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**COUNCIL DIRECTIVE 98/95/EC
of 14 December 1998**

amending, in respect of the consolidation of the internal market, genetically modified plant varieties and plant genetic resources, Directives 66/400/EEC, 66/401/EEC, 66/402/EEC, 66/403/EEC, 69/208/EEC, 70/457/EEC and 70/458/EEC on the marketing of beet seed, fodder plant seed, cereal seed, seed potatoes, seed of oil and fibre plants and vegetable seed and on the common catalogue of varieties of agricultural plant species

(OJ L 25, 1.2.1999, p. 1)

Amended by:

	Official Journal		
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► <u>M1</u> Council Directive 2002/53/EC of 13 June 2002	L 193	1	20.7.2002
► <u>M2</u> Council Directive 2002/54/EC of 13 June 2002	L 193	12	20.7.2002
► <u>M3</u> Council Directive 2002/55/EC of 13 June 2002	L 193	33	20.7.2002
► <u>M4</u> Council Directive 2002/56/EC of 13 June 2002	L 193	60	20.7.2002
► <u>M5</u> Council Directive 2002/57/EC of 13 June 2002	L 193	74	20.7.2002

Corrected by:

- **C1** Corrigendum, OJ L 126, 20.5.1999, p. 23 (98/95/EC)
- **C2** Corrigendum, OJ L 161, 16.6.2001, p. 47 (98/95/EC)
- **C3** Corrigendum, OJ L 82, 26.3.2002, p. 20 (98/95/EC)



COUNCIL DIRECTIVE 98/95/EC

of 14 December 1998

amending, in respect of the consolidation of the internal market, genetically modified plant varieties and plant genetic resources, Directives 66/400/EEC, 66/401/EEC, 66/402/EEC, 66/403/EEC, 69/208/EEC, 70/457/EEC and 70/458/EEC on the marketing of beet seed, fodder plant seed, cereal seed, seed potatoes, seed of oil and fibre plants and vegetable seed and on the common catalogue of varieties of agricultural plant species

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission⁽¹⁾,

Having regard to the opinion of the European Parliament⁽²⁾,

Having regard to the opinion of the Economic and Social Committee⁽³⁾,

(1) Whereas, for the reasons given below, the following Directives on the marketing of seed and propagating material should be amended:

- Council Directive 66/400/EEC of 14 June 1966 on the marketing of beet seed⁽⁴⁾,
- Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed⁽⁵⁾,
- Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed⁽⁶⁾,
- Council Directive 66/403/EEC of 14 June 1966 on the marketing of seed potatoes⁽⁷⁾,
- Council Directive 69/208/EEC of 30 June 1969 on the marketing of seed of oil and fibre plants⁽⁸⁾,
- Council Directive 70/457/EEC of 29 September 1970 on the common catalogue of varieties of agricultural plant species⁽⁹⁾,
- Council Directive 70/458/EEC of 29 September 1970 on the marketing of vegetable seed⁽¹⁰⁾;

(2) Whereas, in the context of the consolidation of the internal market, it is necessary to amend or repeal certain provisions of the said Directives in order to remove any actual or potential barriers to trade which may hinder the free movement of seeds within the Community; whereas, to this end, any possibilities for Member States to derogate unilaterally from the provisions of the said Directives should be removed;

(3) Whereas, for the same reasons, the scope of the said Directives should be enlarged to cover also the production of seed, with a view to marketing;

⁽¹⁾ OJ C 29, 31.1.1994, p. 1, and OJ C 53, 20.2.1995, p. 8.

⁽²⁾ OJ C 286, 22.9.1997, p. 36.

⁽³⁾ OJ C 195, 18.7.1994, p. 36.

⁽⁴⁾ OJ 125, 11.7.1966, p. 2290/66. Directive as last amended by Directive 96/72/EC (OJ L 304, 27.11.1996, p. 10).

⁽⁵⁾ OJ 125, 11.7.1966, p. 2298/66. Directive as last amended by Directive 96/72/EC.

⁽⁶⁾ OJ 125, 11.7.1966, p. 2309/66. Directive as last amended by Directive 96/72/EC.

⁽⁷⁾ OJ 125, 11.7.1966, p. 2320/66. Directive as last amended by Commission Decision 98/111/EC (OJ L 28, 4.2.1998, p. 42).

⁽⁸⁾ OJ L 169, 10.7.1969, p. 3. Directive as last amended by Directive 96/72/EC.

⁽⁹⁾ OJ L 225, 12.10.1970, p. 1. Directive as last amended by the 1994 Act of Accession.

⁽¹⁰⁾ OJ L 225, 12.10.1970, p. 7. Directive as last amended by Directive 96/72/EC.

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- (4) Whereas it should be possible under specified conditions to place on the market bred seed of generations prior to basic seed and seed as grown;
- (5) Whereas Member States making use of derogations still permitted under the said Directives should assist each other administratively as regards inspection; whereas the use of such derogations is without prejudice to Article 7a of the Treaty;
- (6) Whereas the conditions under which Member States may authorise small quantities of seed for tests, scientific purposes or selection work to be placed on the market should be determined by the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry;
- (7) Whereas, in certain cases, the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry should determine whether packages of basic or certified seed should bear a supplier's label;
- (8) Whereas, in the case of certain species of seed covered by Directive 66/401/EEC, it should be permitted to certify seed of the first and second generations;
- (9) Whereas, in the case of certain species of seed covered by Directive 66/402/EEC, Member States should be permitted to restrict the certification of seed to that of the first generation;
- (10) Whereas the minimum size of seed potatoes which may be placed on the market under Directive 66/403/EEC should be changed and a legal basis established to enable the minimum size of the square mesh used to measure the size of seed potatoes to be altered in the future; whereas a provision in respect of separation of seed potatoes from other potatoes for plant health reasons should be introduced;
- (11) Whereas seed covered by Directive 70/457/EEC should be freely marketable within the Community two months after publication in the common catalogue;
- (12) Whereas the conditions under which mixtures of certain species covered by Directive 70/458/EEC may be placed on the market should be determined in accordance with the procedure of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry; whereas in respect of the same Directive the provisions on the renewal of the official acceptance of certain varieties should be adapted in order to avoid disturbing current practice in marking packages;
- (13) Whereas, in the light of experience, it is useful to clarify and update certain provisions of the abovementioned Directives;
- (14) Whereas, in the light of scientific and technical developments, it is now possible to breed varieties through genetic modification; whereas, therefore, when determining whether to accept genetically modified varieties within the meaning of Council Directive 90/220/EEC of 23 April 1990 on the deliberate release into the environment of genetically modified organisms⁽¹⁾ under Directives 70/457/EEC and 70/458/EEC, Member States should have regard to any risk related to their deliberate release into the environment; whereas, furthermore, a legal basis to establish the conditions under which such genetically modified varieties may be marketed should be introduced;
- (15) Whereas the marketing of novel foods and novel food ingredients is regulated at Community level by Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997⁽²⁾; whereas, therefore, it is appropriate for Member States also to have regard to any food health risks

⁽¹⁾ OJ L 117, 8.5.1990, p. 15. Directive as last amended by Directive 97/35/EC (OJ L 169, 27.6.1997, p. 72).

⁽²⁾ OJ L 43, 14.2.1997, p. 1.

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when determining whether to accept varieties under Directives 70/457/EEC and 70/458/EEC; whereas, furthermore, a legal basis should be established to take account of these developments;

- (16) Whereas, in the light of scientific and technical developments, a legal basis to establish the conditions under which chemically treated seed may be marketed should be introduced;
- (17) Whereas it is essential to ensure that plant genetic resources are conserved; whereas a legal basis to that end should be introduced to permit, within the framework of legislation on the seed trade, the conservation, by use *in situ*, of varieties threatened with genetic erosion;
- (18) Whereas a legal basis to establish conditions under which seed suitable for organic growing may be marketed should be introduced;
- (19) Whereas, in order to facilitate the introduction of the measures envisaged in this Directive, certain transitional measures should be introduced,

HAS ADOPTED THIS DIRECTIVE:

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Article 2

Directive 66/401/EEC is hereby amended as follows:

1. Article 1 shall be replaced by the following:

‘Article 1

This Directive shall apply to the production with a view to marketing, and to the marketing, of fodder plant seed within the Community.’;

2. the following Article shall be inserted after Article 1:

‘Article 1a

For the purposes of this Directive “marketing” shall mean the sale, holding with a view to sale, offer for sale and any disposal, supply or transfer aimed at commercial exploitation of seed to third parties, whether or not for consideration.

Trade in seed not aimed at commercial exploitation of the variety, such as the following operations, shall not be regarded as marketing:

- the supply of seed to official testing and inspection bodies,
- the supply of seed to providers of services for processing or packaging, provided the provider of services does not acquire title to seed thus supplied.

The supply of seed under certain conditions to providers of services for the production of certain agricultural raw materials, intended for industrial purposes, or seed propagation for that purpose, shall not be regarded as marketing, provided the provider of services does not acquire title to either the seed thus supplied or the product of the harvest. The supplier of seed shall provide the Certification Authority with a copy of the relevant parts of the contract made with the provider of services and this shall include the standards and conditions currently met by the seed provided.

The conditions for the application of this provision shall be determined in accordance with the procedure laid down in Article 21.’;

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3. Article 2(1)(C) shall be replaced by the following:

‘C. Certified seed: seed of all the species listed under A other than *Lupinus* spp., *Pisum sativum*, *Vicia* spp. and *Medicago sativa*:

- (a) which has been produced directly from basic seed or, if the breeder so requests, from seed of a generation prior to basic seed which has been found by official examination to satisfy the conditions laid down in Annexes I and II for basic seed;
- (b) which is intended for purposes other than the production of seed;
- (c) which, subject to of Article 4(b), satisfies the conditions laid down in Annexes I and II for certified seed; and
- (d) which has been found by official examination to satisfy the abovementioned conditions.’;

4. the following points shall be inserted after Article 2(1)(C):

‘Ca. Certified seed, first generation (*Lupinus* spp., *Pisum sativum*, *Vicia* spp. and *Medicago sativa*) seed:

- (a) which has been 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;
- (b) which is intended either for the production of seed of the category “certified seed, second generation” or for purposes other than the production of seed of fodder plants;
- (c) which, subject to Article 4(b), satisfies the conditions laid down in Annexes I and II for certified seed; and
- (d) which has been found by official examination to satisfy the abovementioned conditions.

Cb. Certified seed, second generation (*Lupinus* spp., *Pisum sativum*, *Vicia* spp. and *Medicago sativa*) seed:

- (a) which has been produced directly from basic seed, from certified seed of the first generation 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;
- (b) which is intended for purposes other than the production of seed of fodder plants;
- (c) which, subject to Article 4(b), satisfies the conditions laid down in Annexes I and II, for certified seed; and
- (d) which has been found by official examination to satisfy the abovementioned conditions.’;

5. in Article 2(1)(G), the words ‘basic seed,’ shall be inserted before the words ‘certified seed’;

6. Article 2(1)(c) shall be repealed;

7. in Article 3(1), the words ‘and unless it satisfies the conditions laid down in Annex II’ shall be deleted;

8. in Article 3(2) the words ‘and unless it satisfies the conditions laid down in Annex II shall be deleted;

9. Article 3(5) shall be repealed;

10. the following Article shall be inserted after Article 3:

Article 3a

Notwithstanding Article 3(1), Member States shall provide that

- bred seed of generations prior to basic seed, and
- seed as grown, marketed for processing, provided that the identity of the seed is ensured,

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may be placed on the market.’;

11. the following subparagraph shall be added at the end of Article 4:

‘Member States making use of the derogation provided for in either subparagraph (a) or (b) shall assist each other administratively as regards inspection.’;

12. the following Article shall be inserted after Article 4:

‘Article 4a

1. Notwithstanding Article 3(1), Member States may authorise producers in their own territory to place on the market:

- (a) small quantities of seed for scientific purposes or selection work;
- (b) appropriate quantities of seed for other test or trial purposes, provided it belongs to varieties for which an application for entry in the catalogue has been submitted in the Member State in question.

In the case of genetically modified material, such authorisation may be granted only if all appropriate measures have been taken to avoid adverse effects on human health and the environment. For the environment risk assessment to be carried out in this respect, the provisions of Article 7(4) of Directive 70/457/EEC shall apply accordingly.

2. The purposes for which the authorisations referred to in paragraph 1(b) may be given, the provisions relating to the marking of packages, and the quantities and the conditions under which Member States may grant such authorisation shall be determined in accordance with the procedure laid down in Article 21.

3. Authorisations granted before the date of adoption of this Directive by Member States to producers in their own territory for the purposes set out in paragraph 1 shall remain in force pending determination of the provisions referred to in paragraph 2. Thereafter, all such authorisations shall respect the provisions established in accordance with paragraph 2.’;

13. the following Article shall be inserted after Article 5:

‘Article 5a

Member States may restrict the certification of seed of *Lupinus* spp., *Pisum sativum*, *Vicia* spp. and *Medicago sativa* to certified seed of the first generation.’;

14. Article 9(4) shall be repealed;
15. Article 10(2) shall be repealed;
16. Article 10b shall be replaced by the following:

‘Article 10b

Member States may provide that, on request, small EC B packages of seed shall be sealed and marked officially or under official supervision in accordance with Article 9(1) and Article 10.’;

17. Article 11 shall be replaced by the following:

‘Article 11

1. In accordance with the procedure laid down in Article 21 it may be provided that Member States may require that, in cases other than those provided for in this Directive, packages of basic seed, certified seed or commercial seed shall bear a supplier's label (which may either be a label separate from the official label or take the form of suppliers' information printed on the package itself) or that seed lots complying with the special conditions concerning the presence of *Avena fatua*, laid down in accordance with the procedure provided for in Article 21, should be accompanied by an official certificate attesting compliance with those conditions.

2. The particulars to be provided on any such label shall also be established in accordance with the procedure laid down in Article 21.’;

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18. the following Article shall be inserted after Article 11:

'Article 11a

In the case of seed of a variety which has been genetically modified, any label or document, official or otherwise, which is affixed to or accompanies the seed lot, under the provisions of this Directive, shall clearly indicate that the variety has been genetically modified.';

19. Article 13(1) shall be deleted and paragraph 2 replaced by the following:

'1. Member States shall specify that seed in mixtures of various genera, species or varieties may be placed on the market:

- if it is not intended for use as fodder plants, in which case the mixtures may contain seeds of fodder plants and seeds of plants which are not fodder plants within the meaning of this Directive;
- if it is intended for use as fodder plants, in which case the mixture may contain seeds of plant species listed in Directives 66/401/EEC, 66/402/EEC, 69/208/EEC or 70/458/EEC, with the exception of the varieties mentioned in Article 4(2)(a) of Directive 70/457/EEC;
- if it is intended for use in the preservation of the natural environment in the context of the conservation of genetic resources referred to in Article 22a(b), in which case the mixtures may contain seeds of fodder plants and seeds of plants which are not fodder plants within the meaning of the Directive.

In the cases provided for in the first and second indents, the various components of the mixtures must, in so far as they belong to one of the plant species listed in Directives 66/401/EEC, 66/402/EEC, 69/208/EEC and 70/458/EEC, comply, before mixing, with the marketing regulations applicable to them.

Other conditions, including labelling the technical approval of firms producing seed mixtures, the inspection of the production of mixtures, and the sampling of primary ingredient lots and of finished mixtures, shall be determined in accordance with the procedure laid down in Article 21.

In the case of the third indent, the conditions under which such mixtures may be marketed shall be determined in accordance with the procedure laid down in Article 21.';

20. the last subparagraph of Article 13(3) shall be deleted;

21. Article 14(1) shall be replaced by the following:

'1. Member States shall ensure that seed which is placed on the market under the provisions of this Directive, whether mandatory or discretionary, is not subject to any marketing restrictions as regards its characteristics, examination requirements, marking and sealing other than those laid down in this or any other Directive.';

22. Article 14(2) shall be repealed;

23. Article 14(3) shall be repealed;

24. the following Article shall be inserted after Article 14:

'Article 14a

The conditions under which bred seed of generations prior to basic seed may be placed on the market under the first indent of Article 3a shall be as follows:

- (a) it must have been officially inspected by the competent certification authority in accordance with the provisions applicable to the certification of basic seed;
- (b) it must be packed in accordance with this Directive; and

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- (c) the packages must bear an official label giving at least the following particulars:
- certification authority and Member State or their distinguishing abbreviation,
 - lot reference number,
 - month and year of sealing, or
 - month and year of the last official sampling for the purposes of certification,
 - species, indicated at least under its botanical name, which may be given in abridged form and without the authors' names, in Roman characters,
 - variety, indicated at least in Roman characters,
 - the description “pre-basic seed”,
 - number of generations preceding seed of the category “certified seed”, or “certified seed of the first generation”.

The label shall be white with a diagonal violet line.’;

25. Article 15(2) shall be replaced by the following:

‘2. Fodder plant seed which has been harvested in the Community and which is intended for certification in accordance with paragraph 1 shall:

- be packed and labelled with an official label satisfying the conditions laid down in Annex V(A) and (B), in accordance with Article 9(1); and
- be accompanied by an official document satisfying the conditions laid down in Annex V(C).

The provisions in the first subparagraph on packing and labelling may be waived if the authorities responsible for field inspection, those drawing up the documents for the certification of seeds which have not been definitively certified and those responsible for certification are the same, or if they agree on exemption’;

clearly indicate that the variety has been genetically modified.’;

26. Article 17 shall be replaced by the following:

‘Article 17

1. In order to remove any temporary difficulties in the general supply of basic, certified or commercial seed that occur in the Community and cannot be otherwise overcome, it may be decided in accordance with the procedure laid down in Article 21 that Member States shall permit, for a specified period, the marketing throughout the Community in quantities necessary to resolve supply difficulties of seed of a category subject to less stringent requirements, or of seed of a variety not included in the *Common Catalogue of Varieties of Agricultural Plant Species* or in the national catalogues of varieties of the Member States.

2. For a category of seed of any given variety, the official label shall be that provided for the corresponding category; for seed of varieties not included in the abovementioned catalogues, the official label shall be that provided for commercial seed. The label shall always state that the seed in question is of a category satisfying less stringent requirements.

3. Rules for the application of paragraph 1 may be adopted in accordance with the procedure laid down in Article 21.’;

27. Article 19(1) shall be replaced by the following:

‘1. Member States shall ensure that official inspections are carried out in relation to the marketing of fodder plant seed, at least by random checks, to verify compliance with the requirements and conditions of this Directive.’;

28. Article 19(2) shall be replaced by the following:

‘2. Without prejudice to the free movement of seed within the Community, Member States shall take all necessary measures to ensure that they are supplied with the following particulars during

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the marketing of quantities exceeding two kilograms of seed imported from third countries:

- (a) species;
- (b) variety;
- (c) category;
- (d) country of production and official inspection authority;
- (e) country of dispatch;
- (f) importer;
- (g) quantity of seed.

The manner in which these particulars are to be presented may be determined in accordance with the procedure laid down in Article 21.’;

29. the following Article shall be inserted after Article 22:

‘Article 22a

1. Specific conditions may be established in accordance with the procedure laid down in Article 21 to take account of developments in the areas of:

- (a) conditions under which chemically treated seed may be marketed;
- (b) conditions under which seed may be marketed in relation to the conservation *in situ* and the sustainable use of plant genetic resources, including seed mixtures of species which also include species listed in Article 1 of Council Directive 70/457/EEC, and are associated with specific natural and semi-natural habitats and are threatened by genetic erosion;
- (c) conditions under which seed suitable for organic production may be marketed.

2. The specific conditions referred to in paragraph 1 shall include in particular the following points:

- (i) in the case of (b), the seed of these species shall be of a known provenance approved by the appropriate Authority in each Member State for marketing the seed in defined areas;
- (ii) in the case of (b), appropriate quantitative restrictions.’;

30. in the first indent of Annex II(I)(1), the words ‘, *Brassica napus* var. *napobrassica* and *Brassica oleracea* convar. *acephala*’ shall be added after the words ‘Annex I’;

31. in the second indent of Annex II(I)(1), the words ‘*Brassica napus* var. *napobrassica* *Brassica oleracea* convar. *acephala*’ shall be deleted;

32. in Annex IV(B)(a)(8), the words ‘certified seed’ shall be replaced by the word ‘category’.

Article 3

Directive 66/402/EEC is hereby amended as follows:

1. Article 1 shall be replaced by the following:

‘Article 1

This Directive shall apply to the production with a view to marketing, and to the marketing, of cereal seed within the Community.’;

2. the following Article shall be added after Article 1:

‘Article 1a

For the purposes of this Directive “marketing” shall mean the sale, holding with a view to sale, offer for sale and any disposal, supply or transfer aimed at commercial exploitation of seed to third parties, whether or not for consideration.

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Trade in seed not aimed at commercial exploitation of the variety, such as the following operations, shall not be regarded as marketing:

- the supply of seed to official testing and inspection bodies;
- the supply of seed to providers of services for processing or packaging, provided the provider of services does not acquire title to seed thus supplied.

The supply of seed under certain conditions to providers of services for the production of certain agricultural raw materials, intended for industrial purposes, or seed propagation for that purpose, shall not be regarded as marketing, provided the provider of services does not acquire title to either the seed thus supplied or the product of the harvest. The supplier of seed shall provide the Certification Authority with a copy of the relevant parts of the contract made with the provider of services and this shall include the standards and conditions currently met by the seed provided.

The conditions for the application of this provision shall be determined in accordance with the procedure laid down in Article 21.’;

3. Article 2(1d) shall be repealed;
4. Article 3(1) shall be replaced by the following:
 - ‘1. Member States shall provide that cereal seed may not be placed on the market unless it has been officially certified as “basic seed”, “certified seed”, “certified seed, first generation” or “certified seed, second generation”.’;
5. in Article 3(2), the words ‘and marketing’ shall be deleted;
6. Article 3(4) shall be repealed;
7. the following Article shall be inserted after Article 3:

‘Article 3a

Notwithstanding Article 3(1), Member States shall provide that:

- bred seed of generations prior to basic seed, and
- seed as grown, marketed for processing, provided that the identity of the seed is ensured,

may be placed on the market.’;

8. Article 4(2) shall be repealed;
9. Article 4(3) shall be repealed;
10. the following paragraph shall be added to Article 4:
 - ‘4. Member States making use of the derogation provided for in either subparagraph 1(a) or 1(b) shall assist each other administratively as regards inspection.’;
11. the following Article shall be inserted after Article 4:

‘Article 4a

1. Notwithstanding Article 3(1), Member States may authorise producers in their own territory to place on the market:

- (a) small quantities of seed for, scientific purposes or selection work;
- (b) appropriate quantities of seed for other test or trial purposes, provided it belongs to varieties for which an application for entry in the catalogue has been submitted in the Member State in question.

In the case of genetically modified material, such authorisation may be granted only if all appropriate measures have been taken to avoid adverse effects on human health and the environment. For the environmental risk assessment to be carried out in this respect, the provisions of Article 7(4) of Directive 70/457/EEC shall apply accordingly.

2. The purposes for which the authorities referred to in paragraph 1(b) may be given, the provisions relating to the marking of packages, and the quantities and the conditions under which

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Member States may grant such authorisation shall be determined in accordance with the procedure laid down in Article 21.

3. Authorisations granted before the date of adoption of this Directive by Member States to producers in their own territory for the purposes set out in paragraph 1 shall remain in force pending determination of the provisions referred to in paragraph 2. Thereafter, all such authorisations shall respect the provisions established in accordance with paragraph 2.’;

12. the following Article shall be inserted after Article 5:

‘Article 5a

Member States may restrict the certification of seed of oats, barley, rice and wheat to that of certified seed of the first generation.’;

13. in Article 9(3) the words ‘sealed in their own territory. Conditions relating to these exceptions may be determined in accordance with the procedure laid down in Article 21’ shall be added after the words ‘small packages’;

14. Article 10(2) shall be replaced by the following:

‘2. Member States may provide for exceptions to paragraph 1 in the case of small packages sealed in their own territory. Conditions relating to these exceptions may be determined in accordance with the procedure laid down in Article 21.’;

15. Article 11 shall be replaced by the following:

‘Article 11

In accordance with the procedure laid down in Article 21, it may be provided that, in cases other than those already provided for in this Directive, packages of basic or certified seed of any kind shall bear a supplier's label (which may either be a label separate from the official label or take the form of suppliers' information printed on the package itself). The particulars to be provided on any such label shall also be established in accordance with the procedure laid down in Article 21.’;

16. the following paragraph shall be added to Article 11:

‘3. This Directive shall not affect the right of Member States to require that seed lots complying with the special conditions concerning the presence of *Avena fatua* laid down in accordance with the procedure provided for in Article 21 shall be accompanied by an official certificate attesting compliance with those conditions.’;

17. the following Article shall be inserted after Article 11:

‘Article 11a

In the case of seed of a variety which has been genetically modified, any label or document, official or otherwise, which is affixed to or accompanies the seed lot, under the provisions of this Directive, shall clearly indicate that the variety has been genetically modified.’;

18. in Article 13(1), the word ‘may’ shall be replaced by the word ‘shall’;

19. in Article 13(2), the word ‘may’ shall be replaced by the word ‘shall’;

20. the following paragraph shall be added after Article 13(2):

‘2a. The specific conditions under which such mixtures may be marketed shall be determined in accordance with the procedure laid down in Article 21.’;

21. Article 14(1) shall be replaced by the following:

‘1. Member States shall ensure that seed which is placed on the market under the provisions of this Directive, whether mandatory or discretionary, is not subject to any marketing restrictions as regards its characteristics, examination requirements, marking and sealing other than those laid down in this or any other Directive.’;

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22. Article 14(2) shall be repealed;
 23. Article 14(3) shall be repealed;
 24. the following Article shall be inserted after Article 14:

'Article 14a

The conditions under which bred seed of generations prior to basic seed may be placed on the market under the first indent of Article 3a, shall be as follows:

- (a) it must have been officially inspected by the competent certification authority in accordance with the provisions applicable to the certification of basic seed;
- (b) it must be packed in accordance with the provisions of this Directive; and
- (c) the packages must bear an official label giving at least the following particulars:
- certification authority and Member State or their distinguishing abbreviation,
 - lot reference number,
 - month and year of sealing, or
 - month and year of the last official sampling for the purposes of certification,
 - species, indicated at least under its botanical name, which may be given in abridged form and without the authors' names, in Roman characters,
 - variety, indicated at least in Roman characters,
 - the description "pre-basic seed",
 - number of generations preceding seed of the categories "certified seed" or "certified seed of the first generation".

The label shall be white with a diagonal violet line.';

25. Article 15(2) shall be replaced by the following:

'2. Cereal seed which has been harvested in the Community, and which is intended for certification in accordance with paragraph 1, shall:

- be packed and labelled with an official label satisfying the conditions laid down in Annex V(A) and (B), in accordance with Article 9(1), and
- be accompanied by an official document satisfying the conditions laid down in Annex V(C).

The provisions in the first subparagraph on packing and labelling may be waived if the authorities responsible for field inspection, those drawing up the documents for the certification of seeds which have not been definitively certified and those responsible for certification are the same, or if they agree on exemption.';

26. Article 17 shall be replaced by the following:

'Article 17

1. In order to remove any temporary difficulties in the general supply of basic or certified seed that occur in the Community and cannot be otherwise overcome, it may be decided in accordance with the procedure laid down in Article 21 that Member States shall permit, for a specified period, the marketing throughout the Community in quantities necessary to resolve the supply difficulties of seed of a category subject to less stringent requirements, or of seed of a variety not included in the *Common Catalogue of Varieties of Agricultural Plant Species* or in the national catalogues of varieties of the Member States.

2. For a category of seed of any given variety, the official label shall be that provided for the corresponding category; for seed of varieties not included in the abovementioned catalogues the colour of the official label shall be brown. The label shall always state that the seed in question is of a category satisfying less stringent requirements.

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3. Rules for the application of paragraph 1 may be adopted in accordance with the procedure laid down in Article 21.’;

27. Article 19(1) shall be replaced by the following:

‘1. Member States shall ensure that official inspections are carried out in relation to the marketing, at least by random checks, to verify compliance with the requirements of this Directive.’;

28. Article 19(2) shall be replaced by the following:

‘2. Without prejudice to the free movement of seed within the Community, Member States shall take all necessary measures to ensure that they are supplied with the following particulars during the marketing of quantities exceeding two kilograms of seed imported from third countries:

- (a) species;
- (b) variety;
- (c) category;
- (d) country of production and official inspection authority;
- (e) country of dispatch;
- (f) importer;
- (g) quantity of seed.

The manner in which these particulars are to be presented may be determined in accordance with the procedure laid down in Article 21.’;

29. the following Article shall be inserted after Article 22:

‘Article 22a

1. Specific conditions may be established in accordance with the procedure laid down in Article 21 to take account of developments in the areas of:

- (a) conditions under which chemically treated seed may be marketed;
- (b) conditions under which seed may be marketed in relation to the conservation in situ and the sustainable use of plant genetic resources, including seed mixtures of species which also include species listed in Article 1 of Council Directive 70/457/EEC, and are associated with specific natural and semi-natural habitats and are threatened by genetic erosion;
- (c) conditions under which seed suitable for organic production may be marketed.

2. The specific conditions referred to in paragraph 1 shall include in particular the following points:

- (i) in the case of (b), the seed of these species shall be of a known provenance approved by the appropriate authority in each Member State for marketing the seed in defined areas;
- (ii) in the case of (b), appropriate quantitative restrictions.’

▼M4

▼M5

▼M1

▼M3

▼B*Article 8*

1. Member States may, during a transitional period of not more than four years after the entry into force of the laws, regulations or administrative provisions necessary for them to comply with this Directive and by way of derogation from Article 2(1)(C)(a) and (b) of Directive

▼B

66/401/EEC, permit the marketing of seed of a generation previously permitted.

2. Member States may also, during a transitional period of not more than four years after the entry into force of the laws, regulations or administrative provisions necessary for them to comply with this Directive and by way of derogation from Article 3(22) of this Directive, which repeals Article 14(2)(a) of Directive 66/402/EEC, continue to restrict the marketing of certified seed of oats, barley, rice, triticale, wheat or spelt to that of the first generation.

3. Member States which currently operate restrictions on the marketing of fodder plant seeds in mixtures in accordance with Article 13 of Directive 66/401/EEC may also, during a transitional period of not more than four years after the entry into force of the laws, regulations and administrative provisions necessary for them to comply with this Directive and by way of derogation from Article 2(19) of this Directive, continue to prohibit the marketing of mixtures of fodder plant seeds.

*Article 9***▼C1**

1. Member States shall bring into force the laws, regulations or administrative provisions necessary to comply with this Directive not later than twelve months after the date of publication of this Directive.

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When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication.

The methods of making such reference shall be laid down by Member States.

▼M2**▼B***Article 10*

This Directive is addressed to the Member States.