



SCOTTISH EXECUTIVE

Environment and Rural Affairs Department
Plants, Horticulture and Potatoes

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Your ref:
Our ref: spp/2/5/17

To Interested Organisations and Bodies in Scotland

7 March 2003

Dear Sir/Madam,

**SEEDS OF HYBRIDS AND VARIETAL ASSOCIATIONS OF SWEDE RAPE AND TURNIP RAPE (COUNCIL DIRECTIVE 2002/68/EC)
THE OIL AND FIBRE PLANT SEEDS REGULATIONS 1993**

I am writing to invite comments on a proposal to amend the Oil and Fibre Plant Seeds Regulations 1993 (as amended) to implement Commission Decision 95/232/EEC. The proposed amended Regulations will include technical standards to be satisfied by the seeds of hybrids and varietal associations of swede rape and turnip rape intended for marketing.

On the basis of claims that specified conditions for seeds of hybrids and varietal associations of swede rape and turnip rape intended for market, should be established under Council Directive 69/208/EEC, (on the marketing of oil and fibre plant seeds) Commission Decision 95/232/EC of 27 June 1995 initiated a temporary experiment to establish conditions to be satisfied by such seeds. The temporary experiment has been extended on various occasions, currently until 30 June 2003. In Scotland the marketing of seeds of hybrids and varietal associations of swede rape and turnip rape, which meet the standards set out in Commission Decision 95/232/EC, and contained in General Licence 2002/3, (see Annex) is currently permitted, until 30 June 2003.

Owing to their increased importance in the Community, Council Directive 2002/68/EC of 19 July 2002 amended Directive 2002/57/EC (the successor to Council Directive 69/208/EEC) to include the seed of hybrid varieties, additional to sunflower, and seed of varietal associations of swede rape and turnip rape within the scope of Directive 2002/57/EC. As a consequence, we are required to incorporate the technical standards currently set out in Commission Decision 95/232/EEC, and the current General Licence, into the Oil and Fibre Plants Seeds Regulations 1993 (as amended) pending the application of new provisions.



INVESTOR IN PEOPLE



I should, therefore, be grateful if you would send any comments to Ms Carol Scott at the following address to reach her no later than **23 May 2003**

Ms Carol Scott
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In order to help inform debate on the questions covered by this consultation letter, the Department intends to follow its normal practice of making available to the public, on request, copies of the responses received. The Department will assume, therefore, that responses can be made publicly available in this way. If respondents indicate that they wish all, or part, of their reply excluded from this arrangement, **its confidentiality will be strictly respected.**

Copies of the responses made available to the public will be held on an "open file" held in the Library at Saughton House, Edinburgh. Copies of documents from the "open file" will be forwarded to members of the public on request. A charge will normally be levied to cover the cost of copying.

Yours sincerely

Brian Cockwell
Plants, Horticulture and Potatoes

THE OIL AND FIBRE PLANT SEEDS REGULATIONS 1993 (AS AMENDED)

The standards and conditions for the marketing of the seeds of hybrids and varietal associations of swede rape (*Brassica napus* L. (*partim*)) and turnip rape (*Brassica rapa* L. var. *silvestris* (Lam.) Briggs)

1. Interpretation

- a "varietal association" shall mean an association of Certified Seed of a specified pollinator-dependent hybrid entered in the National List or the Common Catalogue with Certified Seed of one or more specified pollinator(s), similarly entered, and mechanically combined in proportions jointly determined by the persons responsible for the maintenance of these components, such combination having been notified to the Scottish Ministers;
- "pollinator dependent hybrid" shall mean the male sterile component within the "varietal association" (female component);
- "pollinator(s)" shall mean the component shedding pollen within the "varietal association" (male component).

¹ S.I. 1993/2007, as amended by S.I. 1994/1423, 1996/1451, 1997/616, 1999/1862 and S.I. 2000/249 (as respects Scotland) and S.I. 2001/3510.

2. Conditions to be satisfied by the crop

- a) The crop shall be raised in a production ground where at least five years have elapsed since plants of Crucifereae were last grown;
- b) where a male sterile component is used for seed production, male sterility shall be at least 98%. The level of male sterility shall be assessed by examining flowers for the absence of fertile anthers;
- c) the distance from neighbouring sources of pollen which may result in undesirable foreign pollination shall be at least 500m for the production of Basic Seed and at least 300m for the production of Certified Seed. These distances can be disregarded if there is sufficient protection from any undesirable foreign pollination; and
- d) the number of field inspections shall be at least three. The first inspection should be made before the flowering stage, the second inspection at the early flowering stage and the third inspection at the end of the flowering stage.

3. Conditions to be satisfied by the seed

- a) The seed shall have sufficient identity and purity as regards the varietal characteristics of its components including male sterility or fertility restoration, where appropriate; and
- b) the minimum varietal purity shall conform to the following standards:

Type of seed		Minimum varietal purity (%)
aa)	Hybrids produced using self-incompatibility	
	Basic Seed, inbred line	98.0
	Basic Seed, simple hybrid	95.0
	Certified Seed	90.0
bb)	Hybrids produced using male sterility	
	Basic Seed, female component	99.0
	Basic Seed, male component	99.9
	Certified Seed	90.0

The minimum varietal purity shall be examined mainly in field inspections carried out in accordance with paragraph 2 above.

4. Post control of Basic Seed

- a) Seed shall not be certified as Certified Seed unless due account has been taken of the results of official post-control plot tests on samples of Basic Seed taken officially and carried out during the growing season of the seed entered for certification as Certified Seed to ascertain whether the Basic Seed has met the requirements for Basic Seed laid down in this document in respect of identity and purity as regards the characteristics of the components, including male sterility; and
- b) in the case of Basic Seed of hybrids, the varietal purity may be assessed, instead of post control plots, by appropriate biochemical methods.

5. Certified Seed of a varietal association

In the case of a varietal association the Certified Seed of the pollinator dependent hybrid and of the pollinator(s) shall be mechanically combined in proportions jointly determined by the persons responsible for the maintenance

of those components. The seed of the pollinator dependent hybrid and pollinator(s) shall be coded using different coloured seed dressings.

6. Post control of Certified Seed

- a) The standards in respect of the minimum varietal purity laid down in the table under paragraph 3 above in respect of Certified Seed of hybrids shall be monitored by official post control tests on samples taken officially; and
- b) in the case of Certified Seed of hybrids the varietal purity may be assessed, instead of post control plots by appropriate biochemical methods.

7. Labelling requirements

The requirements for the label shall be as follows:

- a) in the case of Basic and Certified Seed of hybrids, the labelling provisions set out in Part 1C of Schedule 6 to The Oil and Fibre Plant Seeds Regulations 1993 shall apply;
- b) in the case of Basic Seed of hybrids or inbred lines
 - (i) where the hybrid or the inbred line to which the Basic Seed belongs has been entered in the National List or the Common Catalogue,
 - the name of this component, under which it has been entered, with or without reference to the final variety, accompanied, in the case of hybrids or inbred lines as component for final variety, by the word "component",
 - (ii) in other cases,
 - the name of the component to which the Basic Seed belongs, which may be given in code form, accompanied by a reference to the final variety, with or without reference to its functions (pollinator dependent hybrid or pollinator), and accompanied by the word "component";

- c) in the case of Certified Seed to be combined in accordance with paragraph 5 , the labelling provisions set out in Part 1C of Schedule 6 to The Oil and Fibre Plant Seed Regulations 1993 shall apply to the Certified Seed of each component. Moreover its function (pollinator dependent hybrid or pollinator) accompanied by the word "component", and the name of the final varietal association shall be given;
- d) in the case of a varietal association, the labelling provisions set out in Part 1C of Schedule 6 to The Oil and Fibre Plant Seeds Regulations 1993 shall apply, except that instead of the name of the variety, the name of the varietal association shall be given (in the format "varietal association - and its name") and the percentages by number of the various components shown by variety shall be given; it is sufficient to give the name of the varietal association if the percentage by number has been notified in writing to the purchaser, on request, and officially recorded by notification to the Scottish Ministers;
- e) the label shall be blue with a diagonal green line; and
- f) the label shall bear the number 95/232/EC after the words EC rules and standards.

THE OIL AND FIBRE PLANT SEEDS REGULATIONS 1993 (as amended)

Schedule 6 Part 1

C. Official Label for a Package of Basic Seed, Certified Seed or Certified Seed of the First, Second and Third Generations

(a) Prescribed contents

1. "EC rules and standards"
2. Certifying Authority and Member State or their mark
3. Month and year when officially sealed
4. Reference number of the lot
5. Kind
6. Variety
7. Category
8. Country of production
9. Declared net or gross weight or declared number of seeds
10. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of seeds and the total weight
11. In the case of varieties which are hybrids or inbred lines-

- (a) for Basic Seed where the hybrid or inbred line to which the seed belongs has been officially accepted on a National List or the Common Catalogue-

the name of this component, under which it has been officially accepted, with or without reference to the final variety, accompanied, in the case of hybrids or inbred lines which are intended solely as components for final varieties, by the word "component";

- (b) for Basic Seed in other cases-

the name of the component to which the Basic Seed belongs, which may be given in code form, accompanied by a reference to the final variety, with or without reference to its function (male or female), and accompanied by the word "components"

- (c) for Certified Seed -

the name of the variety to which the seed belongs, accompanied by the word "hybrid ".

- (b) Minimum size of label-110 mm x 67 mm

- (c) The label shall be coloured white for Basic Seed, blue for Certified Seed and Certified Seed of the First Generation and red for Certified Seed of the Second and Third Generations.