

SCHEDULE 4

Exceptions

PART 2

Marketing seed that does not comply with Schedule 2

Marketing unlisted varieties (other than vegetable seed) for tests and trials

9.—(1) The Welsh Ministers may authorise the marketing of seed for which an application for entry in the United Kingdom National List has been submitted but not yet granted.

(2) This paragraph does not apply in relation to vegetable seed (for which see the following paragraph).

(3) An applicant must be a producer established in Wales.

(4) An authorisation is valid for one year and is renewable.

(5) An authorisation becomes invalid once the variety is added to the United Kingdom National List or the application to be listed is withdrawn or rejected.

(6) The authorisation may only be requested by the person who has submitted an application for entry of the varieties concerned in the United Kingdom National List.

(7) An authorisation may only be granted for tests or trials carried out at agricultural enterprises to gather information on the cultivation or use of the variety.

(8) The quantities authorised for each variety must not exceed the following percentages of seed of the same species used annually in the United Kingdom—

(a) in the case of durum wheat: 0.05 %,

(b) in the case of field pea, field bean, oats, barley and wheat: 0.3 %,

(c) in all other cases: 0.1 %,

except that, if such quantities are not sufficient to sow 10 hectares, the quantity needed for such an area may be authorised.

(9) Fodder seed must comply with the conditions for—

(a) certified seed (all species other than field peas and field beans); or

(b) certified seed, second generation (field peas and field beans).

(10) Cereal seed must comply with the conditions for—

(a) certified seed (rye, maize and hybrids of oats and red oats, barley, wheat, durum wheat, spelt wheat and triticale other than self-pollinating varieties); or

(b) certified seed, second generation oats and red oats, barley, wheat, durum wheat, spelt wheat and self-pollinating varieties of triticale, other than hybrids in each case.

(11) Beet seed must comply with the conditions for certified seed.

(12) Seed of oil and fibre plants must comply with the conditions for—

(a) certified seed (all species other than flax and linseed);

(b) certified seed, second and third generation (flax and linseed).

(13) The package must be labelled with an orange label which must include the words “variety not yet officially listed; for tests and trials only” and, where applicable “genetically modified variety” in addition to the other labelling requirements in these Regulations.