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STATUTORY INSTRUMENTS

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**2011 No. 2992**

**The Seed Marketing (Amendment) Regulations 2011**

**Schedule 4 (exceptions)**

**8.** In Schedule 4—

(a) for paragraph 5(2), substitute—

“(2) This does not apply in the case of seed imported from a third country.”;

(b) for paragraph 8, substitute—

**“Marketing preservation mixtures that include uncertified fodder seed**

**8.—(1)** The Secretary of State may authorise the marketing of preservation mixtures in accordance with this paragraph.

(2) An application for an authorisation must be made by the producer and must contain such information as the Secretary of State may require to—

- (a) complete the authorisation in accordance with Article 4(2) of Commission Directive 2010/60/EU, as read with Article 4(3) of that Directive; and
- (b) verify compliance with Article 5 of that Directive (in the case of directly harvested preservation mixtures) or Article 6 of that Directive (in the case of crop-grown preservation mixtures).

(3) An authorisation—

- (a) may only be granted if the preservation mixture complies with Article 5 of Commission Directive 2010/60/EU (in the case of directly harvested preservation mixtures) or Article 6 of that Directive (in the case of crop-grown preservation mixtures);
- (b) may only be granted for the marketing of a preservation mixture in its region of origin as determined by the Secretary of State in accordance with Article 3 of Commission Directive 2010/60/EU;
- (c) may only be granted for a preservation mixture that contains a conservation variety within the meaning of regulation 2(1) of the Seeds (National Lists of Varieties) Regulations 2001 if that variety complies with the requirements of paragraph 7(1) to (7) and (9); and
- (d) must specify the matters listed in Article 4(2) of Commission Directive 2010/60/EU, as read with Article 4(3) of that Directive.

(4) The seed must not be sold as loose seed under paragraph 26 of Schedule 3.

(5) The seed must be labelled with a pink supplier’s label or a printed or stamped notice which, instead of containing the labelling information for mixtures of seed set out in Schedule 3, contains the following information—

- (a) the words “EU rules and standards”;
- (b) the name, address and identification number of the person affixing the label;
- (c) the harvesting method (whether directly harvested or crop-grown);

- (d) the year of sealing expressed as “sealed...[year]”;
  - (e) the region of origin;
  - (f) the source area;
  - (g) the collection site;
  - (h) the habitat type of the collection site;
  - (i) the words “preservation seed mixture”;
  - (j) the reference number of the lot given by the person affixing the label;
  - (k) in the case of crop-grown preservation mixtures—
    - (i) the percentage by weight of the components as species and, where relevant, sub-species; and
    - (ii) the specific germination rate for the fodder seed components of the mixture that do not comply with the germination requirements of paragraph 28(2) of Schedule 2 (unless the mixture contains more than five such fodder seed components, in which case the average germination rate for those components may be used);
  - (l) in the case of directly harvested preservation mixtures, the percentage by weight of those components as species and, where relevant, sub-species that are typical for the habitat type of the collection site and that are, as components of the mixture, of importance for the preservation of the natural environment in the context of the conservation of genetic resources;
  - (m) declared net or gross weight; and
  - (n) where granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and the approximate ratio between the weight of clusters or pure seeds and the total weight.
- (6) The total quantity of the seed authorised to be marketed each year must not exceed 5% of the total weight of fodder plant seed mixtures marketed in the United Kingdom in the same year.
- (7) Expressions used both in this paragraph and Commission Directive 2010/60/EU have the same meaning in this paragraph as they have in that Directive.”.