



# All you need to know to market seeds: a guide for England and Wales

## Step 2: Certifying a variety

### Introduction:

If you want to market the seeds of the main varieties of agricultural crops or vegetables in England and Wales, you must:

- **have a licence for your business to market seed**
- have successfully applied to **have your seeds certified** - this shows that they meet EU quality standards

You can also market seeds which another licensed person has had certified. You're considered to be marketing seeds if you're doing any of the following:

- holding or keeping them before sale
- offering them for sale, eg by advertising
- giving them to someone else

The National Institute of Agricultural Botany (NIAB) runs the seed certification scheme on behalf of the Animal and Plant Health Agency (APHA).

### Steps:

1. **Check** a list of the [agricultural and vegetable seeds](#) you must have certified before you can market them

2. **Getting a licence:** See "All you need to know to market seeds: a guide for England and Wales. Step 1: Getting a licence for seed marketing".

### BEFORE CERTIFYING:

3. **Check if your varieties of seed are listed** (A variety is a sub-category of any species of seed)

You can't get seeds certified unless they're a variety which is on the [UK national list](#) or the [EU common catalogue](#). You can also [apply to have a new variety added to the national list](#).

**For organic seeds production:** if you want to produce organic seeds you first must check if the variety you want to produce is available organically on [OrganicX](#) list (if web access is not available then variety availability can be checked by calling the Organic Food Federation 01760 720444). If the variety you are searching for is on the list you must obtain your seeds from the supplier that has the seeds you want to produce. Otherwise, in the following cases you can apply for a derogation to use non-organic seeds in order to obtain organic seeds (and produce) in the future:

- No varieties of the species, which I want to use, are registered in the UK organic seed database.
- The seed supplier is unable to deliver the seed or seed potatoes before sowing or planting despite ordering the seed or seed potatoes in reasonable time.
- The variety, which I want to use, is not registered in the database and I can demonstrate that none of the registered alternatives of the same species are appropriate for my production (you will need to indicate the reason they are not appropriate).
- For research purposes:
  - To test in small scale field trials
  - For variety conservation purposes.

Application for derogation are held by official bodies such as [Soil Association](#) and [Organic Food Federation](#).

### 3.a. Certification categories

You may be able to apply to enter your seed in the following categories, depending on the stage your seed is at in the multiplication process (see below for more info): pre-basic (PB) | basic (B) | certified seed (CS) | certified seed of the first generation (C<sub>1</sub>) | certified seed of the second generation (C<sub>2</sub>) | certified seed of the third generation (C<sub>3</sub>) (only flax or linseed can be certified in this category) | commercial seed (only annual meadowgrass, Hungarian vetch, sainfoin and black mustard can be certified in this category) | standard seed (you can only market vegetable seeds in this category).

- **What stage is your seed at?**
  - **Basic seed:** means seed
    - which has been produced under the responsibility of the breeder according to accepted practices for the maintenance of the variety;
    - which is intended for the production of seed of the category certified seed;
    - which has been found by official examination to satisfy the above mentioned conditions;
  - **Certified seed:** means seed
    - which is produced directly from basic seed or, if the breeder so requests, from seed of a generation prior to basic seed which can satisfy and has been found by official examination to satisfy the conditions laid down in Annexes I and II for basic seed;
    - which is intended mainly for the production of vegetables;
    - which has been found by official examination to satisfy the aforementioned conditions;
    - which is subject to official post-control by check inspection to verify its varietal identity and varietal purity;
  - **Standard seed:** means seed
    - which has sufficient varietal identity and varietal purity;
    - which is intended mainly for the production of vegetables;
    - which satisfies the conditions laid down in Annex II; and
    - which is subject to official post-control by check inspection to verify its varietal identity and varietal purity;

## CROP INSPECTION:

### 4. Enter your crops

You must tell NIAB that you're growing crops to produce seeds, this is known as 'entering your crops'. (Use a separate application form sheet for each crop you enter and number each of your sheets)

- **Online:** If you're already registered on the Government Gateway, you can [enter your crops online](#). See the [user guide](#) (PDF, 2.81MB, 73 pages) on how to use the online system.
- **By post:** To register by post, [complete the CERT 2 application form](#) and the [CERT 2A payment form](#) and return them to NIAB.

#### 4.a. Crop entry fees

Check the fee you'll need to pay in the [seed certification fees guidance](#). You can use the [payment application form](#) to pay for both your crop entry and your inspection fees.

**4.b. Create a crop identity number:** You must make a seed crop identity number and enter it on your application form.

To do this, combine the following details:

- the last 2 digits of the harvest year (eg 14 if the year was 2014)
- your licence number
- the sheet number of the form (eg if you're sending 3 forms, the first sheet number would be 1, the second would be 2, etc)

For example, if the harvest year was 2014, your licence number was 123 and the sheet number was 05, you should use the crop identity number 14/123/05.

#### 4.c. Deadlines for crop entry:

- **Vegetable seeds** - You must enter vegetable seeds by the following dates (please note that deadlines for receipt of seed lots samples at NIAB are earlier - see point 6.c):
  - autumn sown biennial seed crops - 15 October
  - spring sown biennial seed crops - 15 April
  - spring sown annual seed crops - 15 April

**4.d. Crop inspection:** You must have your crops inspected and you'll have to use an official inspector or a licensed inspector depending on what you're applying to produce.

**(a) Official inspection:** NIAB will arrange an official inspection of crops entered to produce the following:

- pre-basic seed
- basic seed

The inspector will complete a crop inspection report.

- **Fees for official inspections:** You'll have to pay the following fees for official inspections:
  - cereal, pulses, linseed and heritage - £62 per hectare if you apply by post, £60 per hectare if you apply online
  - beet, oilseed rape, mustard, fodder rape, beet and kale - £97 per hectare if you apply by post, £95 per hectare if you apply online

- hybrid rape - £132 per hectare if you apply by post, £130 if you apply online
- **Arranging a second official inspection:** If you don't agree with the results of an official inspection, you can contact NIAB and ask them to arrange a second inspection. You'll have to pay £35 per hectare and NIAB will invoice you.

**(b) Licensed inspection:** You must contact a licensed crop inspector to arrange the inspection of any crops you enter to produce CS, C1, C2, or C3 flax seed that's a listed variety. [Contact APHA](#) to get a list of licensed crop inspectors and their contact details. You must give the inspector a copy of the CERT 3 crop inspection report to complete - [find the form you need](#). The crop inspector will inspect the crop and send you the completed CERT 3 to tell you if your crop meets certification standards.

- **Fees for licensed inspections:** For licensed crop inspections of crops at grade CS, C1, C2, and C3, except for early multiplication and late entered crops, you must pay either:
  - £5.50 per hectare if you apply by post
  - £4.50 per hectare if you apply online
- **Arranging a second licensed inspection:** If you don't agree with the results of a licensed inspection, you can contact the licensed inspector and ask them to arrange a second inspection.

**4.e. Control plot reports:** When you enter your crops, NIAB will take a sample of the seed from the seed lot you grew them in and grow it in an official control plot. They do this so that they can check the grown material meets the standards of the variety you want it certified in. If your crop fails to meet standards, they'll send you a control plot report - they can do this at any time during the growing season. Crop inspectors will compare the results of their inspection to control plot reports before making a final decision.

- **For officially inspected crops:** If the NIAB sends you a control plot report before inspection, the official inspector will use it as a guide. If your crop fails a control plot report after passing inspection, [contact NIAB](#) to discuss the results. They may decide to do a second inspection to do this if the report found that your crop is contaminated, the wrong variety, or the first inspector couldn't check the impurities at the time. They can overturn the results of any previous inspection based on their discussion with you or the second inspection.
- **For crops inspected by licensed inspectors:** If your crop was inspected by a licensed inspector and fails a control plot report, inspectors may visit your site and inspect it again, and discuss the results with NIAB. If NIAB confirms the control plot result, NIAB may declare post-control of the seed lot is unsatisfactory. This result would then apply to all crops sown with seed from that lot, regardless of whether they've been officially inspected.

**4.f. After crop inspection:** Your licensed or official crop inspector will sign the crop inspection report and state whether the crop meets:

- the standards for which you entered it

- the level for which you entered it, if it's barley, oats, wheat or some fodder where a higher voluntary standard applies
- the standards or level of any lower generations for which it's eligible
- the minimum standards for you to be allowed to produce seeds from it

You can produce seeds from a crop provided it:

- passes at the category or level you entered it for and all lower categories levels for which it's eligible
- passes at a lower category or level and is eligible for seed production at that category or level

#### 4.g. Sending crop inspection reports:

- **Sending official crop inspection reports:** If your crops were inspected by officials, the inspector will send the inspection report to NIAB.
- **Sending licensed crop inspection reports:** If your crops were inspected by licensed inspectors, you need to [send the completed crop inspection card to NIAB](#).
  - **Deadlines for sending crop inspection reports:** You must lodge crop inspection reports by 15 August, apart from for the following which you must lodge by 15 July:
    - lots of ryegrass that you're sowing in autumn of the same year
    - biennial seed crops sown in autumn, ie oilseed rape, fodder rape and turnip rape

### CERTIFYING THE SEED:

**5. Seed sampling and testing:** You must have your seed sampled and tested after it's been processed, divided into seed lots, and sealed and labelled, to check it meets the standards for certification. You must have samples taken by a licensed seed sampler and tested by either a licensed seed testing station or an official seed testing station. Contact APHA if you can't find a licensed seed sampler. See the [list of official seed testing stations](#).

**5.a. Applying for sampling and testing of a qualifying seed lot** (You can only apply for sampling and testing of your seed if it's met crop standards and has a crop inspection report which is lodged with NIAB)

[Complete a CERT 5 application form for sampling and testing of a seed lot](#) and give it to a licensed seed sampler. This form must be completed by the applicant to request the sampling and testing of an official sample of a qualifying seed lot. You must complete a separate CERT 5 for each seed lot you entered.

**5.a.1. Create a seed lot reference number (SLRN):** You must make a seed lot reference number (SLRN) for your seed lot - NIAB use this to identify your seed before and after marketing. You must use this number on all your applications and in any dealings that relate to that seed lot. Combine the following numbers:

- the last two numbers of the harvest year (eg 14 if the year was 2014)

- the category code (eg 2H) - find a list of category codes in the [technical standards](#)
- your licence number (you can use the breeder or maintainer's license number if you're entering seeds to be certified as pre-basic or basic)
- the sequential number of the lot produced by the person whose licence number you've used - this must be a unique number and you can make it up

For example, if the harvest year was 2014, the category code was 2H, your licence number was 123 and the lot number you chose was 02, your seed lot reference number would be 14/2H/123/02.

**For herbage, fodder, oil beet and vegetable blends:** Use the year when you blended the seed, not the year when you harvested it.

**5.a.2. Taking a sample:** You must have your samples taken by a licensed official seed sampler for seed which is being multiplied.

- **Submitting samples of seed of multiplication categories in England:** If you're submitting samples of seed from categories PB, B, CS, C<sub>1</sub> or C<sub>2</sub> the licensed seed testing station (LSTS) or the official seed testing station (OSTS) will send the sample and seed test report to NIAB.
- **Breeder's seed:** You must have breeder's seed (also known as uncertified seed) sampled by a licensed seed sampler. [Complete form CERT 5](#) and send it to NIAB, along with the sample (You then don't have to send a seed test report for breeder's seed). The sample must be taken from a consignment of seed that has a seed lot reference number. It should have a supplier's label that states:
  - the name and address or registered number of the person labelling the seed
  - the seed lot reference number
  - the species and variety
  - the words 'breeder's seed'
  - the declared net or gross weight or declared number of seeds

**5.a.3. Fees for entering seed lots:** You'll have to pay the following fee to enter your seed lots:

- final generation (including retests) - 2H, 2L, CH, CL, C<sub>2</sub> and C<sub>3</sub> - £42 per seed lot if you apply by post, £34 if you apply online
- multiplication seed lots PB, B, 1H, 1L, C<sub>1</sub>, C<sub>2</sub> (including retests) - £165 per seed lot if you apply by post, £155 if you apply online

You can [apply online](#), or to apply by post [complete form CERT 7](#) and send it to NIAB.

**5.a.4. Deadlines for receipt of samples at NIAB:**

- **Vegetable seeds** - You must enter vegetable seed samples for certification by the following dates:
  - autumn sown biennial seed crops - 31 August
  - spring sown biennial seed crops - 15 March
  - spring sown annual seed crops - 15 March

**Late entries:** APHA can choose to accept late entries - they'll decide whether to do this on a case by case basis, depending on:

- the crop species
- how late your entry is
- whether they can still grow a control plot

**5.b. Testing:** The LSTS or OSTs will test your seed for analytical purity, other seed content and germination. When tests are complete, the LSTS or OSTs send a **seed test report form CERT 10** to you and to NIAB. The report will state whether your seeds meet the standards of the category or level of certification for which you've applied, if they do then you can get it certified for marketing. If your seeds meet a lower category level than the one you applied for, your test report will tell you this.

The LSTS sends copies of all final seed test reports to NIAB. Otherwise, You **must send your seed test reports to NIAB**. Complete the form you need from the following list and send it to NIAB:

- [CERT 7 \(SUMM\) for seed lots that aren't blends](#)
- [CERT 7 for blended seed lots](#)

#### **AFTER CERTIFICATION AND BEFORE MARKETING:**

**6. Packing, sealing and labelling:** You must pack your seeds under supervision of a licensed seed sampler, whether they're seeds that have to be certified for marketing or not. You can't market your seeds unless you do this. For certified seed you must use official labels available from the APHA label contractor. For standard vegetable seed or small packets, you must use a supplier's label which you can produce yourself. You must:

- use the correct label colour for the type and grade of seed
- make sure the printed information on the label is permanent and cannot be removed or fade

Find out more about packing and labelling seeds in the [technical standards](#) (PDF, 770KB, 136 pages) and [annex G of the instructions for seed samplers](#).

#### **7. Keeping records**

If you're licensed to market seed, you must keep records of:

- all your seed transactions, whether the seeds they relate to are certified or not
- any seed treatments, testing or other processes carried out on the seed
- any crop inspection reports, which the inspector will give to you, for 3 years after they were issued

#### **TECHNICAL STANDARDS:**

Annexes 5 to 9 in the [technical standards](#) (PDF, 770KB, 136 pages) also cover the following procedures:

- seed imports from EU countries and countries outside the EU
- authorisation to market seed for test and trial
- authorisation to market a preservation mixture
- marketing of conservation varieties of agricultural and vegetable species

## **SPECIAL CASES:**

### **1. When certification is withdrawn:**

NIAB can recommend that APHA withdraw certification from your seed lot, or part of it, if they decide:

- either the seed itself, or the seed that the crop that produced it came from, were sampled incorrectly
- the crop that the seed came from did not meet the [technical standards](#) (PDF, 770KB, 136 pages)
- the seed did not meet the required [technical standards](#) (PDF, 770KB, 136 pages)

If APHA withdraws certification they'll tell:

- the person who entered the seed for certification
- anyone who has marketed the seed or is currently marketing it

If APHA tells you they've withdrawn certification, you must tell anyone that you've supplied with that seed.

### **2. Appeal against a decision:**

#### **2.a. Appeal against a decision to certify your seed:**

You can appeal against any of the following decisions within 21 days of when you're told about them:

- refusal to certify your seed
- withdrawal of certification of your seed

To appeal, you need to contact the head of varieties and seeds and tell them why you're appealing against the decision - write to them at the following address:

Head of Varieties and Seeds  
Eastbrook  
Shaftesbury Road  
Cambridge  
CB2 8DR

They'll consider your appeal and make a decision within 21 days of receiving it. If you are unhappy with the decision you can seek a judicial review.

#### **2.b. Appeal against a decision to issue a crop inspector, seed sampler and licensed seed testing station license:**

To appeal, you need to contact the head of varieties and seeds and tell them why you're appealing against the decision - write to them at the following address:

Head of Varieties and Seeds  
Eastbrook  
Shaftesbury Road  
Cambridge  
CB2 8DR

See the [appeals guide](#) (PDF, 475KB, 16 pages) for further information on the appeals procedure. The head of varieties and seeds will consider your appeal and make a decision within 21 days of receiving it. If you are unhappy with the decision you can seek a judicial review.

**Contact the NIAB:**

NIAB

Huntingdon Road

Cambridge

CB3 0LE

Phone: 01223 342220

**Legislation:**

See the [Seed Marketing Regulations 2011](#).