

SCHEDULE 1

Regulations 2(6), 26(17) and Schedule 10

INTERPRETATION

**PART I**

Meaning of pre-basic seed and similar expressions

**Pre-basic seed**

1.—(1) In these Regulations, other than in relation to a component that is used in the production of a listed hybrid variety, “pre-basic seed” means seed of a generation prior to basic seed—

- (a) that has been produced by or under the responsibility of the breeder according to accepted practices for the maintenance of the variety, and
- (b) that is intended to be used for the production of more pre-basic seed, basic seed, or with the breeder’s written authority—
  - (i) in the case of rye or maize, CS seed;
  - (ii) except in the case of rye or maize, C1 seed; or
  - (iii) except in the case of rye or maize, C2 seed.

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

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

**UK officially certified pre-basic seed of a listed variety**

2.—(1) In these Regulations “UK officially certified pre-basic seed of a listed variety” means seed to which paragraph (2), (3) or (4) applies.

(2) This paragraph applies to—

- (a) seed of a listed variety officially certified as pre-basic seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, and
- (b) seed of a previously listed variety officially certified as pre-basic seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development and for which a marketing extension is in force.

(3) This paragraph applies to—

- (a) pre-basic seed of a listed variety—
  - (i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found by an official UK field inspection (whenever carried out) to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which basic seed is to be produced;
  - (ii) that satisfies the conditions laid down in Parts II and IV of Schedule 4 for basic seed or satisfies all of those conditions except for the germination condition; and

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- (iii) for which a seed test report has been issued stating that it has been found by an official UK seed test or by a UK seed test carried out under official supervision (in either case whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for basic seed or that it has been found by such a test to satisfy all of those conditions except for the germination condition;
  - (b) pre-basic seed of a previously listed variety that complies with the requirements of paragraph (a)(i) to (iii) and for which a marketing extension is in force;
  - (c) pre-basic seed of a listed variety—
    - (i) that has been imported into the United Kingdom as not finally certified pre-basic seed harvested in another member State, and
    - (ii) that complies with the requirements of paragraph (a)(ii) and (iii);
  - (d) pre-basic seed of a previously listed variety—
    - (i) that has been imported into the United Kingdom as not finally certified pre-basic seed harvested in another member State;
    - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
    - (iii) for which a marketing extension is in force; and
  - (e) pre-basic seed that—
    - (i) has been imported into the United Kingdom as not finally certified pre-basic seed harvested in another member State;
    - (ii) complies with the requirements of paragraph (a)(ii) and (iii); and
    - (iii) is of a variety that was unlisted at the time when the seed was imported into the United Kingdom but has since been listed,  
other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development that has not been finally determined.
- (4) Seed of a listed variety, or seed of a previously listed variety for which a marketing extension is in force, in respect of which a successful application has been made to the National Assembly under regulation 13 to re-grade it as pre-basic seed.

**EC officially certified pre-basic seed of a listed variety**

3. In these Regulations “EC officially certified pre-basic seed of a listed variety” means—
- (a) pre-basic seed of a listed variety officially certified as pre-basic seed by or on behalf of the competent seed certification authority in another member State, and
  - (b) pre-basic seed of a previously listed variety officially certified as pre-basic seed by or on behalf of the competent seed certification authority in another member State and for which a marketing extension is in force.

**Overseas tested officially certified pre-basic seed of a listed variety**

4. In these Regulations “overseas tested officially certified pre-basic seed of a listed variety” means pre-basic seed—
- (a) that has been harvested from a crop produced in a member State (including the United Kingdom) for which a field inspection report was issued by or on behalf of the competent seed certification authority in the member State stating that the crop has been found to satisfy the relevant Directive crop conditions for basic seed;
  - (b) for which a seed test report has been issued—

- (i) by or on behalf of the competent seed certification authority in the member State, or in a member State, other than the United Kingdom, into which the seed was subsequently imported, or
  - (ii) by a licensed EC seed testing station in either of the member States referred to in paragraph (i),
- stating that the seed has been found to satisfy the relevant Directive seed conditions for basic seed;
- (c) that has been imported into the United Kingdom as pre-basic seed of a variety that was unlisted at the time when the seed was imported but has since been listed; and
  - (d) that is accompanied by—
    - (i) an Annex V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State referred to in paragraph (a), and
    - (ii) the seed test report referred to in paragraph (b).

#### **UK officially certified early movement pre-basic seed of a listed variety**

**5.—(1)** In these Regulations “UK officially certified early movement pre-basic seed of a listed variety” means seed to which paragraph (2), (3) or (4) applies.

- (2) This paragraph applies to—
  - (a) seed of a listed variety officially certified as early movement pre-basic seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, and
  - (b) seed of a previously listed variety officially certified as early movement pre-basic seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development and for which a marketing extension is in force.
- (3) This paragraph applies to—
  - (a) pre-basic seed of a listed variety—
    - (i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found by an official UK field inspection (whenever carried out) to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which basic seed is to be produced;
    - (ii) that, subject to sub-paragraph (iii), satisfies the conditions laid down in Parts II and IV of Schedule 4 for basic seed;
    - (iii) for which the results of a Schedule 4 germination test are awaited but for which a provisional analytical report has been obtained indicating what the percentage of germination of the seed is likely to be; and
    - (iv) for which a seed test report has been issued stating that it has been found, subject to the results of the awaited Schedule 4 germination test, by an official UK seed test or by a UK seed test carried out under official supervision (in either case whenever carried out), to satisfy the conditions laid down in Part II of Schedule 4 for basic seed;
  - (b) pre-basic seed of a previously listed variety that complies with the requirements of paragraph (a)(i) to (iv) and for which a marketing extension is in force;
  - (c) pre-basic seed of a listed variety—
    - (i) that has been imported into the United Kingdom as not finally certified pre-basic seed harvested in another member State, and

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- (ii) that complies with the requirements of paragraph (a)(ii) to (iv); and
- (d) pre-basic seed of a previously listed variety—
  - (i) that has been imported into the United Kingdom as not finally certified pre-basic seed harvested in another member State;
  - (ii) that complies with the requirements of paragraph (a)(ii) to (iv); and
  - (iii) for which a marketing extension is in force,other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development that has not been finally determined.
- (4) Seed of a listed variety, or seed of a previously listed variety for which a marketing extension is in force, in respect of which a successful application has been made to the National Assembly under regulation 13 to re-grade it as early movement pre-basic seed.

**EC officially certified early movement pre-basic seed of a listed variety**

6. In these Regulations “EC officially certified early movement pre-basic seed of a listed variety” means—

- (a) pre-basic seed of a listed variety officially certified as early movement pre-basic seed by or on behalf of the competent seed certification authority in another member State, and
- (b) pre-basic seed of a previously listed variety officially certified as early movement pre-basic seed by or on behalf of the competent seed certification authority in another member State and for which a marketing extension is in force.

**UK officially certified pre-basic seed of a component used in the production of a listed hybrid variety**

7.—(1) In these Regulations “UK officially certified pre-basic seed of a component used in the production of a listed hybrid variety” means seed to which paragraph (2), (3) or (4) applies.

- (2) This paragraph applies to—
  - (a) seed of a component used in the production of a listed hybrid variety officially certified as pre-basic seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, and
  - (b) seed of a component used in the production of a previously listed hybrid variety officially certified as pre-basic seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development and for which a marketing extension is in force in respect of seed of the hybrid variety.
- (3) This paragraph applies to—
  - (a) pre-basic seed of a component used in the production of a listed hybrid variety—
    - (i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found by an official UK field inspection (whenever carried out) to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which basic seed is to be produced;
    - (ii) that satisfies the conditions laid down in Parts II and IV of Schedule 4 for basic seed or satisfies all of those conditions except for the germination condition; and
    - (iii) for which a seed test report has been issued stating that it has been found by an official UK seed test or by a UK seed test carried out under official supervision (in

- either case whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for basic seed or that it has been found by such a test to satisfy all of those conditions except for the germination condition;
- (b) pre-basic seed of a component used in the production of a previously listed hybrid variety that complies with the requirements of paragraph (a)(i) to (iii) and for which a marketing extension is in force in respect of seed of the hybrid variety;
  - (c) pre-basic seed of a component used in the production of a listed hybrid variety—
    - (i) that has been imported into the United Kingdom as not finally certified pre-basic seed harvested in another member State, and
    - (ii) that complies with the requirements of sub-paragraph (a)(ii) and (iii);
  - (d) pre-basic seed of a component used in the production of a previously listed hybrid variety—
    - (i) that has been imported into the United Kingdom as not finally certified pre-basic seed harvested in another member State;
    - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
    - (iii) for which a marketing extension is in force in respect of seed of the hybrid variety;
  - (e) pre-basic seed—
    - (i) that has been imported into the United Kingdom as not finally certified pre-basic seed harvested in another member State;
    - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
    - (iii) that is a component used in the production of a listed hybrid variety that was unlisted at the time when the seed was imported into the United Kingdom but has since been listed,

other than seed to which paragraph (2) applies and seed of a component used in the production of a listed hybrid variety for which an application for official certification has been made to the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development that has not been finally determined.

(4) Seed of a component used in the production of a listed hybrid variety, or seed of a component used in the production of a previously listed hybrid variety for which a marketing extension is in force, in respect of which a successful application has been made to the National Assembly under regulation 13 to re-grade it as pre-basic seed.

**EC officially certified pre-basic seed of a component used in the production of a listed hybrid variety**

**8.** In these Regulations “EC officially certified pre-basic seed of a component used in the production of a listed hybrid variety” means—

- (a) pre-basic seed of a component used in the production of a listed hybrid variety officially certified as pre-basic seed by or on behalf of the competent seed certification authority in another member State, and
- (b) pre-basic seed of a component used in the production of a previously listed hybrid variety officially certified as pre-basic seed by or on behalf of the competent seed certification authority in another member State and for which a marketing extension is in force in respect of seed of the hybrid variety.

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**Overseas tested officially certified pre-basic seed of a component used in the production of a listed hybrid variety**

9. In these Regulations “overseas tested officially certified pre-basic seed of a component used in the production of a listed hybrid variety” means pre-basic seed of a component used in the production of a listed hybrid variety—

- (a) that has been harvested from a crop produced in a member State (including the United Kingdom) for which a field inspection report was issued by or on behalf of the competent seed certification authority in the member State stating that the crop has been found to satisfy the relevant Directive crop conditions for basic seed;
- (b) for which a seed test report has been issued—
  - (i) by or on behalf of the competent seed certification authority in the member State, or in a member State, other than the United Kingdom, into which the seed was subsequently imported, or
  - (ii) by a licensed EC seed testing station in either of the member States referred to in paragraph (i),stating that the seed has been found to satisfy the relevant Directive seed conditions for basic seed;
- (c) that has been imported into the United Kingdom as a component used in the production of a listed hybrid variety that was unlisted at the time when the seed was imported but has since been listed, and
- (d) that is accompanied by—
  - (i) an Annex V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State referred to in paragraph (a), and
  - (ii) the seed test report referred to in paragraph (b).

**UK officially certified early movement pre-basic seed of a component used in the production of a listed hybrid variety**

10.—(1) In these Regulations “UK officially certified early movement pre-basic seed of a component used in the production of a listed hybrid variety” means seed of which paragraph (2), (3) or (4) applies.

- (2) This paragraph applies to—
  - (a) seed of a component used in the production of a listed hybrid variety officially certified as early movement pre-basic seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, and
  - (b) seed of a component used in the production of a previously listed hybrid variety officially certified as early movement pre-basic seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development and for which a marketing extension is in force in respect of seed of the hybrid variety.
- (3) This paragraph applies to—
  - (a) pre-basic seed of a component used in the production of a listed hybrid variety—
    - (i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found by an official UK field inspection (whenever carried out) to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which basic seed is to be produced;

- (ii) that, subject to paragraph (iii), satisfies the conditions laid down in Parts II and IV of Schedule 4 for basic seed;
  - (iii) for which the results of a Schedule 4 germination test are awaited but for which a provisional analytical report has been obtained indicating what the percentage of germination of the seed is likely to be; and
  - (iv) for which a seed test report has been issued stating that it has been found, subject to the results of the awaited Schedule 4 germination test, by an official UK seed test or by a UK seed test carried out under official supervision (in either case whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for basic seed;
- (b) pre-basic seed of a component used in the production of a previously listed hybrid variety that complies with the requirements of paragraph (a)(i) to (iv) and for which a marketing extension is in force in respect of seed of the hybrid variety;
- (c) pre-basic seed of a component used in the production of a listed hybrid variety—
- (i) that has been imported into the United Kingdom as not finally certified pre-basic seed harvested in another member State, and
  - (ii) complies with the requirements of sub-paragraph (a)(ii) to (iv); and
- (d) pre-basic seed of a component used in the production of a previously listed hybrid variety—
- (i) that has been imported into the United Kingdom as not finally certified pre-basic seed harvested in another member State;
  - (ii) that complies with the requirements of paragraph (a)(ii) to (iv); and
  - (iii) for which a marketing extension is in force in respect of seed of the hybrid variety, other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development that has not been finally determined.
- (4) Seed of a component used in the production of a listed hybrid variety, or seed of a component used in the production of a previously listed hybrid variety for which a marketing extension is in force, in respect of which a successful application has been made to the National Assembly under regulation 13 to re-grade it as early movement pre-basic seed.

**EC officially certified early movement pre-basic seed of a component used in the production of a listed hybrid variety**

**11.** In these Regulations “EC officially certified early movement pre-basic seed of a component used in the production of a listed hybrid variety” means—

- (a) pre-basic seed of a component used in the production of a listed hybrid variety officially certified as early movement pre-basic seed by or on behalf of the competent seed certification authority in another member State, and
- (b) pre-basic seed of a component used in the production of a previously listed hybrid variety officially certified as early movement pre-basic seed by or on behalf of the competent seed certification authority in another member State and for which a marketing extension is in force in respect of seed of the hybrid variety.

**Officially certified pre-basic seed**

**12.** In these Regulations “officially certified pre-basic seed” means—

- (a) UK officially certified pre-basic seed of a listed variety;

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- (b) EC officially certified pre-basic seed of a listed variety;
- (c) overseas tested officially certified pre-basic seed of a listed variety;
- (d) UK officially certified early movement pre-basic seed of a listed variety;
- (e) EC officially certified early movement pre-basic seed of a listed variety;
- (f) UK officially certified pre-basic seed of a component used in the production of a listed hybrid variety;
- (g) EC officially certified pre-basic seed of a component used in the production of a listed hybrid variety;
- (h) overseas tested officially certified pre-basic seed of a component used in the production of a listed hybrid variety;
- (i) UK officially certified early movement pre-basic seed of a component used in the production of a listed hybrid variety; and
- (j) EC officially certified early movement pre-basic seed of a component used in the production of a listed hybrid variety.

## **PART II**

### Meaning of basic seed and similar expressions

#### **Basic seed**

**13.**—(1) In these Regulations, in relation to barley, durum wheat, oats, rye, self pollinating triticale, spelt wheat, and wheat, other than a hybrid in each case, “basic seed” means seed—

- (a) that has been produced by or under the responsibility of the breeder according to accepted practices for the maintenance of the variety, and
- (b) that is intended to be used for the production of—
  - (i) in the case of rye, CS seed;
  - (ii) except in the case of rye, C1 seed; or
  - (iii) except in the case of rye, C2 seed.

(2) In these Regulations, in relation to an open-pollinated variety of maize, “basic seed” means seed—

- (a) that has been produced by or under the responsibility of the breeder according to accepted practices for the maintenance of the variety, and
- (b) that is intended to be used—
  - (i) for the production of CS seed of the same variety, or
  - (ii) as a component in the production of CS seed of a top cross or intervarietal hybrid variety.

(3) In these Regulations, in relation to a component of a hybrid variety of barley, durum wheat, oats, rye, self pollinating triticale, spelt wheat or wheat, or an inbred line of maize, “basic seed” means seed that is intended to be used for the production of CS seed of a hybrid variety.

(4) In these Regulations, in relation to a simple hybrid that is a component of a hybrid variety of maize, “basic seed” means seed that is intended to be used for the production of CS seed of a double, triple-cross or top cross hybrid variety.



### **UK officially certified basic seed of a listed variety**

14.—(1) In these Regulations “UK officially certified basic seed of a listed variety” means seed to which paragraph (2), (3) or (4) applies.

- (2) This paragraph applies to—
- (a) seed of a listed variety officially certified as basic seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, and
  - (b) seed of a previously listed variety officially certified as basic seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development and for which a marketing extension is in force.
- (3) This paragraph applies to—
- (a) basic seed of a listed variety—
    - (i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found by an official UK field inspection (whenever carried out) to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which basic seed is to be produced;
    - (ii) that satisfies the conditions laid down in Parts II and IV of Schedule 4 for basic seed or satisfies all of those conditions except for the germination condition; and
    - (iii) for which a seed test report has been issued stating that it has been found by an official UK seed test or by a UK seed test carried out under official supervision (in either case whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for basic seed or that it has been found by such a test to satisfy all of those conditions except for the germination condition;
  - (b) basic seed of a previously listed variety that complies with the requirements of paragraph (a)(i) to (iii) and for which a marketing extension is in force;
  - (c) basic seed of a listed variety—
    - (i) that has been imported into the United Kingdom as not finally certified basic seed harvested in another member State, and
    - (ii) that complies with the requirements of paragraph (a)(ii) and (iii);
  - (d) basic seed of a previously listed variety—
    - (i) that has been imported into the United Kingdom as not finally certified basic seed harvested in another member State;
    - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
    - (iii) for which a marketing extension is in force; and
  - (e) basic seed—
    - (i) that has been imported into the United Kingdom as not finally certified basic seed harvested in another member State;
    - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
    - (iii) is of a variety that was unlisted at the time when the seed was imported into the United Kingdom but has since been listed,other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development that has not been finally determined.

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(4) Seed of a listed variety, or seed of a previously listed variety for which a marketing extension is in force, in respect of which a successful application has been made to the National Assembly under regulation 13 to re-grade it as basic seed.

**EC officially certified basic seed of a listed variety**

15. In these Regulations “EC officially certified basic seed of a listed variety” means—
- (a) basic seed of a listed variety officially certified as basic seed by or on behalf of the competent seed certification authority in another member State, and
  - (b) basic seed of a previously listed variety officially certified as basic seed by or on behalf of the competent seed certification authority in another member State and for which a marketing extension is in force.

**Third country officially certified basic seed of a listed variety**

16.—(1) In these Regulations “third country officially certified basic seed of a listed variety” means seed of an approved species to which sub-paragraph (2) or (3) applies.

- (2) This sub-paragraph applies to basic seed of a listed variety—
- (a) that was harvested from a crop that was produced—
    - (i) in an equivalent third country;
    - (ii) from a preceding generation of seed that was produced in accordance with the provisions specified in paragraph 5 of Part B of Annex II to the Third Country Equivalence Decision;
  - (b) that has been officially certified as basic seed by the approved seed certification authority in that country in accordance with—
    - (i) in the case of seed other than maize, the OECD Cereal Seed Scheme;
    - (ii) in the case of maize, the OECD Maize and Sorghum Seed Scheme; and
    - (iii) in both cases, the conditions specified in paragraphs 1 and 2 of Part B of Annex II to the Third Country Equivalence Decision;
  - (c) that has been packed in packages that have been officially closed and marked in accordance with—
    - (i) in the case of seed other than maize, the OECD Cereal Seed Scheme;
    - (ii) in the case of maize, the OECD Maize and Sorghum Seed Scheme; andand, as regards the packaging, in accordance with the relevant conditions specified in paragraph 3 of Part B of Annex II to the Third Country Equivalence Decision; and
  - (d) that has been imported into the United Kingdom and was accompanied by—
    - (i) an OECD Certificate issued by the approved seed certification authority in respect of the seed lot from which the seed was taken approving the seed in that lot as basic seed; and
    - (ii) subject to paragraph (iii), an Orange or Green International Seed Lot Certificate issued under the Rules of ISTA showing that it has been found to satisfy the relevant Directive seed conditions for basic seed other than those relating to varietal identity and varietal purity; or
    - (iii) in a case where the seed has been certified in Canada or the United States of America, a Lot Inspection Certificate issued by the Official Seed Testing Laboratory under the authority of the State Seed Testing Agency showing that it has been found to satisfy those conditions instead of a certificate of the type referred to in paragraph (ii).

- (3) This sub-paragraph applies to basic seed—
  - (a) of a previously listed variety that is on the OECD List and for which a marketing extension is in force, and
  - (b) that complies with the requirements of sub-paragraph (2)(a) to (d).

**Overseas tested officially certified basic seed of a listed variety**

17.—(1) In these Regulations “overseas tested officially certified basic seed of a listed variety” means basic seed to which sub-paragraph (2) or (3) applies.

- (2) This sub-paragraph applies to basic seed—
  - (a) that has been harvested from a crop produced in a member State (including the United Kingdom) for which a field inspection report was issued by or on behalf of the competent seed certification authority in the member State stating that the crop has been found to satisfy the relevant Directive crop conditions for basic seed;
  - (b) for which a seed test report has been issued—
    - (i) by or on behalf of the competent seed certification authority in the member State, or in a member State, other than the United Kingdom, into which the seed was subsequently imported, or
    - (ii) by a licensed EC seed testing station in either of the member States referred to in paragraph (i),stating that the seed has been found to satisfy the relevant Directive seed conditions for basic seed;
  - (c) that has been imported into the United Kingdom as basic seed of a variety that was unlisted at the time when the seed was imported but has since been listed; and
  - (d) that is accompanied by—
    - (i) an Annex V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State referred to in paragraph (a), and
    - (ii) the seed test report referred to in paragraph (b).
- (3) This sub-paragraph applies to basic seed of an approved species—
  - (a) that complies with the requirements of paragraph 16(2)(a) to (d), and
  - (b) that was imported into the United Kingdom as basic seed of a variety that was unlisted at the time when the seed was imported but has since been listed.

**UK officially certified early movement basic seed of a listed variety**

18.—(1) In these Regulations “UK officially certified early movement basic seed of a listed variety” means seed to which paragraph (2), (3) or (4) applies.

- (2) This paragraph applies to—
  - (a) seed of a listed variety officially certified as early movement basic seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, and
  - (b) seed of a previously listed variety officially certified as early movement basic seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development and for which a marketing extension is in force.
- (3) This paragraph applies to—
  - (a) basic seed of a listed variety—

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- (i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found by an official UK field inspection (whenever carried out) to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which basic seed is to be produced;
  - (ii) that, subject to sub-paragraph (iii), satisfies the conditions laid down in Parts II and IV of Schedule 4 for basic seed;
  - (iii) for which the results of a Schedule 4 germination test are awaited but for which a provisional analytical report has been obtained indicating what the percentage of germination of the seed is likely to be; and
  - (iv) for which a seed test report has been issued stating that it has been found, subject to the results of the awaited Schedule 4 germination test, by an official UK seed test or by a UK seed test carried out under official supervision (in either case whenever carried out), to satisfy the conditions laid down in Part II of Schedule 4 for basic seed;
- (b) basic seed of a previously listed variety that complies with the requirements of paragraph (a)(i) to (iv) and for which a marketing extension is in force;
- (c) basic seed of a listed variety—
- (i) that has been imported into the United Kingdom as not finally certified basic seed harvested in another member State, and
  - (ii) that complies with the requirements of paragraph (a)(ii) to (iv); and
- (d) basic seed of a previously listed variety—
- (i) that has been imported into the United Kingdom as not finally certified basic seed harvested in another member State;
  - (ii) that complies with the requirements of paragraph (a)(ii) to (iv); and
  - (iii) for which a marketing extension is in force,
- other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development that has not been finally determined.
- (4) Seed of a listed hybrid variety, or seed of a previously listed variety for which a marketing extension is in force, in respect of which a successful application has been made to the National Assembly under regulation 13 to re-grade it as early movement basic seed.

**EC officially certified early movement basic seed of a listed variety**

**19.** In these Regulations “EC officially certified early movement basic seed of a listed variety” means—

- (a) basic seed of a listed variety officially certified as early movement basic seed by or on behalf of the competent seed certification authority in another member State, and
- (b) basic seed of a previously listed variety officially certified as early movement basic seed by or on behalf of the competent seed certification authority in another member State and for which a marketing extension is in force.

**UK officially certified basic seed of a component of a listed hybrid variety**

**20.—(1)** In these Regulations “UK officially certified basic seed of a component of a listed hybrid variety” means seed to which paragraph (2), (3) or (4) applies.

- (2) This paragraph applies to—

- (a) seed of a component of a listed hybrid variety officially certified as basic seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, and
  - (b) seed of a component of a previously listed hybrid variety officially certified as basic seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development and for which a marketing extension is in force in respect of seed of the hybrid variety.
- (3) This paragraph applies to—
- (a) basic seed of a component of a listed hybrid variety—
    - (i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found by an official UK field inspection (whenever carried out) to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which basic seed is to be produced;
    - (ii) that satisfies the conditions laid down in Parts II and IV of Schedule 4 for basic seed or satisfies all of those conditions except for the germination condition; and
    - (iii) for which a seed test report has been issued stating that it has been found by an official UK seed test or by a UK seed test carried out under official supervision (in either case whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for basic seed or that it has been found by such a test to satisfy all of those conditions except for the germination condition;
  - (b) basic seed of a component of a previously listed hybrid variety that complies with the requirements of paragraph (a)(i) to (iii) and for which a marketing extension is in force in respect of seed of the hybrid variety;
  - (c) basic seed of a component of a listed hybrid variety—
    - (i) that has been imported into the United Kingdom as not finally certified basic seed harvested in another member State, and
    - (ii) that complies with the requirements of sub-paragraph (a)(ii) and (iii);
  - (d) basic seed of a component of a previously listed hybrid variety—
    - (i) that has been imported into the United Kingdom as not finally certified basic seed harvested in another member State;
    - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
    - (iii) for which a marketing extension is in force in respect of seed of the hybrid variety;
  - (e) basic seed—
    - (i) that has been imported into the United Kingdom as not finally certified basic seed harvested in another member State;
    - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
    - (iii) that is a component of a hybrid variety that was unlisted at the time when the seed was imported into the United Kingdom but has since been listed,

other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development that has not been finally determined.
- (4) Seed of a component of a listed hybrid variety, or seed of a component of a previously listed hybrid variety for which a marketing extension is in force, in respect of which a successful application has been made to the National Assembly under regulation 13 to re-grade it as basic seed.

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### **EC officially certified basic seed of a component of a listed hybrid variety**

**21.** In these Regulations “EC officially certified basic seed of a component of a listed hybrid variety” means—

- (a) basic seed of a component of a listed hybrid variety officially certified as basic seed by or on behalf of the competent seed certification authority in another member State, and
- (b) basic seed of a component of a previously listed hybrid variety officially certified as basic seed by or on behalf of the competent seed certification authority in another member State and for which a marketing extension is in force in respect of seed of the hybrid variety.

### **Third country officially certified basic seed of a component of a listed hybrid variety**

**22.**—(1) In these Regulations “third country officially certified basic seed of a component of a listed hybrid variety” means basic seed of an approved species to which sub-paragraph (2) or (3) applies.

- (2) This sub-paragraph applies to basic seed of a component of a listed hybrid variety—
  - (a) that was harvested from a crop that was produced—
    - (i) in an equivalent third country,
    - (ii) from a preceding generation of seed that was produced in accordance with the provisions specified in paragraph 5 of Part B of Annex II to the Third Country Equivalence Decision; and
  - (b) that has been officially certified as basic seed by the approved seed certification authority in that country in accordance with—
    - (i) in the case of seed other than maize, the OECD Cereal Seed Scheme;
    - (ii) in the case of maize, the OECD Maize and Sorghum Seed Scheme; and
    - (iii) in both cases, the conditions specified in paragraphs 1 and 2 of Part B of Annex II to the Third Country Equivalence Decision;
  - (c) that has been packed in packages that have been officially closed and marked in accordance with—
    - (i) in the case of seed other than maize, the OECD Cereal Seed Scheme;
    - (ii) in the case of maize, the OECD Maize and Sorghum Seed Scheme; and
 and, as regards the packaging, in accordance with the relevant conditions specified in paragraph 3 of Part B of Annex II to the Third Country Equivalence Decision; and
  - (d) that has been imported into the United Kingdom and was accompanied by—
    - (i) an OECD Certificate issued by the approved seed certification authority in respect of the seed lot from which the seed was taken approving the seed in that lot as basic seed; and
    - (ii) subject to paragraph (iii), an Orange or Green International Seed Lot Certificate issued under the Rules of ISTA showing that it has been found to satisfy the relevant Directive seed conditions for basic seed other than those relating to varietal identity and varietal purity; or
    - (iii) in a case where the seed has been certified in Canada or the United States of America, a Lot Inspection Certificate issued by the Official Seed Testing Laboratory under the authority of the State Seed Testing Agency showing that it has been found to satisfy those conditions instead of a certificate of the type referred to in paragraph (ii).
- (3) This sub-paragraph applies to basic seed of a component—

- (a) of a previously listed hybrid variety that is on the OECD List and for which a marketing extension is in force, and
- (b) that complies with the requirements of sub-paragraph (2)(a) to (d).

**Overseas tested officially certified basic seed of a component of a listed hybrid variety**

**23.**—(1) In these Regulations “overseas tested officially certified basic seed of a component of a listed hybrid variety” means basic seed to which sub-paragraph (2) or (3) applies.

- (2) This sub-paragraph applies to basic seed of a component of a listed hybrid variety—
  - (a) that has been harvested from a crop produced in a member State (including the United Kingdom) for which a field inspection report was issued by or on behalf of the competent seed certification authority in the member State stating that the crop has been found to satisfy the relevant Directive crop conditions for basic seed;
  - (b) for which a seed test report has been issued—
    - (i) by or on behalf of the competent seed certification authority in the member State, or in a member State, other than the United Kingdom, into which the seed was subsequently imported, or
    - (ii) by a licensed EC seed testing station in either of the member States referred to in paragraph (i),  
stating that the seed has been found to satisfy the relevant Directive seed conditions for basic seed;
  - (c) that has been imported into the United Kingdom as a component of a hybrid variety that was unlisted at the time when the seed was imported into the United Kingdom but has since been listed, and
  - (d) that is accompanied by—
    - (i) an Annex V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State referred to in paragraph (a), and
    - (ii) the seed test report referred to in paragraph (b).
- (3) This sub-paragraph applies to basic seed of a component of a listed hybrid variety—
  - (a) that complies with the requirements of paragraph 22(2)(a) to (d), and
  - (b) that was imported into the United Kingdom as basic seed of a component of a hybrid variety that was unlisted at the time when the seed was imported into the United Kingdom but has since been listed.

**UK officially certified early movement basic seed of a component of a listed hybrid variety**

**24.**—(1) In these Regulations “UK officially certified early movement basic seed of a component of a listed hybrid variety” means seed of which paragraph (2), (3) or (4) applies.

- (2) This paragraph applies to—
  - (a) seed of a component of a listed hybrid variety officially certified as early movement basic seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, and
  - (b) seed of a component of a previously listed hybrid variety officially certified as early movement basic seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development and for which a marketing extension is in force in respect of seed of the hybrid variety.
- (3) This paragraph applies to—

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- (a) basic seed of a component of a listed hybrid variety—
    - (i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found by an official UK field inspection (whenever carried out) to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which basic seed is to be produced;
    - (ii) that, subject to paragraph (iii), satisfies the conditions laid down in Parts II and IV of Schedule 4 for basic seed;
    - (iii) for which the results of a Schedule 4 germination test are awaited but for which a provisional analytical report has been obtained indicating what the percentage of germination of the seed is likely to be; and
    - (iv) for which a seed test report has been issued stating that it has been found, subject to the results of the awaited Schedule 4 germination test, by an official UK seed test or by a UK seed test carried out under official supervision (in either case whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for basic seed;
  - (b) basic seed of a component of a previously listed hybrid variety that complies with the requirements of paragraph (a)(i) to (iv) and for which a marketing extension is in force in respect of seed of the hybrid variety;
  - (c) basic seed of a component of a listed hybrid variety—
    - (i) that has been imported into the United Kingdom as not finally certified basic seed harvested in another member State, and
    - (ii) that complies with the requirements of sub-paragraph (a)(ii) to (iv); and
  - (d) basic seed of a component of a previously listed hybrid variety—
    - (i) that has been imported into the United Kingdom as not finally certified basic seed harvested in another member State;
    - (ii) that complies with the requirements of paragraph (a)(ii) to (iv); and
    - (iii) for which a marketing extension is in force in respect of seed of the hybrid variety, other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development that has not been finally determined.
- (4) Seed of a component of a listed hybrid variety, or seed of a component of a previously listed hybrid variety for which a marketing extension is in force, in respect of which a successful application has been made to the National Assembly under regulation 13 to re-grade it as early movement basic seed.

**EC officially certified early movement basic seed of a component of a listed hybrid variety**

**25.** In these Regulations “EC officially certified early movement basic seed of a component of a listed hybrid variety” means—

- (a) basic seed of a component of a listed hybrid variety officially certified as early movement basic seed by or on behalf of the competent seed certification authority in another member State, and
- (b) basic seed of a component of a previously listed hybrid variety officially certified as early movement basic seed by or on behalf of the competent seed certification authority in another member State and for which a marketing extension is in force in respect of seed of the hybrid variety.



### **Officially certified basic seed**

- 26.** In these Regulations “officially certified basic seed” means—
- (a) UK officially certified basic seed of a listed variety;
  - (b) EC officially certified basic seed of a listed variety;
  - (c) third country officially certified basic seed of a listed variety;
  - (d) overseas tested officially certified basic seed of a listed variety;
  - (e) UK officially certified early movement basic seed of a listed variety;
  - (f) EC officially certified early movement basic seed of a listed variety;
  - (g) UK officially certified basic seed of a component of a listed hybrid variety;
  - (h) EC officially certified basic seed of a component of a listed hybrid variety;
  - (i) third country officially certified basic seed of a component of a listed hybrid variety;
  - (j) overseas tested officially certified basic seed of a component of a listed hybrid variety;
  - (k) UK officially certified early movement basic seed of a component of a listed hybrid variety; and
  - (l) EC officially certified early movement basic seed of a component of a listed hybrid variety.

## **PART III**

### **Meaning of CS, C1 and C2 seed and similar expressions**

#### **CS seed (maize and rye, and hybrids of barley, durum wheat, oats, self pollinating triticale, spelt wheat and wheat)**

**27.** In these Regulations in relation to maize and rye (including hybrids of maize and rye) and hybrids of barley, durum wheat, oats, self pollinating triticale, spelt wheat and wheat “CS seed” means seed that—

- (a) has been produced directly from officially certified basic seed or, with the breeder’s written authority, from officially certified pre-basic seed, and
- (b) is intended for purposes other than the production of cereal seed.

#### **UK officially certified CS seed of a listed variety**

**28.—**(1) In these Regulations “UK officially certified CS seed of a listed variety” means seed to which paragraph (2), (3) or (4) applies.

- (2) This paragraph applies to—
  - (a) seed of a listed variety officially certified as CS seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, and
  - (b) seed of a previously listed variety officially certified as CS seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development and for which a marketing extension is in force.
- (3) This paragraph applies to—
  - (a) CS seed of a listed variety—
    - (i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found, by an official UK field inspection (whenever carried out) or, in the case of a crop that has

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- been produced from seed that has been subject to satisfactory official post control, by a UK field inspection carried out under official supervision following the listing of the variety, to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which CS seed is to be produced;
- (ii) that satisfies the conditions laid down in Parts II, III and IV of Schedule 4 for CS seed; and
- (iii) for which a seed test report has been issued stating that it has been found by an official UK seed test or by a UK seed test carried out under official supervision (in either case whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for CS seed;
- (b) CS seed of a previously listed variety that complies with the requirements of paragraph (a) (i) to (iii) and for which a marketing extension is in force;
- (c) CS seed of a listed variety—
- (i) that has been imported into the United Kingdom as not finally certified CS seed harvested in another member State, and
- (ii) that complies with the requirements of paragraph (a)(ii) and (iii);
- (d) CS seed of a previously listed variety—
- (i) that has been imported into the United Kingdom as not finally certified CS seed harvested in another member State;
- (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
- (iii) for which a marketing extension is in force;
- (e) CS seed—
- (i) that has been imported into the United Kingdom as not finally certified CS seed harvested in another member State or an equivalent third country;
- (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
- (iii) is of a variety that was unlisted at the time when the seed was imported into the United Kingdom but has since been listed;
- (f) CS seed of a listed variety—
- (i) that has been imported into the United Kingdom as not finally certified CS seed harvested in an equivalent third country, and
- (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
- (g) CS seed—
- (i) of a previously listed variety that is on the OECD list;
- (ii) that has been imported into the United Kingdom as not finally certified CS seed harvested in an equivalent third country;
- (iii) that complies with the requirements of paragraph (a)(ii) and (iii); and
- (iv) for which a marketing extension is in force,
- other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development that has not been finally determined.
- (4) Seed of a listed variety, or of a previously listed variety for which a marketing extension is in force, in respect of which a successful application has been made to the National Assembly under regulation 13 to re-grade it as CS seed.

### **EC officially certified CS seed of a listed variety**

- 29.** In these Regulations “EC officially certified CS seed of a listed variety” means—
- (a) CS seed of a listed variety officially certified as CS seed by or on behalf of the competent seed certification authority in another member State, and
  - (b) CS seed of a previously listed variety officially certified as CS seed by or on behalf of the competent seed certification authority in another member State and for which a marketing extension is in force.

### **Third country officially certified CS seed of a listed variety**

**30.—**(1) In these Regulations “third country officially certified CS seed of a listed variety” means seed of an approved species to which sub-paragraph (2) or (3) applies.

- (2) This sub-paragraph applies to CS seed of a listed variety—
- (a) that was harvested from a crop that was produced—
    - (i) in an equivalent third country;
    - (ii) from basic seed that was produced in accordance with the provisions of paragraph 6 of Part B of Annex II to the Third Country Equivalence Decision;
  - (b) that has been officially certified as CS seed by the approved seed certification authority in that country in accordance with—
    - (i) in the case of seed other than maize, the OECD Cereal Seed Scheme;
    - (ii) in the case of maize, the OECD Maize and Sorghum Seed Scheme; and
    - (iii) in both cases, the conditions specified in paragraphs 1 and 2 of Part B of Annex II to the Third Country Equivalence Decision;
  - (c) that has been packed in packages that have been officially closed and marked in accordance with—
    - (i) in the case of seed other than maize, the OECD Cereal Seed Scheme;
    - (ii) in the case of maize, the OECD Maize and Sorghum Seed Scheme; andand, as regards the packaging, in accordance with the relevant conditions specified in paragraph 3 of Part B of Annex II to the Third Country Equivalence Decision; and
  - (d) that has been imported into the United Kingdom and was accompanied by—
    - (i) an OECD Certificate issued by the approved seed certification authority in respect of the seed lot from which the seed was taken approving the seed in that lot as CS seed; and
    - (ii) subject to paragraph (iii), an Orange or Green International Seed Lot Certificate issued under the Rules of ISTA showing that it has been found to satisfy the relevant Directive seed conditions for CS seed other than those relating to varietal identity and varietal purity; or
    - (iii) in a case where the seed has been certified in Canada or the United States of America, a Lot Inspection Certificate issued by the Official Seed Testing Laboratory under the authority of the State Seed Testing Agency showing that it has been found to satisfy those conditions instead of a certificate of the type referred to in paragraph (ii).
- (3) This sub-paragraph applies to CS seed—
- (a) of a previously listed variety that is on the OECD List and for which a marketing extension is in force, and
  - (b) that complies with the requirements of sub-paragraph (2)(a) to (d).

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### **Overseas tested officially certified CS seed of a listed variety**

**31.**—(1) In these Regulations “overseas tested officially certified CS seed of a listed variety” means CS seed to which sub-paragraph (2), (3) or (4) applies.

(2) This sub-paragraph applies to CS seed—

- (a) that has been harvested from a crop produced in a member State (including the United Kingdom) for which a field inspection report was issued by or on behalf of the competent seed certification authority in the member State stating that the crop had been found to satisfy the relevant Directive crop conditions for CS seed;
- (b) for which a seed test report has been issued—
  - (i) by or on behalf of the competent seed certification authority in the member State, or in a member State, other than the United Kingdom, into which the seed was subsequently imported, or
  - (ii) by a licensed EC seed testing station in either of the member States referred to in paragraph (i),
 stating that the seed has been found to satisfy the relevant Directive seed conditions for CS seed;
- (c) that has been imported into the United Kingdom as CS seed of a variety that was unlisted at the time when the seed was imported but has since been listed; and
- (d) that is accompanied by—
  - (i) an Annex V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State referred to in paragraph (a), and
  - (ii) the seed test report referred to in paragraph (b).

(3) This sub-paragraph applies to CS seed of an approved species—

- (a) that was harvested from a crop produced in an equivalent third country for which a field inspection report was issued by the approved seed certification authority or a licensed third country crop inspector in that country, stating that the crop had been found to satisfy the relevant Directive crop conditions for CS seed;
- (b) that was subsequently imported into a member State other than the United Kingdom and for which a seed test report has been issued by or on behalf of the competent seed certification authority or by a licensed EC seed testing station in that member State, stating that the seed has been found to satisfy the relevant Directive seed conditions for CS seed;
- (c) that has been imported into the United Kingdom as CS seed of a variety that was unlisted at the time when the seed was imported but has since been listed; and
- (d) that is accompanied by—
  - (i) an Annex II.A(3) official certificate relating to the crop from which the seed was harvested issued by the approved seed certification authority in the third country referred to in paragraph (a) stating that the crop has been found to satisfy the relevant crop conditions for CS seed, and
  - (ii) the seed test report referred to in paragraph (b).

(4) This sub-paragraph applies to CS seed of an approved species—

- (a) that complies with the requirements of paragraph 30(2)(a) to (d), and
- (b) that was imported into the United Kingdom as CS seed of a variety that was unlisted at the time when the seed was imported but has since been listed.

### **UK officially certified early movement CS seed of a listed variety**

**32.**—(1) In these Regulations “UK officially certified early movement CS seed of a listed variety” means seed to which paragraph (2), (3) or (4) applies.

- (2) This paragraph applies to—
- (a) seed of a listed variety officially certified as early movement CS seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, and
  - (b) seed of a previously listed variety officially certified as early movement CS seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development and for which a marketing extension is in force.
- (3) This paragraph applies to—
- (a) CS seed of a listed variety—
    - (i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found by an official UK field inspection (whenever carried out) or, in the case of a crop that has been produced from seed that has been subject to satisfactory official post control, by a UK field inspection carried out under official supervision following the listing of the variety, to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which CS seed is to be produced;
    - (ii) that, subject to sub-paragraph (iii), satisfies the conditions laid down in Parts II, III and IV of Schedule 4 for CS seed;
    - (iii) for which the results of a Schedule 4 germination test are awaited to determine whether the seed will satisfy the applicable germination standard for CS seed but for which a provisional analytical report has been obtained indicating that the seed is likely to meet that standard; and
    - (iv) for which a seed test report has been issued stating that it has been found, subject to the results of the awaited Schedule 4 germination test, by an official UK seed test or by a UK seed test carried out under official supervision (in either case whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for CS seed;
  - (b) CS seed of a previously listed variety that complies with the requirements of paragraph (a) (i) to (iv) and for which a marketing extension is in force;
  - (c) CS seed of a listed variety—
    - (i) that has been imported into the United Kingdom as not finally certified CS seed harvested in another member State, and
    - (ii) complies with the requirements of paragraph (a)(ii) to (iv);
  - (d) CS seed of a previously listed variety—
    - (i) that has been imported into the United Kingdom as not finally certified CS seed harvested in another member State;
    - (ii) that complies with the requirements of paragraph (a)(ii) to (iv); and
    - (iii) for which a marketing extension is in force;
  - (e) CS seed of a listed variety—
    - (i) that has been imported into the United Kingdom as not finally certified CS seed harvested in an equivalent third country, and
    - (ii) that complies with the requirements of paragraph (a)(ii) to (iv);
  - (f) CS seed—

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- (i) of a previously listed variety that is on the OECD list;
  - (ii) that has been imported into the United Kingdom as not finally certified CS seed harvested in an equivalent third country;
  - (iii) that complies with the requirements of paragraph (a)(ii) to (iv); and
  - (iv) for which a marketing extension is in force,
- other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development that has not been finally determined.

(4) Seed of a listed variety, or of a previously listed variety for which a marketing extension is in force, in respect of which a successful application has been made to the National Assembly under regulation 13 to re-grade it as early movement CS seed.

#### **EC officially certified early movement CS seed of a listed variety**

**33.** In these Regulations “EC officially certified early movement CS seed of a listed variety” means—

- (a) CS seed of a listed variety officially certified as early movement CS seed by or on behalf of the competent seed certification authority in another member State, and
- (b) CS seed of a previously listed variety officially certified as early movement CS seed by or on behalf of the competent seed certification authority in another member State and for which a marketing extension is in force.

#### **Officially certified CS seed**

**34.** In these Regulations “officially certified CS seed” means—

- (a) UK officially certified CS seed of a listed variety;
- (b) EC officially certified CS seed of a listed variety;
- (c) third country officially certified CS seed of a listed variety;
- (d) overseas tested officially certified CS seed of a listed variety;
- (e) UK officially certified early movement CS seed of a listed variety; and
- (f) EC officially certified early movement CS seed of a listed variety.

#### **C1 seed**

**35.** In these Regulations, in relation to barley, durum wheat, oats, spelt wheat, triticale and wheat, other than a hybrid in each case, “C1 seed” means seed that—

- (a) has been produced directly from officially certified basic seed or, with the breeder’s written authority, from officially certified pre-basic seed, and
- (b) is intended—
  - (i) for production of C2 seed, or
  - (ii) for purposes other than the production of cereal seed.

#### **UK officially certified C1 seed of a listed variety**

**36.—**(1) In these Regulations “UK officially certified C1 seed of a listed variety” means seed to which paragraph (2), (3) or (4) applies.

(2) This paragraph applies to—

- (a) seed of a listed variety officially certified as C1 seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, and
  - (b) seed of a previously listed variety officially certified as C1 seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development and for which a marketing extension is in force.
- (3) This paragraph applies to—
- (a) C1 seed of a listed variety—
    - (i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found, by an official UK field inspection (whenever carried out) or, in the case of a crop that has been produced from seed that has been subject to satisfactory official post control, by a UK field inspection carried out under official supervision following the listing of the variety, to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which C1 seed is to be produced;
    - (ii) that satisfies the conditions laid down in Parts II and IV of Schedule 4 for C1 seed; and
    - (iii) for which a seed test report has been issued stating that it has been found by an official UK seed test or by a UK seed test carried out under official supervision (in either case whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for C1 seed;
  - (b) C1 seed of a previously listed variety that complies with the requirements of paragraph (a) (i) to (iii) and for which a marketing extension is in force;
  - (c) C1 seed of a listed variety—
    - (i) that has been imported into the United Kingdom as not finally certified C1 seed harvested in another member State, and
    - (ii) that complies with the requirements of paragraph (a)(ii) and (iii);
  - (d) C1 seed of a previously listed variety—
    - (i) that has been imported into the United Kingdom as not finally certified C1 seed harvested in another member State;
    - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
    - (iii) for which a marketing extension is in force;
  - (e) C1 seed—
    - (i) that has been imported into the United Kingdom as not finally certified C1 seed harvested in another member State or an equivalent third country;
    - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
    - (iii) is of a variety that was unlisted at the time when the seed was imported into the United Kingdom but has since been listed;
  - (f) C1 seed of a listed variety—
    - (i) that has been imported into the United Kingdom as not finally certified C1 seed harvested in an equivalent third country, and
    - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
  - (g) C1 seed—
    - (i) of a previously listed variety that is on the OECD list;
    - (ii) that has been imported into the United Kingdom as not finally certified C1 seed harvested in an equivalent third country;

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- (iii) that complies with the requirements of paragraph (a)(ii) and (iii); and
- (iv) for which a marketing extension is in force,

other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development that has not been finally determined.

(4) Seed of a listed variety, or of a previously listed variety for which a marketing extension is in force, in respect of which a successful application has been made to the National Assembly under regulation 13 to re-grade it as C1 seed.

#### **EC officially certified C1 seed of a listed variety**

**37.** In these Regulations “EC officially certified C1 seed of a listed variety” means—

- (a) C1 seed of a listed variety officially certified as C1 seed by the competent seed certification authority in another member State, and
- (b) C1 seed of a previously listed variety officially certified as C1 seed by the competent seed certification authority in another member State and for which a marketing extension is in force.

#### **Third country officially certified C1 seed of a listed variety**

**38.—**(1) In these Regulations “third country officially certified C1 seed of a listed variety” means C1 seed of an approved species to which sub-paragraph (2) or (3) applies.

(2) This sub-paragraph applies to C1 seed of a listed variety—

- (a) that was harvested from a crop that was produced—
  - (i) in an equivalent third country,
  - (ii) from basic seed that was produced in accordance with the provisions of paragraph 6 of Part B of Annex II to the Third Country Equivalence Decision;
- (b) that has been officially certified as C1 seed by the approved seed certification authority in that country in accordance with the OECD Cereal Seed Scheme and the conditions specified in paragraphs 1 and 2 of Part B of Annex II to the Third Country Equivalence Decision;
- (c) that has been packed in packages that have been officially closed and marked in accordance with the OECD Cereal Seed Scheme, and, as regards the packaging, in accordance with the relevant conditions specified in paragraph 3 of Part B of Annex II to the Third Country Equivalence Decision; and
- (d) that has been imported into the United Kingdom and was accompanied by—
  - (i) an OECD Certificate issued by the approved seed certification authority in respect of the seed lot from which the seed was taken approving the seed in that lot as C1 seed; and
  - (ii) subject to paragraph (iii), an Orange or Green International Seed Lot Certificate issued under the Rules of ISTA showing that it has been found to satisfy the relevant Directive seed conditions for C1 seed other than those relating to varietal identity and varietal purity; or
  - (iii) in a case where the seed has been certified in Canada or the United States of America, a Lot Inspection Certificate issued by the Official Seed Testing Laboratory under the authority of the State Seed Testing Agency showing that it has been found to satisfy those conditions instead of a certificate of the type referred to in paragraph (ii).



- (3) This sub-paragraph applies to C1 seed—
  - (a) of a previously listed variety that is on the OECD List and for which a marketing extension is in force, and
  - (b) that complies with the requirements of sub-paragraph (2)(a) to (d).

**Overseas tested officially certified C1 seed of a listed variety**

**39.**—(1) In these Regulations “overseas tested officially certified C1 seed of a listed variety” means C1 seed to which sub-paragraph (2), (3) or (4) applies.

- (2) This sub-paragraph applies to C1 seed—
  - (a) that has been harvested from a crop produced in a member State (including the United Kingdom) for which a field inspection report was issued by or on behalf of the competent seed certification authority in the member State stating that the crop has been found to satisfy the relevant Directive crop conditions for C1 seed;
  - (b) for which a seed test report has been issued—
    - (i) by or on behalf of the competent seed certification authority in the member State, or in a member State, other than the United Kingdom, into which the seed was subsequently imported, or
    - (ii) by a licensed EC seed testing station in either of the member States referred to in paragraph (i),stating that the seed has been found to satisfy the relevant Directive seed conditions for C1 seed;
  - (c) that has been imported into the United Kingdom as C1 seed of a variety that was unlisted at the time when the seed was imported but has since been listed; and
  - (d) that is accompanied by—
    - (i) an Annex V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State referred to in paragraph (a), and
    - (ii) the seed test report referred to in paragraph (b).
- (3) This sub-paragraph applies to C1 seed of an approved species—
  - (a) that was harvested from a crop produced in an equivalent third country for which a field inspection report was issued by the approved seed certification authority or a licensed third country crop inspector in that country stating that the crop had been found to satisfy the relevant Directive crop conditions for C1 seed;
  - (b) that was subsequently imported into a member State other than the United Kingdom and for which a seed test report has been issued by or on behalf of the competent seed certification authority or by a licensed EC seed testing station in that member State, stating that the seed has been found to satisfy the relevant Directive seed conditions for C1 seed;
  - (c) that has been imported into the United Kingdom as C1 seed of a variety that was unlisted at the time when the seed was imported but has since been listed; and
  - (d) that is accompanied by—
    - (i) an Annex II.A(3) official certificate relating to the crop from which the seed was harvested issued by the approved seed certification authority in the third country referred to in paragraph (a) stating that the crop has been found to satisfy the relevant crop conditions for C1 seed, and
    - (ii) the seed test report referred to in paragraph (b).
- (4) This sub-paragraph applies to C1 seed of an approved species—

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- (a) that complies with the requirements of paragraph 38(2)(a) to (d), and
- (b) that was imported into the United Kingdom as C1 seed of a variety that was unlisted at the time when the seed was imported but has since been listed.

**UK officially certified early movement C1 seed of a listed variety**

**40.**—(1) In these Regulations “UK officially certified early movement C1 seed of a listed variety” means seed to which paragraph (2), (3) or (4) applies.

- (2) This paragraph applies to—
  - (a) seed of a listed variety officially certified as early movement C1 seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, and
  - (b) seed of a previously listed variety officially certified as early movement C1 seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development and for which a marketing extension is in force.
- (3) This paragraph applies to—
  - (a) C1 seed of a listed variety—
    - (i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found by an official UK field inspection (whenever carried out) or, in the case of a crop that has been produced from seed that has been subject to satisfactory official post control, by a UK field inspection carried out under official supervision following the listing of the variety, to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which C1 seed is to be produced;
    - (ii) that, subject to sub-paragraph (iii), satisfies the conditions laid down in Parts II and IV of Schedule 4 for C1 seed;
    - (iii) for which the results of a Schedule 4 germination test are awaited to determine whether the seed will satisfy the applicable germination standard for C1 seed but for which a provisional analytical report has been obtained indicating that the seed is likely to meet that standard; and
    - (iv) for which a seed test report has been issued stating that it has been found, subject to the results of the awaited Schedule 4 germination test, by an official UK seed test or by a UK seed test carried out under official supervision (in either case whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for C1 seed;
  - (b) C1 seed of a previously listed variety that complies with the requirements of paragraph (a) (i) to (iv) and for which a marketing extension is in force;
  - (c) C1 seed of a listed variety—
    - (i) that has been imported into the United Kingdom as not finally certified C1 seed harvested in another member State, and
    - (ii) complies with the requirements of paragraph (a)(ii) to (iv);
  - (d) C1 seed of a previously listed variety—
    - (i) that has been imported into the United Kingdom as not finally certified C1 seed harvested in another member State;
    - (ii) that complies with the requirements of paragraph (a)(ii) to (iv); and
    - (iii) for which a marketing extension is in force;
  - (e) C1 seed of a listed variety—

- (i) that has been imported into the United Kingdom as not finally certified C1 seed harvested in an equivalent third country, and
  - (ii) that complies with the requirements of paragraph (a)(ii) to (iv);
- (f) C1 seed—
- (i) of a previously listed variety that is on the OECD list;
  - (ii) that has been imported into the United Kingdom as not finally certified C1 seed harvested in an equivalent third country;
  - (iii) that complies with the requirements of paragraph (a)(ii) to (iv); and
  - (iv) for which a marketing extension is in force,
- other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development that has not been finally determined.
- (4) Seed of a listed variety, or of a previously listed variety for which a marketing extension is in force, in respect of which a successful application has been made to the National Assembly under regulation 13 to re-grade it as early movement C1 seed.

#### **EC officially certified early movement C1 seed of a listed variety**

**41.** In these Regulations “EC officially certified early movement C1 seed of a listed variety” means—

- (a) C1 seed of a listed variety officially certified as early movement C1 seed by the competent seed certification authority in another member State, and
- (b) C1 seed of a previously listed variety officially certified as early movement C1 seed by the competent seed certification authority in another member State and for which a marketing extension is in force.

#### **Officially certified C1 seed**

**42.** In these Regulations “officially certified C1 seed” means—

- (a) UK officially certified C1 seed of a listed variety;
- (b) EC officially certified C1 seed of a listed variety;
- (c) third country officially certified C1 seed of a listed variety;
- (d) overseas tested officially certified C1 seed of a listed variety;
- (e) UK officially certified early movement C1 seed of a listed variety; and
- (f) EC officially certified early movement C1 seed of a listed variety.

#### **C2 seed**

**43.** In these Regulations, in relation to barley, durum wheat, oats, spelt wheat, triticale and wheat, other than a hybrid in each case, “C2 seed” means seed that—

- (a) has been produced directly from—
  - (i) officially certified basic seed;
  - (ii) officially certified C1 seed; or
  - (iii) with the breeder’s written authority, from officially certified pre-basic seed, and
- (b) is intended for purposes other than the production of cereal seed.

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### **UK officially certified C2 seed of a listed variety**

**44.**—(1) In these Regulations “UK officially certified C2 seed of a listed variety” means seed to which paragraph (2), (3) or (4) applies.

- (2) This paragraph applies to—
- (a) seed of a listed variety officially certified as C2 seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, and
  - (b) seed of a previously listed variety officially certified as C2 seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development and for which a marketing extension is in force.
- (3) This paragraph applies to—
- (a) C2 seed of a listed variety—
    - (i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found, by an official UK field inspection (whenever carried out) or, in the case of a crop that has been produced from seed that has been subject to satisfactory official post control, by a UK field inspection carried out under official supervision following the listing of the variety, to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which C2 seed is to be produced;
    - (ii) that satisfies the conditions laid down in Parts II and IV of Schedule 4 for C2 seed; and
    - (iii) for which a seed test report has been issued stating that it has been found by an official UK seed test or by a UK seed test carried out under official supervision (in either case whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for C2 seed;
  - (b) C2 seed of a previously listed variety that complies with the requirements of paragraph (a) (i) to (iii) and for which a marketing extension is in force;
  - (c) C2 seed of a listed variety—
    - (i) that has been imported into the United Kingdom as not finally certified C2 seed harvested in another member State, and
    - (ii) that complies with the requirements of paragraph (a)(ii) and (iii);
  - (d) C2 seed of a previously listed variety—
    - (i) that has been imported into the United Kingdom as not finally certified C2 seed harvested in another member State;
    - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
    - (iii) for which a marketing extension is in force;
  - (e) C2 seed—
    - (i) that has been imported into the United Kingdom as not finally certified C2 seed harvested in another member State or an equivalent third country;
    - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
    - (iii) is of a variety that was unlisted at the time when the seed was imported into the United Kingdom but has since been listed,

other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development that has not been finally determined;
  - (f) C2 seed of a listed variety that—

- (i) has been imported into the United Kingdom as not finally certified C2 seed harvested in an equivalent third country; and
  - (ii) complies with the requirements of paragraphs (a)(ii) and (iii); and
  - (g) C2 seed—
    - (i) of a previously listed variety that is on the OECD list;
    - (ii) that has been imported into the United Kingdom as not finally certified C2 seed harvested in an equivalent third country;
    - (iii) that complies with the requirements of paragraphs (a)(ii) and (iii); and
    - (iv) for which a marketing extension is in force,
- (4) Seed of a listed variety, or of a previously listed variety for which a marketing extension is in force, in respect of which a successful application has been made to the National Assembly under regulation 13 to re-grade it as C2 seed.

#### **EC officially certified C2 seed of a listed variety**

- 45.** In these Regulations “EC officially certified C2 seed of a listed variety” means—
- (a) C2 seed of a listed variety officially certified as C2 seed by the competent seed certification authority in another member State, and
  - (b) C2 seed of a previously listed variety officially certified as C2 seed by the competent seed certification authority in another member State and for which a marketing extension is in force.

#### **Third country officially certified C2 seed of a listed variety**

**46.—(1)** In these Regulations “third country officially certified C2 seed of a listed variety” means C2 seed of an approved species to which sub-paragraph (2) or (3) applies.

- (2) This sub-paragraph applies to C2 seed of a listed variety that—
- (a) was harvested from a crop that was produced—
    - (i) in an equivalent third country,
    - (ii) from seed of a preceding generation that was produced in accordance with the provisions of paragraph 6 of Part B of Annex II to the Third Country Equivalence Decision;
  - (b) has been officially certified as C2 seed by the approved seed certification authority in that country in accordance with the OECD Cereal Seed Scheme and the conditions specified in paragraphs 1 and 2 of Part B of Annex II to the Third Country Equivalence Decision;
  - (c) has been packed in packages that have been officially closed and marked in accordance with the OECD Cereal Seed Scheme, and, as regards the packaging, in accordance with the relevant conditions specified in paragraph 3 of Part B of Annex II to the Third Country Equivalence Decision; and
  - (d) has been imported into the United Kingdom and was accompanied—
    - (i) by an OECD Certificate issued by the approved seed certification authority in respect of the seed lot from which the seed was taken approving the seed in that lot as C2 seed; and
    - (ii) subject to paragraph (iii), by an Orange or Green International Seed Lot Certificate issued under the Rules of ISTA showing that it has been found to satisfy the relevant Directive seed conditions for C2 seed other than those relating to varietal identity and varietal purity; or

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- (iii) in a case where the seed has been certified in Canada or the United States of America, instead of a certificate of the type referred to in paragraph (ii) by a Lot Inspection Certificate issued by the Official Seed testing Laboratory under the authority of the State Seed Testing Agency showing that it has been found to satisfy those conditions.
- (3) This sub-paragraph applies to C2 seed—
  - (a) of a previously listed variety that is on the OECD List and for which a marketing extension is in force, and
  - (b) that complies with the requirements of sub-paragraphs 2(a) to (d).

**Overseas tested officially certified C2 seed of a listed variety**

**47.—**(1) In these Regulations “overseas tested officially certified C2 seed of a listed variety” means C2 seed to which sub-paragraph (2), (3) or (4) applies.

- (2) This sub-paragraph applies to C2 seed—
  - (a) that has been harvested from a crop produced in a member State (including the United Kingdom) for which a field inspection report was issued on behalf of the competent seed certification authority in the member State stating that the crop has been found to satisfy the relevant Directive crop conditions for C2 seed;
  - (b) for which a seed test report has been issued—
    - (i) by or on behalf of the competent seed certification authority in the member State, or in a member State, other than the United Kingdom, into which the seed was subsequently imported, or
    - (ii) by a licensed EC seed testing station in either of the member States referred to in paragraph (i),
 stating that the seed has been found to satisfy the relevant Directive seed conditions for C2 seed;
  - (c) that has been imported into the United Kingdom as C2 seed of a variety that was unlisted at the time when the seed was imported but has since been listed; and
  - (d) that is accompanied by—
    - (i) an Annex V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State referred to in paragraph (a), and
    - (ii) the seed test report referred to in paragraph (b).
- (3) This sub-paragraph applies to C2 seed of an approved species that—
  - (a) was harvested from a crop produced in an equivalent third country for which a field inspection report was issued by the approved seed certification authority or a licensed third country crop inspector in that country stating that the crop had been found to satisfy the relevant Directive crop conditions for C2 seed;
  - (b) was subsequently imported into a member State other than the United Kingdom and for which a seed test report has been issued by or on behalf of the competent seed certification authority or by a licensed EC seed testing station in that member State, stating that the seed has been found to satisfy the relevant Directive seed conditions for C2 seed;
  - (c) has been imported into the United Kingdom as C2 seed of a variety that was unlisted at the time when the seed was imported but has since been listed, and
  - (d) is accompanied by—
    - (i) an Annex II.A(3) official certificate relating to the crop from which the seed was harvested issued by the approved seed certification authority in the third country

referred to in paragraph (a) stating that the crop has been found to satisfy the relevant crop conditions for C2 seed; and

(ii) the seed test report referred to in paragraph (b).

(4) This sub-paragraph applies to C2 seed of an approved species that—

(a) complies with the requirements of paragraph 45A(2)(a) to (d); and

(b) was imported into the United Kingdom as C2 seed of a variety that was unlisted at the time when the seed was imported but has since been listed.

### **UK officially certified early movement C2 seed of a listed variety**

**48.**—(1) In these Regulations “UK officially certified early movement C2 seed of a listed variety” means seed to which paragraph (2), (3) or (4) applies.

(2) This paragraph applies to—

(a) seed of a listed variety officially certified as early movement C2 seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development, and

(b) seed of a previously listed variety officially certified as early movement C2 seed by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development and for which a marketing extension is in force.

(3) This paragraph applies to—

(a) C2 seed of a listed variety—

(i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found by an official UK field inspection (whenever carried out) or, in the case of a crop that has been produced from seed that has been subject to satisfactory official post control, by a UK field inspection carried out under official supervision following the listing of the variety, to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which C2 seed is to be produced;

(ii) that, subject to sub-paragraph (iii), satisfies the conditions laid down in Parts II and IV of Schedule 4 for C2 seed;

(iii) for which the results of a Schedule 4 germination test are awaited to determine whether the seed will satisfy the applicable germination standard for C2 seed but for which a provisional analytical report has been obtained indicating that the seed is likely to meet that standard; and

(iv) for which a seed test report has been issued stating that it has been found, subject to the results of the awaited Schedule 4 germination test, by an official UK seed test or by a UK seed test carried out under official supervision (in either case whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for C2 seed;

(b) C2 seed of a previously listed variety that complies with the requirements of paragraph (a) (i) to (iv) and for which a marketing extension is in force;

(c) C2 seed of a listed variety—

(i) that has been imported into the United Kingdom as not finally certified C2 seed harvested in another member State, and

(ii) that complies with the requirements of paragraph (a)(ii) to (iv);

(d) C2 seed of a previously listed variety—

(i) that has been imported into the United Kingdom as not finally certified C2 seed harvested in another member State;

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- (ii) that complies with the requirements of paragraph (a)(ii) to (iv); and
  - (iii) for which a marketing extension is in force,
- other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development that has not been finally determined.
- (e) C2 seed of a listed variety that—
    - (i) has been imported into the United Kingdom as not finally certified C2 seed harvested in an equivalent third country; and
    - (ii) complies with the requirements of paragraphs (a)(ii) to (iv); and
  - (f) C2 seed—
    - (i) of a previously listed variety that is on the OECD list;
    - (ii) that has been imported into the United Kingdom as not finally certified C2 seed harvested in an equivalent third country;
    - (iii) that complies with the requirements of paragraphs (a)(ii) to (iv); and
    - (iv) for which a marketing extension is in force,
- (4) Seed of a listed variety, or of a previously listed variety for which a marketing extension is in force, in respect of which a successful application has been made to the National Assembly under regulation 13 to re-grade it as early movement C2 seed.

#### **EC officially certified early movement C2 seed of a listed variety**

**49.** In these Regulations “EC officially certified early movement C2 seed of a listed variety” means—

- (a) C2 seed of a listed variety officially certified as early movement C2 seed by or on behalf of the competent seed certification authority in another member State, and
- (b) C2 seed of a previously listed variety officially certified as early movement C2 seed by or on behalf of the competent seed certification authority in another member State and for which a marketing extension is in force.

#### **Officially certified C2 seed**

**50.** In these Regulations “officially certified C2 seed” means—

- (a) UK officially certified C2 seed of a listed variety;
- (b) third country officially certified C2 seed of a listed variety;
- (c) EC officially certified C2 seed of a listed variety;
- (d) overseas tested officially certified C2 seed of a listed variety;
- (e) UK officially certified early movement C2 seed of a listed variety; and
- (f) EC officially certified early movement C2 seed of a listed variety.

#### **Early multiplication**

**51.—**(1) The requirement contained in paragraph 27(a) (that CS seed be produced directly from officially certified basic seed, or, with the breeder’s written authority, from officially certified pre-basic seed) shall be treated as having been complied with in relation to CS seed in a case where—



- (a) the CS seed (in this paragraph called “the harvested CS seed”) was harvested from a crop produced from pre-basic seed to which sub-paragraph (4) or (5) applies or basic seed to which sub-paragraph (6) or (7) applies, and
  - (b) the variety of the harvested CS seed was not listed at the time when the pre-basic or basic seed referred to in paragraph (a) was sown but was subject to an application for listing at that time which was subsequently granted.
- (2) The requirement contained in paragraphs 35(a) (that C1 seed be produced directly from officially certified basic seed, or, with the breeder’s written authority, from officially certified pre-basic seed) shall be treated as having been complied with in relation to C1 seed in a case where—
- (a) the C1 seed (in this paragraph called “the harvested C1 seed”) was harvested from a crop produced from pre-basic seed to which sub-paragraph (4) applies or basic seed to which sub-paragraph (6) applies, and
  - (b) the variety of the harvested C1 seed was not listed at the time when the pre-basic or basic seed referred to in paragraph (a) was sown but was subject to an application for listing at that time which was subsequently granted.
- (3) The requirement contained in paragraphs 43(a) (that C2 seed be produced directly from officially certified basic seed, officially certified C1 seed or, with the breeder’s written authority, from officially certified pre-basic seed) shall be treated as having been complied with in relation to C2 seed in a case where—
- (a) the C2 seed (in this paragraph called “the harvested C2 seed”) was harvested from a crop produced from pre-basic seed to which sub-paragraph (4) applies, basic seed to which sub-paragraph (6) applies or C1 seed to which sub-paragraph (8) applies, and
  - (b) the variety of the harvested C2 seed was not listed at the time when the pre-basic, basic or C1 seed referred to in paragraph (a) was sown but was subject to an application for listing at that time which was subsequently granted.
- (4) This sub-paragraph applies to pre-basic seed—
- (a) that has been harvested from a crop—
    - (i) produced in the United Kingdom and found by an official UK field inspection to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which basic seed is to be produced, or
    - (ii) produced in another member State and found by a field inspection of the crop carried out by or on behalf of the competent seed certification authority in that State to satisfy the Directive crop conditions for basic seed,
  - (b) that—
    - (i) was found by an official UK seed test or a UK seed test carried out under official supervision to satisfy the conditions laid down in Part II of Schedule 4 for basic seed, or
    - (ii) was found by seed testing carried out by or on behalf of the competent seed certification authority or a licensed EC seed test station in another member State, to satisfy the Directive seed conditions for basic seed; and
  - (c) that was of the same variety as the harvested CS, C1 or C2 seed (as the case may be).
- (5) This sub-paragraph applies to pre-basic seed of a component used in the production of a listed hybrid variety—
- (a) that complied with the requirements of sub-paragraph (4)(a) and (b), and
  - (b) that was used as a component in the production of the harvested CS seed.
- (6) This sub-paragraph applies to basic seed—

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- (a) that has been harvested from a crop—
    - (i) produced in the United Kingdom and found by an official UK field inspection to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which basic seed is to be produced;
    - (ii) produced in another member State and found by a field inspection of the crop carried out by or on behalf of the competent seed certification authority in that State to satisfy the Directive crop conditions for basic seed; or
    - (iii) produced in an equivalent third country and found by a field inspection of the crop carried out by the approved seed certification authority in that country to satisfy the Directive crop conditions for basic seed;
  - (b) that—
    - (i) was found by an official UK seed test or a UK seed test carried out under official supervision to satisfy the conditions laid down in Part II of Schedule 4 for basic seed,
    - (ii) was found by seed testing carried out by or on behalf of the competent seed certification authority or a licensed EC seed testing station in another member State to satisfy the Directive seed conditions for basic seed; or
    - (iii) was found by seed testing carried out by the approved seed certification authority or a licensed third country seed testing station in an equivalent third country to satisfy the Directive seed conditions for basic seed; and
  - (c) that was of the same variety as the harvested CS, C1 or C2 seed (as the case may be).
- (7) This sub-paragraph applies to basic seed of a component of a hybrid variety—
- (a) that complied with the requirements of sub-paragraph (6)(a) and (b), and
  - (b) that was a component of the harvested CS seed.
- (8) This sub-paragraph applies to C1 seed—
- (a) that has been harvested from a crop—
    - (i) produced in the United Kingdom and found by an official UK field inspection to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which C1 seed is to be produced;
    - (ii) produced in another member State and found by a field inspection of the crop carried out by or on behalf of the competent seed certification authority or a licensed EC crop inspector in that State to satisfy the Directive crop conditions for C1 seed; or
    - (iii) produced in an equivalent third country and found by a field inspection of the crop carried out by the approved seed certification authority or a licensed third country crop inspector in that country to satisfy the Directive crop conditions for C1 seed;
  - (b) that—
    - (i) was found by an official UK seed test or a UK seed test carried out under official supervision to satisfy the conditions laid down in Part II of Schedule 4 for C1 seed, or
    - (ii) was found by seed testing carried out by or on behalf of the competent seed certification authority or a licensed EC seed testing station in another member State to satisfy the Directive seed conditions for C1 seed; or
    - (iii) was found by seed testing carried out by the approved seed certification authority or a licensed third country seed testing station in an equivalent third country to satisfy the Directive seed conditions for C1 seed; and
  - (c) that was of the same variety as the harvested C2 seed.

## PART IV

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

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

**52.**—(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 9(1) of the Cereal 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 listed 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 name of 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;
- (d) in the case of a component intended solely as a component to be used in the production of a listed hybrid variety, the word “component”;
- (e) the category of the seed;
- (f) the field or lot reference number of the seed;
- (g) the declared net or gross weight of the seed; and
- (h) the words “seed not finally certified”.

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

**53.**—(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 9(1) of the Cereal 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 paragraphs 52(3).

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

**54.**—(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 certified 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 Cereal 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 paragraphs 52(3).

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

**55.**—(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 9(1) of the Cereal 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 paragraphs 52(3).

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

**56.**—(1) In these Regulations “not finally certified C2 seed harvested in another member State” means C2 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 or C1 seed, and

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- (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 9(1) of the Cereal 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 paragraphs 52(3).

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

**57.—**(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 certified 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 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 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**

**58.**—(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 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 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 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**

**59.**—(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

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- (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.