Council

DECISION OF THE COUNCIL REVISING THE OECD SCHEMES FOR THE VARIETAL CERTIFICATION OR THE CONTROL OF SEED MOVING IN INTERNATIONAL TRADE

(adopted by the Council at its 987th session on 28 September 2000 [C/M(2000)22])
THE COUNCIL,

Having regard to Article 5 a) and c) of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;

Having regard to the Decision of the Council of 10 October 1988 Revising the OECD Scheme for the Varietal Certification of Herbage and Oil Seed Moving in International Trade [C(88)68(Final)], amended on 19 March 1991 [C(91)19/FINAL], 19 May 1992 [C(92)53/FINAL], 2 December 1993 [C(93)119/FINAL], 27 December 1993 [C(93)120/FINAL], 20 July 1995 [C(95)113/FINAL], 14 September 1995 [C(95)161/FINAL], 16 December 1996 [C(96)173/FINAL] and 13 July 1999 [C(99)70/FINAL];

Having regard to the Decision of the Council of 10 October 1988 Revising the OECD Scheme for the Varietal Certification of Cereal Seed Moving in International Trade [C(88)69(Final)], amended on 24 September 1990 [C(90)80/FINAL], 19 March 1991 [C(91)19/FINAL], 20 July 1995 [C(95)113/FINAL], 14 September 1995 [C(95)161/FINAL] and 13 July 1999 [C(99)70/FINAL];

Having regard to the Decision of the Council of 10 October 1988 Revising the OECD Scheme for the Varietal Certification of Sugar Beet and Fodder Beet Seed Moving in International Trade [C(88)66(Final)], amended on 19 March 1991 [C(91)19/FINAL], 20 July 1995 [C(95)113/FINAL], 14 September 1995 [C(95)161/FINAL] and 13 July 1999 [C(99)70/FINAL];

I. DECIDES:

1) Division of the Herbage and Oil Seed Scheme into two Schemes

1.1 The OECD Scheme for the Varietal Certification of Herbage and Oil Seed Moving in International Trade is divided into two Schemes, according to species concerned:

(a) The OECD Scheme for the Varietal Certification of Grass and Legume Seed Moving in International Trade (hereafter called the OECD Grass and Legume Seed Scheme), on one hand; and
The OECD Scheme for the Varietal Certification of Crucifer Seed and Other Oil or Fibre Species Seed Moving in International Trade (hereafter called the OECD Seed Scheme for Crucifer and Other Oil or Fibre Species), on the other hand.

1.2 The list of species, the seed of which is eligible for certification according to the OECD Grass and Legume Seed Scheme, is shown in Appendix 6 of Annex VI to this Decision. The list of species, the seed of which is eligible for certification according to the OECD Seed Scheme for Crucifer and Other Oil or Fibre Species, is shown in Appendix 6 of Annex VII to this Decision.

1.3 Countries already participating in the OECD Scheme for the Varietal Certification of Herbage and Oil Seed Moving in International Trade (listed in Appendix 7 of Annexes VI and VII to this Decision) shall participate in the two Schemes established by this Decision, subject to notification to the contrary to the Secretary-General within three months following the adoption of the present Decision.

2) Grass and Legume Seed Scheme (Annex VI to this Decision) Seed Scheme for Crucifer and other Oil or Fibre Species (Annex VII to this Decision) Cereal Seed Scheme (Annex VIII to this Decision) Beet Seed Scheme (Annex IX to this Decision) Seed Scheme for Subterranean Clover and Similar Species (Annex X to this Decision) Maize and Sorghum Seed Scheme (Annex XI to this Decision) Vegetable Seed Scheme (Annex XII to this Decision)

2.1 The OECD Seed Schemes shall be operated in accordance with the provisions of this Decision and on the basis of the Basic Principles and the Method of Operation common to all Seed Schemes (Annexes I and II to this Decision), as well as the Rules and Directions of each OECD Seed Scheme as set out in the relevant Annex to this Decision.

2.2 An OECD Seed Scheme shall be:

(a) open to all Members of the Organisation, as well as to other States being Member countries of the United Nations Organization or of its Specialised Agencies desiring to participate therein in accordance with the procedure for participation set out in Annex III to this Decision;

(b) implemented by the Authorities designated for that purpose by, and responsible to, the Governments of the States adhering to the Scheme (hereafter called the "participating States" or the "participating State" as the case may be).

2.3 A State desiring to adhere to an OECD Seed Scheme shall notify the Secretary-General, who shall inform the other participating States accordingly.

2.4 If a State participates in an OECD Seed Scheme, it shall be obligatory for that State, as regards each lot of seed certified under the Scheme, to take the necessary steps to apply the Basic Principles and the Method of Operation common to all Seed Schemes (Annexes I and II to this Decision), as well as the Rules and Directions of the relevant OECD Seed Scheme (in Annex to this Decision), and to ensure their application by the Authorities referred to in paragraph 2.2 (b) above. However, participating States can derogate these Rules and Directions under the conditions set out in Annex V to this Decision. Derogating States shall notify the Secretary-General who shall inform the other participating States accordingly.

2.5 A participating State desiring to lodge a complaint concerning the non-execution of the aforementioned obligation, may lay the matter before the Organisation. The complaint shall be examined by the Committee for Agriculture which shall report to the Council.
II. INSTRUCTS the Committee for Agriculture to report to the Council, when it considers it appropriate, on the operation of the OECD Schemes for the Varietal Certification or the Control of Seed Moving in International Trade, and to submit to the Council, where necessary, any proposal for modifying these Schemes.

III. DECIDES:

This Decision replaces the Decisions of the Council C(71)31(Final) of 16 March 1971, C(88)66(Final), C(88)67(Final), C(88)68(Final), C(88)69(Final) and C(88)70(Final) of 10 October 1988, as well as their respective amendments referred to above, which are hereby repealed.
ANNEX I TO THE DECISION

BASIC PRINCIPLES

1. The objective of the OECD Schemes for the varietal certification of seed is to encourage the use of seed of consistently high quality in participating countries. The Schemes authorise the use of labels and certificates for seed produced and processed for international trade according to agreed principles.

2. Seven Schemes are defined according to groups of species of cultivated plants:
   - Grasses and legumes;
   - Crucifers and other oil or fibre species;
   - Cereals;
   - Fodder beet and sugar beet;
   - Subterranean clover and similar species;
   - Maize and sorghum;
   - Vegetables.

   Each Scheme includes a set of rules and directions aiming at the varietal certification of seed, except for the Vegetable Seed Scheme where generally traded seed, "Standard Seed", may not be certified but only controlled.

3. The Schemes are open to all Members of the Organisation, as well as to other States being Member countries of the United Nations Organization or of its Specialised Agencies desiring to participate in one or several of the Schemes in accordance with the procedure for participation set out in Annex III. If a country participates in one or several Scheme(s), it is obliged to ensure that the Rules and Directions of the Scheme(s) are strictly observed.

4. The Schemes are based on the following principles:

   4.1. They include only those varieties which are officially recognised as distinct and having an acceptable value in at least one participating country. The names of these varieties are published in official lists;

   4.2. All the Certified Seed produced must be related directly through one or more generations to authentic Basic Seed of the variety. The number of generations permitted for cross-pollinating species or varieties must be strictly limited. The main factor determining the standard of Certified Seed is the varietal purity of Basic Seed and, for this reason, special tests for Basic Seed are prescribed. Satisfactory conditions for the production and processing of Basic and Certified Seed must be ensured and verified by field inspection and post-control tests;

   4.3. Post-control tests are conducted to ascertain that the Schemes are operating satisfactorily. In particular, these tests are intended to determine that the characters of varieties have remained unchanged in the process of multiplication and to enable the varietal identity and purity of individual seed lots to be verified.
5. Expenditures required for the functioning of the Schemes shall be defrayed from appropriations under Part II of the Budget of the Organisation. Each country participating in one or several of the Schemes agrees to the payment to the OECD of an annual contribution which is the sum of the following two elements:

- a basic fee of FRF 15 000;
- an additional fee applied to each country participating in the Scheme (OECD Members and non-Members) according to the criteria set out in the Resolution of the Council C(63)155(Final) as amended.

The contribution is adjusted annually according to the level of expenditures required for the functioning of the Schemes and according to the change in the price index and scales used in the Organisation’s budget procedures. The Secretariat shall report any default in payment to the Advisory Group for the Schemes which shall take all appropriate measures, including reviewing the status of the participating country.

6. The success of the Schemes depends upon very close co-operation between the maintainers of varieties eligible for certification and the Designated Authorities in participating countries. Particularly when seed multiplication takes place outside the country of registration of a variety and the Designated Authority has permitted such a commercial multiplication, the maintainer should be consulted and close contact established between the Designated Authorities in the countries concerned.
ANNEX II TO THE DECISION

METHOD OF OPERATION

1. The Government of each country participating in the Schemes will designate the Authorities responsible for implementing them in that country.

2. The OECD will circulate the names and addresses of the Designated Authorities and any changes in their designation to all countries participating in the Schemes and to all observers.

3. The operation and development of the Schemes shall be reviewed at the Annual Meeting of representatives of the Designated Authorities where Participating Countries, Members and non-Members, sit in alphabetic order. This Annual Meeting shall report on its work and make such proposals as deemed necessary to the Council of the OECD, subject to prior endorsement by the Committee for Agriculture.

4. The Officers of the Annual Meeting shall be a Chairman and two Vice-Chairmen, nominated at the end of the previous Annual Meeting and they shall take up their duties upon official approval of the Summary Record of that Meeting. In order to assure continuity and effective co-operation with the Secretariat, except as otherwise provided in the Rules of Procedure of the Organisation, it is desirable that the two Vice-Chairmen be the Chairman-Designate and the Past-Chairman. Their terms should not exceed two years and the chairmanship, which is also open to non member countries, should reflect the participation of various regions of the world.

5. The OECD Secretariat shall ensure the co-ordination of the implementation of the Schemes at the international level. However, some activities may be delegated by contract to a national institute of a Participating Country acting as technical Co-ordinating Centre. The costs incurred shall be recovered under the annual contract between the OECD and this Institute.

6. An Advisory Group is made up of the Officers of the Annual Meeting; the Co-ordinating Centre takes part in the work. Its task is to assist the Secretariat in the preparation of the next Annual Meeting, including matters relating to the admission of new countries. It will also propose solutions, when necessary, to urgent problems that may arise out of the implementation of the Schemes. The Advisory Group is convened by the Secretariat at the request of any one of its Members or any country participating in the Schemes. It can provide counsel in writing and invite one or more participating countries to be represented.

7. When seed lots are officially labelled and fastened under these Rules and Directions, it is understood that all tests and inspections have been made in strict accordance with the Rules and Directions.

8. Certification and the use of the labels and certificates prescribed in these Rules and Directions shall not involve the OECD in any liability for compensation.
ANNEX III TO THE DECISION

PROCEDURE FOR THE EXTENSION OF THE OECD SCHEMES
FOR THE VARIETAL CERTIFICATION OR THE CONTROL OF SEED
MOVING IN INTERNATIONAL TRADE TO NON-MEMBERS OF THE OECD

1. Countries which are not Members of the OECD, but which are members of the United Nations Organization or of its Specialised Agencies, may submit a written application to the Secretary-General of the OECD if they wish to join one or several Schemes. The application shall provide detailed information regarding seed certification in that country and shall include in particular:

1.1 a detailed description of the national scheme for the certification of seed and a copy of the rules governing this certification in that country;

1.2 an assurance that the applicant country has at least three years’ experience in the practical application of a certification scheme, together with details of seed produced over that period;

1.3 a list of the varieties, the seed of which is intended to be certified under the OECD Schemes in the immediate future;

1.4 proposals for arrangements ensuring the continuous supply of Basic Seed of both bred and local varieties intended for certification under the OECD Schemes;

1.5 proposals concerning the growing of samples of Basic Seed and Certified Seed in control plots;

1.6 indications as to the availability of qualified staff and of the necessary facilities for seed certification work.

2. The OECD Secretariat will acknowledge receipt of the application and the attached documentation, and will visit the applicant country with a representative of a National Designated Authority. The tasks of the mission will be:

2.1 explaining the technical and administrative implications of the Rules and Directions of the Schemes, as well as its organisation and co-ordination at the international level;

2.2 ascertaining that adequate technical and administrative facilities are available for the operation of the Schemes;

2.3 considering the need for expert assistance during the initial period of the Scheme’s operation.

The financing of the mission will be the responsibility of the applicant country.

3. The applicant country agrees that on admission its representatives will attend the Annual Meetings of Representatives of the National Designated Authorities in Paris or elsewhere. The cost of attendance at the Annual Meetings will be borne by the applicant country. The applicant country agrees that its representatives attending the Annual Meetings will be persons directly responsible for the implementation of the Schemes in their country.
4. The applicant country shall agree to accept the degree of supervision by the OECD which is essential if the Schemes are to maintain their standards and to co-operate with the Co-ordinating Centre. If, in the course of implementation of the Schemes by the newly admitted country, it is considered necessary, the OECD may require that a person or persons responsible for the application of the Schemes be sent to a selected OECD country or to the Co-ordinating Centre for a period of further instruction. In addition, further periodical visits of a seed certification specialist selected by the OECD to the newly admitted country may be required. The applicant country shall agree to accept these requests. The OECD in consultation with the authorities of the newly admitted country will decide the timing and duration of such missions, and the financing of these missions will be the responsibility of the country.

5. The applicant country shall agree to the payment to the OECD of an annual contribution as set out in the General Principles, section 5 of Annex I of this Decision. This shall be effective starting from the calendar year immediately following the year of the Decision of the Council admitting the country to the OECD Seed Schemes.

6. Provided the OECD is satisfied with the results of the review mentioned in paragraph 2 and the applicant country has submitted, in writing, the undertakings set out in paragraphs 3, 4 and 5, the Annual Meeting will advise that the application be granted. The Committee for Agriculture of the OECD will then be asked to recommend that the Council approve the admission of the country.

7. Following approval by the Council, the Secretary-General of the OECD will notify the applicant country accordingly. The National Designated Authorities in all countries participating in the Schemes will also be informed.
ANNEX IV TO THE DECISION

LIST OF COUNTRIES PARTICIPATING
IN ONE OR SEVERAL OECD SEED SCHEMES

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(1) OECD Member Country
(2) Non OECD Member Country
ANNEX V TO THE DECISION

DEROGATORY EXPERIMENTS

A) DEROGATORY EXPERIMENT ON SEED SAMPLING (INCLUDING FASTENING AND LABELLING) AND SEED ANALYSIS

General

1. **Principles**

1.1 If derogation is notified by virtue of Article 2.4, 3.4, 4.4, 5.4, 6.4, 7.4 or 8.4 of the Decision, persons who are not under the direct and exclusive authority of the National Designated Authority may be authorised to draw samples under the Schemes (these persons are hereafter called “samplers”). Laboratories may also carry out seed analysis as required under the Schemes.

1.2 Sampling is meant to include fastening and labelling of seed containers; any of these three operations entrusted to authorised personnel needs a derogation. The conditions set out below also apply to Articles dealing with seed sampling, seed containers fastening and labelling and seed analysis as provided by the Rules and Directions of the Schemes.

1.3 All Scheme Rules and Directions including obligation of conformity or strict conformity shall be considered satisfied by countries implementing the derogation(s).

1.4 Designated Authorities cannot deny approval to multiply seed outside the country of origin solely on the grounds that a derogation is in place in the country where seed is intended to be multiplied.

2. **Time Period of the Experiment**

The term of the experiment shall be 31 July 2004. It may be extended by the Annual Meeting following that date.

3. **Genera and Species under the Experiment**

The experiment applies to all genera and species admitted to the OECD List of Varieties, barring any limiting statement as to genera or species and/or territories to be made by the National Designated Authority when notifying the Secretary-General.

4. **Monitoring of the Experiment**

Designated Authorities shall submit a report to the Secretariat each year on the results of check sampling and analysis (see below). In the light of the results, the proportion of seed lots to be check-sampled or check-tested by the Designated Authority may be revised at the Annual Meeting (see below).
Technical

5. **Seed sampling**

5.1 **Authorised samplers**

5.1.1 Seed sampling shall be carried out by seed samplers who have been authorised for that purpose by the seed certification authority of the participating country concerned under the conditions set out in sections 5.1.2, 5.1.3 and 5.1.4.

5.1.2 Seed samplers shall have the necessary technical qualifications obtained in training courses organised under conditions applicable to official seed samplers and confirmed by official examinations.

They shall carry out seed sampling in accordance with current international methods.

5.1.3 Seed samplers shall be:

(a) independent natural persons,

or,

(b) persons employed by natural or legal persons whose activities do not involve seed production, seed growing, seed processing or seed trade,

or,

(c) persons employed by natural or legal persons whose activities involve seed production, seed growing, seed processing or seed trade.

In the case referred to in point (c), a seed sampler may carry out seed sampling only on seed lots produced on behalf of his employer, unless it has been otherwise agreed between his employer, the applicant for certification and the competent seed certification authority.

5.1.4 The performance of seed samplers shall be subject to proper supervision by the seed certification authority.

5.2 **Check sampling**

For the purposes of the supervision referred to in paragraph 5.1.4 a proportion of the seed lots entered for the official certification under the experiment shall be check-sampled by official seed samplers. That proportion shall in principle be as evenly spread as possibly over natural and legal persons entering seed for certification, but may also be orientated to eliminate specific doubt. That proportion shall be at least 5 per cent.

The Participating Countries which implement the experiment shall compare the seed samples drawn officially with those of the same seed lot drawn under official supervision.

6. **Seed analysis**

6.1 **Authorised laboratories**
6.1.1 Seed testing shall be carried out by seed testing laboratories which have been authorised for that purpose by the seed certification authority of the participating country concerned under the conditions set out in sections 6.1.2 to 6.1.4.

6.1.2 The laboratory shall have a seed analyst-in-charge who has direct responsibility for the technical operations of the laboratory and has the necessary qualifications for technical management of a seed testing laboratory.

   Its seed analysts shall have the necessary technical qualifications obtained in training courses organised under conditions applicable to official seed analysts and confirmed by official examinations.

   The laboratory shall be maintained in premises and with equipment officially considered by the seed certification authority to be satisfactory for the purpose of seed testing, within the scope of the authorisation.

   It shall carry out seed testing in accordance with current international methods.

6.1.3 The laboratory shall be:

   (a) an independent laboratory,

   or,

   (b) a laboratory belonging to a seed company.

   In the case referred to in point (b), the laboratory may carry out seed testing only on seed lots produced on behalf of the seed company to which it belongs, unless it has been otherwise agreed between the seed company, the applicant for certification and the seed certification authority.

6.1.4 The laboratory's performance of seed testing shall be subject to proper supervision by the seed certification authority.

6.2 Check-analysis

   For the purposes of the supervision referred to in paragraph 6.1.4 a proportion of the seed lots entered for the official certification under the experiment shall be check-tested by official seed testing. That proportion shall in principle be as evenly spread as possible over natural and legal persons entering seed for certification but may also be oriented to eliminate specific doubts. That proportion shall be at least 7 per cent in the case of seeds of cereals and 10 per cent in the case of other species.

   The Participating Countries implementing the experiment shall compare the results of seed samples tested officially with those of the same seed lot tested under official supervision.
B) DEROGATORY EXPERIMENT ON MAXIMUM LOT SIZE OF GRAMINEAE SEED (under the Grass and Legume Seed Scheme)

General

1. **Principles**

1.1 If derogation is granted by virtue of Article 2.4 of the Decision, maximum seed lot size as set under the Scheme for Grass and Legume Seed may be exceeded for grass seed species up to a maximum size of 25 tonnes.

1.2 All Scheme Rules and Directions including obligation of conformity or strict conformity shall be considered satisfied by countries implementing the derogation.

1.3 Designated Authorities cannot deny approval to multiply seed outside the country of origin solely on the grounds that a derogation is in place in the country where seed is intended to be multiplied.

2. **Time period of the experiment**

   The term of the experiment shall be 01 June 2001. It may be extended by the Annual Meeting following that date.

3. **Genera and species under the Experiment**

   The experiment applies to all Gramineae species belonging to the Scheme for Grass and Legume Seed barring any limiting statement as to genera and species and/or territories to be made by the National Designated Authority when notifying the Secretary-General.

4. **Monitoring of the Experiment**

   Designated Authorities shall submit a report to the Secretariat each year on the results of the experiment. Should these prove unsatisfactory, the national Designated Authorities may require additional checks to become part of the experiment.

Technical

A Technical Protocol recognised by the National Designated Authorities shall provide for the conduct of the experiment (1).

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(1) The joint Technical Protocol of the International Seed Testing Association (ISTA) and the International Seed Trade Federation (FIS) for the ISTA/FIS Experiment on Herbage Seed Lot Size provides suitable methods. These organisations can be contacted at the following addresses: istach@iprolink.ch and fis@worldseed.org
The texts of the following technical Annexes to the Decision have been issued under reference AGR/CA(2000)5:

ANNEX VI TO THE DECISION
OECD SCHEME FOR THE VARIETAL CERTIFICATION OF GRASS AND LEGUME SEED MOVING IN INTERNATIONAL TRADE

ANNEX VII TO THE DECISION
OECD SCHEME FOR THE VARIETAL CERTIFICATION OF CRUCIFER SEED AND OTHER OIL OR FIBRE SPECIES SEED MOVING IN INTERNATIONAL TRADE

ANNEX VIII TO THE DECISION
OECD SCHEME FOR THE VARIETAL CERTIFICATION OF CEREAL SEED MOVING IN INTERNATIONAL TRADE

ANNEX IX TO THE DECISION
OECD SCHEME FOR THE VARIETAL CERTIFICATION OF SUGAR BEET AND FODDER BEET SEED MOVING IN INTERNATIONAL TRADE

ANNEX X TO THE DECISION
OECD SCHEME FOR THE VARIETAL CERTIFICATION OF SEED OF SUBTERRANEAN CLOVER AND SIMILAR SPECIES MOVING IN INTERNATIONAL TRADE

ANNEX XI TO THE DECISION
OECD SCHEME FOR THE VARIETAL CERTIFICATION OF MAIZE AND SORGHUM SEED MOVING IN INTERNATIONAL TRADE

ANNEX XII TO THE DECISION
OECD SCHEME FOR THE CONTROL OF VEGETABLE SEED MOVING IN INTERNATIONAL TRADE