

EXECUTIVE NOTE

THE BEET SEED (SCOTLAND) (NO. 2) REGULATIONS 2010 (S.S.I 2010/148)

1. The above Regulations are being made in exercise of the powers conferred by sections 16(1), (1A), (2), (3), (4) and (5), 17(1), (2), (3) and (4) and 36 of the Plant Varieties and Seeds Act 1964 (c.14). The Regulations are subject to negative resolution procedure.

2. These Regulations revoke and replace the Beet Seed (Scotland) Regulations 2010 (S.S.I 2010/67). S.S.I. 2010/67 consolidates the legislation regulating the certification and marketing of beet seed and implements Council Directive 2002/54/EC (“the Directive”) on the marketing of beet seed, which was amended by Council Directive 2003/61/EC and Council Directive 2004/117/EC. S.S.I. 2010/67 is revoked prior to coming into force. These Regulations have been made in consequence of drafting defects in S.S.I. 2010/67 and replicate S.S.I 2010/67 with the exception of some changes in the drafting to rectify the defects.

Policy Objectives

3. The purposes of these Regulations are to consolidate the Beet Seed Regulations 1993 (S.I. 1993/2006) as amended by the Beet Seeds (Amendment) Regulations 1999 (S.I. 1999/1861) and the Beet Seeds (Amendment) (Scotland) Regulations 2000 (S.S.I. 2000/246) (“the 1993 Regulations”) and to implement certain other European Union obligations. These Regulations follow the drafting format of the Cereal Seed (Scotland) Regulations 2005 (No. 328), the Fodder Plant Seed (Scotland) Regulations 2005 (No. 329) and the Oil & Fibre Plant Seed (Scotland) Regulations 2004 (No. 317), which were designed to provide easier reading for the user.

4. Further drafting improvements for clarity and understanding have been adopted in this consolidation exercise –

- “Seed Categories” have been moved from regulation 3 (interpretation) to Part II of Schedule 1. This will follow a more logical process for identifying what categories apply to which species. This will set the format for the other marketing seeds regulations when they come forward for consolidation.
- Where there was obvious repetition, ie. – regulation 9 (Labelling of packages) and regulation 9A (Labelling of packages - Breeder’s Confirmation), these regulations have been re-drafted to make one new regulation – regulation 19 (Labelling of packages of seed).
- Part I of Schedule 5 (Sampling of Seed Lots) has been removed and inserted into the Sampling Guidance, “Instructions for Seed Sampler Licensed in Scotland, 2010”. This document is issued by the Chief Officer at the Science and Advice for Scottish Agriculture (SASA) to all licensed seed samplers attending the ‘Seed Sampler’s Course’ or sitting/ re-sitting the ‘Seed Sampler’s Examination’ (**Copies of the document accompany this executive note**).

Use of a General Licence

5. Seed of the varieties controlled by these Regulations which are produced in countries which are not a European Economic Area State may only be marketed in Scotland if the Scottish Ministers grant a general licence to that effect. The Scottish Ministers have granted a general licence under the 1993 Regulations allowing importation of beet seed from third countries with seed production control systems that have been recognised by the EC Council of Ministers as equivalent to those in the European Union. That Council recognition is presently given in Council Decision 2003/17/EC 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 Equivalence Decision”) as amended by Council Decision 2003/403/EC, Council Decision 2007/780/EC and Council Regulation (EC) No 885/2004. The Equivalence Decision lists the third countries which have been granted equivalence, the categories of seed that may be imported and the requirements that must be met (e.g. in respect of crop inspection, seed testing and labelling). The Scottish Ministers granted a general licence under the 1993 Regulations allowing importation of beet seed from third countries in implementation of the Decision and this general licence remains in force by virtue of regulation 25(3).

Main changes introduced by these Regulations

6. The beet regulations are one of 5 SSIs, each covering different types of agricultural crops, ensuring that only good quality seed is marketed in Scotland.

7. This new SSI both updates and consolidates existing beet seed marketing regulations and implements new requirements set out in Commission Directive 2008/62 providing for certain derogations for acceptance of agricultural landraces and varieties which are naturally adapted to the local and regional conditions and threatened by genetic erosion and for marketing of seed of those landraces and varieties (“the Conservation Varieties Directive”). The Conservation Varieties Directive requires varieties of seed that are naturally adapted to local regions and threatened by genetic erosion to be included in marketing regulations even where they do not comply with the general requirements for marketing.

8. Whilst consolidating these regulations it was noted that a number of European Directives and Decisions had not been implemented / fully implemented. This has now been rectified and the following are now included in these Regulations -

(a) Comparative Test and Trials

Implementation of Council Directive 2003/61/EC, which provides Scottish Ministers with the power to request additional seed from an applicant. The additional seed is to be used for the purpose of European Comparative test and trials.

(b) Examinations carried out under Official Supervision

The implementation of Council Directive 2004/117/EC permits certain operations to be carried out under licence. This provides for certain measures to be done either officially (i.e. by the Member State) or under licence. For operations (e.g. certain forms of inspection) that may be carried out under licence, a person carrying out the operation must be licensed under the Seeds (Registration, Licensing and Enforcement) Regulations 2006 (S.I. 2006/313). These Regulations add the following operations to those that are presently carried out under licence-

- (i) the seed sampling of certification seed lots;
- (ii) the seed testing of certification seed lots;
- (iii) the crop inspection of crops sown for multiplication purposes, provided there is a control plot, the results of which are satisfactory.

(c) Test and Trials

Although no beet seed is currently grown in Scotland, we require to implement Commission Decision 2004/842, which will allow the marketing of uncertified seed for tests and trials purposes in Scotland should the need arise.

(d) Early Movement of Seed

The Directive prescribes a minimum germination standard for seed certification. It can take 10 days or more to establish germination, which leads to a delay in making seed available to farmers. To overcome this, the Directive allows certain categories of seed to be marketed before the results of germination tests are known. This provision is known as "early movement" and has been established practice in the UK. The Directive, however limits such marketing to the extent that it can only be to the "first buyer by way of trade", a limitation which was not contained in the 1993 Regulations. These Regulations correctly reflect the extent of early movement marketing that is permitted by the Directive.

(e) Control Plots

Sub-samples of a seed lot are taken using the approved sampling methods described in these Regulations. These sub-samples of seed are used to carry out seed testing as required by these Regulations, a portion being grown (in a control plot) to verify compliance with the varietal identity and varietal purity standards of these Regulations. Under current procedures, if a control sample fails to meet an appropriate varietal purity standard and the seed lot that the control plot represents has been entered for crop inspection, SASA personnel organise an official inspection by the Scottish Government Rural Payment and Inspections Directorate's senior crop inspectors, of a number of the crops grown from that seed. Where licensed inspections have previously taken place and the official inspection indicates that there are no problems with the growing crops the licensed inspection is allowed to stand.

However, Article 2(3)(A) of the Directive (introduced by Council Directive

98/96/EC) specifies the conditions under which licensed inspections may take place and only allows for licensed inspections where the crop to be inspected has been grown from seed which has undergone official post control, the results of which have been satisfactory'. This means that where the results of a control plot are not satisfactory, the crop inspection of all crops grown from the entered seed lot must be carried out officially, irrespective of any earlier inspections by licensed crop inspectors. In addition if there is no control plot result available, official crop inspections are required.

Consultation

9. In accordance with section 16(1) of the Plant Varieties and Seeds Act 1964, the Scottish Government have consulted with representatives of such interests as appears to them to be concerned. Beet is not grown as an agricultural crop in Scotland and therefore a full consultation exercise was not required. However, the two main stakeholders, NFUS and AIC (Agricultural Industries Confederation), were contacted directly. Neither stakeholder had any objection to these Regulations.

Financial Effects

10. Should beet be grown as an agricultural crop in Scotland, provisions are in place that would allow fees to be set on the same basis as other agricultural species.

11. There will be no additional costs to citizens, the environment or Government.

12. As no beet seed is currently marketed in Scotland, a Regulatory Impact Assessment has not been prepared.

Rural & Environment Directorate
Agriculture and Rural Development

TRANSPOSITION NOTE

COMMISSION DIRECTIVE 2008/62/EC PROVIDING FOR CERTAIN DEROGATIONS FOR ACCEPTANCE OF AGRICULTURAL LANDRACES AND VARIETIES WHICH ARE NATURALLY ADAPTED TO THE LOCAL AND REGIONAL CONDITIONS AND THREATENED BY GENETIC EROSION AND FOR THE MARKETING OF SEED OF THOSE LANDRACES AND VARIETIES

“These regulations do not go beyond what is necessary to implement the Directive, including making consequential changes to domestic legislation to ensure its coherence in the area to which they apply.”

Directive Article	Objectives	Implementation/Regulation
Articles 1-3	Establish the scope, legal basis and definitions of terms including ‘conservation variety’ for National Listing purposes.	Regulations 2 of the Beet Seed (Scotland) (No 2) Regulations 2010 Regulation 3 of The Seeds (National Lists of Varieties) (Amendments) Regulations 2009
Article 4	Prescribes minimum DUS (Distinctness, Uniformity & Stability) criteria for acceptance as a conservation variety.	Regulations 4 & 8 of The Seeds (National Lists of Varieties) (Amendments) Regulations 2009. In particular, regulation 4 ensures that a variety shall not be accepted as a conservation variety unless it presents an interest for the conservation of plant genetic resources.
Article 5	Provides derogation from the normal official examination requirement providing that certain limited information is available on which to base acceptance.	Regulation 4 of The Seeds (National Lists of Varieties) (Amendments) Regulations 2009 implements this derogation by allowing the National Authorities to rely on information other than official measures in deciding to accept a conservation variety on to a National List.
Article 6	Excludes listed and protected varieties from acceptance as conservation varieties	Regulation 4 of The Seeds (National Lists of Varieties) (Amendments) Regulations 2009
Article 7	Sets parameters for denomination of a conservation variety.	Regulation 5 of The Seeds (National Lists of Varieties) (Amendments) Regulations 2009

Directive Article	Objectives	Implementation/Regulation
Articles 8 & 9	Sets out criteria for identifying regions of origin and requires conservation varieties to be maintained in their region of origin.	Regulations 6 and 7 of the Seeds (National Lists of Varieties) (Amendments) Regulations 2009
Article 10	Provides a derogation from normal certification requirements in respect of varietal purity standards and the need for official examinations.	Regulations 6(2)(c)(ii) and paragraph 2 of Schedule 4 of the Beet Seed (Scotland) Regulations 2010.
Article 11	Restricts seed production to region of origin but allows some latitude where specific environmental problems exist.	Regulation 10 of the Beet Seed (Scotland) (No 2) Regulations 2010. This regulation ensures that where environmental problems exist, the Scottish Ministers are able to approve other regions for seed production in addition to the region of origin.
Article 12	Requires testing of seed by internationally recognised methods - or appropriate methods.	Regulations 13 and 17 ensure that samples are taken from homogeneous seed lots. Schedule 5 also prescribes the seed lot size and size of samples for seed testing. Regulation 6(1)(a) and (b)(i) and Schedule 4, Part III, the seed needs to be certified using recognised / appropriate methods.
Article 13	Confines the marketing of seed of conservation varieties to its region of origin (or similar region within the Member State's own territory) and requires seed to have been produced in its region of origin.	Regulation 10(1), (2) and (3) of the Beet Seed (Scotland) (No 2) Regulations 2010

Directive Article	Objectives	Implementation/Regulation
Articles 14 & 15	Establishes quantitative restrictions for total amount of conservation variety seed marketed at the variety and species levels. Requires prior notification of planned seed production areas.	Regulation 10(7), (8), (9) and (10) of the Beet Seed (Scotland) (No 2) Regulations 2010 implement this by ensuring that the Secretary of State is informed of planned production of seed of a conservation variety. They enable the Secretary of State to specify the maximum amounts of conservation variety seed that may be marketed in a production season and to specify different maxima for different persons or classes of persons.
Article 16	Establishes a monitoring requirement in respect of varieties, location and quantities.	Already covered by existing Seed Regulations
Articles 17 & 18	Also establishes sealing and labelling provisions for conservation variety seed.	Regulations 18 and 19 and paragraph 7 of Schedule 6, Part II of the Beet Seed (Scotland) Regulations 2010
Article 19	Requires random post control to verify varietal identity and purity.	Regulation 10(4) of the Beet Seed (Scotland) (No 2) Regulations 2010
Article 20	Requirement on seed suppliers to report quantities placed on market.	Regulation 10(10) of the Beet Seed (Scotland) (No 2) Regulations 2010.

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Article number	Description	Old regulation n°	New regulation n°	Comments
<p>Article 1 This Directive shall apply to the production with a view to marketing, and to the marketing of beet seed within the Community. It shall not apply to beet seed shown to be intended for export to third countries.</p>	<p>The proposed regulations apply to the following species of beet seeds: Fodder beet and sugar beet Seed intended for export outside the European Community would not be covered</p>			
<p>Article 2 1. For the purpose of this Directive: (a) 'marketing': shall mean the sale, holding with a view to sale, offer for sale and any disposal, supply or transfer aimed at commercial exploitation of seed to third parties, whether or not for consideration. Trade in seed not aimed at commercial exploitation of the variety, such as the following operations, shall not be regarded as marketing: — the supply of seed to official testing and inspection bodies, — the supply of seed to providers of services for processing or packaging, provided the provider of services does not acquire title to seed thus supplied. The supply of seed under certain conditions to providers of services for the production of certain agricultural raw materials, intended for industrial purposes, or seed propagation for that purpose, shall no be regarded as marketing, provided the</p>	<p>Definition of marketing Seed to which the regulations apply</p>	<p>3(5)(a) 3(5)(b) 3(6) 3(6)(a) 3(6)(b)</p>	<p>5(1)(a) & (b) 5(2) 5(2)(a) 5(2)(b) 4</p>	

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Article number	Description	Old regulation n°	New regulation n°	Comments
<p>provider of services does not acquire title to either the seed thus supplied or the product of the harvest. The supplier of seed shall provide the certification authority with a copy of the relevant parts of the contract made with the provider of services and this shall include the standards and conditions currently met by the seed provided. The conditions for the application of this provision shall be determined in accordance with the procedure referred to in Article 28(2).</p> <p>(b) 'beet': means sugar and fodder beet of the species <i>Beta vulgaris</i> L.;</p> <p>(c) 'basic seed': means seed</p> <p>(i) which has been produced under the responsibility of the breeder according to well-defined practices for the maintenance of the variety;</p> <p>(ii) which is intended for the production of seed of the category 'certified seed';</p> <p>(iii) which, subject to the provisions of Article 5, satisfies the conditions laid down in Annex I for basic seed; and (iv) which has been found by official examination or, in the case of the conditions laid down in Annex IB, either by official examination or examination carried out under official supervision to satisfy the conditions set out in (i), (ii) and (iii);</p> <p>(d) 'certified seed': means seed</p>	<p>Species of beet to which the regulations apply</p> <p>Categories of seed that can be marketed – Basic seed</p> <p>Categories of seed that can be marketed – Certified seed</p>	<p>Schedule 1</p> <p>3(3) 'basic seed'</p> <p>3(3)(a)</p> <p>3(3)(b)</p> <p>3(3)(c)</p> <p>3(3) 'certified seed'</p>	<p>4(4)</p> <p>Schedule 1 Part I</p> <p>Schedule 1 Part II</p> <p>Para 3</p> <p>Para 3 (b)</p> <p>Para 3 (c)</p> <p>Schedule 1 Part II</p> <p>Para 4</p>	

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Article number	Description	Old regulation n°	New regulation n°	Comments
<p>(i) which is of direct descent from basic seed;</p> <p>(ii) which is intended for the production of beet;</p> <p>(iii) which, subject to the provisions of point (b) of Article 5, satisfies the conditions laid down in Annex I for certified seed; and (iv) which has been found by official examination or by examination carried out under official supervision to satisfy the conditions set out in (i), (ii) and (iii).</p> <p>(e) 'monogerm seed': means genetically monogerm seed;</p> <p>(f) 'precision seed': means seed designed for use in precision drills which, as required under Annex I, part B(3)(b)(bb) and (cc), gives single seedlings;</p> <p>(g) 'official measures': means measures taken</p> <p>(i) by State authorities; or</p> <p>(ii) by any legal person whether governed by public or by private law, acting under the responsibility of the State; or</p> <p>(iii) in the case of ancillary activities which are also under State control, by any natural person duly sworn for that purpose; provided that the persons mentioned under (ii) and (iii) derive no</p>	<p>Definitions</p>	<p>3(3)(a) 3(3)(b) 3(3)(c)</p> <p>3(3) 'monogerm seed'</p> <p>3(3) 'precision seed'</p> <p>The Seed (Regulation, Licensing & Enforcement) (Scotland) Regulations 2006 No 313 (RLEs)</p>	<p>2 'monogerm seed'</p> <p>2 'precision seed'</p> <p>The Seed (Regulation, Licensing & Enforcement) (Scotland) Regulations 2006 No 313 (RLEs)</p>	

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<p>private gain from such measures.</p> <p>(h) 'small EC packages': means packages containing the following certified seeds:</p> <p>(i) monogerm or precision seed: not exceeding 100 000 clusters or grains or a net weight of 2,5 kg excluding, where appropriate, granulated pesticides, pelleting substances or other solid additives;</p> <p>(ii) seed other than monogerm or precision seed: not exceeding a net weight of 10 kg, excluding, where appropriate, granulated pesticides, pelleting substances or other solid additives.</p> <p>2. The different types of varieties, including the components, eligible for certification under the provisions of this Directive, may be specified and defined in accordance with the procedure laid down in Article 28 (2).</p> <p>3. When the examinations under official supervision referred to in paragraph (1)(c)(iv) and (1)(d)(iv) is carried out, the following requirements shall be complied with:</p> <p>A. Field inspection</p> <p>(a) The inspectors shall:</p> <p>(i) have the necessary technical qualifications;</p> <p>(ii) derive no private gain in connection with the carrying out of the inspections;</p>		<p>3 'small EC package' (a) (b)</p>	<p>2 'small EC package' (a) (b)</p> <p>The Seed (Regulation, Licensing & Enforcement) (Scotland) Regulations 2006 (RLEs)</p>	

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<p>(iii) have been officially licensed by the seed certification authority of the Member State concerned and this licensing shall include either the swearing-in of inspectors or the signature by inspectors of a written statement of commitment to the rules governing official examinations;</p> <p>(iv) carry out inspections under official supervision in accordance with the rules applicable to official inspections.</p> <p>(b) The seed crop to be inspected shall be grown from seed which has undergone official post-control, the results of which have been satisfactory.</p> <p>(c) A proportion of the seed crops shall be checked by official inspectors. That proportion shall be at least 5 %.</p> <p>(d) A proportion of samples from the seed lots harvested from the seed crops shall be drawn for official post control and, where appropriate, for official laboratory seed testing in respect of varietal identity and purity.</p> <p>(e) The Member States shall lay down the rules on penalties applicable to infringements of the national provisions governing examination under official supervision, adopted pursuant to this Directive. The penalties provided for must be effective, proportionate and dissuasive. Penalties may include the withdrawal of the licence provided for in (a)(iii), from officially licensed inspectors who are found guilty of deliberately or</p>		RLE's	RLE's	

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<p>negligently contravening the rules governing official examinations. The Member States shall ensure that any certification of the seed examined is annulled in the event of such contravention unless it can be shown that such seed still meets all relevant requirements.</p> <p>B. Seed testing</p> <p>(a) Seed testing shall be carried out by seed-testing laboratories which have been authorised for that purpose by the seed certification authority of the Member State concerned under the conditions set out in (b) to (d).</p> <p>(b) The seed-testing laboratory shall have a seed analyst-in-charge who has direct responsibility for the technical operations of the laboratory and has the necessary qualifications for technical management of a seed-testing laboratory. Its seed analysts shall have the necessary technical qualifications obtained in training courses organised under conditions applicable to official seed analysts and confirmed by official examinations. The laboratory shall be maintained in premises and with equipment officially considered by the seed certification authority to be satisfactory for the purpose of seed testing, within the scope of the authorisation. It shall carry out seed testing in accordance with current international methods.</p> <p>(c) The seed-testing laboratory shall be:</p> <p>(i) an independent laboratory;</p>		RLE's	RLE's	

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<p>or</p> <p>(ii) a laboratory belonging to a seed company. In the case referred to in (ii), the laboratory may carry out seed testing only on seed lots produced on behalf of the seed company to which it belongs, unless it has been otherwise agreed between that seed-company, the applicant for certification and the seed certification authority.</p> <p>(d) The seed-testing laboratory's performance of seed testing shall be subject to appropriate supervision by the seed certification authority.</p> <p>(e) For the purposes of the supervision referred to in (d) a proportion of the seed lots entered for the official certification shall be check-tested by official seed testing. That proportion shall in principle be as evenly spread as possible over natural and legal persons entering seed for certification, and the species entered but may also be oriented to eliminate specific doubts. That proportion shall be at least 5 %.</p> <p>(f) The Member States shall lay down the rules on penalties applicable to infringements of the national provisions governing examination under official supervision, adopted pursuant to this Directive. The penalties provided for must be effective, proportionate and dissuasive. Penalties may include the withdrawal of the authorisation provided for in (a), from officially authorised seed-testing laboratories who are found guilty of deliberately or negligently contravening the rules</p>		<p>RLE's</p>	<p>RLE's</p>	

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Article number	Description	Old regulation n ^o	New regulation n ^o	Comments
<p>governing official examinations. The Member States shall ensure that any certification of the seed examined is annulled in the event of such contravention unless it can be shown that such seed still meets all relevant requirements.</p> <p>4. Further measures applicable to the carrying out of examinations under official supervision may be adopted in accordance with the procedure referred to in Article 28(2).</p>		RLE's	RLE's	
<p>Article 3</p> <p>1. Member States shall provide that beet seed may not be placed on the market unless it has been officially certified as 'basic seed' or 'certified seed'.</p> <p>2. Member States shall ensure that the official examinations of seed are carried out in accordance with current international methods, in so far as such methods exist.</p>	<p>The regulations will provide that seed cannot be marketed unless it meets these requirements and has been officially certified.</p>	5(1)	6(1)(i) Schedule 4 Part III Para 10	
<p>Article 4</p> <p>Notwithstanding Article 3(1), Member States shall provide that</p> <ul style="list-style-type: none"> — bred seed of generations prior to basic seed, and — seed as grown, marketed for processing, provided that the identity of the seed is ensured, may be placed on the market. 	<p>This is seed which has been grown to be officially certified and is to be marketed for further processing, ensuring that the identity of the seed is ensured.</p>	5(12) 5(1A)	Schedule 1 Part I & II 6(2)	

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<p><i>Article 5</i></p> <p>Member States may, by way of derogation from the provisions of Article 3,</p> <p>(a) authorise the official certification and marketing of basic seed which does not satisfy the conditions laid down in Annex I in respect of germination; to this end all necessary measures shall be taken to ensure that the supplier guarantees a specific germination which he shall state for marketing purposes on a special label bearing his name and address and the reference number of the seed lot;</p> <p>(b) in order to make seed rapidly available, notwithstanding the fact that the official examination to check compliance with the conditions laid down in Annex I in respect of germination has not been concluded, authorise the official certification and the marketing as far as the first buyer by way of trade of seed of the categories 'basic seed' or 'certified seed'. Certification shall be granted only on presentation of a provisional analytical report on the seed and provided that the name and address of the first recipient are indicated; all necessary measures shall be taken to ensure that the supplier guarantees the germination ascertained at the provisional analysis; this germination shall be stated for marketing purposes on a special label bearing the name and address of the supplier and the reference number of the lot.</p> <p>These provisions shall not apply to seed imported from third countries, save as otherwise provided in</p>	<p>Pre basic or basic seed which does not meet the prescribed germination for the species may nevertheless be officially certified. The regulations will require anyone marketing officially certified pre basic or basic seed at below the prescribed minimum germination level for the species to state the actual germination (declared germination) on a supplier's label, together with the supplier's name and address and the seed lot reference number</p> <p>Seed testing for analytical purity and other seed content can normally be done very quickly, but a germination test takes several days to complete. The regulations will provide for official certification of early moved seed on the basis of a seed test report from an LSTS or OSTs showing standards for analytical purity and other seed content are met and a provisional germination result obtained by the supplier.</p> <p>In each case, information will be required on a special label attached to the outside of the seed package:</p> <p>The proposed requirement for a special label is a change to current regulations, which require the information to be included in an invoice or other document sent in advance of, or accompanying, the seed.</p> <p>The above does not apply to seed imported from a</p>	<p>5(5)</p> <p>5(9)</p> <p>5(6)</p> <p>5(9)</p>	<p>11</p> <p>Schedule 6 Part II Para 8</p> <p>12</p> <p>Schedule 6 Part II Para 9</p> <p>12(4)</p>	

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<p>Article 22 in respect of multiplication outside the Community.</p> <p>Member States making use of the derogation provided for in either subparagraph (a) or (b) shall assist each other administratively as regards control.</p>	<p>country out with the EC.</p>	<p>Admin procedure</p>	<p>Admin procedure</p>	
<p><i>Article 6</i></p> <p>1. Notwithstanding Article 3(1), Member States may authorise producers in their own territory to place on the market:</p> <p>(a) small quantities of seed for scientific purposes or selection work;</p> <p>(b) appropriate quantities of seed for other test or trial purposes, provided it belongs to varieties for which an application for entry in the catalogue has been submitted in the Member State in question.</p> <p>In the case of genetically modified material, such authorisation may be granted only if all appropriate measures have been taken to avoid adverse effects on human health and the environment. For the environmental risk assessment to be carried out in this respect, the provisions of Article 7(4) of Directive 2002/53/EC shall apply accordingly.</p> <p>2. The purposes for which the authorisations referred to in paragraph</p>	<p>The directive provides for Member States to authorise producers in their territory to market small quantities of uncertified seed of unlisted or listed cereal seed varieties for scientific purposes or selection work.</p> <p>The regulations would allow SG to specify the amounts of seed that might be marketed under an authorisation. They would also allow SG to impose other conditions, such as record keeping requirements, in respect of the seed marketed. SG could also charge fees to cover reasonable costs of issuing authorisations.</p> <p>The regulations would preclude SG from granting an authorisation to market seed of a genetically modified plant variety under these arrangements, unless an authorisation to market has been granted under Part C of Directive 90/220/EC on the deliberate release of genetically modified organisms into the environment.</p>	<p>5(2B)</p>	<p>8</p> <p>9</p> <p>8(4)(b)</p> <p>9(4)(b)</p>	<p>Previously under implementation of Commission Decision 2004/842/EC</p>

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<p>1(b) may be given, the provisions relating to the marking of packages, and the quantities and the conditions under which Member States may grant such authorisation shall be determined in accordance with the procedure referred to in Article 28(2).</p> <p>3. Authorisations granted before 14 December 1998 by Member States to producers in their own territory for the purposes set out in paragraph 1 shall remain in force pending determination of the provisions referred to in paragraph 2. Thereafter, all such authorisations shall respect the provisions established in accordance with paragraph 2.</p> <p><i>Article 7</i></p>			<p>9(10)(b)</p> <p>Historical</p>	<p>Previous under implementation of Commission Decision 2004/842/EC</p>
<p>Member States may, as regards the conditions laid down in Annex I, impose additional or more stringent requirements for the certification of seed produced in their own territory.</p> <p><i>Article 8</i></p>	<p>Higher voluntary standards</p>	<p>N/A</p>	<p>N/A</p>	
<p>The Member States shall provide that the description of the genealogical components which may be required is, if the breeder so requests, treated as confidential.</p> <p><i>Article 9</i></p>		<p>Admin procedure</p>	<p>Admin procedure</p>	
<p>1. Member States shall require that, for the checking of varieties, and for the examination of seed for certification, samples are drawn officially or under official supervision in accordance with appropriate methods. However seed sampling with a view to controls pursuant to</p>	<p>Sampling</p>	<p>7</p> <p>Schedule 5</p>	<p>17</p> <p>Schedule 5</p>	

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Article number	Description	Old regulation n°	New regulation n°	Comments
<p>Article 25 shall be carried out officially.</p> <p>1a. When the seed sampling under official supervision provided for in paragraph 1 is carried out, the following requirements shall be compiled with:</p> <p>(a) seed sampling shall be carried out by seed samplers who have been authorised for that purpose by the seed certification authority of the Member State concerned under the conditions set out in (b), (c), and (d);</p> <p>(b) seed samplers shall have the necessary technical qualifications obtained in training courses organised under conditions applicable to official seed samplers and confirmed by official examinations.</p> <p>They shall carry out seed sampling in accordance with current international methods;</p> <p>(c) seed samplers shall be:</p> <p>(i) independent natural persons;</p> <p>(ii) persons employed by natural or legal persons whose activities do not involve seed production, seed growing, seed processing or seed trade;</p> <p>or</p> <p>(iii) persons employed by natural or legal persons whose activities involve seed production, seed growing, seed processing or seed trade.</p> <p>In the case referred to in (iii), a seed sampler may</p>		<p>The Seed (Regulation, Licensing & Enforcement) (Scotland) Regulations 2006 (RLEs)</p> <p>The Seed (Regulation, Licensing & Enforcement) (Scotland) Regulations 2006 (RLEs)</p>	<p>The Seed (Regulation, Licensing & Enforcement) (Scotland) Regulations 2006 (RLEs)</p> <p>17</p> <p>The Seed (Regulation, Licensing & Enforcement) (Scotland) Regulations 2006 (RLEs)</p>	

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<p>carry out seed sampling only on seed lots produced on behalf of his employer, unless it has been otherwise agreed between his employer, the applicant for certification and the seed certification authority;</p> <p>(d) the performance of the seed samplers shall be subject to proper supervision by the seed certification authority. When automatic sampling is in operation appropriate procedures must be adhered to and officially supervised;</p> <p>(e) for the purposes of the supervision referred to in (d) a proportion of the seed lots entered for official certification shall be check-sampled by official seed samplers. That proportion shall in principle be as evenly spread as possible over natural and legal persons entering seed for certification but may also be oriented to eliminate specific doubts. That proportion shall be at least 5 %. This check sampling does not apply to automatic sampling.</p> <p>The Member States shall compare the seed samples drawn officially with those of the same seed lot drawn under official supervision;</p> <p>(f) the Member States shall lay down the rules on penalties applicable to infringements of the national provisions governing examination under official supervision, adopted pursuant to this Directive. The penalties provided for must be effective, proportionate and dissuasive. Penalties may include the withdrawal of the authorisation provided for in (a), from officially authorised seed samplers who are found guilty of deliberately or</p>		<p>The Seed (Regulation, Licensing & Enforcement) (Scotland) Regulations 2006 (RLEs</p>	<p>The Seed (Regulation, Licensing & Enforcement) (Scotland) Regulations 2006 (RLEs</p>	

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<p>negligently contravening the rules governing official examinations. The Member States shall ensure that any certification of the seed sampled is annulled in the event of such contravention unless it can be shown that such seed still meets all relevant requirements.</p> <p>1b. Further measures applicable to the carrying out of seed sampling under official supervision may be adopted in accordance with the procedure laid down in Article 28(2).</p> <p>2. For the examination of seed for certification, samples shall be drawn from homogeneous lots; the maximum weight of a lot and the minimum weight of a sample are given in Annex II.</p>	<p>Sampling</p>	<p>Schedule 5 Part II</p>	<p>17(1) (c) Schedule 5</p>	
<p>Article 10</p> <p>1. Member States require that basic seed and certified seed be marketed only in sufficiently homogeneous lots and in sealed packages bearing, as prescribed in Articles 11, 12 or 13, whichever is appropriate, a sealing system and markings.</p> <p>2. Member States may, for the marketing of small quantities to the final consumer, provide for derogations from the provisions of paragraph 1 in respect of packaging, sealing and marking.</p>	<p>Requirements for homogeneity</p> <p>Marketing of unpacketed seed</p>	<p>3 See definition of 'seedlot'</p>	<p>13, 18 & 19 14</p>	
<p>Article 11</p> <p>1. Member States shall require that packages of basic seed and certified seed, except where seed of the latter category takes the form of small EC packages, be sealed officially or under official</p>	<p>Sealing of packages of seed</p>	<p>8</p>	<p>18</p>	

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<p>supervision in such a manner that they cannot be opened without damaging the sealing system or leaving evidence of tampering on either the official label provided for in Article 12 or the package.</p> <p>In order to ensure sealing, the sealing system shall comprise at least either the official label or the affixing of an official seal.</p> <p>The measures provided for in the second subparagraph shall not be necessary where a non-reusable sealing system is used.</p> <p>In accordance with the procedure referred to in Article 28(2), it may be established whether a particular sealing system fulfils the provisions of this paragraph.</p> <p>2. Member States shall require that, except in the case of small EC packages, packages shall not be resealed on one or more occasions unless this is done officially or under official supervision. If packages are resealed, the fact of resealing, the date of resealing and the authority responsible therefore shall be stated on the label required under Article 12.</p> <p>3. Member States shall require that small EC packages be sealed in such a manner that they cannot be opened without damaging the sealing system or leaving evidence of tampering on the label or package. In accordance with the procedure referred to in Article 28(2), it may be established whether a particular sealing system complies with the provisions of this paragraph. Packages shall not</p>			18(2)(a)(ii)	
		8(2)	18(2)(a)	
	Re-sealing	8(4)	19(11)	
	Sealing	8(3) & (4)	18(5)	

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<p>be resealed on one or more occasions except under official supervision.</p> <p><i>Article 12</i></p>				
<p>Member States shall require that packages of basic seed and certified seed, except where seed of the latter category takes the form of small EC packages:</p> <p>(a) be labelled on the outside with an official label which has not previously been used, which satisfies the conditions laid down in Annex III, part A, and on which the information is given in one of the official languages of the Community. The colour of the label shall be white for basic seed and blue for certified seed. When a label with a string-hole is used, its attachment shall be ensured in all cases with an official seal. If, in cases under point (a) of Article 5, the basic seed does not satisfy the conditions laid down in Annex I in respect of germination, this fact shall be stated on the label. The use of official adhesive labels shall be authorised. In accordance with the procedure referred to in Article 28(2) the indelible printing under official supervision of the prescribed information on the package according to the label's model may be authorised;</p>	<p>Labelling requirements</p>	<p>9(1A)</p>	<p>19(2)</p> <p>Schedule 6 Part II Para 5</p> <p>19(8)</p> <p>19(15)</p> <p>Schedule 6 Part VI Para 14</p>	
<p>(b) contain an official document, in the same colour as the label, giving at least the information required under Annex III, part A(I)(3), (5), (6), (11) and (12). This document shall be drawn up in such a manner that it cannot be confused with the official label referred to under (a). This document is not necessary if the information is</p>	<p>Inner label</p>	<p>9(1A)</p>	<p>19(12)</p> <p>Schedule 6 Part II Para10</p>	

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Article number	Description	Old regulation n°	New regulation n°	Comments
<p>printed indelibly on the package or if, in accordance with the provisions under (a), an adhesive label or a label of non-tear material is used.</p> <p>Article 13</p>				
<p>1. Member States shall require that small EC packages:</p> <p>(a) bear on the outside, in accordance with Annex III, part B, a supplier's label, a printed notice or stamp in one of the official languages of the Community; in the case of transparent packages this label may be placed inside, provided it can be read through the package; the label shall be white in colour for basic seed and blue in colour for certified seed.</p> <p>(b) bear on the outside or on the supplier's label provided for in point (a) an officially assigned serial number; should an official adhesive label be used, the label shall be white in colour for basic seed and blue in colour for certified seed; the methods of attaching the said serial number may be fixed in accordance with the procedure referred to in Article 28(2).</p> <p>2. Member States may require that an official adhesive label containing all or part of the information laid down in Annex III, part B, be used for marking small EC packages packed in their territory; insofar as the information is given on such label, the marking provided for in point (a) of paragraph 1 shall not be required.</p> <p>Article 14</p>	<p>Labeling of packages of small EC packages</p>	<p>9(7)</p> <p>9(6)</p> <p>Schedule 6 Part I</p>	<p>19(10)</p> <p>Schedule 6 Part III Para 11</p>	
			<p>RLE's</p>	

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Article number	Description	Old regulation n°	New regulation n°	Comments
<p>Member States may provide that, on request, small EC packages of certified seed are sealed and marked officially or under official supervision pursuant to Article 11(1) and Article 12.</p> <p><i>Article 15</i></p>				
<p>Member States shall take all measures necessary to ensure that, in the case of small packages of seed, the identity of the seed can be checked in particular at the time when seed lots are divided up. To this end, they may require that small packages divided up in their territory be sealed officially or under official supervision.</p> <p><i>Article 16</i></p>			RLE's	
<p>1. In accordance with the procedure referred to in Article 28(2), it may be provided that, in cases other than those already provided for in this Directive, packages of basic or certified seed of any kind shall bear a supplier's label (which may either be a label separate from the official label or take the form of suppliers' information printed on the package itself). The particulars to be provided on any such label shall also be established in accordance with the procedure referred to in Article 28(2).</p> <p>2. The label referred to in paragraph 1 shall be drawn up in such a manner that it cannot be confused with the official label referred to in Article 12.</p> <p><i>Article 17</i></p>	Suppliers label		19(12)	
<p>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</p>	Labelling requirements for GMOs	5(1)d	19(5)	

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Article number	Description	Old regulation n°	New regulation n°	Comments
<p>seed lot, under the provisions of this Directive, shall clearly indicate that the variety has been genetically modified.</p> <p><i>Article 18</i></p>		9(1B)		
<p>Member States shall require that any chemical treatment of basic seed or certified seed be noted either on the official label or on the supplier's label and on the package or inside it.</p> <p><i>Article 19</i></p>	<p>Labelling of seed which has been chemically treated</p>	9(9)	19(12)	
<p>For the purpose of seeking improved alternatives to certain provisions set out in this Directive, it may be decided to organise temporary experiments under specified conditions at Community level in accordance with the provisions referred to in Article 28(2). In the framework of such experiments, Member States may be released from certain obligations laid down in this Directive. The extent of that release shall be defined with reference to the provisions to which it applies. The duration of an experiment shall not exceed seven years.</p> <p><i>Article 20</i></p>				<p>Community Action as and when required.</p>
<p>Member States shall ensure that seed which is placed on the market under the provisions of this Directive, whether mandatory or discretionary, is not subject to any marketing restrictions as regards its characteristics, examination requirements, marking and sealing other than those laid down in this or any other Directive.</p> <p><i>Article 21</i></p>				<p>Is this a legal matter?</p>
<p>The conditions under which bred seed of</p>		3 Definition of		

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Article number	Description	Old regulation n°	New regulation n°	Comments
<p>generations prior to basic seed may be placed on the market under the first indent of Article 4 shall be as follows:</p> <p>(a) it must have been officially inspected by the competent certification authority in accordance with the provisions applicable to the certification of basic seed;</p> <p>(b) it must be packed in accordance with this Directive, and (c) the packages must bear an official label giving at least the following particulars:</p> <ul style="list-style-type: none"> — certification authority and Member State or their distinguishing abbreviation, — lot reference number, — month and year of sealing, or — month and year of the last official sampling for the purposes of certification, — species, indicated at least in roman characters, under its botanical name, which may be given in abridged form and without the authors' names, or under its common name, or both; indication whether sugar beet or fodder beet, — variety, indicated at least in roman characters, — the description 'pre-basic seed', — number of generations preceding seed of the category 'certified seed'. <p>The label shall be white with a diagonal violet line.</p> <p><i>Article 22</i></p> <p>1. Member States shall provide that beet seed</p>		<p>Pre-basic</p> <p>Schedule 4, Part I</p> <p>Schedule 6 Part I</p>	<p>Pre-Basic</p> <p>Schedule 1 Part II</p> <p>Schedule 6 Part II Para 4</p>	

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Article number	Description	Old regulation n°	New regulation n°	Comments
<p>— which has been produced directly from basic seed officially certified in one or more Member States or in a third country which has been granted equivalence under Article 23(1)(b), and</p> <p>— which has been harvested in another Member State, shall, on request and without prejudice to the provisions of Directive 2002/53/EC, be officially certified as certified seed in any Member State if that seed has undergone field inspection satisfying the conditions laid down in Annex I, part A, for the relevant category and if official examination has shown that the conditions laid down in Annex I, part B, for the same category are satisfied. Where in such cases the seed has been produced directly from officially certified seed of generations prior to basic seed, Member States may also authorise official certification as basic seed, of the conditions laid down for that category are satisfied.</p> <p>2. Beet seed which has been harvested in the Community and which is intended for certification in accordance with paragraph 1 shall:</p> <p>— be packed and labelled with an official label satisfying the conditions laid down in Annex IV(A) and (B), in accordance with Article 11(1), and</p> <p>— be accompanied by an official document satisfying the conditions laid down in Annex IV(C).</p> <p>The provisions in the first subparagraph on packing and labelling may be waived if the authorities responsible for field inspection, those drawing up the documents for the certification of seeds which have not been definitively certified and</p>			<p>Schedule 1 Part II Para 4</p> <p>19(2)(b)</p> <p>Schedule Part II</p> <p>7(1)(b)</p>	<p>Under implemented</p>

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Article number	Description	Old regulation n°	New regulation n°	Comments
<p>those responsible for certification are the same, or if they agree on exemption.</p> <p>3. The Member States shall also provide that beet seed harvested in a third country shall, on request, be officially certified if:</p> <p>(a) it has been produced directly from basic seed officially certified in one or more Member States or in a third country which has been granted equivalence under Article 23(1)(b);</p> <p>(b) it has undergone field inspection satisfying the conditions laid down in an equivalence decision made under Article 23(1)(a) for the relevant category;</p> <p>(c) official examination has shown that the conditions laid down in Annex I, part B for the same category are satisfied.</p> <p><i>Article 23</i></p> <p>1. The Council, acting by a qualified majority on a proposal from the Commission, shall determine whether:</p> <p>(a) in the case provided for in Article 22, the field inspections in the third country satisfy the conditions laid down in Annex I, part A;</p> <p>(b) beet seed harvested in a third country and affording the same assurances as regards its characteristics and the arrangements for its examination, for ensuring its identity, for marking and for control is equivalent in these respects to</p>			<p>7</p> <p>Schedule 2 Part 1</p>	
			<p>7(1)(c)</p>	<p>Previously under implemented</p>

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Article number	Description	Old regulation n ^o	New regulation n ^o	Comments
<p>seed harvested within the Community and complying with the provisions of this Directive.</p> <p>2. Paragraph 1 shall also apply in respect of any new Member State from the date of its accession to the date on which it is to bring into force the laws, regulations or administrative provisions necessary to comply with this Directive.</p> <p><i>Article 24</i></p>			Admin	
<p>1. In order to remove any temporary difficulties in the general supply of basic or certified seed that occur in the Community and cannot be otherwise overcome, it may be decided in accordance with the procedure referred to in Article 28(2) that Member States shall permit, for a specified period, the marketing throughout the Community in quantities necessary to resolve the supply difficulties of seed of a category subject to less stringent requirements, or of seed of a variety</p> <p>not included in the 'Common Catalogue of Varieties of Agricultural Plant Species' or in the national catalogues of varieties of the Member States.</p>	<p>General Licence.</p>	<p>5(3)</p> <p>5(3)d</p>	7(1)(d)	
<p>2. For a category of seed of any given variety, the official label shall be that provided for the corresponding category; for seed of varieties not included in the abovementioned catalogues the colour of the official label shall be brown. The label shall always state that the seed in question is of a category satisfying less stringent requirements.</p> <p>3. Rules for the application of paragraph 1 may be adopted in accordance with the procedure referred</p>			<p>Schedule 7(1) (c)</p> <p>Admin</p>	

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Article number	Description	Old regulation n°	New regulation n°	Comments
to in Article 28(2).				
<i>Article 25</i> 1. Member States shall ensure that official inspections are carried out in relation to the marketing of beet seed, at least by random checks, to verify compliance with the requirements and conditions of this Directive. 2. Without prejudice to the free movement of seed within the Community, Member States shall take all necessary measures to ensure that they are supplied with the following particulars during the marketing of quantities exceeding two kilograms of seed imported from third countries: (a) species; (b) variety; (c) category; (d) country of production and official inspection authority; (e) country of dispatch; (f) importer; (g) quantity of seed. The manner in which these particulars are to be presented may be determined in accordance with the procedure referred to in Article 28 (2).	RLE 5(8)B	RLE's 6(5) Schedule 6 Part V		
<i>Article 26</i> 1. Community comparative tests and trials shall be carried out within the Community for the post-control of samples of beet seed placed on the market under the provisions of this Directive, whether mandatory or discretionary, and taken	Comparative trials	20		Previously under implemented

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Article number	Description	Old regulation n°	New regulation n°	Comments
<p>during sampling. The comparative tests and trials may include the following:</p> <ul style="list-style-type: none"> — seed harvested in third countries, — seed suitable for organic farming, — seed marketed in relation to the conservation <i>in situ</i> and the sustainable use of plant genetic resources. <p>2. These comparative tests and trials shall be used to harmonise the technical methods of certification and to check satisfaction of the conditions with which the seed must comply.</p> <p>3. The Commission, acting in accordance with the procedure referred to in Article 28(2), shall make the necessary arrangements for the comparative tests and trials to be carried out. The Commission shall inform the Committee referred to in Article 28(1) about the technical arrangements for holding the tests and trials and the results thereof.</p> <p>4. The Community may make a financial contribution to the performance of the tests and trials foreseen in paragraphs 1 and 2.</p> <p>The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.</p> <p>5. The tests and trials which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 28(2).</p>		<p>Admin</p> <p>Admin</p> <p>Admin</p>		<p>Under implementation</p>

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Article number	Description	Old regulation n°	New regulation n°	Comments
<p>6. The tests and trials foreseen in paragraphs 1 and 2 may be performed only by State authorities or legal persons acting under the responsibility of the State.</p>		20		
<p><i>Article 27</i> Amendments to be made to the content of the annexes in the light of the development of scientific or technical knowledge shall be adopted according to the procedure referred to in Article 28(2).</p>		Admin		
<p><i>Article 28</i></p> <p>1. The Commission shall be assisted by the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry set up by Article 1 of Council Decision 66/399/EEC (1).</p> <p>2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.</p> <p>The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.</p> <p>3. The committee shall adopt its rules of procedure.</p>		Admin		
<p><i>Article 29</i></p> <p>This Directive shall be without prejudice to the provisions of national laws justified on grounds of the protection of health and life of humans, animals or plants or the protection of industrial and commercial property.</p>				

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Article number	Description	Old regulation n°	New regulation n°	Comments
<p><i>Article 30</i></p> <p>1. Specific conditions may be established in accordance with the procedure referred to in Article 28(2) to take account of developments in the areas of:</p> <p>(a) conditions under which chemically treated seed may be marketed;</p> <p>(b) conditions under which seed may be marketed in relation to the conservation <i>in situ</i> and the sustainable use of plant genetic resources, including seed mixtures of species which also include species listed in Article 1 of Directive 2002/53/EC, and are associated with specific natural and semi-natural habitats and are threatened by genetic erosion;</p> <p>(c) conditions under which seed suitable for organic production may be marketed.</p> <p>2. The specific conditions referred to in paragraph 1, point (b) shall include in particular the following points:</p> <p>(a) the seed of these species shall be of a known provenance approved by the appropriate authority in each Member State for marketing the seed in defined areas;</p> <p>(b) appropriate quantitative restrictions.</p> <p><i>Article 30A</i></p> <p>In accordance with the procedure laid down in Article 28(2), a Member State may, if it so requests,</p>				

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Article number	Description	Old regulation n°	New regulation n°	Comments
<p>be wholly or partially released from the obligation to apply the provisions of this Directive, with the exception of Article 20, in so far as the growing of beets and the marketing of beet seed are of minimal economic importance in its territory.</p> <p><i>Article 31</i></p>				
<p>Member States shall submit to the Commission the text of the main provisions of domestic law they adopt in the field covered by this Directive. The Commission shall inform the other Member States thereof.</p> <p><i>Article 32</i></p>				
<p>No later than 1 February 2004, the Commission shall submit a detailed evaluation of the simplification of the certification procedures introduced by Article 1 of Directive 98/96/EC. This evaluation shall focus in particular on the possible effects on the quantity of the seed.</p> <p><i>Article 33</i></p>				
<p>1. Directive 66/400/EEC as amended by Directives listed in Annex V, part A, is hereby repealed without prejudice to the obligations of the Member States concerning the deadlines for transposition, of the said Directives set out in Annex V, part B.</p> <p>2. References to the Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex VI.</p> <p><i>Article 34</i></p>				

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Article number	Description	Old regulation n°	New regulation n°	Comments
<p>This Directive shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Communities</i>. Article 35</p>				
<p>This Directive is addressed to the Member States.</p>				