditions for C3 seed;
  - (c) that has been packed in a sealed package in accordance with the requirements of Article 11(1) of the Oil and Fibre Plant Seed Directive and is labelled with a grey label;
  - (d) that has been imported into the United Kingdom as not finally certified seed; and
  - (e) that is accompanied by an Annex V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State in which the seed was harvested.
- (2) This sub-paragraph applies to C3 seed of—
- (a) a listed variety;

- (b) a variety that is unlisted but in respect of which an application for listing has been made that has not been withdrawn or finally determined; and
  - (c) a previously listed variety for which a marketing extension is in force.
- (3) In this paragraph “grey label” shall have the same meaning as in paragraphs 68(3).

**Not finally certified CS seed harvested in an equivalent third country**

74.—(1) In these Regulations “not finally certified CS seed harvested in an equivalent third country” means CS seed—

- (a) to which sub-paragraph (2) applies;
  - (b) that has been harvested from a crop—
    - (i) that has been produced in an equivalent third country directly from officially certified basic seed, and, in the case of a crop from which CS seed of a hybrid variety is to be harvested, includes a crop that has been produced from crossing basic seed officially certified by or on behalf of a competent seed certification authority in a member State with basic seed officially certified by an approved seed certification authority in an equivalent third country, and
    - (ii) that has been found, by a field inspection of the crop carried out by the approved seed certification authority in the equivalent third country in which the crop was produced, or a licensed third country field inspector in that country, in accordance with the conditions specified in Part A of Annex II to the Third Country Equivalence Decision, to satisfy the Directive crop conditions for CS seed;
  - (c) that has been packed in a sealed package and labelled in accordance with the requirements specified in Part A of Annex II to the Third Country Equivalence Decision;
  - (d) that has been imported into the United Kingdom as not finally certified seed; and
  - (e) that is accompanied by an Annex II.A(3) official certificate relating to the seed issued by the approved seed certification authority in the equivalent third country in which the seed was harvested.
- (2) This sub-paragraph applies to CS seed of—
- (a) a listed variety;
  - (b) a variety that is unlisted but in respect of which an application for listing has been made that has not been withdrawn or finally determined; or
  - (c) a previously listed variety that is on the OECD List and for which a marketing extension is in force.

**Not finally certified C1 seed harvested in an equivalent third country**

75.—(1) In these Regulations “not finally certified C1 seed harvested in an equivalent third country” means C1 seed—

- (a) to which sub-paragraph (2) applies;
- (b) that has been harvested from a crop—
  - (i) that has been produced in an equivalent third country directly from officially certified basic seed, and
  - (ii) that has been found, by a field inspection of the crop carried out by the approved seed certification authority in the equivalent third country in which the crop was produced, or a licensed third country field inspector in that country, in accordance

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- with the conditions specified in Part A of Annex II to the Third Country Equivalence Decision, to satisfy the Directive crop conditions for C1 seed;
- (c) that has been packed in a sealed package and labelled in accordance with the requirements specified in Part A of Annex II to the Third Country Equivalence Decision;
  - (d) that has been imported into the United Kingdom as not finally certified seed; and
  - (e) that is accompanied by an Annex II.A(3) official certificate relating to the seed issued by the approved seed certification authority in the equivalent third country in which the seed was harvested.
- (2) This sub-paragraph applies to C1 seed of—
- (a) a listed variety;
  - (b) a variety that is unlisted but in respect of which an application for listing has been made that has not been withdrawn or finally determined; or
  - (c) a previously listed variety that is on the OECD List and for which a marketing extension is in force.

**Not finally certified C2 seed harvested in an equivalent third country**

76.—(1) In these Regulations “not finally certified C2 seed harvested in an equivalent third country” means C2 seed—

- (a) to which sub-paragraph (2) applies;
  - (b) that has been harvested from a crop that—
    - (i) has been produced in an equivalent third country directly from officially certified basic seed or C1 seed; and
    - (ii) has been found, by a field inspection of the crop carried out by the approved seed certification authority in the equivalent third country in which the crop was produced, or a licensed third country field inspector in that country, in accordance with the conditions specified in Part A of Annex II to the Third Country Equivalence Decision, to satisfy the Directive crop conditions for C2 seed;
  - (c) that has been packed in a sealed package and labelled in accordance with the requirements specified in paragraph 2 of Part A of Annex II to the Third Country Equivalence Decision;
  - (d) that has been imported into the United Kingdom as not finally certified seed; and
  - (e) that is accompanied by an Annex II.A(3) official certificate relating to the seed issued by the approved seed certification authority in the equivalent third country in which the seed was harvested.
- (2) This sub-paragraph applies to C2 seed of—
- (a) a listed variety;
  - (b) a variety that is unlisted but in respect of which an application for listing has been made that has not been withdrawn or finally determined; or
  - (c) a previously listed variety that is on the OECD List and for which a marketing extension is in force.