STATUTORY RULES OF NORTHERN IRELAND

# 2011 No. 397

# SEEDS

## The Fodder Plant Seeds (Amendment) Regulations (Northern Ireland) 2011

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| *Made - - - -* | *10th November 2011* |
| *Coming into operation* | *19th December 2011* |

The Department of Agriculture and Rural Development (**1**) makes the following Regulations in exercise of the powers conferred by sections 1(1) and (2A) and 2 of the Seeds Act (Northern Ireland) 1965(**2**) after consultation, in accordance with section 1(1) of that Act, with representatives of such interests as appear to it to be concerned:

## Part 1

### General

**Citation and Commencement**

**1.** These Regulations may be cited as the Fodder Plant Seeds (Amendment) Regulations (Northern Ireland) 2011 and shall come into operation on 19th December 2011.

## PART 2

### Control of Fodder Plant Seeds

**Amendment of the Fodder Plant Seeds Regulations (Northern Ireland) 2009**

**2.** The Fodder Plant Seeds Regulations (Northern Ireland) 2009 (**3**) are amended as follows:

(**1**) Formally the Department of Agriculture for Northern Ireland: *see*S.R.1999/283(N.I.) Article 3(4)
(**2**) 1965 c.22 (N.I.); section 1 was amended by 1970 c.20 (N.I.) section 10(1) and S.R. & O.(N.I.) section 10(2) and S.R.1977 No.351 Art.3 and Schedule 3; section 2 was amended by 1970 c.20 (N.I.), section 10(2) and S.R. 1977 No.295 Art.2
(**3**) S.R.2009/385

**Amendment to Regulation 2**

**3.** In regulation 2(1) (general interpretation) after the definition "breeder's seed" insert—

"collection site" means a part of a source area, where the seed has been collected;

After the definition "Commission Directive 2008/62" insert—

"Commission Directive 2010/60" means Commission Directive 2010/60/EU(**4**) providing for certain derogations for marketing of fodder plant seed mixtures intended for use in the preservation of the natural environment.

After the definition for "control plot" insert—

"crop-grown preservation mixture" means a seed mixture produced in accordance with the following process:

(i) seed of individual species is taken at the collection site;

(ii) the seed referred to in point (i) is multiplied outside the collection site as single species;

(iii) the seeds of those species are then mixed to create a mixture which is composed of those genera, species and, where relevant, subspecies which are typical for the habitat type of the collection site.

After the definition for "Directive seed conditions" insert—

"directly harvested preservation mixture" means a seed mixture marketed as collected at the collection site with or without cleaning;

For the definition "preservation mixture" substitute—

"preservation mixture" means a mixture of fodder plant seed of the species specified in Schedule 2 (whether or not the mixture also contains seed to which these regulations do not apply) where the Department is satisfied that the mixture contains only seed which, when used, will assist in the conservation of genetic resource, reduce the loss of genetic diversity or natural habitat and improve species distribution;

after the definition of "small EC B package of seed" insert—

"source area" means:

(iv) an area designated by the Department as a special area of conservation in accordance with Article 4(4) of Directive 92/42/EEC; or

(v) an area contributing to the conservation of plant genetic resources and which is designated by the Department in accordance with a national procedure based on criteria comparable to those provided for in Article 4(4) of Directive 92/43/EEC in conjunction with Article 1(k) and (l) of that Directive, and which is managed, protected and under surveillance in a manner equivalent to Article 6 and 11 of that Directive;

**Amendment to Regulation 19**

**4.** After regulation 19 (4) insert—

"(4A) A regulation 19 authorisation shall include the following:

(i) the name and address of the person;

(ii) the harvesting method: whether directly harvested preservation mixture or crop-grown;

(iii) the percentage by weight of the components as species and, where relevant, subspecies;

(**4**) OJ L228, 31.8.2010, P.10

(iv) in the case of crop-grown preservation mixtures, a specific germination rate for components of the mixture covered by Directive 66/401/EEC which do not comply with the germination requirements set out in Annex II to that Directive;

(v) quantity of the mixture to which the authorisation is to apply;

(vi) region of origin;

(vii) restriction to marketing in the region of origin;

(viii) source area;

(ix) collection site, and in the case of a crop-grown preservation mixture, in addition, the multiplication site;

(x) habitat type of the collection site; and

(xi) year of collection.

(b) As regards paragraph (4A)(1)(c), for directly harvested preservation mixture it shall suffice to give those components as species and, where relevant, subspecies which are typical for the habitat type of the collection site and which are, as components of the mixture, of importance for the preservation of the natural environment in the context of the conservation of genetic resources.

(4B) Authorisation requirements for directly harvested preservation mixture.

(a) A directly harvested preservation mixture shall have been collected in its source area at a collection site which has not been sown in the 40 years previous to the date of the application submitted in accordance with this regulation.

(b) For the purposes of Article 8 (quantitative restrictions) of Commission Directive 2010/60, the Department may specify the maximum amount of seed of a preservation mixture which may be marketed in any given growing season and specify different maxima for different persons or classes of person.

(c) The percentage of the components of the directly harvested preservation mixture that are species and, where relevant, subspecies which are typical for the habitat type of the collection site and which are, as components of the mixture, of importance for the preservation of the natural environment in the context of conservation of genetic resources, shall be adequate for the purpose of recreating the habitat type of the collection site.

(d) The germination rate of the components referred to in paragraph (c) shall be sufficient for the purpose of recreating the habitat type of the collection site.

(e) The maximum content of species and, where relevant, subspecies which do not comply with paragraph (c) shall not exceed 1% by weight. The directly harvested preservation mixture shall not contain *Avena fatua, Avena sterilis* and *Cusata* spp. The maximum content of *Rumex* spp. other than *Rumex acetosella* and *Rumex maritimus* shall not exceed 0.05% by weight.

(f) A visual inspection has been carried out by the Department at the collection site during the period of growth of the seed, together with any other examinations or tests the Department considers necessary and the results of the visual inspection, examinations and tests show that—

(i) The percentage of the components of the mixture that are species typical for the habitat type of the collection site is adequate for the purpose of recreating the habitat type of the collection site;

(ii) The germination rate of the components in head (i) is sufficient for the purpose of recreating the habitat type of the collection site;