

COUNCIL REGULATION (EC) No 1405/1999
of 24 June 1999

amending Regulation (EEC) No 2358/71 on the common organisation of the market in seeds and fixing the aid granted in the seeds sector for the 2000/2001 and 2001/2002 marketing years

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to Regulation (EEC) No 2358/71 ⁽¹⁾, and in particular Article 3(3) and (4) thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Having regard to the opinion of the European Parliament ⁽³⁾,

Having regard to the opinion of the Economic and Social Committee ⁽⁴⁾,

Whereas:

- (1) The Annex to Regulation (EEC) No 2358/71 lists the japonica and indica type varieties of the species *Oryza sativa* L. among the products on which production aid is payable for basic and certified seed; the distinction between the two varieties is essentially genetic and calls in particular for food-science analyses; such analyses are complicated and some varieties which have appeared on the market cannot easily be distinguished as being of the japonica or indica type on the basis of their genetic characteristics; that Annex should accordingly be amended to distinguish between varieties of the species *Oryza sativa* L. on the basis of morphological criteria only;
- (2) The Annex to Regulation (EEC) No 2358/71 lists *Cannabis sativa* L. (monoecious) among the products on which production aid is payable for basic and certified seed; certain varieties of dioecious *Cannabis sativa* L. are now comparable with the monoecious varieties as regards their tetrahydrocannabinol (THC) content; in Article 3(1) of Council Regulation (EEC) No 619/71 of 22 March 1971 laying down general rules for granting aid for flax and hemp ⁽⁵⁾, the Council stipulates that production aid is to be granted solely on hemp harvested after seed formation and grown from certified seed of varieties on a list to be drawn up in accordance with the procedure laid down in Article 12 of Council Regulation (EEC) No 1308/70 of 29

June 1970 on the common organisation of the market in flax and hemp ⁽⁶⁾; for the purposes of granting aid for the production of hemp for the 1998/1999, 1999/2000 and 2000/2001 marketing years, the Council has specified that only varieties found to have a THC content of not less than 0,3 % and, for subsequent marketing years, of not less than 0,2 % are to appear on that list; the Annex to Regulation (EEC) No 2358/71 should accordingly be amended to refer to *Cannabis sativa* L. of varieties with a THC content not exceeding 0,3 % for the 2000/2001 marketing year and 0,2 % thereafter and those varieties should be determined in accordance with the procedure laid down in Article 11 of Regulation (EEC) No 2358/71;

- (3) The Annex to Regulation (EEC) No 2358/71 refers to varieties of *Lolium perenne* L. of high persistence, late or medium late, new and other varieties and varieties of low persistence, medium late, medium early or early; the prices for those varieties on the external markets no longer justify that distinction and the Annex should therefore be amended to refer to *Lolium perenne* L. without distinguishing between varieties; however, a distinction should be maintained, as a transitional arrangement, for the 2000/2001 and 2001/2002 marketing years, with regard to fixing the amounts of aid applicable in the Community and a variation of the said aid;
- (4) Given the situation on and the outlook for the Community market, producers are not assured of a fair return from seeds listed in the Annex to Regulation (EEC) No 2358/71 which will be marketed in the 2000/2001 and 2001/2002 marketing years; part of the costs of production should be offset by aid;
- (5) Article 3(2) of Regulation (EEC) No 2358/71 provides that when the aid is fixed, account should be taken, on the one hand, of the need to ensure balance between production in the Community and the outlets for such production and, on the other hand, of the prices for such products on the external markets;

⁽¹⁾ OJ L 246, 5.11.1971, p. 1. Regulation as last amended by Regulation (EC) No 192/98 (OJ L 20, 27.1.1998, p. 16).

⁽²⁾ OJ C 59, 1.3.1999, p. 17.

⁽³⁾ Opinion delivered on 14 April 1999 (not yet published in the Official Journal).

⁽⁴⁾ Opinion delivered on 28 April 1999 (not yet published in the Official Journal).

⁽⁵⁾ OJ L 72, 26.3.1971, p. 2. Regulation as last amended by Regulation (EC) No 1420/98 (OJ L 190, 4.7.1998, p. 7).

⁽⁶⁾ OJ L 146, 4.7.1970, p. 1. Regulation as last amended by Regulation (EC) No 3290/94 (OJ L 349, 31.12.1994, p. 105).

- (6) The application of these criteria results in the fixing of the aid applicable for 2000/2001 and 2001/2002 marketing years at the levels set out in Annex II,

HAS ADOPTED THIS REGULATION:

Article 1

The following paragraph is added to Article 3 of Regulation (EEC) No 2358/71:

‘6. The varieties of *Cannabis sativa* L. on which the aid provided for in this Articles is payable shall be determined in accordance with the procedure laid down in Article 11.’

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Luxembourg, 24 June 1999.

Article 2

The Annex to Regulation (EEC) No 2358/71 is replaced by Annex I hereto.

Article 3

For the 2000/2001 and 2001/2002 marketing years, the aid granted in the seeds sector as provided for in Article 3 of Regulation (EEC) No 2358/71 shall be as set out in Annex II hereto.

Article 4

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Communities*.

It shall apply from 1 July 2000.

For the Council

The President

J. TRITTIN

ANNEX I

'ANNEX

CN code	Description
	1. CERES
1001 90 10	<i>Triticum spelta</i> L.
1006 10 10	<i>Oryza sativa</i> L. (1)
	— long-grain varieties the grains of which are of a length exceeding 6,0 millimetres and of a length/width ratio of more than or equal to 3
	— other varieties the grains of which are of a length exceeding or not exceeding 6,0 millimetres and of a length/width ratio of less than 3
	2. OLEAGINEAE
ex 1204 00 10	<i>Linum usitatissimum</i> L. (fibre flax)
ex 1204 00 10	<i>Linum usitatissimum</i> L. (linseed)
ex 1207 99 10	<i>Cannabis sativa</i> L. (2) (varieties with a tetrahydrocannabinol content not exceeding 0,3 % for the 2000/2001 marketing year and 0,2 % for subsequent marketing years)
	3. GRAMINEAE
ex 1209 29 10	<i>Agrostis canina</i> L.
ex 1209 29 10	<i>Agrostis gigantea</i> Roth.
ex 1209 29 10	<i>Agrostis stolonifera</i> L.
ex 1209 29 10	<i>Agrostis capillaris</i> L.
ex 1209 29 80	<i>Arrhenatherum elatius</i> (L.) P. Beauv. ex J.S. and K.B. Prest.
ex 1209 29 10	<i>Dactylis glomerata</i> L.
ex 1209 23 80	<i>Festuca arundinacea</i> Schreb.
ex 1209 23 80	<i>Festuca ovina</i> L.
1209 23 11	<i>Festuca pratensis</i> Huds.
1209 23 15	<i>Festuca rubra</i> L.
ex 1209 29 80	<i>Festulolium</i>
1209 25 10	<i>Lolium multiflorum</i> Lam.
1209 25 90	<i>Lolium perenne</i> L. (3)
ex 1209 29 80	<i>Lolium x boucheanum</i> Kunth
ex 1209 29 80	<i>Phleum Bertolinii</i> (DC)
1209 26 00	<i>Phleum pratense</i> L.
ex 1209 29 80	<i>Poa nemoralis</i> L.
1209 24 00	<i>Poa pratensis</i> L.
ex 1209 29 10	<i>Poa palustris</i> and <i>Poa trivialis</i> L.
	4. LEGUMINOSAE
ex 1209 29 80	<i>Hedysarum coronarium</i> L.
ex 1209 29 80	<i>Medicago lupulina</i> L.
ex 1209 21 00	<i>Medicago sativa</i> L. (ecotypes)
ex 1209 21 00	<i>Medicago sativa</i> L. (varieties)
ex 1209 29 80	<i>Onobrichis viciifolia</i> Scop.
ex 0713 10 10	<i>Pisum sativum</i> L. (partim) (field peas)
ex 1209 22 80	<i>Trifolium alexandrinum</i> L.
ex 1209 22 80	<i>Trifolium hybridum</i> L.
ex 1209 22 80	<i>Trifolium incarnatum</i> L.
1209 22 10	<i>Trifolium pratense</i> L.

CN code	Description
ex 1209 22 80	<i>Trifolium repens</i> L.
ex 1209 22 80	<i>Trifolium repens</i> L. var. <i>giganteum</i>
ex 1209 22 80	<i>Trifolium resupinatum</i> L.
ex 0713 50 10	<i>Vicia faba</i> L. (partim) (field beans)
ex 1209 29 10	<i>Vicia sativa</i> L.
ex 1209 29 10	<i>Vicia villosa</i> Roth.

- (¹) Grain measurements are taken on wholly milled rice by the following method:
- (i) take a sample representative of the batch;
 - (ii) sieve the sample so as to retain only whole grains, including immature grains;
 - (iii) carry out two measurements of 100 grains each and work out the average;
 - (iv) express the results in millimetres, rounded off to one decimal place.
- (²) The tetrahydrocannabinol (THC) content of a variety is determined by analysing a sample maintained at constant weight. The weight of THC in relation to the weight of the sample must — for the purposes of granting the aid for the 1998/99 to 2000/01 marketing years — not be greater than 0,3 % and — for the purposes of granting the aid for subsequent marketing years — not be greater than 0,2 %. The sample is to consist of the upper third of a representative number of plants selected at random at the end of their flowering period and with stalks and seeds removed.
- (³) The aid for *Lolium perenne* for the 2000/2001 and 2001/2002 marketing years is set on a transitional basis for the following three groups of varieties:
- of high persistence, late or medium late,
 - new varieties and others,
 - of low persistence, medium late, medium early or early.⁷

ANNEX II

2000/2001 AND 2001/2002 MARKETING YEARS

Aid applicable in the Community

(EUR/100 kg)

CN code	Description	Aid	
		2000/2001	2001/2002
	1. CERES		
1001 90 10	<i>Triticum spelta</i> L.	14,37	14,37
1006 10 10	<i>Oryza sativa</i> L.		
	— long-grain varieties the grains of which are of a length exceeding 6,0 millimetres and of length/width ratio of more than or equal to 3,	17,27	17,27
	— other varieties the grains of which are of length exceeding or not exceeding 6,0 millimetres and of a length/width ratio of less than 3	14,85	14,85
	2. OLEAGINEAE		
ex 1204 00 10	<i>Linum usitatissimum</i> L. (fibre flax)	28,38	28,38
ex 1204 00 10	<i>Linum usitatissimum</i> L. (linseed)	22,46	22,46
ex 1207 99 10	<i>Cannabis sativa</i> L. (varieties with a tetrahydrocannabinol content not exceeding 0,3 % for the 2000/2001 marketing year and 0,2 % for subsequent marketing years)	20,53	20,53
	3. GRAMINEAE		
ex 1209 29 10	<i>Agrostis canina</i> L.	75,95	75,95
ex 1209 29 10	<i>Agrostis gigantea</i> Roth.	75,95	75,95
ex 1209 29 10	<i>Agrostis stolonifera</i> L.	75,95	75,95
ex 1209 29 10	<i>Agrostis capillaris</i> L.	75,95	75,95
ex 1209 29 80	<i>Arrhenatherum elatius</i> (L.) P. Beauv. ex J.S. and K.B. Prest.	67,14	67,14
ex 1209 29 10	<i>Dactylis glomerata</i> L.	52,77	52,77
ex 1209 23 80	<i>Festuca arundinacea</i> Schreb.	58,93	58,93
ex 1209 23 80	<i>Festuca ovina</i> L.	43,59	43,59
1209 23 11	<i>Festuca pratensis</i> Huds.	43,59	43,59
1209 23 15	<i>Festuca rubra</i> L.	36,83	36,83
ex 1209 29 80	<i>Festulolium</i>	32,36	32,36
1209 25 10	<i>Lolium multiflorum</i> Lam.	21,13	21,13
1209 25 90	<i>Lolium perenne</i> L.		
	— of high persistence, late or medium late,	33,60	32,29
	— new varieties and others,	27,64	29,32
	— of low persistence, medium late, medium early or early	23,13	27,06
ex 1209 29 80	<i>Lolium x boucheanum</i> Kunth	21,13	21,13
ex 1209 29 80	<i>Pbleum Bertolinii</i> (DC)	50,96	50,96
1209 26 00	<i>Pbleum pratense</i> L.	83,56	83,56
ex 1209 29 80	<i>Poa nemoralis</i> L.	38,88	38,88
1209 24 00	<i>Poa pratensis</i> L.	38,52	38,52
ex 1209 29 10	<i>Poa palustris</i> and <i>Poa trivialis</i> L.	38,88	38,88
	4. LEGUMINOSAE		
ex 1209 29 80	<i>Hedysarum coronarium</i> L.	36,47	36,47
ex 1209 29 80	<i>Medicago lupulina</i> L.	31,88	31,88
ex 1209 21 00	<i>Medicago sativa</i> L. (ecotypes)	22,10	22,10

(EUR/100 kg)

CN code	Description	Aid	
		2000/2001	2001/2002
ex 1209 21 00	<i>Medicago sativa</i> L. (varieties)	36,59	36,59
ex 1209 29 80	<i>Onobrichis viciifolia</i> Scop.	20,04	20,04
ex 0713 10 10	<i>Pisum sativum</i> L. (partim) (field peas)	0	0
ex 1209 22 80	<i>Trifolium alexandrinum</i> L.	45,76	45,76
ex 1209 22 80	<i>Trifolium hybridum</i> L.	45,89	45,89
ex 1209 22 80	<i>Trifolium incarnatum</i> L.	45,76	45,76
1209 22 10	<i>Trifolium pratense</i> L.	53,49	53,49
ex 1209 22 80	<i>Trifolium repens</i> L.	75,11	75,11
ex 1209 22 80	<i>Trifolium repens</i> L. var. giganteum	70,76	70,76
ex 1209 22 80	<i>Trifolium resupinatum</i> L.	45,76	45,76
ex 0713 50 10	<i>Vicia faba</i> L. (partim) (field beans)	0	0
ex 1209 29 10	<i>Vicia sativa</i> L.	30,67	30,67
ex 1209 29 10	<i>Vicia villosa</i> Roth.	24,03	24,03