

**COMMISSION DIRECTIVE**  
**of 14 January 1987**  
**amending various Council Directives on the marketing of seeds and propagating materials**

(87/120/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 66/400/EEC of 14 June 1966 on the marketing of beet seed<sup>(1)</sup>, as last amended by Regulation (EEC) No 3768/85<sup>(2)</sup>, and in particular Article 21a thereof,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed<sup>(3)</sup>, as last amended by Directive 86/155/EEC<sup>(4)</sup> and in particular Articles 2 (1a) and 21a thereof,

Having regard to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed<sup>(5)</sup>, as last amended by Commission Directive 86/320/EEC<sup>(6)</sup>, and in particular Articles 2 (1a) and 21a thereof,

Having regard to Council Directive 69/208/EEC of 30 June 1969 on the marketing of seed of oil and fibre plants<sup>(7)</sup>, as last amended by Directive 86/155/EEC, and in particular Articles 2 (1a) and 20a thereof,

Having regard to Council Directive 70/458/EEC of 29 September 1970 on the marketing of vegetable seed<sup>(8)</sup>, as last amended by Directive 86/155/EEC, and in particular Articles 2 (1a) and 40a thereof,

Whereas, in the light of the development of scientific and technical knowledge, Directives 66/400/EEC, 66/401/EEC, 66/402/EEC, 69/208/EEC and 70/458/EEC should be amended for the reasons set out hereafter;

Whereas some of the botanical names used in Directives 66/401/EEC, 66/402/EEC, 69/208/EEC and 70/458/EEC

have been shown to be incorrect or of doubtful authenticity;

Whereas those names should be aligned with those normally accepted internationally;

Whereas current international methods allow a tolerance of 5 % on the maximum weight of seed lots;

Whereas it is desirable that a similar tolerance should be applied under the Community Directives;

Whereas the conditions laid down by the Organization for Economic Cooperation and Development for previous cropping and crop isolation for the production of sugar beet seed and fodder beet seed have been shown to be suitable for adoption by the Community;

Whereas it is desirable that the rules for the bitter lupin seed content of sweet lupin seed should be improved in the light of the development of the seed quality normally achieved;

Whereas it is necessary to control the presence of wild plants and the content of red-grain plants in crops for the production of rice seed;

Whereas stricter requirements need to be laid down for the content of red grains in rice seed;

Whereas current international rules have recently been revised in respect of maximum weights for seed lots of certain cereal species; whereas that revision was approved by the Community;

Whereas the maximum weights in the Community rules for seed lots of those species should therefore be revised accordingly;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

<sup>(1)</sup> OJ No 125, 11. 7. 1966, p. 2290/66.

<sup>(2)</sup> OJ No L 362, 31. 12. 1985, p. 8.

<sup>(3)</sup> OJ No 125, 11. 7. 1966, p. 2298/66.

<sup>(4)</sup> OJ No L 118, 7. 5. 1986, p. 23.

<sup>(5)</sup> OJ No 125, 11. 7. 1966, p. 2309/66.

<sup>(6)</sup> OJ No L 200, 23. 7. 1986, p. 38.

<sup>(7)</sup> OJ No L 169, 10. 7. 1969, p. 3.

<sup>(8)</sup> OJ No L 225, 12. 10. 1970, p. 7.

HAS ADOPTED THIS DIRECTIVE :

*Article 1*

Directive 66/400/EEC is hereby amended as follows :

1. The following paragraph is inserted before Annex I (A) (1) :

'01. The previous cropping of the field shall not have been incompatible with the production of seeds of *Beta vulgaris* of the variety of the crop, and the field shall be sufficiently free from such plants which are volunteers from previous cropping.'

2. Annex I (A) (5) is replaced by the following paragraph :

'5. The minimum distances from neighbouring pollen sources shall be :

Crop	Minimum distance
1. For the production of basic seed : from any pollen sources of the genus <i>Beta</i>	1 000 m
2. For the production of certified seed :	
(a) of sugar beet :	
— from any pollen sources of the genus <i>Beta</i> not included below	1 000 m
— the intended pollinator or one of the intended pollinators being diploid, from tetraploid sugar beet pollen sources	600 m
— the intended pollinator being exclusively tetraploid, from diploid sugar beet pollen sources	600 m
— from sugar beet pollen sources, the ploidy of which is unknown	600 m
— the intended pollinator or one of the intended pollinators being diploid, from diploid sugar beet pollen sources	300 m
— the intended pollinator being exclusively tetraploid, from tetraploid sugar beet pollen sources	300 m
— between two sugar beet seed production fields in which male sterility is not used	300 m
(b) of fodder beet :	
— from any pollen sources of the genus <i>Beta</i> not included below	1 000 m
— the intended pollinator or one of the pollinators being diploid, from tetraploid fodder beet pollen sources	600 m
— the intended pollinator being exclusively tetraploid, from diploid fodder beet pollen sources	600 m
— from fodder beet pollen sources, the ploidy of which is unknown	600 m
— the intended pollinator or one of the pollinators being diploid, from diploid fodder beet pollen sources	300 m
— the intended pollinator being exclusively tetraploid, from tetraploid fodder beet pollen sources	300 m
— between two fodder beet seed production fields in which male sterility is not used	300 m

The above distances can be disregarded if there is sufficient protection from any undesirable foreign pollinator. No isolation is necessary between seed crops using the same pollinator.

The ploidy of both seed-bearing and pollen-shedding components of seed-producing crops is to be established by reference to the common catalogue of varieties of agricultural

plant species compiled under Council Directive 70/457/EEC<sup>(1)</sup>, as last amended by Directive 86/155/EEC<sup>(2)</sup>, or the national catalogues of varieties established under that Directive. If this information is not included for any variety, the ploidy is to be regarded as unknown, and thus a minimum isolation distance of 600 metres is required.

<sup>(1)</sup> OJ No L 225, 12. 10. 1970, p. 1.

<sup>(2)</sup> OJ No L 118, 7. 5. 1985, p. 23.

3. The following sentence is added to Annex II :

'The maximum lot weight shall not be exceeded by more than 5 %.'

Article 2

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

1. In Article 2 (1) (A) the words on the left below are replaced by the corresponding words on the right :

<i>Agrostis tenuis</i> Sibth.	<i>Agrostis capillaris</i> L.
<i>Arrhenatherum elatius</i> (L.) Beauv. ex J. et K. Presl	<i>Arrhenatherum elatius</i> (L.) P. Beauv. ex J. S. et K. B. Presl
<i>Festuca arundinacea</i> Schreb.	<i>Festuca arundinacea</i> Schreber
<i>Festuca pratensis</i> Huds.	<i>Festuca pratensis</i> Hudson
<i>Lolium x hybridum</i> Hausskn.	<i>Lolium x boucheanum</i> Kunth
<i>Trisetum flavescens</i> (L.) Beauv.	<i>Trisetum flavescens</i> (L.) P. Beauv.
<i>Medicago x varia</i> Martyn	<i>Medicago x varia</i> T. Martyn
<i>Brassica napus</i> L. var. <i>napobrassica</i> (L.) Peterm.	<i>Brassica napus</i> L. var. <i>napobrassica</i> (L.) Rchb.
<i>Brassica oleracea</i> L. convar. <i>acephala</i> (DC)	<i>Brassica oleracea</i> L. convar. <i>acephala</i> (DC.) Alef. var. <i>medullosa</i> Thell. + var. <i>viridis</i> L.
<i>Raphanus sativus</i> L. ssp. <i>oleifera</i> (DC) Metzg.	<i>Raphanus sativus</i> L. var. <i>oleiformis</i> Pers.

2. In Article 3 (1) the words on the left below are replaced by the corresponding words on the right :

<i>Brassica napus</i> L. var. <i>napobrassica</i> (L.) Peterm.	<i>Brassica napus</i> L. var. <i>napobrassica</i> (L.) Rchb.
<i>Brassica oleracea</i> L. convar. <i>acephala</i> (DC)	<i>Brassica oleracea</i> L. convar. <i>acephala</i> (DC.) Alef. var. <i>medullosa</i> Thell. + var. <i>viridis</i> L.
<i>Festuca arundinacea</i> Schreb.	<i>Festuca arundinacea</i> Schreber
<i>Festuca pratensis</i> Huds.	<i>Festuca pratensis</i> Hudson
<i>Lolium x hybridum</i> Hausskn.	<i>Lolium x boucheanum</i> Kunth
<i>Medicago x varia</i> Martyn	<i>Medicago x varia</i> T. Martyn
<i>Raphanus sativus</i> L. ssp. <i>oleifera</i> (DC) Metzg.	<i>Raphanus sativus</i> L. var. <i>oleiformis</i> Pers.

3. In column 1 of the table in Annex II (I) (2) (A) :

- '*Agrostis tenuis*' is replaced by '*Agrostis capillaris*';
- '*Lolium x hybridum*' is replaced by '*Lolium x boucheanum*';
- 'ssp. *oleifera*' is replaced by 'var. *oleiformis*'.

4. In Annex II (I) (2) (B) (p) '2,5 %' is inserted after the word 'exceed' and the rest of the item is deleted.

5. In column 1 of the table in Annex II (II) (2) (A) :

- '*Agrostis tenuis*' is replaced by '*Agrostis capillaris*';
- '*Lolium x hybridum*' is replaced by '*Lolium x boucheanum*';
- 'ssp. *oleifera*' is replaced by 'var. *oleiformis*'.

6. Annex II (III) (6) (c) is deleted.
7. In column 1 of the table in Annex III :
  - '*Agrostis tenuis*' is replaced by '*Agrostis capillaris*';
  - '*Lolium x hybridum*' is replaced by '*Lolium x boucheanum*';
  - '*ssp. oleifera*' is replaced by '*var. oleiformis*'.
8. In Annex III the following is added after the table :
 

'The maximum lot weight shall not be exceeded by more than 5 %'.

#### Article 3

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

1. In Article 2 (1) (A), 'except *Zea mays* convar. *microsperma* (Koern) and *Zea mays* convar. *saccharata* (Koern)' is replaced by '(partim)'.
2. In the introductory wording of the third paragraph of Annex I (3), '*Oryza sativa*,' is inserted after 'crops of'.
3. In the third paragraph of Annex I (3) the following is added :
 

'D. *Oryza sativa* :

the number of plants which are recognizable as obviously being wild plants or red-grain plants shall not exceed :

  - 0 for the production of basic seed,
  - 1 per 50 m<sup>2</sup> for the production of certified seed.'
4. In column 5 of the table in Annex II (2) (A) '2', '5' and '10' are replaced by '1', '3' and '5' respectively.
5. In column 2 of the table in Annex III '20' is replaced by '25' in both cases where it appears.
6. The following sentence is added to Annex III :
 

'The maximum lot weight shall not be exceeded by more than 5 %'.

#### Article 4

Directive 69/208/EEC is hereby amended as follows :

1. In Article 2 (1) (A) the words on the left below are replaced by the corresponding words on the right :
 

<i>Brassica juncea</i> (L.) Czern. et Coss. in Czern.	<i>Brassica juncea</i> (L.) Czernj. et Cosson
<i>Brassica napus</i> L.	<i>Brassica napus</i> L. (partim)
<i>Brassica nigra</i> (L.) W. Koch	<i>Brassica nigra</i> (L.) Koch
<i>Brassica rapa</i> L. (partim)	<i>Brassica rapa</i> L. var. <i>silvestris</i> (Lam.) Briggs
2. In Article 3 (1) the words on the left below are replaced by the corresponding words on the right :
 

<i>Brassica napus</i> L. ssp. <i>oleifera</i> (Metzg.) Sinsk.	<i>Brassica napus</i> L. (partim)
<i>Brassica rapa</i> L. (partim)	<i>Brassica rapa</i> L. var. <i>silvestris</i> (Lam.) Briggs
3. In column 1 of the table in Annex I (2) '*ssp. oleifera*' is deleted in both cases where they appear.
4. In column 1 of the table in Annex II (I) (1) '*ssp. oleifera*' is deleted in both cases where it appears.
5. In column 1 of the table in Annex II (I) (3) (A) '*ssp. oleifera*' is deleted.
6. In column 1 of the table in Annex III '*ssp. oleifera*' is deleted.
7. The following sentence is added to Annex III :
 

'The maximum lot weight shall not be exceeded by more than 5 %'.

## Article 5

Directive 70/458/EEC is hereby amended as follows :

1. In Article 2 (1) (A) the words on the left below are replaced by the corresponding words on the right :

<i>Beta vulgaris</i> L. var. <i>cycla</i> (L.) Ulrich	<i>Beta vulgaris</i> L. var. <i>vulgaris</i>
<i>Beta vulgaris</i> L. var. <i>esculenta</i> L.	<i>Beta vulgaris</i> L. var. <i>conditiva</i> Alef.
<i>Brassica oleracea</i> L. var. <i>acephala</i> DC subvar. <i>laciniata</i> L.	<i>Brassica oleracea</i> L. convar. <i>acephala</i> (DC.) Alef. var. <i>sabellica</i> L.
<i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) Alef. var. <i>botrytis</i>	<i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) Alef. var. <i>botrytis</i> L.
<i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) Alef. var. <i>italica</i> Plenck	<i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) Alef. var. <i>cymosa</i> Duch.
<i>Brassica oleracea</i> L. var. <i>bullata</i> subvar. <i>gemmifera</i> DC.	<i>Brassica oleracea</i> L. convar. <i>oleracea</i> var. <i>gemmifera</i> DC.
<i>Brassica oleracea</i> L. var. <i>bullata</i> DC. et var. <i>subauda</i> L.	<i>Brassica oleracea</i> L. convar. <i>capitata</i> (L.) Alef. var. <i>sabauda</i> L.
<i>Brassica oleracea</i> L. var. <i>capitata</i> L. f. <i>alba</i> DC.	<i>Brassica oleracea</i> L. convar. <i>capitata</i> (L.) Alef. var. <i>alba</i> DC.
<i>Brassica oleracea</i> L. var. <i>capitata</i> L. f. <i>rubra</i> (L.) Thell.	<i>Brassica oleracea</i> L. convar. <i>capitata</i> (L.) Alef. var. <i>rubra</i> DC.
<i>Brassica oleracea</i> L. var. <i>gongylodes</i> L.	<i>Brassica oleracea</i> L. convar. <i>acephala</i> (DC.) Alef. var. <i>gongylodes</i>
<i>Brassica rapa</i> L. var. <i>rapa</i> (L.) Thell.	<i>Brassica rapa</i> L. var. <i>rapa</i>
<i>Cichorium intybus</i> L. var. <i>foliosum</i> Bisch.	<i>Cichorium intybus</i> L. (partim)
<i>Foeniculum vulgare</i> P. Mill.	<i>Foeniculum vulgare</i> Miller
<i>Lycopersicon lycopersicum</i> (L.) Karst. ex Farwell	<i>Lycopersicon lycopersicum</i> (L.) Karsten ex Farw.
<i>Petroselinum crispum</i> (Mill.) Nym. ex A. W. Hill	<i>Petroselinum crispum</i> (Miller) Nyman ex A. W. Hill

2. In the first column of the table in Annex II (3) (a) 'var. *botrytis*' is replaced by '(cauliflower)' and '(other species)' is replaced by '(other subspecies)'.

3. The following sentence is added to Annex III (1) :

'The maximum lot weight shall not be exceeded by more than 5 %.'

## Article 6

Member States shall take the necessary measures to comply with this Directive not later than 1 July 1988. They shall forthwith inform the Commission thereof.

## Article 7

This Directive is addressed to the Member States.

Done at Brussels, 14 January 1987.

For the Commission

Frans ANDRIESEN

Vice-President