S.I. No 918 of 2005  
European Communities (Seed of fodder plants) (Amendment) Regulations 2005

I, Mary Coughlan, Minister for Agriculture and Food, in exercise of the powers conferred on me by Section 3 of the European Communities Act, 1972 (No 27 of 1972) and for the purpose of giving effect to Council Directive 2004/117/EC\(^1\) of 22 December 2004 hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Seed of fodder plants) (Amendment) Regulations 2005.

2. The European Communities (Seed of fodder plants) Regulations 2003. (S.I. No. 198 of 2002) are amended-

(a) in Regulation 2(1)-

(i) by deleting the definitions of “basic seed”, “certified seed”, “certified seed, first generation”, “certified seed, second generation”, “fodder plants”, “pre basic seed”, and

(ii) by substituting for the definition of “the directive” the following:


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\(^1\) O.J. No L14 18/1/2005 p18  
\(^2\) O.J. No L125 11/07/1966 p2298  
\(^3\) OJ No. L48/8, 26 February, 1969  
\(^4\) OJ No. L87/24, 17 April, 1971  
\(^5\) OJ No. L171/37, 29 July, 1972  
\(^6\) OJ No. L287/22, 26 December, 1972  
\(^7\) OJ No. L73/14, 27 March, 1972  
\(^8\) OJ No. L2/1, 1 January, 1973  
\(^10\) OJ No. L196/6, 26 July, 1975  
\(^12\) OJ No. L113/1, 25 April, 1978  
\(^14\) OJ No. L350/27, 14 December, 1978  
\(^15\) OJ No. L183/13, 19 July, 1979  
\(^16\) OJ No. L205/1, 13 August, 1979

(b) by substituting for Regulation 20 the following-

20  (1) The Minister may set fees, payable to him or her, for inspection, application for a certificate, sampling and carrying out of tests and different fees may be set for different inspections, certificates or tests.

21  (2) A fee payable under this Regulation may be recovered by the Minister as a simple contract debt in a court of competent jurisdiction.

22  (3) The Minister shall not carry out an inspection, consider an application for a certificate or carry out sampling or a test unless the fee set under this Regulation has been paid.

\textsuperscript{17} OJ No. L207/36, 9 August, 1980

\textsuperscript{18} OJ No. L67/36, 12 March, 1981

\textsuperscript{19} OJ No. L131/24, 13 May, 1982

\textsuperscript{20} OJ No. L76/21, 22 March, 1983

\textsuperscript{21} OJ No. L16/41, 19 January, 1985

\textsuperscript{22} OJ No. L130/59, 16 May, 1986

\textsuperscript{23} OJ No. L118/23, 7 May, 1986

\textsuperscript{24} OJ No. L49/39, 18 February, 1987

\textsuperscript{25} OJ No. L155/26, 16 June, 1987

\textsuperscript{26} OJ No. L273/43, 26 September, 1987

\textsuperscript{27} OJ No. L187/31, 16 July, 1988

\textsuperscript{28} OJ No. L261/27, 21 September, 1988

\textsuperscript{29} OJ No. L196/50, 12 July, 1989

\textsuperscript{30} OJ No. L38/36, 10 February, 1989

\textsuperscript{31} OJ No. L203/108, 26 July, 1991

\textsuperscript{32} OJ No. L104/61, 22 April, 1992

\textsuperscript{33} OJ No. L76/21, 26 March, 1996

\textsuperscript{34} OJ No. L304/10, 27 November, 1996

\textsuperscript{35} OJ No. L25/1 of 1 February, 1999

\textsuperscript{36} OJ No. L234/60 of 1 September, 2001.
(4) A fee payable under this Regulation shall not exceed an amount equal to the costs, estimated by the Minister, incurred in respect of an inspection or processing of an application for a certificate or test.

(5) The Public Offices Fees Act 1879 does not apply in respect of fees payable under this Regulation.

(6) A fee under this Regulation shall be disposed of for the benefit of the Exchequer in such manner as the Minister for Finance may direct.”

(c) by inserting after Regulation 20-

21 Seed of fodder plants, which has been produced in another Member State or a third country shall, on request, and without prejudice to the European Communities (National Catalogue of Agricultural Plant Varieties) Regulations 2002 be officially certified as certified seed of the appropriate category if the conditions as set down in Article 15(3) of the EC Directive have been met”;

22 (1) Field inspections carried out under official supervision shall be carried out by inspectors who fulfil the conditions set out in Article 2 (3) A of the Directive.

(2) Seed sampling carried out under official supervision shall comply with Article 7 of the Directive.

(2) Seed testing carried out under official supervision shall be carried out by seed-testing laboratories which comply with Article 2 (3) B (a), (b) and (c) of the EC Directive.

23 Notwithstanding Regulation 7, seed of heritage varieties which are:

(a) associated with specific natural and semi natural habitats,
(b) are threatened by genetic erosion, and
(c) which is placed on the market in small packages,

may be marketed subject to any conditions that the Minister may deem necessary.”.

GIVEN under my Official Seal,

21 December 2005

Mary Coughlan
Minister for Agriculture and Food
EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation).


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Statutory Instruments.

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