



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 11.12.1995
COM(95) 622 final

95/0302 (CNS)
95/0303 (CNS)
95/0304 (CNS)
95/0305 (CNS)

Proposal for a
COUNCIL DIRECTIVE

on the marketing of seed potatoes
(consolidated version)

Proposal for a
COUNCIL DIRECTIVE

on the marketing of beet seed
(consolidated version)

Proposal for a
COUNCIL DIRECTIVE

on the marketing of seed of oil and fibre plants
(consolidated version)

Proposal for a
COUNCIL DIRECTIVE

on the marketing of fodder plant seed
(consolidated version)

(presented by the Commission)

Proposal for a
COUNCIL DIRECTIVE

on the marketing of seed potatoes

(consolidated version)

EXPLANATORY MEMORANDUM

1. When considering how Community law could be made simpler and more transparent, Parliament, the Commission and the Council found themselves confronted with an over-abundance of legislative instruments which had been amended several times, often substantially, and unanimously agreed on the need for a working method which would use legislative consolidation as a means of achieving greater clarity and transparency.
2. On 1 April 1987 the Commission therefore decided to instruct its staff that all legislative measures should be consolidated after *no more* than ten amendments, stressing that this was a minimum requirement and that departments should endeavour to consolidate at even shorter intervals the texts for which they were responsible, to ensure that the Community rules were clear and readily understandable.
3. The conclusions of the Presidency of the Edinburgh European Council reaffirmed these points, stressing that "*official codification* is important because it provides legal security as to the law which is applicable at a certain moment concerning a specific issue." To ensure not only the quality and the legal security of the texts consolidated, it was also suggested that "a jointly acceptable accelerated working method should be sought allowing codified Community law (replacing existing legislation without changing its substance) to be adopted in a speedy and efficient way".
4. The proposed consolidated version of *Council Directive 66/403/EEC of 14 June 1966 on the marketing of seed potatoes* forms part of a much larger programme of consolidation of the provisions on seeds and propagating material for agriculture, horticulture and forestry. It has been drafted in accordance with the fundamental principles agreed by Council, Parliament and the Commission in 1974; it aims at *legislative consolidation*: the existing Directives would be replaced by one new one, which would leave their substance untouched but would assemble them into a single text, with only the formal amendments required by the operation itself ⁽¹⁾. This codified text will serve as the basis for future legislative developments in this field.
5. Certain provisions of Directive 66/403/EEC refer to "*EEC standards*".
The Treaty on European Union replaced the expression "European Economic Community" by "European Community" in the Treaty; the same should now be done in the above provisions.
This may be regarded as a purely formal amendment, but the Member States must none the less transpose it into national legislation if firms are to use labels referring to the EC rather than the EEC. Moreover, there could be a financial impact for these firms if they were required to begin using the new labels forthwith.
For these reasons, and since consolidating directives do not need to be transposed, the original provisions being presumed to have been transposed within the time allowed, it would not appear possible to incorporate this amendment in the consolidation proposal as a *purely formal adjustment*.
The Commission will accordingly present a separate *proposal for the amendment of Directive 66/403/EEC replacing "EEC" by "EC"*.
This amendment and those already proposed to the Council will, following adoption, be incorporated in the consolidation proposal which should then be before the Council.
6. This *consolidation* proposal was drawn up on the basis of a *preliminary consolidation*, in all the official languages, of Directive 66/403/EEC and the instruments amending it, carried out by the Office for Official Publications of the European Communities, by means of a *data-processing system* referred to in the conclusions of the European Council meeting at Edinburgh. Although the articles have been given new numbers, the former number is printed alongside in each case for the reader's convenience; the correlation between the old and new numbers is shown in a table contained in Annex V to the consolidated Directive.

⁽¹⁾ Annex IV, part A of this proposal.

Proposal for a
Council Directive .../.../EC

on the marketing of seed potatoes

95/0302 (CNS)

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,

Having regard to the opinion of the European Parliament⁽¹⁾;

Having regard to the opinion of the Economic and Social Committee⁽²⁾;

- | | | |
|---|---------------|----------------------------|
| 1) Whereas Council Directive 66/403/EEC of 14 June 1966 on the marketing of seed potatoes ⁽³⁾ has been frequently and substantially amended; whereas for reasons of clarity and rationality the said Directive should be consolidated; | | |
| 2) Whereas potato production occupies an important place in the agriculture of the Community; | 1. | 66/403/EEC |
| 3) Whereas satisfactory results in potato cultivation depend to a large extent on the use of appropriate seed potatoes; whereas to this end certain Member States have for some time restricted the marketing of seed potatoes to high-quality seed potatoes; whereas they have been able to take advantage of the systematic plant selection work carried out over several decades which has resulted in the development of sufficiently stable and uniform potato varieties which, by reason of their characteristics, promise to be of great value for the purposes in view; | 2. | |
| 4) Whereas greater productivity will be achieved in Community potato cultivation if for the choice of the varieties permitted to be marketed the Member States apply uniform rules which are as strict as possible, in particular as regards health status; whereas a common catalogue of varieties of agricultural plant species is therefore provided for in Council Directive 95/.../EC ⁽⁴⁾ ; | 3.
+
2. | 71/162/EEC
[70/457/EEC] |

(1) OJ No C

(2) OJ No C

(3) OJ No 125, 11. 7. 1966, p. 2320/66; as last amended by Decision 95/65/EC (OJ No L 56, 14. 3. 1995, p. 18).

(4) See page ... of this Official Journal.

5) Whereas it is, however, justifiable to restrict marketing to certain varieties only if the user can be sure of actually obtaining seed potatoes of those varieties;	4.	66/403/EEC
6) Whereas certain Member States have for this purpose been applying certification schemes which are intended by official verification to ensure the identity and purity of the varieties and their health status;	5.	
7) Whereas recommendations have been made within the framework of the Economic Commission for Europe concerning standardisation of the commercial quality of seed potatoes moving in international trade; whereas these recommendations relate in particular to the health of the progeny; whereas they may, consequently, constitute one of the bases for a uniform Community certification scheme;	6.	
8) Whereas such a scheme should apply to marketing both in other Member States and on domestic markets; whereas Community rules should not apply to seed potatoes shown to be intended for export to third countries;	7. +	
9) Whereas, as a general rule, seed potatoes should be allowed to be marketed only if they have been officially examined and certified, in accordance with the rules for certification, as basic seed potatoes or certified seed potatoes; whereas the choice of the technical terms 'basic seed potatoes' and 'certified seed potatoes' is based on already existing international terminology; whereas it is appropriate however to amplify the provisional measures and to authorize the use of seed potatoes of stages prior to basic seed potatoes;	10. 8. +	69/62 /EEC
10) Whereas Member States may subdivide the categories of seed potatoes into grades satisfying different requirements; whereas it seems appropriate to provide that Community grades and their requirements may be established in an accelerated procedure; whereas in this respect it should be left to Member States to decide the extent to which they apply these grades to their own production;	2.	79/967/EEC
11) Whereas, in the light of modern advances in propagation techniques, it is appropriate to lay down a Community procedure for the establishment of specific rules applicable to the marketing of seed potatoes produced by techniques involving micro-propagation;	1.	90/404/EEC
12) Whereas seed potatoes which are not placed on the market should not, in view of their minor economic importance, be subject to Community rules; whereas Member States must retain the right to make such seed potatoes subject to special provisions;	2. 9.	66/403/EEC

13)	Whereas it is necessary to provide that bred seed of generations prior to basic seed and plants, which may be admitted for marketing in the different Member States, shall correspond to the requirements laid down by this Directive;	2.	72/418/EEC (adapted)
14)	Whereas, in order to improve not only the genetic value and health status of Community seed potatoes but also their external characters, provision should be made for tolerances in respect of impurities, blemishes and diseases in seed potatoes;	11.	66/403/EEC
15)	Whereas Member States may be authorized, in respect of the marketing of seed potatoes in all or part of their territories, to take more stringent measures than provided for in Annex I against particular virus diseases which do not exist in those regions or which appear particularly harmful to crops in those regions; whereas it has appeared that the scope of this provision should be extended to harmful organisms other than virus diseases;	1. + 2.	89/366/EEC
16)	Whereas, in order to ensure the identity of the seed potatoes, Community rules on packaging, sealing and marking must be established; whereas to this end the labels should give the particulars needed both for official verification and for the information of the user and should clearly show the Community nature of the certification;	12.	66/403/EEC
17)	Whereas, in order to ensure that both the requirements as to the quality of the seed potatoes and the provisions for ensuring their identity are complied with during marketing, Member States must make provision for appropriate control arrangements;	13.	
18)	Whereas seed potatoes satisfying these requirements should, without prejudice to Article 36 of the Treaty, be subject to no marketing restrictions other than those provided for in Community rules, except in those cases where Community rules provide for tolerances in respect of diseases, harmful organisms or their vectors;	14.	
19)	Whereas provision should be made for authorizing the marketing within the Community of seed potatoes harvested in third countries only if they afford the same assurances as seed potatoes officially certified within the Community and complying with Community rules;	16.	
20)	Whereas, during periods in which there are difficulties in obtaining supplies of certified seed potatoes of the various categories, seed potatoes satisfying less stringent requirements should temporarily be permitted to be marketed;	17.	

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|-----|---|-----|-----------|
| 21) | Whereas, in order to ensure that seed potatoes certified in the Member States satisfy the requirements laid down and to enable comparisons to be made in the future between such seed potatoes and those coming from third countries, Community test fields should be established in Member States to permit annual post-control of the various categories of certified seed potatoes; whereas the Member States should be authorized to prohibit the marketing of all or certain varieties of seed potatoes coming from other Member States if the comparative tests have given unsatisfactory results over a period of several years; | 18. | |
| 22) | Whereas for the exercise of implementation powers conferred on the Commission, it seems appropriate that the Commission be assisted by the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry, according to the Management Committee procedure provided for in Article 2 (II) of Council Decision 87/373/EEC ⁽¹⁾ ; | 19. | (adapted) |
| 23) | Whereas this Directive must not affect the obligations of the Member States concerning the deadlines for transposition of the Directives set out in Annex IV, part B, | | |

HAS ADOPTED THIS DIRECTIVE:

(1) OJ No L 197, 18. 7. 1987, p. 33.

Article 1

This Directive shall apply to seed potatoes marketed within the Community.

It shall not apply to seed potatoes shown to be intended for export to third countries.

66/403/EEC

Article 17

Article 2

1. For the purposes of this Directive,

A. 'Basic seed potatoes' means potato tubers

- (a) which have been produced according to accepted practices for the maintenance of the variety and of health;
- (b) which are intended mainly for the production of certified seed potatoes;
- (c) which satisfy the minimum conditions laid down in Annexes I and II for basic seed potatoes; and
- (d) which have been found by official examination to satisfy the minimum conditions laid down above;

B. 'Certified seed potatoes' means potato tubers

- (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;

69/62/EEC Art. 2 (1)

69/62/EEC Art. 2 (2)

Corrigendum, English Special Edition, p. 30

- (b) which are intended mainly for the production of potatoes other than seed potatoes;
- (c) which satisfy the minimum conditions laid down in Annexes I and II for certified seed potatoes; and
- (d) which have been found by official examination to satisfy the abovementioned minimum conditions;

C. 'Official measures' means measures taken

- (a) by State authorities, or
- (b) by any legal person whether governed by public or by private law, acting under the responsibility of the State, or
- (c) in the case of ancillary activities which are also subject to State control, by any natural person duly sworn for that purpose,

provided that the persons mentioned under (b) and (c) derive no private gain from such measures.

66/403/EEC

2. Member States, during a transitional period of not more than two years after the entry into force of the laws, regulations or administrative provisions necessary to comply with this Directive, and by way of derogation from point B of paragraph 1, may certify as certified seed potatoes, seed potatoes produced directly from seed potatoes officially controlled in a Member State under the scheme in operation at that time and which afford the same assurances as seed potatoes certified as 'basic seed potatoes' or 'certified seed potatoes' in accordance with the principles of this Directive;

69/62/EEC Art. 2 (3)

Corrigendum, English Special Edition, p. 30

Article 3

1. Without prejudice to the provisions laid down in Directive 95/.../EC, Member States shall provide that seed potatoes may not be placed on the market unless they have been officially certified as 'basic seed potatoes' or 'certified seed potatoes' and unless they satisfy the minimum conditions laid down in Annexes I and II. The Member States shall provide that seed potatoes which do not during marketing satisfy the minimum conditions laid down in Annex II may be sorted. The tubers which are not rejected shall then undergo a further official examination.

66/403/EEC
(adapted)
[70/457/EEC]

2. Member States may:

- A. subdivide the categories of seed potatoes provided for in Article 2 into grades satisfying different requirements;
- B. provide for derogations from the provisions of the first sentence of paragraph 1:
 - (a) for seed potatoes of generations prior to basic seed potatoes,
 - (b) for tests or for scientific purposes,
 - (c) for selection work.

3. For seed potatoes which have been officially certified, the following may be determined in accordance with the procedure laid down in Article 19 (2):

79/967/EEC Art. 1

- Community grades,
- the conditions applicable to such grades,
- designations applicable to such grades.

Member States may prescribe the extent to which they apply these Community grades in certifying their own production.

4. For seed potatoes produced by micropropagation techniques and not meeting the size requirements of this Directive, the following may be determined in accordance with the procedure laid down in Article 19 (2):

- derogation from specific provisions of this Directive,
- the conditions applicable to such seed potatoes,
- the designations applicable to such seed potatoes.

90/404/EEC Art. 1 (1)

Article 4

Member States may, as regards the minimum conditions laid down in Annexes I and II, impose additional or more stringent requirements for the certification of seed potatoes produced in their own territory.

66/403/EEC

Article 5

Member States shall require that, for the examination of seed potato tubers for certification, samples are taken officially in accordance with appropriate methods.

78/692/EEC Art. 4 (1)

Article 6

Member States shall provide that seed potatoes may not be placed on the market if they have been treated with sprout inhibitors.

66/403/EEC

Article 7

1. Member States shall provide that seed potatoes may not be placed on the market unless they have a minimum size such that they do not pass through a square mesh of 28×28 mm; for varieties having, on an average, a length of at least twice the greatest width, the square mesh must not be less than 25×25 mm. In the case of tubers which are too large to pass through a square mesh of 35×35 mm, the upper and lower size-limits shall be expressed in multiples of five. The maximum variation in size between tubers in a lot shall be such that the difference between the dimensions of the two square meshes used does not exceed 20 mm.

72/418/EEC Art. 4 (1)

69/62/EEC Art. 3

2. A lot shall not contain more than 3 % by weight of tubers smaller than the minimum size indicated or more than 3 % by weight of tubers larger than the maximum size indicated.

69/62/EEC Art. 3

3. Member States may, in respect of seed potatoes produced in their national territory, further reduce the permitted variation in size between tubers in a lot.

69/62/EEC Art. 3

4. Member States may
- (a) apply the provisions of the second part of the first sentence of paragraph 1 to varieties other than those referred to therein;
 - (b) increase the maximum permitted variation in size between tubers in a lot.

72/418/EEC Art. 4 (2)

Corrigendum, English Special Edition, p.106

Article 8

1. Member States shall require that basic seed potatoes and certified seed potatoes be marketed only in sufficiently homogeneous lots and in closed packages or containers which must be sealed and bear, as prescribed in Articles 9 and 10, a sealing device and markings. The packages must be new; the containers must be clean.

72/418/EEC Art. 4 (3)

2. Member States may, for the marketing of small quantities to the final consumer, provide for derogations from the provisions of paragraph 1 in respect of packaging, sealing and marking.

66/403/EEC

Article 9

1. Member States shall require that packages and containers of basic seed potatoes and certified potatoes be sealed officially or under official supervision in such a manner that they cannot be opened without damaging the system of sealing or leaving evidence of tampering on either the official label provided for in Article 10 (1) or the package.

78/692/EEC Art. 4 (2)

In order to ensure closure, the sealing system shall comprise at least either the official label or the affixing of an official seal.

The measures provided for in the second subparagraph above shall not be necessary where a non-reusable sealing system is used.

In accordance with the procedure laid down in Article 19 (2) it may be established whether a particular sealing system complies with the provisions of this paragraph.

2. Packages which have been officially sealed shall not be resealed, whether one or more times, except officially or under official supervision. If packages are resealed, the fact of resealing, the most recent date of resealing and the authority responsible therefor shall be stated on the label required under Article 10 (1).

69/62/EEC Art. 5

78/692/EEC Art. 4 (3)

3. Member States may provide for exceptions to paragraph 1 in the case of small packages.

75/444/EEC Art. 4

Article 10

1. Member States shall require that packages and containers of basic seed potatoes and certified seed potatoes:

78/692/EEC Art. 4 (4)

- (a) be labelled on the outside with an official label which has not previously been used, which fulfils the conditions laid down in Annex III and the particulars of which are provided in one of the official languages of the Community. The colour of the label shall be white for basic seed potatoes and blue for certified seed potatoes. When a label with a string-hole is used, its attachment shall be ensured in all cases with an official seal. The use of official adhesive labels shall be authorized. In accordance with the procedure laid down in Article 19 (2), the indelible printing of the prescribed particulars on the package in accordance with the label model may be authorized under official supervision;
- (b) contain an official document, in the same colour as the label, providing at least the label particulars required under Annex III (A) (3), (4) and (6). This document shall be drawn up in such a manner that it cannot be confused with the official label referred to under (a).

This document shall not be necessary if the particulars are printed indelibly on the package or if, in accordance with the provisions under (a), an adhesive label or a label of tear resistant material is used.

2. The Member States may provide for derogations from paragraph 1 in the case of small packages where they are marked: 'Passed for marketing in . . . ' (Member State concerned) only.

Article 11

1. This Directive shall not affect the right of Member States to require that packages or containers of basic seed potatoes or certified seed potatoes, whether the seed potatoes have been produced in their own territory or imported, must, if the seed potatoes are to be marketed within their territory, bear a supplier's label.

66/403/EEC - 88/380/EEC Art. 4 (1)
72/418/EEC Art. 4 (5)

2. The label referred to in paragraph 1 shall be drawn up in such a manner that it cannot be confused with the official label referred to in Article 10 (1).

88/380/EEC Art. 4 (2)

Article 12

Member States shall require that any chemical treatment of basic seed potatoes or certified seed potatoes be noted either on the official label or on the supplier's label and on the package or inside it or on the container.

66/403/EEC

72/418/EEC Art. 4 (6)

Article 13

1. Member States shall ensure that basic seed potatoes and certified seed potatoes which have been officially certified and whose package or containers have been marked and sealed officially or under official supervision as prescribed in this Directive are subject to no marketing restrictions as regards their characters, examination arrangements, marking and sealing other than those laid down in this Directive.

66/403/EEC

72/418/EEC Art. 4 (7) – 72/418/EEC Art. 4 (7)

2. The Commission, acting in accordance with the procedure laid down in Article 19 (2), shall, in respect of the marketing of seed potatoes in all or part of the territory of one or more Member States, authorize more stringent measures than those provided for in Annexes I and II to be taken against harmful organisms which do not exist in those regions or which appear particularly harmful to crops in those regions. Where there is imminent danger of the introduction or spread of such harmful organisms, and until such time as the Commission has given a final ruling on the matter, such measures may be taken by the Member State concerned as soon as its request has been submitted.

89/366/EEC Art. 1 (1)

3. Member States which have provided for exemptions in accordance with the provisions of point B (a) of Article 3 (2) shall ensure that bred seed potatoes of stages prior to basic seed potatoes are subject to no marketing restrictions on account of their characteristics, examination arrangements, marking and sealing,

72/418/EEC Art. 4 (8)

Corrigendum, English Special Edition, p. 106

(a) if they have been officially checked by the competent certification authority, in accordance with the provisions applicable for the certification of basic seed potatoes,

Corrigendum, English Special Edition, p. 106

(b) if they are placed in packages or containers in accordance with the provisions of this Directive, and

(c) if the packages or containers bear an official label giving at least the following particulars:

— certification authority and Member State or their distinguishing abbreviation

— producer's identification number or lot reference number

Corrigendum, English Special Edition, p. 106

— month and year of sealing

78/692/EEC Art. 4 (6)

— species, indicated at least in roman characters, under its botanical name, which may be given in abridged form and without the authorities' names, or under its common name, or both

88/380/EEC Art. 4 (3)

— variety, indicated at least in roman characters

— the description 'pre-basic seed potatoes'.

72/418/EEC Art. 4 (8)

The label shall be white with a diagonal violet line.

Corrigendum, English Special Edition, p. 106

Article 14

1. Member States may prohibit, in whole or in part, the marketing of seed potatoes harvested in another Member State if the progeny of officially drawn samples of basic seed potatoes or certified seed potatoes harvested in that Member State and grown in one or more Community test fields has for three successive years fallen appreciably below the minimum conditions laid down in Annex I (1) (c), (2) (c), (3) and (4). Satisfaction of the other minimum conditions laid down in Annex I may also be checked during the comparative tests.

66/403/EEC

71/162/EEC Art. 4 (2)

2. Any measures taken under paragraph 1 shall be withdrawn as soon as it has been established with adequate certainty that the basic seed potatoes and certified seed potatoes harvested in the Member State concerned will in future satisfy the minimum conditions referred to in paragraph 1.

3. Before the measures provided for in paragraph 1 are taken a reasoned opinion shall be requested from the Committee referred to in Article 19 (1). Its opinion shall also be sought if a Member State refuses to withdraw a measure taken under paragraph 1 where its withdrawal appears to be required under paragraph 2.

4. The necessary arrangements, acting in accordance with the procedure laid down in Article 19 (2), shall be made for the comparative tests to be carried out. Seed potatoes harvested in third countries may be included in the comparative tests.

Article 15

1. The Council, acting by a qualified majority on a proposal from the Commission, shall determine whether seed potatoes harvested in a third country and affording the same assurances as regards their characteristics and the arrangements for their inspection, for ensuring identity, for marking and for control are equivalent in these respects to basic seed potatoes or certified seed potatoes harvested within the Community and complying with the provisions of this Directive.

Corrigendum, English Special Edition, p. 19

2. Until such time as the Council has taken a decision under paragraph 1, the Member States shall be free to take such decisions themselves. This right shall expire on 1 July 1975.

73/438/EEC Art. 4 (1)

3. Member States are hereby authorized to extend until 31 March 1995 the validity of decisions taken in accordance with paragraph 2, it being understood that these decisions may be used only in accordance with Member States' obligations under the common rules on plant health laid down by Council Directive 95/.../EEC ⁽¹⁾.

90/404/EEC Art. 1 (2)
95/65/EC Art. 1

[77/93/EEC]

⁽¹⁾ OJ No L

The period in the first subparagraph may be extended for third countries, in accordance with the procedure laid down in Article 19 (2), if the available information does not permit a determination according to paragraph 1 and for as long as such information does not permit such a determination.

90/404/EEC Art. 1 (2)

4. Paragraphs 1 and 2 shall also apply in respect of any new Member State from the date of its accession to the date on which it is to bring into force the laws, regulations or administrative provisions necessary to comply with this Directive.

72/274/EEC Art. 2

Article 16

1. In order to remove any temporary difficulties in the general supply of basic seed potatoes or certified seed potatoes that occur in one or more Member States and cannot be overcome within the Community, one or more Member States may be authorized, in accordance with the procedure laid down in Article 19 (2), to permit, for a specified period, the marketing of seed potatoes of a category subject to less stringent requirements or of seed potatoes of varieties not included in the 'Common Catalogue of Varieties of Agricultural Plant Species' or in their national catalogues of varieties.

72/418/EEC Art. 4 (9)

2. For that category the colour of the official label shall be brown. The label shall always state that the seed potatoes in question are of a category satisfying less stringent requirements.

66/403/EEC
69/62/EEC Art. 8

3. Rules for the application of paragraph 1 may be adopted in accordance with the procedure laid down in Article 19 (2).

88/332/EEC Art. 4

Article 17

1. Member States shall make suitable arrangements for seed potatoes to be officially verified during marketing, at least by sampling, as regards their compliance with the requirements of this Directive.

66/403/EEC - 72/418/EEC Art. 4 (10)

2. Member States shall take all necessary measures to ensure that the following particulars are presented during the marketing of seed potatoes coming from another Member State or from a third country:

72/418/EEC Art. 4 (11)

- (a) species,
- (b) variety,
- (c) category,
- (d) country of production and control authority,
- (e) country of dispatch,
- (f) importer,
- (g) quantity of seed potatoes.

Article 18

The manner in which these particulars must be presented may be determined in accordance with the procedure laid down in Article 19 (2).

72/418/EEC Art. 4 (11)

Article 18

Amendments to be made to the content of the Annexes in the light of the development of scientific or technical knowledge shall be adopted according to the procedure laid down in Article 19 (2).

73/438/EEC Art. 4 (2)

Article 19a

Article 19

1. The Commission shall be assisted by the Standing Committee on seeds on Propagating Material for Agriculture, Horticulture and Forestry set up by Council Decision 66/399/EEC ⁽¹⁾.

87/373/EEC
(adapted)

2. The representative of the commission shall submit a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith. In that event, the Commission may defer application of the measures which it has decided for a period of not more than one month from the date of such communication.

The Council, acting by a qualified majority, may take a different decision within the time limit referred to in the second subparagraph.

3. The Committee, on request by the chairman or of one of the Member States, may examine any questions relevant to the subject matter of this Directive.

66/399/EEC Art. 2
(adapted)

Article 20

Save as otherwise provided in Annexes I and II in respect of tolerances for diseases, harmful organisms or their vectors, this Directive shall be without prejudice to the provisions of national laws justified on grounds of the protection of health and life of humans, animals or plants or the protection of industrial and commercial property.

66/403/EEC

(1) OJ No L 125, 11. 7. 1966, p. 2289/66.

Article 21

1. The Directives listed in Annex IV, Part A, are hereby repealed without prejudice to the obligations of the Member States concerning the deadline for transposition of the said Directives set out in Annex IV, Part B.

2. References to the repealed Directives shall be construed as references to this Directive and should be read in accordance with the correlation table set out in Annex V.

Article 22

This Directive shall enter into force the twentieth day following that of its publication in the *Official Journal of the European Communities*.

Article 23

This directive is addressed to the Member States.

Done at Brussels,

For the Council,
The President

Minimum conditions to be satisfied by seed potatoes

1. Basic seed potatoes shall satisfy the following conditions:
 - (a) On official inspection of the growing plants the number affected by blackleg must not exceed 2 %;
 - (b) In the direct progeny the number of plants not breeding true to the variety must not exceed 0,25 % and the number of plants of a different variety must not exceed 0,1 %;
 - (c) In the direct progeny the number of plants showing symptoms of mild or severe virus infection must not exceed 4 %.
2. Certified seed potatoes shall satisfy the following conditions:
 - (a) On official inspection of the growing plants the number affected by blackleg must not exceed 4 %;
 - (b) In the direct progeny the number of plants not breeding true to the variety must not exceed 0,5 % and the number of plants of a different variety must not exceed 0,2 %;
 - (c) In the direct progeny the number of plants showing symptoms of severe virus infection must not exceed 10 %. Light mosaics merely causing discoloration and not leaf deformation shall be ignored.
3. In assessing the progeny of a variety affected by a chronic virus disease, slight symptoms caused by the virus in question shall not be taken into account.
4. The tolerances allowed under Items 1 (c), 2 (c) and 3 are applicable only where the virus diseases are caused by viruses that are prevalent in Europe.
5. The production ground must not be infected by *Heterodera rostochiensis* Woll. 72/418/EEC Art. 4 (12)
6. The crop must be free from
 - (a) *Synchytrium endobioticum* (Schilb.) Perc.
 - (b) *Corynebacterium sepedonicum* (Spieck. and Koth.) Skapt. and Burkh.

Minimum quality conditions for lots of seed potatoes

A. Tolerances for the following impurities, blemishes and diseases allowed for seed potatoes: 72/418/EEC Art. 4 (13)

- | | |
|---|---------------|
| 1. Presence of earth and extraneous matter | 2 % by weight |
| 2. Dry and wet rot, except if caused by <i>Synchytrium endobioticum</i> , <i>Corynebacterium sepedonicum</i> or <i>Pseudomonas solanacearum</i> | 1% by weight |
| 3. External blemishes, e.g. misshapen or damaged tubers | 3 % by weight |
| 4. Common scab: tubers affected over more than one-third of their surface | 5 % by weight |
| Total tolerance for Items 2 to 4 | 6 % by weight |

B. The seed potatoes shall be free from *Heterodera rostochiensis*, *Synchytrium endobioticum*, *Corynebacterium sepedonicum* and *Pseudomonas solanacearum*. 72/418/EEC Art. 4 (14)

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ANNEX III

Label

A. *Required information*

1. 'EEC rules and standards'
2. Certification authority and Member State or their initials
3. Producer's identification number or reference number of lot
4. Month and year of sealing
5. Variety, indicated at least in roman characters
6. Country of production
7. Country of production
8. Size
9. Declared net weight

66/403/EEC

69/62/EEC Art. 9 (1)

66/403/EEC

78/692/EEC Art. 4 (7)

66/403/EEC - 88/380/EEC Art. 4 (4)

B. *Minimum dimensions*

110 mm × 67 mm

66/403/EEC

ANNEX IV

Part A

**Repealed Directives
(referred to by Article 21)**

Directive 66/403/EEC
and its successive amendments

Directive 69/62/EEC

Directive 71/162/EEC

only Article 4

Directive 72/274/EEC

only concerning references made to Articles 1 and 2 on the provisions of Directive 66/403/EEC

Directive 72/418/EEC

only Article 4

Directive 73/438/EEC

only Article 4

Directive 75/444/EEC

only Article 4

Directive 76/307/EEC

Directive 77/648/EEC

Directive 78/692/EEC

only Article 4

Directive 78/816/EEC

Directive 79/967/EEC

only Article 1

Directive 80/52/EEC

Directive 81/561/EEC

only Article 2

Directive 84/218/EEC

Directive 86/215/EEC

Directive 87/374/EEC

Directive 88/332/EEC

only Article 4

Directive 88/359/EEC

Directive 88/380/EEC

only Article 4

Directive 89/366/EEC

Directive 90/404/EEC

Directive 90/654/EEC

only concerning references made to Article 2 and to Annex II (1) (4) on the provisions of Directive 66/403/EEC

Directive 91/127/EEC

Directive 92/17/EEC

Directive 93/3/EEC

Directive 93/108/EC

Part B

Deadline for transposition into national law
(referred to by Article 21)

Directive	Deadlines for transposition
Directive 66/403/EEC (OJ No 125, 11. 7. 1966, p. 2320/66)	1 July 1968 (Article 13 (1)) 1 July 1969 (other provisions) ⁽¹⁾ ⁽²⁾ ⁽³⁾
Directive 69/62/EEC (OJ No L 48, 26. 2. 1969, p. 7)	1 July 1969 ⁽¹⁾
Directive 71/162/EEC (OJ No L 87, 17. 4. 1971, p. 24)	1 July 1970 (Article 4 (3)) 1 July 1972 (Article 4 (1)) ⁽¹⁾ 1 July 1971 (other provisions)
72/274/EEC (OJ No L 171, 29. 7. 1972, p. 37)	1 July 1972 (Article 1) 1 January 1973 (Article 2)
72/418/EEC (OJ No L 287, 26. 12. 1972, p. 22)	1 July 1973
Directive 73/438/EEC (OJ No L 356, 27. 12. 1973, p. 79)	1 July 1973 (Article 4 (1)) 1 January 1974 (Article 4 (2))
Directive 75/444/EEC (OJ No L 196, 26. 7. 1975, p. 6)	1 July 1977
Directive 76/307/EEC (OJ No L 72, 18. 3. 1976, p. 16)	1 July 1975
Directive 77/648/EEC (OJ No L 261, 14. 10. 1977, p. 21)	1 January 1977
Directive 78/692/EEC (OJ No L 236, 26. 8. 1978, p. 13)	1 July 1977
Directive 78/816/EEC (OJ No L 281, 6. 10. 1978, p. 18)	1 July 1978
Directive 79/967/EEC (OJ No L 293, 20. 11. 1979, p. 16)	1 January 1980
Directive 80/52/EEC (OJ No L 18, 24. 1. 1980, p. 29)	1 July 1979
Directive 81/561/EEC (OJ No L 203, 23. 7. 1981, p. 52)	
Directive 84/218/EEC (OJ No L 104, 17. 4. 1984, p. 19)	
Directive 86/215/EEC (OJ No L 152, 6. 6. 1986, p. 46)	
Directive 87/374/EEC (OJ No L 197, 18. 7. 1987, p. 36)	
Directive 88/332/EEC (OJ No L 151, 17. 6. 1988, p. 82)	
Directive 88/359/EEC (OJ No L 174, 6. 7. 1988, p. 51)	
Directive 88/380/EEC (OJ No L 187, 16. 7. 1988, p. 31)	1 July 1990
Directive 89/366/EEC (OJ No L 159, 10. 6. 1989, p. 59)	
Directive 90/404/EEC (OJ No L 208, 7. 8. 1990, p. 30)	
Directive 90/654/EEC (OJ No L 353, 17. 12. 1990, p. 48)	
Directive 91/127/EEC (OJ No L 60, 7. 3. 1991, p. 18)	
Directive 92/17/EEC (OJ No L 82, 27. 3. 1992, p. 69)	
Directive 93/3/EEC (OJ No L 54, 5. 3. 1993, p. 21)	28 February 1993
Directive 93/108/EC (OJ No L 319, 21. 12. 1993, p. 39)	1 December 1993

⁽¹⁾ For Denmark, Ireland and the United Kingdom, 1 July 1973 for Article 13 (1), 1 July 1974 for the other provisions concerning basic seed potatoes and 1 July 1976 for the other provisions.

⁽²⁾ 1 January 1986 for Greece, 1 March 1986 for Spain, and 1 January 1991 for Portugal.

(3) 1 January 1995 for Austria, Finland and Sweden.

However:

- Sweden shall be allowed to maintain a tolerance limit of 40 % by weight for tubers affected over more than one tenth of their surface with common scab, relating to the marketing in its territory of seed potatoes until 31 December 1996 at the latest. This tolerance limit shall apply solely to seed potatoes produced in areas of Sweden in which particular problems with common scab have been experienced.
Such seed potatoes shall not be introduced into the territory of other Member States;
- Sweden shall adapt its legislation in this respect to comply with the relevant part of Annex II to the Directive by the date of expiry of the above period;
- Sweden shall apply from the date of accession those provisions of the Directive which ensure access for material complying with the Directive to marketing in its territory.

ANNEX V

CORRELATION TABLE

Directive 66/403/EEC	This Directive
Article 1	Article 1, 1st subparagraph
Article 17	Article 1, 2nd subparagraph
Article 2	Article 2
Article 3	Article 3
Article 4	Article 4
Article 5	Article 5
Article 6	Article 6
Article 7	Article 7
Article 8	Article 8
Article 9	Article 9
Article 10	Article 10
Article 11	Article 11
Article 12	Article 12
Article 13 (1)	Article 13 (1)
Article 13 (2)	Article 13 (2)
Article 13 (3)	—
Article 13 (4)	Article 13 (3)
Article 14	Article 14
Article 15 (1)	Article 15 (1)
Article 15 (2)	Article 15 (2)
Article 15 (2) (a)	Article 15 (3)
Article 15 (3)	Article 15 (4)
Article 16	Article 16
Article 18	Article 17
Article 19a	Article 18
Article 19	Article 19
Article 20	Article 20
Article 21	—
—	Article 21
—	Article 22
—	Article 23
ANNEX I	ANNEX I
ANNEX II	ANNEX II
ANNEX III, Part A (1)	ANNEX III, Part A (1)
ANNEX III, Part A (2)	ANNEX III, Part A (2)
ANNEX III, Part A (3)	ANNEX III, Part A (3)
ANNEX III, Part A (3a)	ANNEX III, Part A (4)
ANNEX III, Part A (4)	ANNEX III, Part A (5)
ANNEX III, Part A (5)	ANNEX III, Part A (6)
ANNEX III, Part A (6)	ANNEX III, Part A (7)
ANNEX III, Part A (7)	ANNEX III, Part A (8)
ANNEX III, Part A (8)	ANNEX III, Part A (9)
ANNEX III, Part B	ANNEX III, Part B
—	ANNEX IV
—	ANNEX IV

Proposal for a
COUNCIL DIRECTIVE

on the marketing of beet seed

(consolidated version)

EXPLANATORY MEMORANDUM

1. When considering how Community law could be made simpler and more transparent, Parliament, the Commission and the Council found themselves confronted with an over-abundance of legislative instruments which had been amended several times, often substantially, and unanimously agreed on the need for a working method which would use legislative consolidation as a means of achieving greater clarity and transparency.
2. On 1 April 1987 the Commission therefore decided to instruct its staff that all legislative measures should be consolidated after *no more* than ten amendments, stressing that this was a minimum requirement and that departments should endeavour to consolidate at even shorter intervals the texts for which they were responsible, to ensure that the Community rules were clear and readily understandable.
3. The conclusions of the Presidency of the Edinburgh European Council reaffirmed these points, stressing that "*official codification* is important because it provides legal security as to the law which is applicable at a certain moment concerning a specific issue." To ensure not only the quality and the legal security of the texts consolidated, it was also suggested that "a jointly acceptable accelerated working method should be sought allowing codified Community law (replacing existing legislation without changing its substance) to be adopted in a speedy and efficient way".
4. The proposed consolidated version of *Council Directive 66/400/EEC of 14 June 1966 on the marketing of beet seed* forms part of a much larger programme of consolidation of the provisions on seeds and propagating material for agriculture, horticulture and forestry. It has been drafted in accordance with the fundamental principles agreed by Council, Parliament and the Commission in 1974; it aims at *legislative consolidation*: the existing Directives would be replaced by one new one, which would leave their substance untouched but would assemble them into a single text, with only the formal amendments required by the operation itself ⁽¹⁾. This codified text will serve as the basis for future legislative developments in this field.
5. Certain provisions of Directive 66/400/EEC refer to "*EEC packaging*" and "*EEC standards*".

The Treaty on European Union replaced the expression "European Economic Community" by "European Community" in the Treaty; the same should now be done in the above provisions.

This may be regarded as a purely formal amendment, but the Member States must none the less transpose it into national legislation if firms are to use labels referring to the EC rather than the EEC. Moreover, there could be a financial impact for these firms if they were required to begin using the new labels forthwith.

For these reasons, and since consolidating directives do not need to be transposed, the original provisions being presumed to have been transposed within the time allowed, it would not appear possible to incorporate this amendment in the consolidation proposal as a *purely formal adjustment*.

The Commission will accordingly present a separate *proposal for the amendment of Directive 66/400/EEC replacing "EEC" by "EC"*.

This amendment and those already proposed to the Council will, following adoption, be incorporated in the consolidation proposal which should then be before the Council.

6. This *consolidation* proposal was drawn up on the basis of a *preliminary consolidation*, in all the official languages, of Directive 66/400/EEC and the instruments amending it, carried out by the Office for Official Publications of the European Communities, by means of a *data-processing system* referred to in the conclusions of the European Council meeting at Edinburgh. Although the articles have been given new numbers, the former number is printed alongside in each case for the reader's convenience; the correlation between the old and new numbers is shown in a table contained in Annex VI to the consolidated Directive.

(1) Annex V, part A of this proposal.

Proposal for a
COUNCIL DIRECTIVE .../.../EC
on the marketing of beet seed

95/0303 (CNS)

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,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

- | | | |
|---|---------|----------------------------|
| <p>1) Whereas Council Directive 66/400/EEC of 14 June 1966 on the marketing of beet seed ⁽³⁾ has been frequently and substantially amended; whereas for reasons of clarity and rationality the said Directive should be consolidated;</p> | 1. | 66/400/EEC |
| <p>2) Whereas the production of sugar beet and fodder beet (hereinafter called 'beet') occupies an important place in the agriculture of the Community;</p> | 2. | |
| <p>3) Whereas satisfactory results in beet cultivation depend to a large extent on the use of appropriate seed; whereas to this end certain Member States have for some time restricted the marketing of beet seed to high-quality seed; whereas they have been able to take advantage of the systematic plant selection work carried out over several decades which has resulted in the development of sufficiently stable and uniform types and varieties of beet which, by reason of their characteristics, promise to be of great value for the purposes in view;</p> | 3. | |
| <p>4) Whereas greater productivity will be achieved in Community beet cultivation if for the choice of varieties permitted to be marketed the Member States apply uniform rules which are as strict as possible; whereas a common catalogue of varieties of agricultural plant species is therefore provided for in Council Directive 95/.../EC ⁽⁴⁾;</p> | +
2. | 71/162/EEC
[70/457/EEC] |

(1) OJ No C ...

(2) OJ No C ...

(3) OJ No 125, 11. 7. 1966, p. 2290/66; as last amended by the Act of Accession AT, FI, SE.

(4) See page ... of this Official Journal.

5) Whereas it is, however, justifiable to restrict marketing to certain varieties only if the farmer can be sure of actually obtaining seed of those varieties;	4.	66/400/EEC
6) Whereas certain Member States have for this purpose been applying certification schemes which are intended, by official verification, to ensure the identity and purity of the varieties;	5.	
7) Whereas such schemes already exist at international level for maize seed (Food and Agriculture Organization of the United Nations) and for herbage seed (Organization for Economic Co-operation and Development);	6.	
8) Whereas it is desirable to establish a uniform certification scheme for the Community based on the experience gained in the application of those schemes; whereas the scheme should therefore apply to marketing both in other Member States and on domestic markets;	7. + 8.	
9) Whereas it has become apparent, in the course of applying the Directive, that small packages of beet seed form an item of trade within the Community; whereas it accordingly seems necessary to harmonize this sector;	2. + 3.	75/444/EEC
10) Whereas, as a general rule, beet seed should be allowed to be marketed only if it has been officially examined and certified, in accordance with the rules for certification, as basic seed or certified seed; whereas the choice of the technical terms 'basic seed' and 'certified seed' is based on already existing international terminology;	9.	66/400/EEC
11) Whereas Community rules should not apply to seed shown to be intended for export to third countries;	11.	
12) Whereas, in order to improve the quality of Community beet seed, certain requirements must be laid down as to polyploidy, monogermity segmentation, analytical purity, germination and moisture content; whereas, in adopting provisions in this field, account should be taken of the requirements based on the recommendations of the International Institute for Sugar Beet Research, which are already in general application in the sugar beet seed trade;	12.	
13) Whereas, in order to ensure identity of the seed, Community rules on packaging, sampling, sealing and marking must be established; whereas to this end the labels should give the particulars needed both for official verification and for the information of the farmer and should clearly show the Community nature of the certification;	13.	
14) Whereas, in order to ensure that both the requirements as to the quality of seed and the provisions for ensuring its identity are complied with during marketing, Member States must make provision for appropriate control arrangements;	14.	

- | | | | |
|-----|--|-----|-------------------------------|
| 15) | Whereas seed satisfying these requirements should, without prejudice to Article 36 of the Treaty, be subject to no marketing restrictions other than those provided for in Community rules; | 15. | |
| 16) | Whereas restrictions include in particular the obligation of the Member States to restrict the marketing of seed to those varieties allowed by the catalogue provided for by Directive 95/.../EC; | 16. | (adapted)

[70/457/EEC] |
| 17) | Whereas, subject to certain conditions, seed multiplied in another country from basic seed certified in a Member State should be recognized as being equivalent to seed multiplied in that Member State; | 17. | |
| 18) | Whereas, on the other hand, provision should be made for authorizing the marketing within the Community of beet seed harvested in third countries only if such seed affords the same assurances as seed officially certified within the Community and complying with Community rules; | 18. | |
| 19) | Whereas, during periods in which there are difficulties in obtaining supplies of certified seed of the various categories, seed satisfying less stringent requirements should temporarily be permitted to be marketed; | 19. | |
| 20) | Whereas, in order to harmonize the technical methods of certification used in the Member States and to enable comparisons to be made between seed certified within the Community and that coming from third countries, Community test fields should be established in Member States to permit annual post-control of seed of the category 'certified seed'; | 20. | |
| 21) | Whereas for the exercise of implementation powers conferred on the Commission, it seems appropriate that the Commission be assisted by the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry, according to the Management Committee procedure provided for in Article 2 (II) of Council Decision 87/373/EEC (1); | 21. | (adapted) |
| 22) | Whereas this Directive must not affect the obligations of the Member States concerning the deadlines for transposition of the Directives set out in Annex V, part B, | | |

HAS ADOPTED THIS DIRECTIVE:

(1) OJ No L 197, 18. 7. 1987, p. 33.

Article 1

This Directive shall apply to beet seed marketed within the Community.

66/400/EEC

It shall not apply to beet seed shown to be intended for export to third countries.

(Article 18)

Article 2

1. For the purposes of this Directive,

69/61/EEC – Art. 3(1)

A. "Beet" means sugar and fodder beet of the species *Beta vulgaris* L;

B. "Basic seed" means seed

(a) which has been produced under the responsibility of the breeder according to well-defined practices for the maintenance of the variety;

(b) which is intended for the production of seed of the category 'certified seed';

(c) which, subject to the provisions of Article 4, satisfies the conditions laid down in Annex I for basic seed; and

(d) which has been found by official examination to satisfy the abovementioned conditions;

C. "Certified seed" means seed

(a) which is of direct descent from basic seed;

(b) which is intended for the production of beet;

(c) which, subject to the provisions of point (b) of Article 4, satisfies the conditions laid down in Annex I for certified seed; and

(d) which has been found by official examination to satisfy the abovementioned conditions;

D. "Monogerm seed" means genetically monogerm seed;

E. "Precision seed" means seed designed for use in precision drills which, as required under Annex I (B) (3)

69/61/EEC – Art. 3(2)

(b) (bb) and (cc), gives single seedlings;

88/380/EEC – Art. 1(1)

F. "Official measures" means measures taken

66/400/EEC

(a) by State authorities; or

(b) by any legal person whether governed by public or by private law, acting under the responsibility of the State; or

(c) in the case of ancillary activities which are also under State control, by any natural person duly sworn for that purpose;

provided that the persons mentioned under (b) and (c) derive no private gain from such measures;

66/400/EEC

G. "Small EEC packages" means packages containing the following certified seeds:

75/444/EEC – Art. 1(1)

- monogerm or precision seed: not exceeding 100 000 clusters or grains or a net weight of 2,5 kg excluding, where appropriate, granulated pesticides, pelleting substances or other solid additives;
- seed other than monogerm or precision seed: not exceeding a net weight of 10 kg, excluding, where appropriate, granulated pesticides, pelleting substances or other solid additives.

2. The different types of varieties, including the components, eligible for certification under the provisions of this Directive, may be specified and defined in accordance with the procedure laid down in Article 24 (2).

88/380/EEC – Art. 1(2)

3. 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 to comply with this Directive, and by way of derogation from point C of paragraph 1, certify as certified seed, seed which is of direct descent from seed officially controlled in a Member State under the scheme in operation at that time and which affords the same assurances as basic seed certified in accordance with the principles of this Directive.

69/61/EEC – Art. 3(3)

Article 3

1. Member States shall provide that beet seed may not be placed on the market unless it has been officially certified as 'basic seed' or 'certified seed' and unless it satisfies the conditions laid down in Annex I (B).

66/400/EEC

2. Member States shall ensure that the official examinations of seed are carried out in accordance with current international methods, in so far as such methods exist.

3. Member States may provide for derogations from the provisions of paragraph 1:

- (a) for bred seed of generations prior to basic seed;
- (b) for tests or for scientific purposes;
- (c) for selection work;
- (d) for seed as grown, marketed for processing, provided that the identity of the seed is ensured.

Article 4

Member States may, however, by way of derogation from the provisions of Article 3,

- (a) authorize the official certification and marketing of basic seed which does not satisfy the conditions laid down in Annex I in respect of germination; to this end all necessary measures shall be taken to ensure that the supplier guarantees a specific germination which he shall state for marketing purposes on a special label bearing his name and address and the reference number of the seed lot;
- (b) in order to make seed rapidly available, notwithstanding the fact that the official examination to check compliance with the conditions laid down in Annex I in respect of germination has not been concluded, authorize the official certification and the marketing as far as the first buyer by way of trade of seed of the categories 'basic seed' or 'certified seed'. Certification shall be granted only on presentation of a provisional analytical report on the seed and provided that the name and address of the first recipient are indicated; all necessary measures shall be taken to ensure that the supplier guarantees the germination ascertained at the provisional analysis; this germination shall be stated for marketing purposes on a special label bearing the name and address of the supplier and the reference number of the lot.

These provisions shall not apply to seed imported from third countries, save as otherwise provided in Article 18 in respect of multiplication outside the Community.

Article 5

Member States may, as regards the conditions laid down in Annex I, impose additional or more stringent requirements for the certification of seed produced in their own territory.

Article 6

Member States shall provide that the description of the genealogical components which may be required is, if the breeder so requests, treated as confidential.

Article 7

1. Member States shall require that, for the checking of varieties and for the examination of seed for certification, samples are drawn officially in accordance with appropriate methods.
2. For the examination of seed for certification, samples shall be drawn from homogeneous lots; the maximum weight of a lot and the minimum weight of a sample are given in Annex II.

66/400/EEC

71/162/EEC – Art. 1(1)

66/400/EEC

Article 8

1. Member States shall require that basic seed and certified seed be marketed only in sufficiently homogeneous lots and in sealed packages bearing, as prescribed in Articles 9, 10 or 11, whichever is appropriate, a sealing system and markings.
2. Member States may, for the marketing of small quantities to the final consumer, provide for derogations from the provisions of paragraph 1 in respect of packaging, sealing and marking.

Article 9

1. Member States shall require that packages of basic seed and certified seed, except where seed of the latter category takes the form of small EEC packages, be sealed officially or under official supervision in such a manner that they cannot be opened without damaging the sealing system or leaving evidence of tampering on either the official label provided for in Article 10 (1) or the package.

In order to ensure sealing, the sealing system shall comprise at least either the official label or the affixing of an official seal.

The measures provided for in the second subparagraph shall not be necessary where a non-reusable sealing system is used.

In accordance with the procedure laid down in Article 24 (2), it may be established whether a particular sealing system fulfils the provisions of this paragraph.

2. Member States shall require that, except in the case of small EEC packages, packages shall not be resealed on one or more occasions unless this is done officially or under official supervision. If packages are resealed, the fact of resealing, the date of resealing and the authority responsible therefore shall be stated on the label required under Article 10 (1).

3. Member States shall require that small EEC packages be sealed in such a manner that they cannot be opened without damaging the sealing system or leaving evidence of tampering on the label or package. In accordance with the procedure laid down in Article 24 (2), it may be established whether a particular sealing system complies with the provisions of this paragraph. Packages shall not be resealed on one or more occasions except under official supervision.

4. Member States may provide for exceptions to paragraphs 1 and 2 in the case of small packages of basic seed.

66/400/EEC

Article 9

75/444/EEC - Art. 1(2) — 69/61/EEC - Art. 5 —
Corrigendum, English Special Edition, p. 15

Article 10

78/692/EEC — Art. 1(1)

75/444/EEC — Art. 1(3)

78/692/EEC — Art. 1(2)

78/692/EEC — Art. 1(3)

75/444/EEC — Art. 1(3)

Article 10

Article 11

1. Member States shall require that packages of basic seed and certified seed, except where seed of the latter category takes the form of small EEC packages:

78/55/EEC – Art. 1(1)

- (a) be labelled on the outside with an official label which has not previously been used, which satisfies the conditions laid down in Annex III (A) and on which the information is given in one of the official languages of the Community. The colour of the label shall be white for basic seed and blue for certified seed. When a label with a string-hole is used, its attachment shall be ensured in all cases with an official seal. If, in cases under point (a) of Article 4, the basic seed does not satisfy the conditions laid down in Annex I in respect of germination, this fact shall be stated on the label. The use of official adhesive labels shall be authorized. In accordance with the procedure laid down in Article 24 (2) the indelible printing under official supervision of the prescribed information on the package according to the label's model may be authorized;
- (b) contain an official document, in the same colour as the label, giving at least the information required under Annex III (A) (I) (3), (5), (6), (11) and (12). This document shall be drawn up in such a manner that it cannot be confused with the official label referred to under (a). This document is not necessary if the information is printed indelibly on the package or if, in accordance with the provisions under (a), an adhesive label or a label of non-tear material is used.

2. Member States may provide for exceptions to paragraph 1 in the case of small packages of basic seed where they are marked: 'passed for marketing in ... (Member State concerned) only'.

Article 11

Article 11a

1. Member States shall require that small EEC packages:

75/444/EEC – Art. 1(6)

- (a) bear on the outside, in accordance with Annex III (B), a supplier's label, a printed notice or stamp in one of the official languages of the Community; in the case of transparent packages this label may be placed inside, provided it can be read through the package; the label shall be blue in colour;

(b) bear on the outside or on the supplier's label provided for in point (a) an officially assigned serial number; should an official adhesive label be used, it shall be blue in colour; the methods of attaching the said serial number may be fixed in accordance with the procedure laid down in Article 24 (2).

75/444/EEC – Art. 1(6)

2. Member States may require that an official adhesive label containing all or part of the information laid down in Annex III (B) be used for marking small EEC packages packed in their territory; in so far as the information is given on such label, the marking provided for in point (a) of paragraph 1 shall not be required.

Article 12

Article 11b

Member States may provide that, on request, small EEC packages of certified seed are sealed and marked officially or under official supervision pursuant to Article 9 (1) and Article 10.

78/55/EEC – Art. 1(2)

Article 13

Article 11c

Member States shall take all measures necessary to ensure that, in the case of small packages of certified seed, the identity of the seed can be checked in particular at the time when seed lots are divided up. To this end, they may require that small packages divided up in their territory be sealed officially or under official supervision.

Article 14

Article 12

1. This Directive shall not affect the right of Member States to require that, in cases other than those provided for by this Directive, packages of basic seed or certified seed, whether the seed has been produced in their own territory or imported, must, if the seed is to be marketed within their territory, bear a supplier's label.

66/400/EEC – 88/380/EEC – Art. 1(3)

75/444/EEC – Art. 1(7) – Corrigendum, English Special Edition, p. 15

2. The label referred to in paragraph 1 shall be drawn up in such a manner that it cannot be confused with the official label referred to in Article 10 (1).

88/380/EEC – Art. 1(4)

Article 15

Article 13

Member States shall require that any chemical treatment of basic seed or certified seed be noted either on the official label or on the supplier's label and on the package or inside it.

66/400/EEC

Corrigendum, English Special Edition, p. 15

Article 16

Article 13a

For the purpose of seeking improved alternatives to certain elements of the certification scheme adopted under this Directive, it may be decided to organize temporary experiments under specified conditions at Community level in accordance with the provisions laid down in Article 24 (2).

88/380/EEC – Art. 1(5)

In the framework of such experiments, Member States may be released from certain obligations laid down in this Directive. The extent of that release shall be defined with reference to the provisions to which it applies. The duration of an experiment shall not exceed seven years.

88/380/EEC – Art. 1(5)

Article 17

Article 14

1. Member States shall ensure that:

75/444/EEC – Art. 1(8)

— basic seed and certified seed which has been officially certified and the containers of which have been marked and closed officially or under official supervision in accordance with this Directive,

78/55/EEC – Art. 1(3)

— certified seed which has been officially certified and takes the form of small EEC packages which have been marked and sealed in accordance with this Directive,

are not subject to any marketing restrictions as regards their characteristics, examination requirements, marking and sealing, other than those laid down in this Directive.

2. Member States may:

66/400/EEC

(a) provide that beet seed may not be placed on the market unless it corresponds to specified sizes;

(b) increase the minimum percentages of clusters giving single seedlings laid down for precision seed in Annex I (B) (3) (b) (bb) and (cc).

69/61/EEC – Art. 8

88/380/EEC – Art. 1(6)

3. Member States which have provided for exemptions in accordance with the provisions of point (a) of Article 3 (3) shall ensure that bred seed of generations prior to basic seed are subject to no marketing restrictions on account of their characteristics, examination arrangements, marking and sealing,

72/418/EEC – Art. 1(2)

(a) if it has been officially checked by the competent certification authority in accordance with the provisions applicable for the certification of basic seed;

(b) if it is packed in accordance with the provisions of this Directive; and

(c) if the packages bear an official label giving at least the following particulars:

Corrigendum, English Special Edition, p. 106

— certification authority and Member State or their distinguishing abbreviation,

— lot reference number,

Corrigendum, English Special Edition, p. 106

- month and year of sealing,
or
- month and year of the last official sampling for the purposes of certification,

78/692/EEC – Art. 1(4)

- species, indicated at least in roman characters, under its botanical name, which may be given in abridged form and without the authorities' names, or under its common name, or both; indication whether sugar beet or fodder beet,
- variety, indicated at least in roman characters,

88/380/EEC – Art. 1(7)

- the description 'pre-basic seed',
- number of generations preceding seed of the category 'certified seed'.

72/418/EEC – Art. 1(2)

Corrigendum, English Special Edition, p.106

The label shall be white with a diagonal violet line.

Corrigendum, English Special Edition, p.106

Article 18

Article 15

1. Member States shall provide that beet seed

88/380/EEC – Art. 1(8)

- which has been produced directly from basic seed officially certified in one or more Member States or in a third country which has been granted equivalence under point (b) of Article 19 (1), and
- which has been harvested in another Member State,

shall, on request and without prejudice to the provisions of Directive 95/.../EC, be officially certified as certified seed in any Member State if that seed has undergone field inspection satisfying the conditions laid down in Annex I (A) for the relevant category and if official examination has shown that the conditions laid down in Annex I (B) for the same category are satisfied.

[70/457/EEC]

Where in such cases the seed has been produced directly from officially certified seed of generations prior to basic seed, Member States may also authorize official certification as basic seed, if the conditions laid down for that category are satisfied.

2. Beet seed which has been harvested in another Member State, and which is intended for certification in accordance with the provisions laid down in paragraph 1, shall

- be packed and labelled with an official label satisfying the conditions laid down in Annex IV (A) and (B), in accordance with the provisions laid down in Article 9 (1), and

— be accompanied by an official document satisfying the conditions laid down in Annex IV (C).

3. Member States shall also provide that beet seed

— which has been produced directly from basic seed officially certified in one or more Member States or in a third country which has been granted equivalence under point (b) of Article 19 (1), and

— which has been harvested in a third country,

shall, on request, be officially certified as certified seed in any of those Member States where the basic seed was either produced or officially certified, if the seed has undergone field inspection satisfying the conditions laid down in an equivalence decision made under point (a) Article 19 (1) for the relevant category, and if official examination has shown that the conditions laid down in Annex I (B) for the same category are satisfied. Other Member States may also authorize official certification of such seed.

Article 19

1. The Council, acting by a qualified majority on a proposal from the Commission, shall determine whether:

(a) in the case provided for in Article 18, the field inspections in the third country satisfy the conditions laid down in Annex I (A);

(b) beet seed harvested in a third country and affording the same assurances as regards its characteristics and the arrangements for its examination, for ensuring its identity, for marking and for control is equivalent in these respects to basic seed or certified seed harvested within the Community and complying with the provisions of this Directive.

2. Paragraph 1 shall also apply in respect of any new Member State from the date of its accession to the date on which it is to bring into force the laws, regulations or administrative provisions necessary to comply with this Directive.

88/380/EEC – Art. 1(8)

Article 16

66/400/EEC

Corrigendum, English Special Edition, p. 15

72/274/EEC – Art. 2

Article 20

Article 17

1. In order to remove any temporary difficulties in the general supply of basic seed or certified seed that occur in one or more Member States and cannot be overcome within the Community, one or more Member States may be authorized, in accordance with the procedure laid down in Article 24 (2), to permit, for a specified period, the marketing of seed of a category subject to less stringent requirements, or of seed varieties not included in the catalogue provided by Directive 95/.../EC or their national catalogues of varieties.

72/418/EEC – Art. 1(3)

[70/457/EEC]

2. For a category of seed of any given variety, the official label shall be that provided for the corresponding category; in all other cases it shall be brown. The label shall always state that the seed in question is of a category satisfying less stringent requirements.

66/400/EEC

69/61/EEC – Art. 11

3. Rules for the application of paragraph 1 may be adopted in accordance with the procedure laid down in Article 24 (2).

88/332/EEC – Art. 1

Article 21

Article 19

1. Member States shall make suitable arrangements for beet seed to be officially verified during marketing, at least by sampling, as regards its compliance with the requirements of this Directive.

66/400/EEC – 72/418/EEC – Art. 1(4)

2. Member States shall take all necessary measures to ensure that the following particulars are presented during the marketing of quantities exceeding 2 kg of seed coming from another Member State or from a third country:

72/418/EEC – Art. 1(5)

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

The manner in which these particulars must be presented may be determined in accordance with the procedure laid down in Article 24 (2).

Article 22

1. Community comparative tests shall be carried out within the Community for the post-control of samples of certified beet seed taken during sampling. Satisfaction of the conditions with which the seed must comply may be checked during the post-control tests. The arrangements for holding the tests and their results shall be submitted to the Committee referred to in Article 24 (1).

71/162/EEC – Art. 1(4)

Article 20

2. These comparative tests shall be used to harmonize the technical methods of certification so as to obtain results which are equivalent. Annual progress reports shall be made on the tests and sent in confidence to the Member States and to the Commission. The Commission shall, in accordance with the procedure laid down in Article 24 (2), set the date for the first report.

66/400/EEC

3. The Commission, acting in accordance with the procedure laid down in Article 24 (2), shall make the necessary arrangements for the comparative tests to be carried out. Beet seed harvested in third countries may be included in the comparative tests.

Article 23

Amendments to be made to the content of the Annexes in the light of the development of scientific or technical knowledge shall be adopted according to the procedure laid down in Article 24 (2).

73/438/EEC – Art. 1(2)

Article 21a

Article 24

1. The Commission shall be assisted by the Standing Committee on Seeds on Propagating Material for Agriculture, Horticulture and Forestry set up by Council Decision 66/399/EEC ⁽¹⁾.

87/373/EEC
(adapted)

Article 21

2. The representative of the Commission shall submit a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

⁽¹⁾ OJ No L 125, 11. 7. 1966, p. 2289/66.

The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith. In that event, the Commission may defer application of the measures which it has decided for a period of not more than one month from the date of such communication.

87/373/EEC
(adapted)

The Council, acting by a qualified majority, may take a different decision within the time limit referred to in the second subparagraph.

3. The Committee, on request by the chairman or one of the Member States, may examine any questions relevant to the subject matter of this Directive.

66/399/EEC – Art. 2
(adapted)

Article 25

This Directive shall be without prejudice to the provisions of national laws justified on grounds of the protection of health and life of humans, animals or plants or the protection of industrial and commercial property.

66/400/EEC

Article 22

Article 26

1. The Directives listed in Annex V, Part A, are hereby repealed without prejudice to the obligations of the Member States concerning the deadlines for transposition of the said Directives set out in Annex V, Part B.

2. References to the repealed Directives shall be construed as references to this Directive and should be read in accordance with the correlation table set out in Annex VI.

Article 27

This Directive shall enter into force the twentieth day following that of its publication in the *Official Journal of the European Communities*.

Article 28

This Directive is addressed to the Member States.

Done at Brussels,

For the Council,
The President

ANNEX I

Conditions for certification

A. THE CROP

66/400/EEC

1. 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.

87/120/EEC – Art. 1(1)

2. The crop shall have sufficient identity and purity of variety.

66/400/EEC

3. The seed producer shall submit all the multiplications of a given variety of seed for examination by the certification authority.

4. There shall be at least one official field inspection and in the case of basic seed at least two such inspections, one of stecklings and one of the seed-producing plants

5. The cultural condition of the field and the stage of development of the crops shall be such as to permit identity and varietal purity to be adequately checked.

Corrigendum, English Special Edition, p. 15

6. The minimum distances from neighbouring pollen sources shall be:

87/120/EEC – Art. 1(2)

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

87/120/EEC – Art. 1(2)

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 catalogue compiled under Directive 95/.../EC, 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.

[70/457/EEC]

B. THE SEED

66/400/EEC

1. The seed shall have sufficient identity and purity of variety.
2. Diseases which reduce the usefulness of the seed shall be at the lowest possible level.
3. The seed shall also satisfy the following conditions:

(a)

76/331/EEC – Art. 2

	Minimum analytical purity ⁽¹⁾ (% by weight)	Minimum germination (% of clusters or pure seed)	Maximum moisture content ⁽¹⁾ (% by weight)
(aa) Sugar-beet			
— monogerm seed	97	80	15
— precision seed	97	75	15
— multigerm seed of varieties with more than 85% diploids	97	73	15
— other seeds	97	68	15
(bb) Fodder-beet:			
— multigerm seed of varieties with more than 85% diploids, monogerm seed, precision seed	97	73	15
— other seeds	97	68	15

The percentage by weight of other seeds shall not exceed 0,3.

⁽¹⁾ Excluding, where appropriate, granulated pesticides, pelleting substances or other solid additives.

(b) Special conditions for monogerm seed and for precision seed:

66/400/EEC

(aa) Monogerm seed:
At least 90% of the germinated clusters shall give single seedlings.

The percentage of clusters giving three or more seedlings shall not exceed five, calculated on the germinated clusters.

76/331/EEC – Art. 3(1)

- | | | |
|------|--|--|
| (bb) | Precision seed of sugar beet:
At least 70% of the germinated clusters shall give single seedlings. The percentage of clusters giving three or more seedlings shall not exceed five, calculated on the germinated clusters. | 76/331/EEC – Art. 3(2) |
| (cc) | Precision seed of fodder-beet:

In the case of varieties with a percentage of diploids exceeding 85, at least 58% of the germinated clusters shall give single seedlings. In the case of all other seeds, at least 63% of the germinated clusters shall give single seedlings. The percentage of clusters giving three or more seedlings shall not exceed five, calculated on the germinated clusters. | 76/331/EEC – Art. 3(3)

69/61/EEC – Art. 13(3) |
| (dd) | In the case of seed of the category 'basic seed', the percentage by weight of inert matter shall not exceed 1,0. In the case of seed of the category 'certified seed', the percentage by weight of inert matter shall not exceed 0,5. In the case of pelleted seed of both categories, the satisfaction of the relevant condition shall be examined on samples drawn, pursuant to Article 7 (1), from processed seed which has undergone partial decortication (rubbing or grinding) but has not yet been pelleted, without prejudice to the official examination of the minimum analytical purity of the pelleted seed. | 88/95/EEC – Art. 1(1) |
| (c) | Other special conditions:
Member States shall ensure that beet seed may not be introduced into areas recognized as 'Rhizomania-free zones' under appropriate Community procedures, unless the percentage by weight of inert matter does not exceed 0,5. | 88/95/EEC – Art. 1(2) |

ANNEX II

Maximum weight of a seed lot: 20 metric tons

Minimum weight of a sample: 500 grammes

66/400/EEC

69/61/EEC – Art. 14

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

87/120/EEC – Art. 1(3)

ANNEX III
MARKING

A. Official label

I. Information required

1. 'EEC rules and standards'.
2. Certification authority and Member State or their initials.
3. Reference number of lot.

75/444/EEC – Art. 1(9)

4. month and year of sealing expressed thus: 'sealed ...' (month and year)
or
month and year of the last official sampling for the purposes of certification expressed thus: 'sampled ...' (month and year).

78/692/EEC – Art. 1(5)

5. Species, indicated at least in roman characters, under its botanical name, which may be given in abridged form and without the authorities' names, or under its common name, or both; indication whether sugar beet or fodder beet.

88/380/EEC – Art. 1(9)

6. Variety indicated at least in roman characters.
7. Category.
8. Country of production.
9. Declared net or gross weight or declared number of clusters or pure seeds.
10. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of clusters or pure seeds and the total weight.
11. For monogerm seed: the word 'monogerm'.
12. For precision seed: the word 'precision'.

75/444/EEC – Art. 1(9) – 88/380/EEC – Art. 1(10)

13. Where at least germination has been retested, the words 'retested ... (month and year)' and the service responsible for such retesting may be indicated. Such information may be given on an official sticker attached to the official label.

78/55/EEC – Art. 1(4)

II. *Minimum dimensions*

110 × 67 mm.

B. **Supplier's label or information on the packing (small ECC package)**

Information required

1. 'Small EEC package'.
2. Name and address of the supplier responsible for marking or his identification mark.
3. Officially assigned serial number.
4. Service which assigned the serial number and name of Member State or their initials.
5. Reference number if the official serial number does not enable the lot to be identified.

75/444/EEC – Art. 1(9)

6. Species, indicated at least in roman characters; indication whether sugar beet or fodder beet.

88/380/EEC – Art. 1(11)

7. Variety indicated at least in roman characters.

75/444/EEC – Art. 1(9) – 88/380/EEC – Art. 1(12)

8. 'Certified seed'.

9. Net or gross weight or number of clusters or pure seeds.

10. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of clusters or pure seeds and the total weight.

11. For monogerm seed: the word 'monogerm'.

12. For precision seed: the word 'precision'.

Label and document provided in the case of seed not finally certified, harvested in another Member State**A. Information required for the label**

- authority responsible for field inspection and Member State or their initials,
- species, indicated at least in roman characters, under its botanical name, which may be given in abridged form and without the authorities' names, or under its common name, or both; indication whether sugar beet or fodder beet,
- variety, indicated at least in roman characters,
- category,
- field or lot reference number,
- declared net or gross weight,
- the words 'seed not finally certified'.

B. Colour of the label

The label shall be grey.

C. Information required for the document

- authority issuing the document,
- species, indicated at least in roman characters, under its botanical name, which may be given in abridged form and without the authorities' names, or under its common name, or both; indication whether sugar beet or fodder beet,
- variety, indicated at least in roman characters,
- category,
- reference number of the seed used to sow the field and name of the country or countries which certified that seed,
- field or lot reference number,
- area cultivated for the production of the lot covered by the document,
- quantity of seed harvested and number of packages,
- attestation that the conditions to be satisfied by the crop from which the seed comes have been fulfilled,

— where appropriate, results of a preliminary seed analysis.

88/380/EEC — Art. 1(13)

ANNEX V

Part A

Repealed Directives
(referred to by Article 26)

Directive 66/400/EEC
and its successive amendments

Directive 69/61/EEC

Directive 71/162/EEC

only Article 1

Directive 72/274/EEC

only concerning references made to Articles 1 and 2
on the provisions of Directive 66/400/EEC

Directive 72/418/EEC

only Article 1

Directive 73/438/EEC

only Article 1

Directive 75/444/EEC

only Article 1

Directive 76/331/EEC

Directive 78/55/EEC

only Article 1

Directive 78/692/EEC

only Article 1

Directive 87/120/EEC

only Article 1

Directive 88/95/EEC

Directive 88/332/EEC

only Article 1

Directive 88/380/EEC

only Article 1

Directive 90/654/EEC

only concerning references made to Article 2 and to
Annex II (I) (1) (a) on the provisions of Directive
66/400/EEC

Part B

Deadlines for transposition into national law
(referred to by Article 26)

<i>Directive</i>	<i>Deadline for transposition</i>
Directive 66/400/EEC (OJ No 125, 11. 7. 1966, p. 2290/66)	1 July 1968 (Article 14 (1)) 1 July 1969 (other provisions) ⁽¹⁾ ⁽²⁾
Directive 69/61/EEC (OJ No L 48, 26. 2. 1969, p. 4)	1 July 1969 ⁽¹⁾
Directive 71/162/EEC (OJ No L 87, 17. 4. 1971, p. 24)	1 July 1970 (Article 1 (3)) 1 July 1972 (Article 1 (1)) 1 July 1971 (other provisions) ⁽¹⁾
Directive 72/274/EEC (OJ No L 171, 29. 7. 1972, p. 37)	1 July 1972 (Article 1) 1 January 1973 (Article 2)
Directive 72/418/EEC (OJ No L 287, 26. 12. 1972, p. 22)	1 July 1973
Directive 73/438/EEC (OJ No L 356, 27. 12. 1973, p. 79)	1 July 1973 (Article 1 (1)) 1 January 1974 (Article 1 (2))
Directive 75/444/EEC (OJ No L 196, 26. 7. 1975, p. 6)	1 July 1977
Directive 76/331/EEC (OJ No L 83, 30. 3. 1976, p. 34)	1 July 1978 (Article 1) 1 July 1979 (other provisions)
Directive 78/55/EEC (OJ No L 16, 20. 1. 1978, p. 23)	1 July 1979
Directive 78/692/EEC (OJ No L 236, 26. 8. 1978, p. 13)	1 July 1977
Directive 87/120/EEC (OJ No L 49, 18. 12. 1987, p. 39)	1 July 1988
Directive 88/95/EEC (OJ No L 56, 2. 3. 1988, p. 42)	1 July 1988
Directive 88/332/EEC (OJ No L 151, 17. 6. 1988, p. 82)	
Directive 88/380/EEC (OJ No L 187, 16. 7. 1988, p. 31)	1 July 1992 (Article 1 (8)) 1 July 1990 (other provisions)
Directive 90/654/EEC (OJ No L 353, 17. 12. 1990, p. 48)	

⁽¹⁾ For Denmark, Ireland and the United Kingdom, 1 July 1973 for Article 14 (1), 1 July 1974 for the other provisions concerning basic seed and 1 July 1976 for the other provisions.

⁽²⁾ 1 January 1986 for Greece, 1 March 1986 for Spain, 1 January 1991 for Portugal, and 1 January 1995 for Austria, Finland and Sweden.

ANNEX VI
CORRELATION TABLE

Directive 66/400/EEC	This Directive
Article 1	Article 1, 1st subparagraph
Article 18	Article 1, 2nd subparagraph
Article 2 (1)	Article 2 (1)
Article 2 (1a)	Article 2 (2)
Article 2 (2)	Article 2 (3)
Article 3	Article 3
Article 4	Article 4
Article 5	Article 5
Article 6	Article 6
Article 7	Article 7
Article 9	Article 8
Article 10	Article 9
Article 11	Article 10
Article 11a	Article 11
Article 11b	Article 12
Article 11c	Article 13
Article 12	Article 14
Article 13	Article 15
Article 13a	Article 16
Article 14 (1)	Article 17 (1)
Article 14 (2) (b)	Article 17 (2) (a)
Article 14 (2) (c)	Article 17 (2) (b)
Article 14 (3)	Article 17 (3)
Article 15	Article 18
Article 16 (1)	Article 19 (1)
Article 16 (3)	Article 19 (2)
-	-
Article 17	Article 20
Article 19	Article 21
Article 20	Article 22
Article 21a	Article 23
Article 21	Article 24
Article 22	Article 25
-	Article 26
-	Article 27
-	Article 28

ANNEX I, Part A (01)
ANNEX I, Part A (1)
ANNEX I, Part A (2)
ANNEX I, Part A (3)
ANNEX I, Part A (4)
ANNEX I, Part A (5)
ANNEX I, Part B (1)
ANNEX I, Part B (2)
ANNEX I, Part B (3) (a)
ANNEX I, Part B (3) (b) (aa)
ANNEX I, Part B (3) (b) (aa) (a)
ANNEX I, Part B (3) (b) (bb)
ANNEX I, Part B (3) (b) (cc)
ANNEX I, Part B (3) (c)
ANNEX II
ANNEX III, Part A (I) (1)
ANNEX III, Part A (I) (2)
ANNEX III, Part A (I) (3)
ANNEX III, Part A (I) (3a)
ANNEX III, Part A (I) (4)
ANNEX III, Part A (I) (5)
ANNEX III, Part A (I) (6)
ANNEX III, Part A (I) (7)
ANNEX III, Part A (I) (8)
ANNEX III, Part A (I) (9)
ANNEX III, Part A (I) (10)
ANNEX III, Part A (I) (11)
ANNEX III, Part A (I) (12)
ANNEX III, Part B
ANNEX IV
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ANNEX I, Part A (1)
ANNEX I, Part A (2)
ANNEX I, Part A (3)
ANNEX I, Part A (4)
ANNEX I, Part A (5)
ANNEX I, Part A (6)
ANNEX I, Part B (1)
ANNEX I, Part B (2)
ANNEX I, Part B (3) (a)
ANNEX I, Part B (3) (b) (aa)
ANNEX I, Part B (3) (b) (bb)
ANNEX I, Part B (3) (b) (cc)
ANNEX I, Part B (3) (b) (dd)
ANNEX I, Part B (3) (c)
ANNEX II
ANNEX III, Part A (I) (1)
ANNEX III, Part A (I) (2)
ANNEX III, Part A (I) (3)
ANNEX III, Part A (I) (4)
ANNEX III, Part A (I) (5)
ANNEX III, Part A (I) (6)
ANNEX III, Part A (I) (7)
ANNEX III, Part A (I) (8)
ANNEX III, Part A (I) (9)
ANNEX III, Part A (I) (10)
ANNEX III, Part A (I) (11)
ANNEX III, Part A (I) (12)
ANNEX III, Part A (I) (13)
ANNEX III, Part B
ANNEX IV
ANNEX V
ANNEX VI

EXPLANATORY MEMORANDUM

1. When considering how Community law could be made simpler and more transparent, Parliament, the Commission and the Council found themselves confronted with an over-abundance of legislative instruments which had been amended several times, often substantially, and unanimously agreed on the need for a working method which would use legislative consolidation as a means of achieving greater clarity and transparency.
2. On 1 April 1987 the Commission therefore decided to instruct its staff that all legislative measures should be consolidated after *no more* than ten amendments, stressing that this was a *minimum* requirement and that departments should endeavour to consolidate at even shorter intervals the texts for which they were responsible, to ensure that the Community rules were clear and readily understandable.
3. The conclusions of the Presidency of the Edinburgh European Council reaffirmed these points, stressing that "*official codification* is important because it provides legal security as to the law which is applicable at a certain moment concerning a specific issue." To ensure not only the quality and the legal security of the texts consolidated, it was also suggested that "a jointly acceptable accelerated working method should be sought allowing codified Community law (replacing existing legislation without changing its substance) to be adopted in a speedy and efficient way".
4. The proposed consolidated version of *Council Directive 69/208/EEC of 30 June 1969 on the marketing of seed of oil and fibre plants* forms part of a much larger programme of consolidation of the provisions on seeds and propagating material for agriculture, horticulture and forestry. It has been drafted in accordance with the fundamental principles agreed by Council, Parliament and the Commission in 1974; it aims at *legislative consolidation*: the existing Directives would be replaced by one new one, which would leave their substance untouched but would assemble them into a single text, with only the formal amendments required by the operation itself⁽¹⁾. This codified text will serve as the basis for future legislative developments in this field.
5. Certain provisions of Directive 69/208/EEC refer to "*EEC standards*".

The Treaty on European Union replaced the expression "European Economic Community" by "European Community" in the Treaty; the same should now be done in the above provisions.

This may be regarded as a purely formal amendment, but the Member States must none the less transpose it into national legislation if firms are to use labels referring to the EC rather than the EEC. Moreover, there could be a financial impact for these firms if they were required to begin using the new labels forthwith.

For these reasons, and since consolidating directives do not need to be transposed, the original provisions being presumed to have been transposed within the time allowed, it would not appear possible to incorporate this amendment in the consolidation proposal as a *purely formal adjustment*.

The Commission will accordingly present a separate *proposal for the amendment* of Directive 69/208/EEC replacing "EEC" by "EC".

This amendment and those already proposed to the Council will, following adoption, be incorporated in the consolidation proposal which should then be before the Council.
6. This *consolidation* proposal was drawn up on the basis of a *preliminary consolidation*, in all the official languages, of Directive 69/208/EEC and the instruments amending it, carried out by the Office for Official Publications of the European Communities, by means of a *data-processing system* referred to in the conclusions of the European Council meeting at Edinburgh. Although the articles have been given new numbers, the former number is printed alongside in each case for the reader's convenience; the correlation between the old and new numbers is shown in a table contained in Annex VII to the consolidated Directive.

⁽¹⁾ Annex VI, part A of this proposal.

2
**Proposal for a
COUNCIL DIRECTIVE**

**on the marketing of seed of oil and fibre plants
(consolidated version)**

Proposal for a
COUNCIL DIRECTIVE .../.../EC

of

on the marketing of seed of oil and fibre plants

95/0304 (CNS)

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,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

- | | | |
|--|---------------|----------------------------|
| 1) Whereas Council Directive 69/208/EEC of 30 June 1969 on the marketing of seed of oil and fibre plants ⁽³⁾ has been frequently and substantially amended; whereas for reasons of clarity and rationality the said Directive should be consolidated; | | |
| 2) Whereas the production of oil and fibre plants occupies an important place in the agriculture of the Community; | 1. | 69/208/EEC |
| 3) Whereas satisfactory results in the cultivation of oil and fibre plants depend to a large extent on the use of appropriate seed; whereas to this end certain Member States have restricted the marketing of seed of some species of these plants to high-quality seed; whereas they have been able to take advantage of the systematic plant selection work carried out for some time which has resulted in the development of sufficiently stable and uniform cereal varieties which, by reason of their characteristics, promise to be of great value for purposes in view; | 2. | |
| 4) Whereas greater productivity will be achieved in the cultivation of oil and fibre plants within the Community if for the choice of the varieties permitted to be marketed the Member States apply uniform rules which are as strict as possible; whereas a common catalogue of varieties of agricultural plant species is therefore provided for in the Council Directive 95/.../EC ⁽⁴⁾ ; | 3.
+
2. | 71/162/EEC
[70/457/EEC] |

(1) OJ No C ...

(2) OJ No C ...

(3) OJ No L 169, 10. 7. 1969, p. 3; as last amended by the Act of Accession AT, FI, SE.

(4) See page ... of this Official Journal.

5)	Whereas it is, however, justifiable to restrict marketing to certain varieties only where the user can be sure of actually obtaining seed of those varieties;	4.	69/208/CEE
6)	Whereas certain Member States have for this purpose been applying certification schemes which are intended by official verification to ensure the identity and purity of the varieties;	5.	
7)	Whereas the conditions to be satisfied by the crop and by the seed, including the varietal purity standards, should be amended so as to conform with the schemes for varietal certification of seed intended for international trade laid down by the Organization for Economic Cooperation and Development (OECD);	2.	82/287/EEC (adapted)
8)	Whereas it is desirable to establish a uniform certification scheme for the Community based on the experience gained in the application of those schemes; whereas the Community scheme should therefore apply to marketing both in other Member States and on domestic markets;	6.	69/208/EEC (adapted)
9)	Whereas, as a general rule, seed of oil and fibre plants should be allowed to be marketed only if it has been officially examined and certified, in accordance with the rules for certification, as basic seed or certified seed; whereas the choice of the technical terms 'basic seed' and 'certified seed' is based on already existing international terminology;	7.	
10)	Whereas there should be approval for commercial seed in order to take into account the fact that not all genera and species of oil and fibre plants of importance for cropping have as yet produced either the desired varieties or sufficient quantities of seed of the existing varieties to meet all the needs of the Community; whereas it is therefore necessary, in the case of certain genera and species, to prove seed of oil and fibre plants which is not of a named variety, but which satisfies the regulations in all other respects;	8.	
11)	Whereas seed of oil and fibre plants which is not placed on the market should not, in view of its minor economic importance, be subject to Community rules; whereas Member States must retain the right to make such seed subject to special provisions;	9.	
12)	Whereas it is necessary to provide that bred seed of generation prior to basic seed, which may be admitted for marketing in the different Member States, shall correspond to the requirements laid down by this Directive;	2.	72/418/EEC (adapted)
13)	Whereas Community rules should not apply to seed shown to be intended for export to third countries;	10.	69/208/EEC

14)	Whereas, in order to improve not only the genetic quality of Community seed of oil and fibre plants but also its external characteristics, certain requirements should be laid down as to analytical purity and germination;	11.	
15)	Whereas, if certain species of seed are not normally reproduced or marketed in the territory of a Member State, provision should be made for release of that Member State, under the procedure of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry, from the obligation to apply this Directive in respect of the species in question;	12.	
16)	Whereas, in order to ensure the identity of the seed, Community rules on packaging, sampling, sealing and marking must be established; whereas to this end the labels should give the particulars needed both for official verification and for the information of the user and should clearly show the Community nature of the certification of the certified seed of the various categories;	13.	
17)	Whereas, in order to ensure that both the requirements as to the quality of the seed and the provisions for ensuring its identity are complied with during marketing, Member States must make provision for appropriate control arrangements;	14.	
18)	Whereas seed satisfying these requirements should, without prejudice to Article 36 of the Treaty, be subject to no marketing restrictions other than those provided for in Community rules;	15.	
19)	Whereas, subject to certain conditions, seed multiplied in another country from basic seed certified in a Member State should be recognized as equivalent to seed multiplied in that Member State;	17.	
20)	Whereas, on the other hand, provision should be made for authorizing the marketing within the Community of seed of oil and fibre plants which has been harvested in third countries only if such seed affords the same assurances as seed officially certified, or officially approved as commercial seed, within the Community and complying with Community rules;	18.	
21)	Whereas, during periods in which there are difficulties in obtaining supplies of certified seed of the various categories, seeds of an inferior quality should be temporarily permitted to be marketed, and also seeds of varieties not included either in the common catalogue or in the national catalogue of varieties;	19. + 3.	72/418/EEC (adapted)

- | | | |
|--|-----|------------|
| 22) Whereas, in order to harmonize the technical methods of certification used in the Member States and to enable comparisons to be made between seed certified within the Community and that coming from third countries, Community test fields should be established in Member States to permit annual post-control of seed of the various categories of 'certified seed'; | 20. | 69/208/EEC |
| 23) Whereas for the exercise of implementation powers conferred on the Commission, it seems appropriate that the Commission be assisted by the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry, according to the Management Committee procedure provided for in Article 2 (II) of Council Decision 87/373/EEC ⁽¹⁾ ; | 21. | (adapted) |
| 24) Whereas this Directive must not affect the obligations of the Member States concerning the deadlines for transposition of the Directives set out in Annex VI, part B, | | |

HAS ADOPTED THIS DIRECTIVE:

(1) OJ No L 197, 18. 7. 1987, p. 33.

Article 1

This Directive shall apply to seed of oil and fibre plants marketed within the Community and intended for agricultural production but excluding use for ornamental purposes.

It shall not apply to seed of oil and fibre plants which is shown to be intended for export to third countries.

69/208/EEC

Article 17

Article 2

1. For the purposes of this Directive,
A. 'Oil and fibre plants' means plants of the following genera and species

Arachis hypogaea L. Groundnut (peanut) | 79/641/EEC – Art. 3 (1)

Brassica juncea (L.) and Czernj. Cosson | 87/120/EEC – Art. 4 (1)
Brown mustard

Brassica napus L. (partim) | Swede rape

Brassica nigra (L.) Koch | Black mustard

Brassica rapa L. var. *silvestris* (Lam.) Briggs | Turnip rape

Cannabis sativa L. Hemp | 79/641/EEC – Art. 3 (1)

Carthamus tinctorius L. Safflower | 86/155/EEC – Art. 4 (1)

Carum carvi L. Caraway | 79/641/EEC – Art. 3 (1)

Glycine max (L.) Merr. | Soya bean

Gossypium spp. | Cotton

Helianthus annuus L. | Sunflower

Linum usitatissimum L. | Flax, linseed

Papaver somniferum L. | Opium poppy

Sinapis alba L. | White mustard

- B. 'Basic seed' (varieties other than hybrids of sunflower) means seed | 69/208/EEC - 88/380/EEC – Art. 5 (1)

(a) which has been produced under the responsibility of the breeder according to accepted practices for the maintenance of the variety;

(b) which is intended for the production of seed either of the category 'certified seed' or of the categories 'certified seed, first generation' or 'certified seed, second generation' or, where appropriate, 'certified seed, third generation';

71/162/EEC – Art. 5 (2) (a)

- (c) which, subject to the provisions of Article 4, satisfies the conditions laid down in Annexes I and II for basic seed; and
- (d) which has been found by official examination to satisfy the abovementioned conditions;

69/208/EEC

C. 'Basic seed' (hybrids of sunflower):

88/380/EEC – Art. 5 (2)

1. 'Basic seed of inbred lines' means seed
 - (a) which, subject to the provisions of Article 4, satisfies the conditions laid down in Annexes I and II for basic seed; and
 - (b) which has been found by official examination to satisfy the abovementioned conditions;
2. 'Basic seed of simple hybrids' means seed
 - (a) which is intended for the production of three-way-cross hybrids or double-cross hybrids;
 - (b) which, subject to the provisions of Article 4, satisfies the conditions laid down in Annexes I and II for basic seed; and
 - (c) which has been found by official examination to satisfy the abovementioned conditions;

D. 'Certified seed' (turnip rape, brown mustard, swede rape, ~~dioecious~~ hemp, ~~safflower~~, black mustard, caraway, sunflower, opium poppy, white mustard) means seed

69/208/EEC

71/162/EEC-Art.5(2)(b)-86/155/EEC-Art.4(2)

- (a) which has been produced directly from basic seed or, if the breeder so requests, from seed of a generation prior to basic seed and 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 oil or fibre plants;
- (c) which, subject to the provisions of point (b) of Article 4, 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;

Corrigendum, English Special Edition, p. 33

- E. 'Certified seed, first generation' (groundnut, monoecious hemp, flax, linseed, soya, cotton) means 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, where appropriate, of the category 'certified seed, third generation', or for purposes other than the production of seed of oil or fibre plants;
 - (c) which 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;
- F. 'Certified seed, second generation' (groundnut, flax, linseed, soya, cotton) means 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 and 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 oil or fibre plants or, where appropriate, which is intended for the production of seed of the category 'certified seed, third generation';
 - (c) which 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;
- G. 'Certified seed, second generation' (monoecious hemp) means seed
- (a) which has been produced directly from certified seed of the first generation which has been established and officially controlled with a special view to the production of certified seed of the second generation;
 - (b) which is intended for the production of hemp to be harvested in flower;
- 69/208/EEC - 71/162/EEC - Art. 5 (2) (c)
86/155/EEC Art. 4 (4)
Corrigendum, English Special Edition, p. 33
- 71/162/EEC - Art. 5 (2) (d)
86/155/EEC - Art. 4 (5)
Corrigendum, English Special Edition, p. 33
Corrigendum, English Special Edition, p. 33
- 71/162/EEC - Art. 5 (2) (e)
71/162/EEC - Art. 5 (2) (f)
Corrigendum, English Special Edition, p. 87

- (c) which 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;

71/162/EEC – Art. 5 (2) (f)

H. 'Certified seed, third generation' (flax, linseed) means seed

69/208/EEC

- (a) which is of direct descent from basic seed, from certified seed of the first or second generation or, if the breeder so requests, from seed of a generation prior to basic seed and 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 oil or fibre plants;
- (c) which 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;

I. 'Commercial seed' means seed

- (a) which is identifiable as belonging to a species;
- (b) which, subject to the provisions of Article 4 (b), satisfies the conditions laid down in Annex II for commercial seed; and
- (c) which has been found by official examination to satisfy the abovementioned conditions;

J. 'Official measures' means measures taken

- (a) by State authorities, or
- (b) by any legal person whether governed by public or by private law, acting under the responsibility of the State, or
- (c) in the case of ancillary activities which are also subject to State control, by any natural person duly sworn for that purpose,

provided that the persons mentioned under (b) and (c) derive no private gain from such measures.

2. Amendments to be made to the list of species referred to in point A of paragraph 1 in the light of the development of scientific or technical knowledge concerning the names and hybrids resulting from the crossing of species covered by this Directive shall be adopted in accordance with the procedure laid down in Article 21 (2).

78/55/EEC – Art. 5 (1)

88/380/EEC – Art. 5 (3)

3. The different types of varieties, including the components, eligible for certification under the provisions of this Directive may be specified and defined in accordance with the procedure laid down in Article 21 (2).

88/380/EEC – Art. 5 (5)

4. Member States may be authorized in accordance with the procedure laid down in Article 21 (2) to permit, by way of derogation from points E (a) or F (a) of paragraph 1, to be certified as certified seed of the first generation or certified seed of the second generation seeds of self-pollinating species which have been entered for certification as basic seed and which have been produced from a generation prior to basic seed but which has not been officially examined. This provision shall not apply to hybrid seeds. Certification as certified seed may occur only if this is requested by the applicant for certification with the agreement of the breeder and if an official post-control test based on samples taken officially and carried out at the latest during the growing season of the entered seed shows that the seeds from the previous generation have met the requirements for basic seed in respect of varietal identity and purity. In this case the breeder shall, when the samples are taken, state the total area which has been under production of seed of the previous generation. These conditions may be amended in the light of the development of scientific or technical knowledge in accordance with the procedure laid down in Article 21 (2).

78/55/EEC - Art. 5 (1) - 88/380/EEC – Art. 5 (4)

Member States shall require that the official labels for seeds marketed in accordance with the authorization referred to in the first subparagraph be marked: 'passed for marketing in ... (Member State concerned) only'; in addition, Member States may require in this case that the official labels also be marked 'intended for further multiplication only'.

5. Member States may:

69/208/EEC

- (a) in the case of flax or linseed seed, include several generations in the basic seed category and subdivide this category by generation;
- (b) provide that official examinations to check compliance with the condition laid down in Annex II (I) (4) for *Brassica napus* shall not be carried out on all lots during certification unless there is doubt whether that condition has been satisfied.

88/380/EEC – Art. 5 (6)

Corrigendum, English Special Edition, p. 33

Article 3

1. Without prejudice to the provisions of Directive 95/.../EC, Member States shall provide that seed of

69/208/EEC

[70/457/EEC]

Brassica napus L. (*partim*)

87/120/EEC – Art. 4 (2)

Brassica rapa L. var. *silvestris* (Lam.) Briggs

Cannabis sativa L.

69/208/EEC

Carthamus tinctorius L.

86/155/EEC – Art. 4 (6)

Carum carvi L.

69/208/EEC

Gossypium spec.

Helianthus annuus L.

Linum usitatissimum L. (*partim*)-flax

may not be placed on the market unless it has been officially certified as 'basic seed' or 'certified seed' and unless it satisfies the conditions laid down in Annex II.

2. Member States shall provide that seed of oil and fibre plant species other than those listed in paragraph 1 may not be placed on the market unless the seed has been officially certified as 'basic seed' or 'certified seed', or is commercial seed, and unless the seed also satisfies the conditions laid down in Annex II.

3. It may be provided, under the procedure laid down in Article 21 (2), that after specified dates seed of oil and fibre plant species other than those listed in paragraph 1 may not be placed on the market unless it has been officially certified as 'basic seed' or 'certified seed'.

4. Member States shall ensure that official examinations are carried out in accordance with current international methods, in so far as such methods exist.

5. Member States may provide for derogations from the provisions of paragraphs 1 and 2:

- (a) for bred seed of generations prior to basic seed;
- (b) for tests or for scientific purposes;
- (c) for selection work;
- (d) for seed as grown, marketed for processing, provided that the identity of the seed is ensured.

Article 4

Member States may, however, by way of derogation from the provisions of Article 3:

- (a) authorize the official certification and marketing of basic seed which does not satisfy the conditions laid down in Annex II in respect of germination; to this end all necessary measures shall be taken to ensure that the supplier guarantees a specific germination which he shall state for marketing purposes on a special label bearing his name and address and the reference number of the seed lot;
- (b) in order to make seed rapidly available, notwithstanding the fact that official examination to check compliance with the conditions laid down in Annex II in respect of germination has not been concluded, authorize the official certification or approval and marketing as far as the first buyer by way of trade of seed of the categories 'basic seed', 'certified seed' of all categories or 'commercial seed'. Certification or approval shall be granted only on presentation of a provisional analytical report on the seed and provided that the name and address of the first recipient are given; all necessary measures shall be taken to ensure that the supplier guarantees the germination ascertained at the provisional analysis; this germination shall be stated for marketing purposes on a special label bearing the name and address of the supplier and the reference number of the lot.

These provisions shall not apply to seed imported from third countries, save as otherwise provided in Article 15 in respect of multiplication outside the Community.

Article 5

Member States may, as regards the conditions laid down in Annexes I and II, impose additional or more stringent requirements for the certification and examination of commercial seed produced in their own territory.

Article 6

Member States shall provide that the description of genealogical components which may be required is, if the breeder so requests, treated as confidential.

69/208/EEC

Corrigendum, English Special Edition, p. 33

71/162/EEC – Art. 5 (3)

Article 7

1. Member States shall require that, for the checking of varieties, the examination of seed for certification and the examination of commercial seed, samples are drawn under official supervision in accordance with appropriate methods.

69/208/EEC

2. For the examination of seed for certification and the examination of commercial seed, samples shall be drawn from homogeneous lots; the maximum weight of a lot and the minimum weight of a sample are given in Annex III.

Article 8

1. Member States shall require that basic seed, certified seed of all categories and commercial seed be marketed only in sufficiently homogeneous consignments and in sealed packages bearing, as prescribed in Articles 9 and 10, a sealing system and markings.

Corrigendum, English Special Edition, p. 33

Corrigendum, English Special Edition, p. 33

2. Member States may, for the marketing of small quantities to the final consumer, provide for derogations from the provisions of paragraph 1 in respect of packaging, sealing and marking.

Article 9

1. Member States shall require that packages of basic seed, certified seed of all categories and commercial seed, be sealed officially or under official supervision in such a manner that they cannot be opened without damaging the sealing system or leaving evidence of tampering on either the official label provided for in Article 10 (1) or the package.

78/692/EEC – Art. 6 (1)

In order to ensure sealing, the sealing system shall comprise at least either the official label or the affixing of an official seal.

The measures provided for in the second subparagraph above shall not be necessary where a non-reusable sealing system is used.

In accordance with the procedure laid down in Article 21 (2), it may be established whether a particular sealing system complies with the provisions of this paragraph.

2. Packages which have been officially sealed shall not be resealed, whether one or more times, except officially or under official supervision. If packages are resealed, the fact of resealing, the most recent date of resealing and the authority responsible therefore shall be stated on the label required under Article 10 (1).

69/208/EEC

78/692/EEC – Art. 6 (2)

3. Member States may provide for exceptions to paragraph 1 in the case of small packages.

75/444/EEC – Art. 5 (1)

Article 10

1. Member States shall require that packages of basic seed, certified seed of all categories and commercial seed:

78/55/EEC – Art. 5 (3)

- (a) be labelled on the outside with an official label which has not previously been used, which satisfies the conditions laid down in Annex IV and on which the information is given in one of the official languages of the Community. The colour of the label shall be white for basic seed, blue for certified seed of the first generation after basic seed, red for certified seed of subsequent generations and brown for commercial seed. When a label with a string-hole is used, its attachment shall be ensured in all cases with an official seal. If, in cases under point (a) of Article 4, the basic seed does not satisfy the conditions laid down in Annex II in respect of germination, this fact shall be stated on the label. The use of official adhesive labels shall be authorized. In accordance with the procedure laid down in Article 21 (2) the indelible printing under official supervision of the information on the package according to the label's model may be authorized;
- (b) contain an official document, in the same colour as the label, giving at least the information required under Annex IV (A) (a) (4), (5) and (6) and, in the case of commercial seed, under (b) (2), (5) and (6). This document shall be drawn up in such a manner that it cannot be confused with the official label referred to under (a). This document is not necessary if the information is printed indelibly on the package or if, in accordance with the provisions under (a), an adhesive label or a label of non-tear material is used.

2. Member States may provide for exceptions to paragraph 1 in the case of small packages where they are marked: 'passed for marketing in ... (Member State concerned) only'.

3. This Directive shall not affect the right of Member States to require that seed of oil and fibre plants which is shown to be intended for purposes other than agricultural production may not be placed on the market unless this fact is stated on the label.

69/208/EEC

Article 11

1. This Directive shall not affect the right of Member States to require that, in cases other than those provided for in Article 4, packages of basic seed, certified seed of all categories or commercial seed, whether the seed has been produced in their own territory or imported, must, if the seed is to be marketed within their territory, bear a supplier's label.

69/208/EEC - 88/380/EEC - Art. 5 (7)

Corrigendum, English Special Edition, p. 33
Corrigendum, English Special Edition, p. 33

2. The label referred to in paragraph 1 shall be drawn up in such a manner that it cannot be confused with the official label referred to in Article 10 (1).

88/380/EEC - Art. 5 (8)

Article 12

Member States shall require that any chemical treatment of basic seed, certified seed of all categories or commercial seed be noted either on the official label or on the supplier's label and on the package or inside it.

69/208/EEC

Corrigendum, English Special Edition, p. 33

Corrigendum, English Special Edition, p. 33

Article 13

Article 12a

For the purpose of seeking improved alternatives to certain elements of the certification scheme adopted under this Directive, it may be decided to organize temporary experiments under specified conditions at Community level in accordance with the procedure laid down in Article 21 (2).

88/380/EEC - Art. 5 (9)

In the framework of such experiments, Member States may be released from certain obligations laid down in this Directive. The extent of that release shall be defined with reference to the provisions to which it applies. The duration of an experiment shall not exceed seven years.

Article 14

Article 13

1. Member States shall ensure that basic seed and certified seed of all categories which have been officially certified and whose packages have been marked and sealed officially or under official supervision as prescribed in this Directive, and commercial seed whose packages have been marked and sealed officially or under official supervision as prescribed in this Directive, are subject to no marketing restrictions as regards their characteristics, examination arrangements, marking and sealing other than those laid down in this Directive.

69/208/EEC

Corrigendum, English Special Edition, p. 33

Corrigendum, English Special Edition, p. 33

78/55/EEC - Art. 5 (4)

Corrigendum, English Special Edition, p. 33

78/55/EEC - Art. 5 (4)

Corrigendum, English Special Edition, p. 33

<p>2. Member States may:</p> <p>(a) where no measures have been taken by the Commission under Article 3 (3) and entered into force, provide that after specified dates seed of oil and fibre plant species other than those listed in Article 3 (1) may not be placed on the market unless it has been officially certified as 'basic seed' or 'certified seed';</p> <p>(b) adopt provisions concerning the maximum moisture content accepted for marketing;</p> <p>(c) restrict the marketing of certified seed of oil and fibre plants to that of the first generation and, in the case of flax, to that of the first or second generation after basic seed;</p>	<p>69/208/EEC</p>
<p>3. Member States which have provided for exemptions in accordance with the provisions of point (a) of Article 3 (5) shall ensure that bred seed of generations prior to basic seed are subject to no marketing restrictions on account of their <u>characteristics</u>, examination arrangements, marking and sealing,</p>	<p>72/418/EEC – Art. 5 (2)</p>
<p>(a) if it has been officially <u>checked</u> by the competent certification authority, in accordance with the provisions applicable for the certification of basic seed,</p>	<p>Corrigendum, English Special Edition, p. 106</p>
<p>(b) if it is packed in accordance with the provisions of this Directive, and</p>	<p>Corrigendum, English Special Edition, p. 106</p>
<p>(c) if its <u>packages</u> bear an official label giving at least the following particulars:</p>	<p>Corrigendum, English Special Edition, p. 106</p>
<p>— certification authority and Member State or their distinguishing abbreviation</p>	<p>Corrigendum, English Special Edition, p. 106</p>
<p>— <u>lot</u> reference number</p>	<p>78/692/EEC – Art. 6 (3)</p>
<p>— month and year of sealing,</p>	<p>88/380/EEC – Art. 5 (10)</p>
<p>or</p>	<p>72/418/EEC – Art. 5 (2)</p>
<p>— month and year of the last official sealing for the purposes of certification,</p>	<p>Corrigendum, English Special Edition, p. 106</p>
<p>— species, indicated at least under its botanical name, which may be given in abridged form and without the authorities' names, in roman characters,</p>	<p>Corrigendum, English Special Edition, p. 106</p>
<p>— variety, indicated at least in roman characters,</p>	
<p>— the description 'pre-basic seed'</p>	
<p>— <u>the number of generations preceding of the categories 'certified seed' or 'certified seed of the first generation'</u>.</p>	
<p>The label shall be white with a diagonal <u>violet</u> line</p>	<p>Corrigendum, English Special Edition, p. 106</p>

In accordance with the procedure laid down in Article 21 (2), Member States may be released from the requirement to indicate the botanical name in respect of individual species and, where appropriate, for limited periods, where it has been established that the disadvantages of the implementation outweigh the advantages expected for the marketing of seed.

88/380/EEC – Art. 5 (11)

Article 15

Article 14

1. Member States shall provide that seed of oil and fibre plants

88/380/EEC – Art. 5 (12)

- which has been produced directly from basic seed or certified seed of the first generation officially certified either in one or more Member States or in a third country which has been granted equivalence under point (b) of Article 16, or which has been produced directly from the crossing of basic seed officially certified in a Member State with basic seed officially certified in such a third country, and

— which has been harvested in another Member State, shall, on request and without prejudice to the provisions of Directive 95/.../EC, be officially certified as certified seed in any Member State if that seed has undergone field inspection satisfying the conditions laid down in Annex I for the relevant category and if official examination has shown that the conditions laid down in Annex II for the same category are satisfied.

[70/457/EEC]

Where in such cases the seed has been produced directly from officially certified seed of generations prior to basic seed, Member States may also authorize official certification as basic seed, if the conditions laid down for that category are satisfied.

2. Seed of oil and fibre plants which has been harvested in another Member State, and which is intended for certification in accordance with the provisions laid down in 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 the provisions laid down in Article 9 (1), and
- be accompanied by an official document satisfying the conditions laid down in Annex V (C).

3. Member States shall also provide that seed of oil and fibre plants

88/380/EEC – Art. 5 (12)

— which has been produced directly from basic seed or certified seed of the first generation officially certified either in one or more Member States or in a third country which has been granted equivalence under point (b) of Article 16, or which has been produced directly from the crossing of basic seed officially certified in a Member State with basic seed officially certified in such a third country, and

— which has been harvested in a third country,

shall, on request, be officially certified as certified seed in any of those Member States where the basic seed was either produced or officially certified, if the seed has undergone field inspection satisfying the conditions laid down in an equivalence decision made under Article 16 (a) for the relevant category and if official examination has shown that the conditions laid down in Annex II for the same category are satisfied. Other Member States may also authorize official certification of such seed.

Article 16

Article 15

The Council, acting by a qualified majority on a proposal from the Commission, shall determine whether:

69/208/EEC

- (a) in the case provided for in Article 15, the field inspections in the third country satisfy the conditions laid down in Annex I;
- (b) seed of oil and fibre plants which has been harvested in a third country and affords the same assurances as regards its characteristics and the arrangements for its examination, for ensuring its identity, for marking and for control is equivalent in these respects to basic seed, certified seed, certified seed of the first, second or third generation or commercial seed harvested within the Community and complying with the provisions of this Directive.

Article 17

1. In order to remove any temporary difficulties in the general supply of basic seed or certified seed of any kind or commercial seed that occur in one or more Member States and cannot be overcome within the Community, one or more Member States may be authorized, according to the procedure laid down in Article 21 (2) to permit, for a specified period, the marketing of seed of a category subject to less stringent requirements, or of seed of varieties not included in the common catalogue, or in their national catalogues of varieties.

72/418/EEC – Art. 5 (3)

2. For a category of seed of any given variety, the official label shall be that provided for the corresponding variety; in all other cases the colour 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.

69/208/EEC

3. Rules for the application of paragraph 1 may be adopted in accordance with the procedure laid down in Article 21 (2).

88/332/EEC – Art. 7

Article 18

1. Member States shall make suitable arrangements for seed of oil and fibre plants to be officially verified during marketing, at least by sampling, as regards its compliance with the requirements of this Directive.

69/208/EEC — 72/418/EEC – Art. 5 (4)

2. Member States shall take all necessary measures to ensure that the following particulars are presented during the marketing of quantities exceeding 2 kg of seed coming from another Member State or from a third country:

72/418/EEC – Art. 5 (5)

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

The manner in which these particulars must be presented may be determined in accordance with the procedure laid down in Article 21 (2).

Article 19

1. Community comparative tests shall be carried out within the Community for the post-control of samples of basic seed, with the exception of that of hybrid or synthetic varieties, and of certified seed of all categories of oil and fibre plants, taken during sampling. Satisfaction of the conditions with which the seed must comply may be checked during the post-control tests. The arrangements for holding the tests and their results shall be submitted to the Committee referred to in Article 21 (2).

71/162/EEC – Art. 5 (6)

2. These comparative tests shall be used to harmonize the technical methods of certification so as to obtain results which are equivalent. Annual progress reports shall be made on these tests and sent in confidence to the Member States and to the Commission. The Commission shall, in accordance with the procedure laid down in Article 21 (2), set the date for the first report.

69/208/EEC

3. The Commission, acting in accordance with the procedure laid down in Article 21 (2), shall make the necessary arrangements for the comparative tests to be carried out. Seed of oil and fibre plants harvested in third countries may be included in the comparative tests.

Article 20

Article 20a

Amendments to be made to the content of the Annexes in the light of the development of scientific or technical knowledge shall be adopted according to the procedure laid down in Article 21 (2).

73/438/EEC - Art. 5 (4)

Article 21

1. The Commission shall be assisted by the Standing Committee on Seeds on Propagating Material for Agriculture, and Forestry set up by Council Decision 66/399/EEC⁽¹⁾.

87/373/EEC
(adapted)

2. The representative of the Commission shall submit a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2289/66.

The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith. In that event, the Commission may defer application of the measures which it has decided for a period of not more than one month from the date of such communication.

87/373/EEC

The Council, acting by a qualified majority, may take a different decision within the time limit referred to in the second subparagraph.

3. The Committee, on request by the chairman or of one of the Member States, may examine any questions relevant to the subject matter of this Directive.

66/399/EEC – Art. 2
(adapted)

Article 22

Save as otherwise provided in Annex II in respect of the presence of diseases, harmful organisms and their vectors, this Directive shall be without prejudice to the provisions of national laws justified on grounds of the protection of health and life of humans, animals or plants or the protection of industrial and commercial property.

69/208/EEC

Article 21

Article 23

Upon application by a Member State, which will be dealt with as provided in Article 21 (2), that State may be wholly or partially released from the obligation to apply the provisions of this Directive, with the exception of Article 14 (1):

88/380/EEC – Art. 5 (13)

- (a) in respect of the following species:
 - Safflower;
- (b) in respect of other species which are not normally reproduced or marketed in its territory.

Article 22

Article 24

1. The Directives listed in Annex VI Part A, are hereby repealed without prejudice to the obligations of the Member States concerning the deadlines for transposition of the said Directives set out in Annex VI Part B.
2. References to the repealed Directives shall be construed as references to this Directive and should be read in accordance with the correlation table set out in Annex VII.

Article 25

This Directive shall enter into force the twentieth day following that of its publication in the *Official Journal of the European Communities*.

Article 26

This Directive is addressed to the Member States.

Done at Brussels,

For the Council,
The President

ANNEX I

78/388/EEC – Art. 1 (1)

CONDITIONS TO BE SATISFIED BY THE CROP

1. The previous cropping of the field shall not have been incompatible with the production of seeds of the species and variety of the crop, and the field shall be sufficiently free from such plants which are volunteers from previous cropping.
2. The crop shall conform to the following standards as regards distances from neighbouring sources of pollen which may result in undesirable foreign pollination:

Crop	Minimum distance
1	2
<i>Brassica</i> spp. other than <i>Brassica napus</i> ; <i>Cannabis sativa</i> other than <i>monoecius</i> hemp; <i>Carthamus tinctorius</i> ; <i>Carum carvi</i> ; <i>Gossypium</i> spp.; <i>Sinapis alba</i> :	
— for the production of basic seed	400 m
— for the production of certified seed	200 m
<i>Brassica napus</i> :	
— for the production of basic seed	200 m
— for the production of certified seed	100 m
<i>Cannabis sativa</i> , <i>monoecius</i> hemp:	
— for the production of basic seed	5 000 m
— for the production of certified seed	1 000 m
<i>Helianthus annuus</i> :	
— for the production of basic seed of hybrids	1 500 m
— for the production of basic seed of varieties other than hybrids	750 m
— for the production of certified seed	500 m

79/641/EEC – Art. 3 (3)

86/155/EEC – Art. 4

88/380/EEC – Art. 5 (15)

These distances can be disregarded if there is sufficient protection from any undesirable foreign pollination.

78/388/EEC – Art. 1 (1)

3. The crop shall have sufficient varietal identity and varietal purity or, in the case of a crop of an inbred line of *Helianthus annuus*, sufficient identity and purity as regards its characteristics.

88/380/EEC – Art. 5 (16)

For the production of seed of hybrid varieties of *Helianthus annuus*, the abovementioned provisions shall also apply to the characteristics of the components, including male sterility or fertility restoration.

In particular, crops of *Brassica juncea*, *Brassica nigra*, *Cannabis sativa*, *Carthamus tinctorius*, *Carum carvi*, *Gossypium* spp. and hybrids of *Helianthus annuus* shall conform to the following standards or other conditions:

A. *Brassica juncea*, *Brassica nigra*, *Cannabis sativa*, *Carthamus tinctorius*, *Carum carvi* and *Gossypium* spp.:

The number of plants of the crop species which are recognizable as obviously not being true to the variety shall not exceed:

- one per 30 m² for the production of basic seed,
- one per 10 m² for the production of certified seed.

B. Hybrids of *Helianthus annuus*:

(a) the percentage by number of plants which are recognizable as obviously not being true to the inbred line or to the component shall not exceed:

(aa) for the production of basic seed:

(i) inbred lines 0,2

(ii) simple hybrids

— male parent, plants which have shed pollen while 2 % or more of the female plants have receptive flowers 0,2

— female parent 0,5

(bb) for the production of certified seed:

— male component, plants which have shed pollen while 5 % or more of the female plants have receptive flowers 0,5

— female component 1,0

(b) the following other standards or conditions shall be satisfied for the production of seed of hybrid varieties:

(aa) sufficient pollen shall be shed by the plants of the male component while the plants of the female component are in flower;

(bb) where the female component plants have receptive stigmas, the percentage by number of female component plants which have shed pollen or are shedding pollen shall not exceed 0,5;

(cc) for the production of basic seed the total percentage by number of plants of the female component which are recognizable as obviously not being true to the component and which have shed pollen or are shedding pollen shall not exceed 0,5;

(dd) where the condition laid down in Annex II (I) (2) cannot be satisfied, the following condition shall be satisfied: a male-sterile component shall be used to produce certified seed by using a male component which contains a specific restorer line or lines so that at least one-third of the plants grown from the resulting hybrid will produce pollen which appears normal in all respects.

88/380/EEC – Art. 5 (16)

4. Harmful organisms which reduce the usefulness of the seed shall be at the lowest possible level. In the case of *Glycine max.*, this condition is applicable in particular to the organisms *Pseudomonas syringae* pv. *glycinea*, *Diaporthe phaseolorum* var. *caulivora* and var. *sojae*, *Phialophora gregata* and *Phytophthora megasperma* f.sp. *glycinea* ⁽¹⁾.

78/388/EEC – Art. 1 (1)
92/9/EEC – Art. 1 (1)

5. The satisfaction of the abovementioned standards or other conditions shall be examined in official field inspections.

These field inspections shall be carried out in accordance with the following conditions:

A. The condition and the stage of development of the crop shall permit an adequate examination.

(1) The standards and conditions shall, where appropriate, be reviewed by 30 June 1995 at the latest.

- B. In cases other than crops of hybrids of sunflower there shall be at least one field inspection. In the case of hybrids of sunflower there shall be at least two field inspections. | 88/380/EEC — Art. 5 (17)
- C. The size, the number and the distribution of the portions of the field to be inspected in order to examine the satisfaction of the provisions of this Annex shall be determined in accordance with appropriate methods. | 78/388/EEC — Art. 1 (1)
-

ANNEX II

CONDITIONS TO BE SATISFIED BY THE SEED

I. BASIC AND CERTIFIED SEED

78/388/EEC – Art. 1 (2)

1. The seed shall have sufficient varietal identity and varietal purity. In particular, seeds of the species listed below shall conform to the following standards or other conditions:

82/287/EEC – Art. 4

Species and category	Minimum varietal purity (%)
1	2
<i>Arachis hypogaea</i> :	
— basic seed	99,7
— certified seed	99,5
<i>Brassica napus</i> , other than varieties to be used solely for fodder purposes, <i>Brassica rapa</i> other than varieties to be used solely for fodder purposes	
— basic seed	99,9
— certified seed	99,7
<i>Brassica napus</i> , varieties to be used solely for fodder purposes, <i>Brassica rapa</i> , varieties to be used solely for fodder purposes, <i>Helianthus annuus</i> , other than hybrid varieties including their components, <i>Sinapis alba</i> :	
— basic seed	99,7
— certified seed	99
<i>Linum usitatissimum</i> :	
— basic seed	99,7
— certified seed, 1st generation	98
— certified seed, 2nd and 3rd generations	97,5
<i>Papaver somniferum</i> :	
— basic seed	99
— certified seed	98
<i>Glycine max</i> :	
— basic seed	99,5
— certified seed	99

82/859/EEC – Art. 1 (1)

82/859/EEC – Art. 1 (1)

82/859/EEC – Art. 1 (1).

82/859/EEC – Art. 1 (1)

92/107/EEC – Art. 1

92/107/EEC – Art. 1

The minimum varietal purity shall be examined mainly in field inspections carried out in accordance with the conditions laid down in Annex I

2. Where the condition laid down in Annex I (3) (B) (b) (dd) cannot be satisfied, the following condition shall be met: where for the production of certified seed of hybrids of sunflower a female male-sterile component and a male component which does not restore male fertility have been used, the seed produced by the male-sterile parent shall be blended with seed produced by the fully fertile seed parent. The ratio of male-sterile parent seed to male-fertile parent shall not exceed two to one.

88/380/EEC – Art. 5 (18)

3. The seed shall conform to the following standards or other conditions as regards germination, analytical purity and content of seeds of other plant species including *Orobanche* spp.:

78/388/EEC – Art. 1 (2)

A. Table:

Species and category	Minimum germination (% of pure seed)	Analytical purity		Maximum content by number of seeds of other plant species in a sample of the weight specified in column 4 of Annex III (total per column)							Conditions as regards content of Orobanche seeds
		Minimum analytical purity (% by weight)	Maximum content seed of other plant species (% by weight)	Other plant species (a)	<i>Avena fatua</i> , <i>Avena ludoviciana</i> , <i>Avena sterilis</i>	<i>Cuscuta</i> spp.	<i>Raphanus raphanistrum</i>	<i>Rumex</i> spp. other than <i>Rumex acetosella</i>	<i>Alopecurus myosuroides</i>	<i>Lolium remotum</i>	
1	2	3	4	5	6	7	8	9	10	11	12
<i>Arachis hypogaea</i>	70	99	—	5	0	0 (c)					
<i>Brassica</i> spp.:											
— basic seed	85	98	0,3	—	0	0 (c) (d)	10	2			
— certified seed	85	98	0,3	—	0	0 (c) (d)	10	2			
<i>Cannabis sativa</i>	75	98		<u>30</u> (b)	0	0 (c)					(c)
<i>Carthamus tinctorius</i>	75	98	—	5	0	0 (c)					(c)
<i>Carum carvi</i>	70	97	—	25 (b)	0	0 (c) (d)	10		3		
<i>Gossypium</i> spp.	80	98	—	15	0	0 (c)					
<i>Helianthus annuus</i>	85	98	—	5	0	0 (c)					
<i>Linum usitatissimum</i>											
— flax	92	99	—	15	0	0 (c) (d)			4	2	
— linseed	85	99	—	15	0	0 (c) (d)			4	2	
<i>Papaver somniferum</i>	80	98	—	25 (b)	0	0 (c) (d)					
<i>Sinapis alba</i> :											
— basic seed	85	98	0,3	—	0	0 (c) (d)	10	2			
— certified seed	85	98	0,3	—	0	0 (c) (d)	10	2			
<i>Glycine max.</i>	80	98	—	5	0	0 (c)					

87/480/EEC – Art. 2

87/480/EEC – Art. 2

81/126/EEC – Art. 4

86/155/EEC – Art. 4 (9)

78/388/EEC – Art. 1 (2)

87/480/EEC – Art. 2

87/480/EEC – Art. 2

- B. Standards or other conditions applicable where reference is made to them in the table under Section I (3) (A) of this Annex:
- (a) The maximum contents of seeds laid down in column 5 include also the seeds of the species in columns 6 to 11.
 - (b) The determination of total content of seeds of other plants species by number need not be carried out unless there is doubt whether the conditions laid down in column 5 have been satisfied.
 - (c) The determination of seeds of *Cuscuta* spp. by number need not be carried out unless there is doubt whether the conditions laid down in column 7 have been satisfied.
 - (d) The presence of one seed of *Cuscuta* spp. in a sample of the prescribed weight shall not be regarded as an impurity where a second sample of the same weight is free from any seeds of *Cuscuta* spp.
 - (e) The seed shall be free from *Orobanch*e spp.; however the presence of one seed of *Orobanch*e spp. in a sample of 100 grams shall not be regarded as an impurity where a second sample of 200 grams is free from any seeds of *Orobanch*e spp.
4. Harmful organisms which reduce the usefulness of the seed shall be at the lowest possible level. In particular, the seed shall conform to the following standards or other conditions:
- A. Table:

Species	Harmful organisms			
	Maximum percentage by number of seeds contaminated by harmful organisms (total per column)			<i>Sclerotinia sclerotiorum</i> (maximum number of sclerotia or fragments of sclerotia in a sample of the weight specified in column 4 of Annex III)
	<i>Botrytis</i> spp.	<i>Alternaria</i> spp., <i>Ascochyta linicola</i> (syn. <i>Phoma linicola</i>), <i>Colletotrichum lini</i> , <i>Fusarium</i> spp.	<i>Platyedria gossypiella</i>	
1	2	3	4	5
<i>Brassica napus</i>				10 (b)
<i>Brassica rapa</i>				5 (b)
<i>Cannabis sativa</i>	5			
<i>Gossypium</i> spp.			1	
<i>Helianthus annuus</i>	5			10 (b)
<i>Linum usitatissimum</i>	5	5 (a)		
<i>Sinapis alba</i>				5 (b)

80/304/EEC – Art. 1

79/641/EEC – Art. 3 (4)

B. Standards or other conditions applicable where reference is made to them in the table under Section I (4) (A) of this Annex:

- (a) In flax the maximum percentage by number of seeds contaminated by *Ascochyta linicola* (syn. *Phoma linicola*) shall not exceed one.
- (b) The determination of sclerotia or fragments of sclerotia of *Sclerotinia sclerotiorum* by number need not be carried out unless there is doubt whether the conditions laid down in column 5 of this table have been satisfied.

C. Particular standards or other conditions applicable to *Glycine max*:

92/9/EEC – Art. 1 (2)

- (a) In respect of *Pseudomonas syringae* pv. *glycinea* the maximum number of sub-samples within a sample of 5 000 seeds minimum per lot subdivided into 5 sub-samples which have been found to be contaminated by the said organism shall not exceed 4.

Where suspect colonies are identified in all five sub-samples, appropriate biochemical tests on the suspect colonies isolated on a preferential medium for each sub-sample may be used to confirm the above standards or conditions.

- (b) In respect of *Diaporthe phaseolorum* the maximum number of seeds contaminated shall not exceed 15 %.
- (c) The percentage by weight of inert matter, as defined in accordance with current international testing methods, shall not exceed 0,3.

In accordance with the procedure laid down in Article 21 (2), Member States may be authorized not to carry out the examination in respect of the above particular standards or other conditions unless, on the basis of previous experience, there is doubt whether those standards or conditions have been satisfied ⁽¹⁾.

II. COMMERCIAL SEED

78/388/EEC – Art. 1 (2)

With the exception of Section I, the conditions laid down in Annex II (I) shall apply to commercial seed.

⁽¹⁾ The standards and conditions referred to in point C shall, where appropriate, be reviewed by 30 June 1995 at the latest.

ANNEX III

LOT AND SAMPLE WEIGHTS

78/388/EEC – Art. 1 (3)

Species	Maximum weight of a lot (tonnes)	Minimum weight of a sample to be drawn from a lot (grams)	Weight of the sample for the determinations by number provided for in columns 5 to 11 of Annex II (I) (3) (A) and in column 5 of Annex II (I) (4) (A) (grams)
1	2	3	4
<i>Arachis hypogaea</i>	20	1000	1000
<i>Brassica rapa</i>	10	200	70
<i>Brassica juncea</i>	10	100	40
<i>Brassica napus</i>	10	200	100
<i>Brassica nigra</i>	10	100	40
<i>Cannabis sativa</i>	10	600	600
<i>Carthamus tinctorius</i>	10	900	900
<i>Carum carvi</i>	10	200	80
<i>Gossypium</i> spp.	20	1000	1000
<i>Helianthus annuus</i>	20	1000	1000
<i>Linum usitatissimum</i>	10	300	150
<i>Papaver somniferum</i>	10	50	10
<i>Sinapis alba</i>	10	400	200
<i>Glycine max.</i>	20	1000	1000

79/641/EEC – Art. 3 (5)

86/155/EEC – Art. 4 (10)

78/388/EEC – Art. 1 (3)

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

87/120/EEC – Art. 4 (7)

ANNEX IV

LABEL

A. Required information

(a) For basic seed and certified seed:

- | | |
|---|--|
| 1. 'EEC rules and standards' | 69/208/EEC |
| 2. Certification authority and Member State or their initials | |
| 3. Month and year of sealing expressed thus: 'sealed ...' (month and year)
or
month and year of the last official sampling for the purposes of certification expressed thus: 'sampled ...' (month and year) | 78/692/EEC – Art. 6 (4) |
| 4. Reference number of lot | 69/208/EEC |
| 5. Species, <u>indicated at least under its botanical name, which may be given in abridged form and without the authorities' names, in roman characters</u> | 88/380/EEC – Art. 5 (19) |
| 6. Variety, <u>indicated at least in roman characters</u> | 88/380/EEC – Art. 5 (21) |
| 7. Category | |
| 8. Country of production | |
| 9. Declared net or gross weight | |
| 10. Where weight is indicated and granulated pesticides, pelleting substances, or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of pure seeds and the total weight | 75/444/EEC – Art. 5 (3) |
| 11. In the case of varieties which are hybrids or inbred lines:
— for basic seed where the hybrid or inbred line to which the seed belongs has been officially accepted under Directive 95/.../EC: | 88/380/EEC – Art. 5 (22)

[70/457/EEC] |

the name of this component, under which it has been officially accepted, with or without reference to the final variety, accompanied, in the case of hybrids or inbred lines which are intended solely as components for final varieties, by the word 'component',

88/380/EEC – Art. 5 (22)

— for basic seed in other cases:

the name of the component to which the basic seed belongs, which may be given in code form, accompanied by a reference to the final variety, with or without reference to its function (male or female), and accompanied by the word 'component',

— for certified seed:

the name of the variety to which the seed belongs, accompanied by the word 'hybrid'.

12. Where at least germination has been retested, the words 'retested ... (month and year)' and the service responsible for such retesting may be indicated. Such information may be given on an official sticker attached to the official label.

78/55/EEC – Art. 5 (5)

In accordance with the procedure laid down in Article 21 (2), Member States may be released from the requirement to indicate the botanical name in respect of individual species and, where appropriate, for limited periods where it has been established that the disadvantages of its implementation outweigh the advantages expected for the marketing of seed.

88/380/EEC – Art. 5 (20)

(b) *For commercial seed:*

1. 'EEC rules and standards'
2. 'Commercial seed (not certified as to variety)'
3. Certification authority and Member State or their initials

69/208/EEC

- | | |
|---|--------------------------|
| 4. Month and year of sealing expressed thus: 'sealed ...' (month and year) | 78/692/EEC – Art. 6 (5) |
| 5. Reference number of lot | 69/208/EEC |
| 6. <u>Species, indicated at least under its botanical name, which may be given in abridged form and without the authorities' names, in roman characters</u> | 88/380/EEC – Art. 5 (23) |
| 7. Region of production | |
| 8. Declared net or gross weight | |
| 9. Where weight is indicated and granulated pesticides, pelleting substances, or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of pure seeds and the total weight. | 75/444/EEC – Art. 5 (3) |
| 10. Where at least germination has been retested, the words 'retested ... (month and year)' and the service responsible for such retesting may be indicated. Such information may be given on an official sticker attached to the official label. | 78/55/EEC – Art. 5 (6) |

In accordance with the procedure laid down in Article 21 (2), Member States may be released from the requirement to indicate the botanical name in respect of individual species and, where appropriate, for limited periods where it has been established that the disadvantages of its implementation outweigh the advantages expected for the marketing of seed.	88/380/EEC – Art. 5 (24)
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B. Minimum dimensions

110 mm × 67 mm.

69/208/EEC

Label and document provided in the case of seed not finally certified, harvested in another Member State**A. Information required for the label**

- authority responsible for field inspection and Member State or their initials,
- species, indicated at least under its botanical name, which may be given in abridged form and without the authorities' names, in roman characters,
- variety, indicated at least in roman characters; in the case of varieties (inbred lines, hybrids), which are intended solely as components for hybrid varieties, the word 'component' shall be added,
- category,
- in the case of hybrid varieties, the word 'hybrid',
- field or lot reference number,
- declared net or gross weight,
- the words 'seed not finally certified'.

In accordance with the procedure laid down in Article 21 (2), Member States may be released from the requirement to indicate the botanical name in respect of individual species and, where appropriate, for limited periods where it has been established that the disadvantages of its implementation outweigh the advantages expected for the marketing of seed.

B. Colour of the label

The label shall be grey.

C. Information required for the document

- authority issuing the document,
- species, indicated at least under its botanical name, which may be given in abridged form and without the authorities' names, in roman characters,
- variety, indicated at least in roman characters,
- category,
- reference number of the seed used to sow the field and name of the country or countries which certified that seed,

- field lot or reference number,
 - area cultivated for the production of the lot covered by the document,
 - quantity of seed harvested and number of packages,
 - number of generations after basic seed, in the case of certified seed,
 - attestation that the conditions to be satisfied by the crop from which the seed comes have been fulfilled,
 - where appropriate, results of a preliminary seed analysis.
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88/380/EEC – Art. 5 (25)

ANNEX VI

Part A

Repealed Directives
(referred to by Article 24)

Directive 69/208/EEC
and its successive amendments

Directive 71/162/EEC	only Article 5
Directive 72/274/EEC	only concerning references made to Article 1 and 2 on the provisions of Directive 69/208/EEC
Directive 72/418/EEC	only Article 5
Directive 73/438/EEC	only Article 5
Directive 75/444/EEC	only Article 5
Directive 78/55/EEC	only Article 5
Directive 78/388/EEC	
Directive 78/692/EEC	only Article 6
Directive 78/1020/EEC	only Article 3
Directive 79/641/EEC	only Article 3
Directive 80/304/EEC	
Directive 81/126/EEC	only Article 4
Directive 82/287/EEC	only Article 3 and 4
Directive 82/727/EEC	
Directive 82/859/EEC	
Directive 86/155/EEC	only Article 4
Directive 87/120/EEC	only Article 4
Directive 87/480/EEC	only Article 2
Directive 88/332/EEC	only Article 7
Directive 88/380/EEC	only Article 5
Directive 90/654/EEC	only concerning references made to Article 2 and to Annex II (I) (5) on the provisions of Directive 69/208/EEC
Directive 92/9/EEC	
Directive 92/107/EEC	

Part B

Deadlines for transposition into national law
(referred to by Article 24)

<i>Directive</i>	<i>Deadline for transposition</i>
69/208/EEC (OJ No 169, 10. 7. 1969, p. 3)	1 July 1970 ⁽¹⁾ ⁽²⁾
71/162/EEC (OJ No L 87, 17. 4. 1971, p. 24)	1 July 1970 (Article 5 (1), (2) and (7)) 1 July 1972 (Article 5 (3)) 1 July 1971 (other provisions) ⁽¹⁾
72/274/EEC (OJ No L 171, 29. 7. 1972, p. 37)	1 July 1972 (Article 1) 1 January 1973 (Article 2)
72/418/EEC (OJ No L 287, 26. 12. 1972, p. 22)	1 July 1973
73/438/EEC (OJ No L 356, 27. 12. 1973, p. 79)	1 July 1973 (Article 5 (3)) 1 January 1974 (Article 5 (4)) 1 July 1974 (other provisions)
75/444/EEC (OJ No L 196, 26. 7. 1975, p. 6)	1 July 1975 (Article 5 (2)) 1 July 1977 (other provisions)
78/55/EEC (OJ No L 16, 20. 1. 1978, p. 23)	1 July 1978 (Article 5 (2)) 1 July 1979 (other provisions)
78/388/EEC (OJ No L 113, 25. 4. 1978, p. 20)	1 January 1981 (Article 1 (1) ⁽³⁾ and (2) ⁽⁴⁾) 1 July 1980 (other provisions)
78/692/EEC (OJ No L 236, 26. 8. 1978, p. 13)	1 July 1977
78/1020/EEC (OJ No L 350, 14. 12. 1978, p. 27)	1 July 1977
79/641/EEC (OJ No L 183, 19. 7. 1979, p. 13)	1 July 1980
80/304/EEC (OJ No L 68, 14. 3. 1980, p. 33)	1 July 1980
81/126/EEC (OJ No L 67, 12. 3. 1981, p. 36)	1 July 1982
82/287/EEC (OJ No L 131, 13. 5. 1982, p. 24)	1 January 1983
82/727/EEC (OJ No L 310, 6. 11. 1982, p. 21)	1 July 1982
82/859/EEC (OJ No L 357, 18. 12. 1982, p. 31)	1 July 1983
86/155/EEC (OJ No L 118, 7. 5. 1986, p. 23)	1 March 1986 (Articles 4 (3), (4) and (5)) 1 July 1987 (other provisions)
87/120/EEC (OJ No L 49, 18. 2. 1987, p. 39)	1 June 1988
87/480/EEC (OJ No L 273, 26. 9. 1987, p. 43)	1 July 1990
88/332/EEC (OJ No L 151, 17. 6. 1988, p. 82)	
88/380/EEC (OJ No L 187, 16. 7. 1988, p. 31)	1 July 1992 (Article 5 (10), (19), (23) and (25) ⁽⁵⁾ and also Article 5 (12)) 1 July 1990 (other provisions)
90/654/EEC (OJ No L 353, 17. 12. 1990, p. 48)	
92/9/EEC (OJ No L 70, 17. 3. 1992, p. 25)	30 June 1992
92/107/EEC (OJ No L 16, 25. 1. 1993, p. 1)	1 July 1994

(1) For Denmark, Ireland and the United Kingdom, 1 July 1973 for Article 14 (1); 1 July 1974 for the other provisions concerning basic seed and 1 July 1976 for the other provisions.

(2) 1 January 1986 for Greece, 1 March 1986 for Spain, and 1 January 1991 for Portugal.

(3) Concerning Annex I (3).

(4) Concerning Annex II (I) (1).

(5) In so far as these provisions require the botanical name of a species to be indicated on the label of seed.

ANNEX VII

CORRELATION TABLE

Directive 69/208/EEC	This Directive
Article 1	Article 1, 1st subparagraph
Article 17	Article 1, 2nd subparagraph
Article 2 (1) (A)	Article 2 (1) (A)
Article 2 (1) (B)	Article 2 (1) (B)
Article 2 (1) (Ba)	Article 2 (1) (C)
Article 2 (1) (C)	Article 2 (1) (D)
Article 2 (1) (D)	Article 2 (1) (E)
Article 2 (1) (E)	Article 2 (1) (F)
Article 2 (1) (Ea)	Article 2 (1) (G)
Article 2 (1) (F)	Article 2 (1) (H)
Article 2 (1) (G)	Article 2 (1) (I)
Article 2 (1) (H)	Article 2 (1) (J)
Article 2 (1a)	Article 2 (2)
Article 2 (1b)	Article 2 (3)
Article 2 (1c)	Article 2 (4)
Article 2 (2) (b)	Article 2 (5) (a)
Article 2 (2) (d)	Article 2 (5) (b)
Article 3	Article 3
Article 4	Article 4
Article 5	Article 5
Article 6	Article 6
Article 7	Article 7
Article 8	Article 8
Article 9	Article 9
Article 10	Article 10
Article 11	Article 11
Article 12	Article 12
Article 12a	Article 13
Article 13	Article 14
Article 14	Article 15
Article 15 (1) (a)	Article 16 (a)
Article 15 (1) (b)	Article 16 (b)
Article 16	Article 17
Article 18	Article 18
Article 19	Article 19
Article 20a	Article 20
Article 20	Article 21
Article 21	Article 22
Article 22	Article 23
—	Article 24
—	Article 25
—	Article 26

ANNEX I
ANNEX II (I) (1)
ANNEX II (I) (1a)
ANNEX II (I) (2)
ANNEX II (I) (3)
ANNEX II (II)
ANNEX III
ANNEX IV Part A (a) (1)
ANNEX IV Part A (a) (2)
ANNEX IV Part A (a) (3)
ANNEX IV Part A (a) (4)
ANNEX IV Part A (a) (5)
ANNEX IV Part A (a) (6)
ANNEX IV Part A (a) (7)
ANNEX IV Part A (a) (8)
ANNEX IV Part A (a) (9)
ANNEX IV Part A (a) (10)
ANNEX IV Part A (a) (10a)
ANNEX IV Part A (a) (11)
ANNEX IV Part A (b)
ANNEX IV Part B
ANNEX V
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ANNEX I
ANNEX II (I) (1)
ANNEX II (I) (2)
ANNEX II (I) (3)
ANNEX II (I) (4)
ANNEX II (II)
ANNEX III
ANNEX IV Part A (a) (1)
ANNEX IV Part A (a) (2)
ANNEX IV Part A (a) (3)
ANNEX IV Part A (a) (4)
ANNEX IV Part A (a) (5)
ANNEX IV Part A (a) (6)
ANNEX IV Part A (a) (7)
ANNEX IV Part A (a) (8)
ANNEX IV Part A (a) (9)
ANNEX IV Part A (a) (10)
ANNEX IV Part A (a) (11)
ANNEX IV Part A (a) (12)
ANNEX IV Part A (b)
ANNEX IV Part B
ANNEX V
ANNEX VI
ANNEX VII

Proposal for a
COUNCIL DIRECTIVE

on the marketing of fodder plant seed
(consolidated version)

EXPLANATORY MEMORANDUM

1. When considering how Community law could be made simpler and more transparent, Parliament, the Commission and the Council found themselves confronted with an over-abundance of legislative instruments which had been amended several times, often substantially, and unanimously agreed on the need for a working method which would use legislative consolidation as a means of achieving greater clarity and transparency.
2. On 1 April 1987 the Commission therefore decided to instruct its staff that all legislative measures should be consolidated after *no more* than ten amendments, stressing that this was a minimum requirement and that departments should endeavour to consolidate at even shorter intervals the texts for which they were responsible, to ensure that the Community rules were clear and readily understandable.
3. The conclusions of the Presidency of the Edinburgh European Council reaffirmed these points, stressing that "*official codification* is important because it provides legal security as to the law which is applicable at a certain moment concerning a specific issue." To ensure not only the quality and the legal security of the texts consolidated, it was also suggested that "a jointly acceptable accelerated working method should be sought allowing codified Community law (replacing existing legislation without changing its substance) to be adopted in a speedy and efficient way".
4. The proposed consolidated version of *Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed* forms part of a much larger programme of consolidation of the provisions on seeds and propagating material for agriculture, horticulture and forestry. It has been drafted in accordance with the fundamental principles agreed by Council, Parliament and the Commission in 1974; it aims at *legislative consolidation*: the existing Directives would be replaced by one new one, which would leave their substance untouched but would assemble them into a single text, with only the formal amendments required by the operation itself⁽¹⁾. This codified text will serve as the basis for future legislative developments in this field.
5. Certain provisions of Directive 66/401/EEC refer to "EEC packaging" and "EEC standards".

The Treaty on European Union replaced the expression "European Economic Community" by "European Community" in the Treaty; the same should now be done in the above provisions.

This may be regarded as a purely formal amendment, but the Member States must none the less transpose it into national legislation if firms are to use labels referring to the EC rather than the EEC. Moreover, there could be a financial impact for these firms if they were required to begin using the new labels forthwith.

For these reasons, and since consolidating directives do not need to be transposed, the original provisions being presumed to have been transposed within the time allowed, it would appear possible to incorporate this amendment in the consolidation proposal as a *purely formal adjustment*.

The Commission will accordingly present a separate *proposal for the amendment* of Directive 66/401/EEC replacing "EEC" by "EC".

This amendment and those already proposed to the Council will, following adoption, be incorporated in the consolidation proposal which should then be before the Council.
6. This *consolidation* proposal was drawn up on the basis of a *preliminary consolidation*, in all the official languages, of Directive 66/401/EEC and the instruments amending it, carried out by the Office for Official Publications of the European Communities, by means of a *data-processing system* referred to in the conclusions of the European Council meeting at Edinburgh. Although the articles have been given new numbers, the former number is printed alongside in each case for the reader's convenience; the correlation between the old and new numbers is shown in a table contained in Annex VII to the consolidated Directive.

⁽¹⁾ Annex VI, part A of this proposal.

Proposal for a
COUNCIL DIRECTIVE .../EC

of

on the marketing of fodder plant seed

95/0305 (CNS)

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,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

- | | | |
|---|---------------|----------------------------|
| 1) Whereas Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed ⁽³⁾ has been frequently and substantially amended; whereas for reasons of clarity and rationality the said Directive should be consolidated; | | |
| 2) Whereas fodder plant production occupies an important place in the agriculture of the Community; | 1. | 66/401/EEC |
| 3) Whereas satisfactory results in fodder plant cultivation depend to a large extent on the use of appropriate seed; whereas to this end certain Member States have for some time restricted the marketing of fodder plant seed to high-quality seed; whereas they have been able to take advantage of the systematic plant selection work carried out over several decades which has resulted in the development of sufficiently stable and uniform fodder plant varieties which, by reason of their characteristics, promise to be of great value for purposes in view; | 2. | |
| 4) Whereas greater productivity will be achieved in Community fodder plant cultivation if for the choice of the varieties permitted to be marketed the Member States apply uniform rules which are as strict as possible; whereas a common catalogue of varieties of agricultural plant species is therefore provided for in Council Directive 95/.../EC ⁽⁴⁾ ; | 3.
+
2. | 71/162/EEC
[70/457/EEC] |

(1) OJ No C ...

(2) OJ No C ...

(3) OJ No 125, 11. 7. 1966, p. 2298/66; as last amended by the Act of Accession AT, FI, SE.

(4) See page ... of this Official Journal.

89

5)	Whereas it is, however, justifiable to restrict marketing to certain varieties only if the user can be sure of actually obtaining seed of those varieties;	4.	66/401/EEC
6)	Whereas certain Member States have for this purpose been applying certification schemes which are intended, by official verification to ensure the identity and purity of the varieties;	5.	
7)	Whereas such schemes already exist at international level; whereas the Organization for Economic Co-operation and Development has established a scheme for the varietal certification of herbage seed moving in international trade;	6.	
8)	Whereas it is desirable to establish a uniform certification scheme for the Community based on the experience gained in the application of that scheme and of national schemes for this product; whereas the Community scheme should therefore apply to marketing both in other Member States and on domestic markets;	7. + 8.	
9)	Whereas it has become apparent, in the course of applying this Directive, that small packages of fodder plant seed form an item of trade within the Community; whereas it accordingly seemed necessary to harmonize this sector;	2. +	75/444/EEC (adapted)
10)	Whereas, as a general rule, fodder plant seed, for whatever use it is intended as grown, should be allowed to be marketed only if it has been officially examined and certified, in accordance with the rules for certification, as basic seed or certified seed or if, in the case of certain genera and species, it has been officially examined and approved as commercial seed; whereas the choice of the technical terms 'basic seed' and 'certified seed' is based on already existing international terminology; whereas, by way of derogation however, Community rules also permit in the case of certain species, certification as 'certified seed' where the seed has been produced from pre-basic seed which has been subject to official examination; whereas the latter is not sufficient for some species; whereas this facility should be extended provided that sufficient guarantees are laid down;	3. 9. +	66/401/EEC
11)	Whereas there should be approval for commercial seed in order to take into account the fact that not all genera and species of fodder plant of importance for cropping have as yet produced either the desired varieties or sufficient quantities of seed of the existing varieties to meet all the needs of the Community; whereas it is therefore necessary, in the case of certain genera and species, to approve fodder plant seed which is not of a named variety, but which satisfies the regulations in all other respects;	4. 10.	78/55/EEC (adapted) 66/401/EEC

12)	Whereas it is appropriate to authorize the Member States, in certain circumstances, to admit for marketing seed of generation prior to basic seed derogating from the established principle that only seed officially certified as 'basic seed' or 'certified seed' are permitted to be marketed;		
13)	Whereas, in the case of fodder plant seed, certain conditions concerning seed testing should be relaxed for those regions of the Community in which very favourable ecological conditions ensure compliance with the relevant Community standards laid down;	2.	79/692/EEC
14)	Whereas fodder plant seed which is not placed on the market should not, in view of its minor economic importance, be subject to Community rules; whereas Member States must retain the right to make such seed subject to special provisions;	11.	66/401/EEC
15)	Whereas Community rules should not apply to seed shown to be intended for export to third countries;	12.	
16)	Whereas, in order to improve not only the genetic quality of Community fodder plant seed but also its external characteristics, certain requirements should be laid down as to analytical purity and germination;	13.	
17)	Whereas, in order to ensure the identity of the seed, Community rules on packaging, sampling, sealing and marking must be established; whereas to this end the labels should give the particulars needed both for official verification and for the information of the farmer and should clearly show the Community nature of the certification of the certified seed of the various categories; whereas in the case of fodder plant seed provision should be made for the possibility of special marking concerning the presence of <i>Avena fatua</i> ;	14. + 2.	73/438/EEC
18)	Whereas it should be ensured that the suppliers' labels required under national provisions are drawn up in such a way that they cannot be confused with the official labels;	7.	88/380/EEC
19)	Whereas it seems advisable that, for the purpose of seeking improved alternative solutions to certain elements of the certification schemes adopted under this Directive, temporary experiments under specific conditions should be organized;	5.	(adapted)
20)	Whereas certain Member States need mixtures of fodder plant seed of several genera and species for special uses; whereas, in order to take these needs into account, Member States should be authorized to approve such mixtures subject to certain conditions;	15.	66/401/EEC

21)	Whereas, in order to ensure that both the requirements as to the quality of the seed and the provisions for ensuring its identity are complied with during marketing, Member States must make provision for appropriate verification arrangements;	16.	
22)	Whereas seed satisfying these requirements should, without prejudice to Article 36 of the Treaty, be subject to no marketing restrictions other than those provided for in Community rules; whereas it is necessary to provide that, in certain circumstances, bred seed of generations prior to basic seed and plants, admitted for marketing in the Member States and in accordance with Community rules, should no longer be subject to marketing restrictions between the Member States;	17. + 2.	72/418/EEC
23)	Whereas restrictions include in particular the obligation of the Member States to restrict the marketing of seed to those varieties allowed by the common catalogue provided for by Directive 95/.../EC;	18.	66/401/EEC (adapted) [70/457/EEC]
24)	Whereas, subject to certain conditions, seed multiplied in another country from basic seed certified in a Member State should be recognized as being equivalent to seed multiplied in that Member State;	19.	
25)	Whereas, on the other hand, provision should be made for authorizing the marketing within the Community of fodder plant seed harvested in third countries only if such seed affords the same assurances as seed officially certified, or officially approved as commercial seed, within the Community and complying with Community rules;	20.	
26)	Whereas, during periods in which there are difficulties in obtaining supplies of certified seed of the various categories, seed of an inferior quality should temporarily be permitted to be marketed, and also seeds of varieties not included either in the common catalogue or in the national catalogue of varieties;	21. + 3.	72/418/EEC
27)	Whereas, in order to harmonize the technical methods of certification used in the Member States and to enable comparisons to be made between seed certified within the Community and that coming from third countries, Community test fields should be established in Member States to permit annual post-control of seed of the various categories of 'certified seed';	22.	66/401/EEC

- 28) Whereas for the exercise of implementation powers conferred on the Commission, it seems appropriate that the Commission be assisted by the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry, according to the Management Committee procedure provided for in Article 2 (II) of Council Decision 87/373/EEC ⁽¹⁾;
- 29) Whereas this Directive must not affect the obligations of the Member States concerning the deadlines for transposition of the Directives set out in Annex VI, part B,

23. (adapted)

HAS ADOPTED THIS DIRECTIVE:

(1) OJ No L 197, 18. 7. 1987, p. 33.

Article 1

This Directive shall apply to fodder plant seed marketed within the Community, irrespective of the use for which the seed as grown is intended.

66/401/EEC

It shall not apply to fodder plant seed shown to be intended for export to third countries.

Article 18

Article 2

L For the purposes of this Directive,

69/63/EEC – Art. 3(1)

A. "Fodder plants" means plants of the following genera and species:

(a) *Gramineae*

Grasses

Agrostis canina L. Velvet bent

79/641/EEC – Art. 1(1)

Agrostis gigantea Roth Redtop

71/162/EEC – Art. 2(1)

Agrostis stolonifera L. Creeping bent grass

Agrostis capillaris L. Brown top

87/120/EEC – Art. 2(1)

Alopecurus pratensis L. Meadow foxtail

66/401/EEC

Arrhenatherum elatius Tall oatgrass
(L.) P. Beauv. ex J.S.
and K.B. Presl

79/641/EEC – Art. 1(1) – 87/120/EEC – Art. 2(1)

Bromus catharticus Rescue grass
Vahl

88/380/EEC – Art. 2(1)

Bromus sitchensis Trin. Alaska brome-grass

Cynodon dactylon (L.) Bermuda grass
Pers.

86/155/EEC – Art. 1(1)

Dactylis glomerata L. Cocksfoot

66/401/EEC

Festuca arundinacea Tall fescue
Schreber

87/120/EEC – Art. 2(1)

Festuca ovina L. Sheep's fescue

Festuca pratensis Hud- Meadow fescue
son

87/120/EEC – Art. 2(1)

Festuca rubra L. Red fescue

Lolium multiflorum Italian ryegrass (including
Lam. Westerwold ryegrass)

71/162/EEC – Art. 2(2)

Lolium perenne L. Perennial ryegrass

Lolium × bouchea- Hybrid ryegrass
num Kunth

87/120/EEC – Art. 2(1)

Phalaris aquatica L. Harding grass, Phalaris

86/155/EEC – Art. 1(1)

<i>Phleum bertolonii</i> DC	Timothy	79/641/EEC – Art. 1(1)
<i>Phleum pratense</i> L.	Timothy	66/401/EEC
<i>Poa annua</i> L.	Annual meadowgrass	71/162/EEC – Art. 2(3)
<i>Poa nemoralis</i> L.	Wood meadowgrass	
<i>Poa palustris</i> L.	Swamp meadowgrass	
<i>Poa pratensis</i> L.	Smooth-stalk meadowgrass	
<i>Poa trivialis</i> L.	Rough-stalk meadowgrass	
<u><i>Trisetum flavescens</i></u> (L.) P. Beauv.	Golden oatgrass	79/641/EEC–Art. 1(1) – 87/120/EEC–Art. 2(1)
This definition shall also cover the following hybrid resulting from the crossing of species referred to above.		92/19/EEC – Art. 1(1)
<i>Festuca pratensis</i> Huds. × <i>Lolium multiflorum</i> Lam.	Hybrid resulting from the crossing of tall fescue with Italian ryegrass (including Westerworld ryegrass) (× <i>Festulolium</i>)	
(b) <i>Leguminosae</i>	<i>Legumes</i>	69/63/EEC – Art. 3(2)
<i>Hedysarum coronarium</i> L.	Sulla	
<i>Lotus corniculatus</i> L.	Birdsfoot trefoil	
<i>Lupinus albus</i> L.	White lupin	71/162/EEC – Art. 2(4)
<i>Lupinus angustifolius</i> L.	Blue lupin	
<i>Lupinus luteus</i> L.	Yellow lupin	
<i>Medicago lupulina</i> L.	Black medick	69/63/EEC – Art. 3(2)
<i>Medicago sativa</i> L.	Lucerne	
<u><i>Medicago</i> × <i>varia</i> T. Martyn</u>	Lucerne	79/641/EEC–Art. 1(2) – 87/120/EEC–Art. 2(1)
<i>Onobrychis viciifolia</i> Scop.	Sainfoin	
<i>Pisum sativum</i> L. (<i>partim</i>)	Field pea	
<i>Trifolium alexandrinum</i> L.	Berseem, Egyptian clover	69/63/EEC – Act. 3(2)
<i>Trifolium hybridum</i> L.	Alsike clover	
<i>Trifolium incarnatum</i> L.	Crimson clover	
<i>Trifolium pratense</i> L.	Red clover	
<i>Trifolium repens</i> L.	White clover	
<i>Trifolium resupinatum</i> L.	Persian clover	

<i>Trigonella foenum-graecum</i> L.	Fenugreek	79/641/EEC – Art. 1(2)
<i>Vicia faba</i> L. (<i>partim</i>)	Field beans	79/641/EEC – Art. 1(3)
<i>Vicia pannonica</i> Crantz	Hungarian vetch	71/162/EEC – Art. 2(5)
<i>Vicia sativa</i> L.	Common vetch	
<i>Vicia villosa</i> Roth	Hairy vetch	
(c) <i>Other species</i>		69/63/EEC – Art. 3(3)
<u><i>Brassica napus</i> L. var. <i>napobrassica</i> (L.) Rchb.</u>	Swede	87/120/EEC – Art. 2(1)
<u><i>Brassica oleracea</i> L. convar. <i>acephala</i> (DC.) Alef. var. <i>medullosa</i> Thell. + var. <i>varidis</i> L.</u>	Fodder kale	87/120/EEC – Art. 2(1)
<i>Phacelia tanacetifolia</i> Benth.	California bluebell	88/380/EEC – Art. 2(1)
<u><i>Raphanus sativus</i> L. var. <i>oleiformis</i> Pers</u>	Fodder radish.	69/63/EEC – Art 3(3) – 87/120/EEC – Art. 2(1)
B. 'Basic Seed':		66/401/EEC
1. 'Seed of bred varieties' means seed		
(a) which has been produced under the responsibility of the breeder according to accepted practices for the maintenance of the variety;		
(b) which is intended for the production of seed of the category 'certified seed';		
(c) which, subject to the provisions of Article 4, satisfies the conditions laid down in Annexes I and II for basic seed; and		
(d) which has been found by official examination to satisfy the abovementioned conditions;		
2. 'Seed of local varieties' means seed		
(a) which has been produced under official control from material officially accepted as being of the local variety on one or more holdings situated within a clearly demarcated region of origin;		
(b) which is intended for the production of seed of the category 'certified seed';		

- (c) which, subject to the provisions of Article 4, satisfies the conditions laid down in Annexes I and II for basic seed; and
- (d) which has been found by official examination to satisfy the abovementioned conditions;
- C. 'Certified seed' means seed
- (a) which has been produced directly from basic seed or certified 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 the production of seed of the category 'certified seed' or of plants;
- (c) which, subject to the provisions of point (b) of Article 4, 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;
- D. 'Commercial seed' means seed
- (a) which is identifiable as belonging to a species
- (b) which, subject to the provisions of Article 4 (b), satisfies the conditions laid down in Annex II for commercial seed; and
- (c) which has been found by official examination to satisfy the abovementioned conditions.
- E. 'Official measures' means measures taken
- (a) by State authorities, or
- (b) by any legal person whether governed by public or by private law, acting under the responsibility of the State, or
- (c) in the case of ancillary activities which are also subject to State control, by any natural person duly sworn for that purpose,
- provided that the persons mentioned under (b) and (c) derive no private gain from such measures;
- 66/401/EEC
- 69/63/EEC – Art. 3(4) – Corrigendum, English Special Edition, p. 30
- 66/401/EEC

- F. 'Small EEC A packages' means packages containing a mixture of seeds not intended for the production of fodder plants, with a net weight not exceeding 2 kg excluding, where appropriate, granulated pesticides, pelleting substances or other solid additives;
- G. 'Small EEC B packages' means packages containing certified seed, commercial seed or — if the packages concerned are not small EEC A packages — a mixture of seeds with a net weight not exceeding 10 kg excluding, where appropriate, granulated pesticides, pelleting substances or other solid additives.

75/444/EEC — Art. 2(1)

2. Amendments to be made to the list of species referred to in point A of paragraph 1 in the light of the development of scientific or technical knowledge concerning the names and hybrids resulting from the crossing of species covered by this Directive shall be adopted in accordance with the procedure laid down in Article 25 (2).

78/55/EEC — Art. 2(1)

88/380/EEC — Art. 2(2)

3. The different types of varieties, including the components, eligible for certification under this Directive may be specified and defined in accordance with the procedure laid down in Article 25 (2).

88/380/EEC — Art. 2(4)

4. Member States may be authorized in accordance with the procedure laid down in Article 25 (2) to permit, by way of derogation from point C (a) of paragraph 1, to be certified as certified seed seeds of self-pollinating or apomictic species which have been entered for certification as basic seed and which have been produced directly from a generation prior to basic seed but which has not been officially examined. This provision shall not apply to hybrid seeds. Certification as certified seed may occur only if this is requested by the applicant for certification with the agreement of the breeder and if an official post-control test based on samples taken officially and carried out at the latest during the growing season of the entered seeds shows that the seeds from the previous generation have met the requirements for basic seed in respect of varietal identity and purity. In this case the breeder shall, when the samples are taken, state the total area which has been under production of seed of the previous generation. These conditions may be amended in the light of development of scientific or technical knowledge in accordance with the procedure laid down in Article 25 (2).

78/55/EEC—Art. 2(1) — 88/380/EEC—Art. 2(3)

Member States shall require that the official labels for seeds marketed in accordance with the authorization referred to in the first subparagraph be marked: 'passed for marketing in . . . (Member State concerned) only'; in addition Member States may require in this case that the official labels also be marked: 'intended for further multiplication only'.

78/55/EEC – Art. 2(1)

5. Member States may be authorized, in accordance with the procedure laid down in Article 25 (2), not to apply in respect of the production of a given Member State the condition contained in Annex II, section I, point 2, paragraph B (1) for one or more of the species concerned, if it can be assumed from ecological conditions and previous experience that the standards laid down in Annex II, section I, point 2, column 13 of the table are being complied with.

79/692/EEC – Art. 1 – 88/380/EEC – Art. 2(3)

6. 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 to comply with this Directive, and by way of derogation from point C of paragraph 1, certify as certified seed produced directly from seed officially verified in a Member State under the scheme in operation at that time and which affords the same assurances as seed certified as basic seed or certified seed in accordance with the principles of this Directive.

69/63/EEC – Art. 3(5)

Corrigendum, English Special Edition, p. 30

Article 3

1. Without prejudice to the provisions of Directive 95/.../EC, Member States shall provide that seed of:

69/63/EEC – Art. 4
[70/457/EEC]

Brassica napus L. var. *napobrassica* (L.) Rehb.

87/120/EEC – Art. 2(2)

Brassica oleracea L. convar. *acephala* (DC.) Alef. var. *medullosa* Thell. + var. *viridis* L.

Dactylis glomerata L.

69/63/EEC – Art. 4

Festuca arundinacea Schreber

87/120/EEC – Art. 2(2)

Festuca pratensis Hudson

Festuca rubra L. × *Festulolium*

69/63/EEC – Art. 4 – 92/19/EEC – Art. 1(2)

Lolium multiflorum Lam.

71/162/EEC – Art. 2(6)

Lolium perenne L.

Lolium × *boucheanum* Kunth

87/120/EEC – Art. 2(2)

Phleum pratense L.

69/63/EEC – Art. 4

Medicago sativa L.

Medicago × *varia* T. Martyn | 87/120/EEC – Art. 2(2)

Pisum sativum L. | 79/641/EEC – Art. 1(4)

Raphanus sativus L. var. *oleiformis* Pers. | 87/120/EEC – Art. 2(2)

Trifolium repens L. | 69/63/EEC – Art. 4

Trifolium pratense L.

may not be placed on the market unless it has been officially certified as 'basic seed' or 'certified seed' and unless it satisfies the conditions laid down in Annex II.

2. Member States shall provide that fodder plant seed of genera and species other than those listed in paragraph 1 may not be placed on the market unless the seed has been officially certified as 'basic seed' or 'certified seed', or is commercial seed, and unless the seed also satisfies the conditions laid down in Annex II.

66/401/EEC

3. The Commission may, in accordance with the procedure laid down in Article 25 (2), provide that after specified dates seed of genera and species of fodder plant other than those listed in paragraph 1 may not be placed on the market unless it has been officially certified as 'basic seed' or 'certified seed'.

4. Member States shall ensure that the official examinations are carried out in accordance with current international methods, insofar as such methods exist.

5. Member States may provide for derogations from the provisions of paragraphs 1 and 2:

- (a) for bred seed of generations prior to basic seed;
- (b) for tests or for scientific purposes;
- (c) for selection work;
- (d) for seed as grown, marketed for processing, provided that the identity of the seed is ensured.

Article 4

Member States may, however, by way of derogation from the provisions of Article 3:

- (a) authorize the official certification and marketing of basic seed which does not satisfy the conditions laid down in Annex II in respect of germination; a similar derogation may also be granted in respect of certified seed of *Trifolium pratense* where such seed is intended for the further production of other certified seed.

In such cases, all necessary measures shall be taken to ensure that the supplier guarantees a specific germination which he shall state for marketing purposes on a special label bearing his name and address and the reference number of the seed lot;

Corrigendum, English Special Edition, p. 30

(b) in order to make seed rapidly available, notwithstanding the fact that official examination to check compliance with the conditions laid down in Annex II in respect of germination has not been concluded, authorize the official certification or approval and marketing as far as the first buyer by way of trade of seed of the categories 'basic seed', 'certified seed' or 'commercial seed'. Certification or approval shall be granted only on presentation of a provisional analytical report on the seed and provided that the name and address of the first recipient are given; all necessary measures shall be taken to ensure that the supplier guarantees the germination ascertained at the provisional analysis; this germination shall be stated for marketing purposes on a special label bearing the name and address of the supplier and the reference number of the lot.

66/401/EEC

These provisions shall not apply to seed imported from third countries, save as otherwise provided in Article 15 in respect of multiplication outside the Community.

Article 5

Member States may, as regards the conditions laid down in Annexes I and II, impose additional or more stringent requirements for the certification and examination of commercial seed produced in their own territory.

Article 6

Member States shall provide that the description of the genealogical components which may be required is, if the breeder so requests, treated as confidential.

71/162/EEC – Art. 2(7)

Article 7

1. Member States shall require that, for the checking of varieties, the examination of seed for certification and the examination of commercial seed, samples are drawn officially in accordance with appropriate methods.

66/401/EEC

2. For the examination of seed for certification and the examination of commercial seed, samples shall be drawn from homogeneous lots; the maximum weight of a lot and the minimum weight of a sample are given in Annex III.

Article 8

1. Member States shall require that basic seed, certified seed and commercial seed be marketed only in sufficiently homogeneous lots and in sealed packages bearing, as prescribed in Article 9, 10 or 11, whichever is appropriate, a sealing system and markings.

69/63/EEC – Art. 5 – Corrigendum, English
Special Edition, p. 16
75/444/EEC – Art. 2(2)

2. Member States may, for the marketing of small quantities to the final consumer, provide for derogations from the provisions of paragraph 1 in respect of packaging, sealing and marking.

Article 9

1. Member States shall require that packages of basic seed, certified seed and commercial seed, except where seed of the two latter categories takes the form of small EEC B packages, be sealed officially or under official supervision in such a manner that they cannot be opened without damaging the sealing system or leaving evidence of tampering on either the official label provided for in Article 10 (1) or the package.

78/692/EEC – Art. 2(1)

In order to ensure sealing, the sealing system shall comprise at least either the official label or the affixing of an official seal.

The measures provided for in the second subparagraph shall not be necessary where a non-reusable sealing system is used.

In accordance with the procedure laid down in Article 25 (2), it may be established whether a particular sealing system complies with the provisions of this paragraph.

2. Member States shall require that, except in the case of small EEC B packages, packages shall not be resealed on one or more occasions unless this is done officially or under official supervision. If packages are resealed, the fact of resealing, the date of resealing and the authority responsible therefor shall be stated on the label required under Article 10 (1).

75/444/EEC – Art. 2(3)

78/692/EEC – Art. 2(2)

3. Member States shall require that small EEC B packages be sealed in such a manner that they cannot be opened without damaging the sealing system or leaving evidence of tampering on the label or package. In accordance with the procedure laid down in Article 25 (2), it may be established whether a particular sealing system complies with the provisions of this paragraph. Packages shall not be resealed on one or more occasions except under official supervision.

78/692/EEC – Art. 2(3)

4. Member States may provide for exceptions to paragraphs 1 and 2 in the case of small packages of basic seed.

75/444/EEC – Art. 2(3)

Article 10

1. Member States shall require that packages of basic seed, certified seed and commercial seed, except where seed of the last two categories takes the form of small EEC B packages:

78/55/EEC – Art. 2(2)

- (a) be labelled on the outside with an official label which has not previously been used, which satisfies the conditions laid down in Annex IV (A) and on which the information is given in one of the official languages of the Community. The colour of the label shall be white for basic seed, blue for certified seed of the first generation after basic seed, red for certified seed of subsequent generations and brown for commercial seed. When a label with a string-hole is used, its attachment shall be ensured in all cases with an official seal. If, in cases under point (a) of Article 4, the basic seed or certified seed does not satisfy the conditions laid down in Annex II in respect of germination, this fact shall be stated on the label. The use of official adhesive labels shall be authorized. In accordance with the procedure laid down in Article 25 (2), the indelible printing under official supervision of the prescribed information on the package according to the label's model may be authorized;
- (b) contain an official document, in the same colour as the label, giving at least the information required under Annex IV (A) (I) (a) (3), (5) and (6) and, in the case of commercial seed, under (b) (2), (4) and (6). This document shall be drawn up in such a manner that it cannot be confused with the official label referred to under (a). This document is not necessary if the information is printed indelibly on the package or if, in accordance with the provisions under (a), an adhesive label or a label of non-tear material is used.

2. Member States may provide for exceptions to paragraph 1 in the case of small packages of basic seed where they are marked: 'passed for marketing in: . . . (Member State concerned) only'.

Article 11

1. Member States shall require that small EEC B packages:

- (a) bear on the outside in accordance with Annex IV (B) a supplier's label, a printed notice or stamp in one of the official languages of the Community; in the case of transparent packages this label may be placed inside, provided it can be read through the package; as regards the colour of the label, Article 10 (1) (a) shall apply;

78/55/EEC – Art. 2(2)

Article 10a

75/444/EEC – Art. 2(6)

(b) bear on the outside or on the supplier's label provided for in point (a) an officially assigned serial number; should an official adhesive label be used, Article 10 (1) (a) shall apply as regards its colour; the methods of attaching the said serial number may be fixed in accordance with the procedure laid down under Article 25 (2).

75/444/EEC – Art. 2(6)

2. Member States may require that an official adhesive label containing part of the information prescribed in Annex IV (B) is used for the marking of small EEC B packages packed in their territory; insofar as the information is given on such label, the marking provided for in point (a) of paragraph 1 shall not be required.

Article 12

Article 10b

Member States may provide that, on request, small EEC B packages of certified seed and commercial seed are sealed and marked officially or under official supervision according to Articles 9 (1) and 10.

78/55/EEC – Art. 2(3)

Article 13

Article 10c

Member States shall take all measures necessary to ensure that, in the case of small packages of seed, the identity of the seed can be checked, in particular at the time when seed lots are divided up. To this end they may require that small packages divided up in their territory shall be sealed officially or under official supervision.

Article 14

Article 11

1. This Directive shall not affect the right of Member States to require that, in cases other than those provided for by this Directive, packages of basic seed, certified seed or commercial seed, whether the seed has been produced in their own territory or imported, must, if the seed is to be marketed within their territory, bear a supplier's label or that seed lots complying with the special conditions concerning the presence of *Avena fatua* laid down according to the procedure provided for in Article 25 (2), must be accompanied by an official certificate attesting compliance with these conditions.

66/401/EEC – 88/380/EEC – Art. 2(5)

75/444/EEC – Art. 2(7) – Corrigendum, English Special Edition, p. 16

73/438/EEC – Art. 2(3)

2. The label referred to in paragraph 1 shall be drawn up in such a manner that it cannot be confused with the official label referred to in Article 10 (1).

88/380/EEC – Art. 2(6)

Article 15

Article 12

Member States shall require that any chemical treatment of basic seed, certified seed or commercial seed be noted either on the official label or on the supplier's label and on the package or inside it.

66/401/EEC

Corrigendum, English Special Edition, p. 16

Article 16

1. Member States shall require that fodder plant seed in the form of mixtures of seed of various genera, species or varieties or of mixtures containing seed of plants which are not fodder plants within the meaning of this Directive may be marketed only if they are not intended for the production of fodder plants and if the various components of the mixture complied, before mixing, with the marketing regulations applicable to them.

2. Notwithstanding paragraph 1, Member States may also authorize the marketing of fodder plant seed in the form of mixtures:

- if such mixtures are intended for the production of fodder plants, or
- if these mixtures contain seed of plant species for which Community provisions do not provide that they may be mixed with seed of fodder plants.

3. Articles 8, 9, 12, 14 and 15 shall apply, and, providing, however, the label is green in colour, Articles 10 and 11. For this purpose, small EEC A packages shall be considered small EEC B packages.

However, for small EEC A packages, the officially assigned serial number provided for in paragraph 1 (b) of Article 11 shall not be required.

In applying paragraph 2, Member States may authorize derogations from this Directive for small packages as regards maximum quantities and the information to be provided when marking, if such packages are marked: 'Passed for marketing in . . . (Member State concerned) only'.

Article 17

For the purpose of seeking improved alternatives to certain elements of the certification scheme adopted under this Directive, it may be decided to organize temporary experiments under specified conditions at Community level in accordance with the procedure laid down in Article 25 (2).

In the framework of such experiments, Member States may be released from certain obligations laid down in this Directive. The extent of that release shall be defined with reference to the provisions to which it applies. The duration of an experiment shall not exceed seven years.

Article 13

75/444/EEC – Art. 2(8)

Article 13a

88/380/EEC – Art. 2(7)

1. Member States shall ensure that:
- basic seed and certified seed which has been officially certified and the packaging of which has been marked and sealed officially or under official supervision, pursuant to this Directive,
 - commercial seed which has been officially tested and the packaging of which has been marked and sealed officially or under official supervision, pursuant to this Directive,
 - certified seed which has been officially certified and officially tested commercial seed which take the form of small EEC B packages which have been marked and sealed pursuant to this Directive,
 - seed in the form of mixtures, produced in accordance with this Directive and not intended for the production of fodder plants, whose packaging has been marked and sealed pursuant to this Directive,

is not subject to any marketing restrictions as regards its characteristics, examination requirements, marking and sealing other than those laid down in this Directive.

2. The Commission, in accordance with the procedure provided for in Article 25 (2), shall for the marketing of forage crop seeds authorize, in respect of the whole or parts of the territory of one or more Member States, provisions which are more strict than those laid down in Annex II concerning the presence of *Avena fatua* in those seeds, if similar provisions are applied to the home production of those seeds and if there is a campaign to eradicate *Avena fatua* from forage crops grown in the region in question.

3. Member States may:
- (a) in so far as measures taken by the Commission under Article 3 (3) have not entered into force, provide that after specified dates seed of genera and species of fodder plant other than those listed in Article 3 (1) may not be placed on the market unless it has been officially certified as 'basic seed' or 'certified seed';
 - (b) adopt provisions concerning the maximum moisture content accepted for marketing;
 - (c) restrict the marketing of certified fodder plant seed to that of the first generation after basic seed;

75/444/EEC – Art. 2(9)

78/55/EEC – Art. 2(4)

78/55/EEC – Art. 2(4)

Act of Accession DA, IRL, UK – Art. 29

66/401/EEC

4. Member States which have provided for exemptions in accordance with the provisions of point (a) of Article 3 (5) shall ensure that bred seed of generations prior to basic seed are subject to no marketing restrictions on account of their characteristics, examination arrangements, marking and sealing,

72/418/EEC – Art. 2(3)

Corrigendum, English Special Edition, p. 106

(a) if it has been officially checked by the competent certification authority, in accordance with the provisions applicable for the certification of basic seed,

Corrigendum, English Special Edition, p. 106

(b) if it is packed in accordance with the provisions of this directive, and

(c) if its packages bear an official label giving at least the following particulars:

Corrigendum, English Special Edition, p. 106

— certification authority and Member State or their distinguishing abbreviation

— lot reference number

Corrigendum, English Special Edition, p. 106

— month and year of sealing,

or

— month and year of the last official sampling for the purposes of certification

78/692/EEC – Art. 2(4)

— species, indicated at least under its botanical name, which may be given in abridged form and without the authorities' names, in roman characters,

88/380/EEC – Art. 2(8)

— variety, indicated at least in roman characters,

— the description 'pre-basic seed'

72/418/EEC – Art. 2(3)

— number of generations preceding seed of the category 'certified seed' of the first generation.

Corrigendum, English Special Edition, p. 106

The label shall be white with a diagonal violet line.

Corrigendum, English Special Edition, p. 106

In accordance with the procedure laid down in Article 25 (2), Member States may be released from the requirement to indicate the botanical name in respect of individual species and, where appropriate, for limited periods where it has been established that the disadvantages of its implementation outweigh the advantages expected for the marketing of seed.

88/380/EEC – Art. 2(9)

1. The Member States shall provide that fodder plant seed

88/380/EEC – Art. 2(10)

- which has been produced directly from basic seed or certified seed officially certified either in one or more Member States or in a third country which has been granted equivalence under point (b) of Article 20, or which has been produced directly from the crossing of basic seed officially certified in a Member State with basic seed officially certified in such a third country, and

- which has been harvested in another Member State,

shall, on request and without prejudice to the provisions of Directive 95/.../EC, be officially certified as certified seed in any Member State if that seed has undergone field inspection satisfying the conditions laid down in Annex I for the relevant category and if official examination has shown that the conditions laid down in Annex II for the same category are satisfied.

[70/457/EEC]

Where in such cases the seed has been produced directly from officially certified seed of generations prior to basic seed, Member States may also authorize official certification as basic seed, if the conditions laid down for that category are satisfied.

2. Fodder plant seed which has been harvested in another Member State, and which is intended for certification in accordance with the provisions laid down in 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 the provisions laid down in Article 9 (1), and
- be accompanied by an official document satisfying the conditions laid down in Annex V (C).

3. Member States shall also provide that fodder plant seed

- which has been produced directly from basic seed or certified seed officially certified either in one or more Member States or in a third country which has been granted equivalence under point (b) of Article 20, or which has been produced directly from the crossing of basic seed officially certified in a Member State with basic seed officially certified in such a third country, and

- which has been harvested in a third country,

shall, on request, be officially certified as certified seed in any of those Member States where the basic seed or certified seed referred to above was either produced or officially certified, if the seed has undergone field inspection satisfying the conditions laid down in an equivalence decision made under Article 20 (a) for the relevant category, and if official examination has shown that the conditions laid down in Annex II for the same category are satisfied. Other Member States may also authorize official certification of such seed.

88/380/EEC – Art. 2(10)

Article 20

Article 16

1. The Council, acting by a qualified majority on a proposal from the Commission, shall determine whether:

66/401/EEC

(a) in the case provided for in Article 19, the field inspections in the third country satisfy the conditions laid down in Annex I;

(b) beet seed harvested in a third country and affording the same assurances as regards its characteristics and the arrangements for its examination, for ensuring its identity, for marking and for control is equivalent in these respects to basic seed or certified seed harvested within the Community and complying with the provisions of this Directive.

Corrigendum, English Special Edition, p. 16

2. Paragraph 1 shall also apply in respect of any new Member State from the date of its accession to the date on which it is to bring into force the laws, regulations or administrative provisions necessary to comply with this Directive.

72/274/EEC – Art. 2

Article 21

Article 17

1. In order to remove any temporary difficulties in the general supply of basic seed, certified seed or commercial seed that occur in one or more Member States and cannot be overcome within the Community, one or more Member States may be authorized, according to the procedure laid down in Article 25 (2), to permit, for a specified period, the marketing of seed of a category subject to less stringent requirements, or of seed of varieties not included in the common catalogue or in their national catalogue of varieties.

72/418/EEC – Art. 2(4)

2. For a category of seed of any given variety, the official label shall be that provided for the corresponding category; in all other cases it 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.

66/401/EEC

3. Rules for the application of paragraph 1 may be adopted in accordance with the procedure laid down in Article 25 (2).

88/332/EEC – Art. 2

Article 22

1. Member States shall make suitable arrangements for fodder plant seed to be officially controlled verified marketing, at least by sampling, as regards its compliance with the requirements of this Directive.

2. Member States shall take all necessary measures to ensure that the following particulars are presented during the marketing of quantities exceeding 2 kg of seed coming from another Member State or from a third country:

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

The manner in which these particulars must be presented may be determined in accordance with the procedure laid down in Article 25 (2).

Article 23

1. Community comparative tests shall be carried out within the Community for the post-control of samples of basic seed, with the exception of that of hybrid or synthetic varieties, and of certified seed of fodder plants, taken during sampling. Satisfaction of the conditions with which the seed must comply may be checked during the post-control tests. The arrangements for holding the tests and their results shall be submitted to the Committee referred to in Article 25 (2).

2. These comparative tests shall be used to harmonize the technical methods of certification so as to obtain results which are equivalent. Annual progress reports shall be made on these tests and sent in confidence to the Member States and to the Commission. The Commission shall, in accordance with the procedure laid down in Article 25 (2), set the date for the first report.

3. The Commission, acting in accordance with the procedure laid down in Article 25 (2), shall make the necessary arrangements for the comparative tests to be carried out. Fodder plant harvested in third countries may be included in the comparative tests.

Article 19

66/401/EEC - 72/418/EEC - Art. 2(5)

72/418/EEC - Art. 2(6)

Article 20

71/162/EEC - Art. 2(10)

66/401/EEC

Article 24

Amendments to be made to the content of the Annexes in the light of the development of scientific or technical knowledge shall be adopted according to the procedure laid down in Article 25 (2).

73/438/EEC – Art. 2(5)

Article 21a

Article 25

1. The Commission shall be assisted by the Standing Committee on Seeds on Propagating Material for Agriculture, Horticulture and Forestry set up by Council Decision 66/399/EEC ⁽¹⁾.

87/373/EEC
(adapted)

Article 21

2. The representative of the Commission shall submit a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith. In that event, the Commission may defer application of the measures which it has decided for a period of not more than one month from the date of such communication.

The Council, acting by a qualified majority, may take a different decision within the time limit referred to in the second subparagraph.

3. The Committee, on request by the chairman or of one of the Member States, may examine any questions relevant to the subject matter of this Directive.

66/399/EEC – Art. 2

Article 26

This Directive shall be without prejudice to the provisions of national laws justified on grounds of the protection of health and life of humans, animals or plants or the protection of industrial and commercial property.

66/401/EEC

Article 22

Article 27

Upon application by a Member State, which will be dealt with as provided in Article 25 (2), that State may be wholly or partially released from the obligation to apply this Directive in respect of certain species if seed of those species is not normally reproduced or marketed in its territory.

69/63/EEC – Art. 2(11)

Article 23a

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2289/66.

Article 28

1. The Directives listed in Annex VI Part A, are hereby repealed without prejudice to the obligations of the Member States concerning the deadlines for transposition of the said Directives set out in Annex VI Part B.

2. References to the repealed Directives shall be construed as references to this Directive and should be read in accordance with the correlation table set out in Annex VII.

Article 29

This Directive shall enter into force the twentieth day following that of its publication in the *Official Journal of the European Communities*.

Article 30

This Directive is addressed to the Member States.

Done at Brussels,

For the Council,
The President

CONDITIONS TO BE SATISFIED BY THE CROP

1. The previous cropping of the field shall not have been incompatible with the production of seeds of the species and variety of the crop, and the field shall be sufficiently free from such plants which are volunteers from previous cropping.
2. The crop shall conform to the following standards as regards distances from neighbouring sources of pollen which may result in undesirable foreign pollination:

Crop	Minimum distance
1	2
<i>Brassica</i> spp., <i>Phacelia tanacetifolia</i> :	
— for the production of basic seed	400 m
— for the production of certified seed	200 m
Species or varieties other than <i>Brassica</i> spp., <i>Phacelia tanacetifolia</i> , <i>Pisum sativum</i> , varieties of <i>Poa pratensis</i> referred to in the second part of the third sentence of paragraph 4:	
— for the production of seed intended for multiplication, fields up to two hectares	200 m
— for the production of seed intended for multiplication, fields over two hectares	100 m
— for the production of seed intended for the production of fodder plants, fields up to two hectares	100 m
— for the production of seed intended for the production of fodder plants, fields over two hectares	50 m

88/380/EEC - Art. 2(11)

88/380/EEC - Art. 2(11)

79/641/EEC - Art. 1(5) - 85/38/EEC - Art. 1(1)

These distances can be disregarded if there is sufficient protection from any undesirable foreign pollination.

3. Plants of other species, the seeds of which are difficult to distinguish from the crop seeds in a laboratory test, shall be at a low level. 78/386/EEC – Art. 1(1)

In particular, crops of *lolium* species or \times *Festulolium* shall conform to the following conditions: the number of plants of a *lolium* species or \times *Festulolium* other than the crop species shall not exceed:

92/19/EEC – Art. 1(3)

92/19/EEC – Art. 1(3)

- one per 50 m² for the production of basic seed,
- one per 10 m² for the production of certified seed.

4. The crop shall have sufficient varietal identity and varietal purity. In particular, crops other than those of the species *Pisum sativum*, *Vicia faba*, *Brassica napus* var. *napobrassica*, *Brassica oleracea* convar. *acephala*, or of *Poa pratensis* shall conform to the following standards: the number of plants of the crop species which are recognizable as obviously not being true to the variety shall not exceed:

81/126/EEC – Art. 1(1)

82/287/EEC – Art. 1(1)

85/38/EEC – Art. 1(2)

- one per 30 m² for the production of basic seed,
- one per 10 m² for the production of certified seed.

In the case of *Poa pratensis*, the number of plants of the crop species which are recognizable as obviously not being true to the variety shall not exceed:

85/38/EEC – Art. 1(3)

- one per 20 m² for the production of basic seed,
- four per 10 m² for the production of certified seed;

however, in the case of varieties which are officially classified as 'apomictic uni-clonal varieties' under agreed procedures, a number of plants recognizable as not being true to the variety, which does not exceed six per 10 m², may be regarded as satisfying the before-mentioned standards for the production of certified seed. Upon application, a Member State may be authorized, in accordance with the procedure laid down in Article 25 (2), to assess the satisfaction of the varietal purity standards in the case of crops of *Poa pratensis* belonging to such varieties not only on the basis of the results of the field inspection carried out in accordance with paragraph 6 of Annex I, where there is evidence that compliance with the varietal purity standards set up in Annex II is ensured by appropriate seed testing or other appropriate means.

In the case of the species *Pisum sativum*, *Vicia faba*, *Brassica napus* var. *napobrassica*, *Brassica oleracea* convar. *acephala*, only the first sentence is applicable.

81/126/EEC—Art. 1(2) — 82/287/EEC—Art. 1(1)

5. Harmful organisms which reduce the usefulness of the seed shall be at the lowest possible level.
6. The satisfaction of the abovementioned standards or other conditions shall be examined in official field inspections.

78/386/EEC — Art. 1(1)

These field inspections shall be carried out in accordance with the following conditions:

- A. The condition and the stage of development of the crop shall permit an adequate examination.
- B. There shall be at least one field inspection.
- C. The size, the number and the distribution of the portions of the field to be inspected in order to examine the satisfaction of the provisions of this Annex shall be determined in accordance with appropriate methods.

ANNEX II

CONDITIONS TO BE SATISFIED BY THE SEED

I. CERTIFIED SEED

78/386/EEC – Art. 1(2)

1. The seed shall have sufficient varietal identity and purity.

82/287/EEC – Art. 2(1)

In particular, the seeds of the species listed below shall conform to the following standards or other conditions. The minimum varietal purity shall be:

— *Poa pratensis*, varieties referred to in the second part of the third sentence of paragraph 4 of Annex I: 98 %

85/38/EEC – Art. 2(1)

— *Pisum sativum*, *Vicia faba*, *Brassica napus* var. *napobrassica*, *Brassica oleracea* conv. *acephala*:

— certified seed, 1st generation: 99 %,

— certified seed, 2nd and subsequent generations: 98 %.

The minimum varietal purity shall be examined mainly in field inspections carried out in accordance with the conditions laid down in Annex I.

2. The seed shall conform to the following standards or other conditions as regards germination, analytical purity and content of seeds of other plant species, including Lupin seeds of another colour and of bitter Lupin seeds:

78/386/EEC – Art. 1(2)

A. Table:

Species	Germination		Analytical purity				
	Minimum germination (% of pure seed)	Maximum content of hard seed (% of pure seed)	Minimum analytical purity (% of weight)	Maximum content of seeds of other plant species (% of weight)			
				Total	A single species	<i>Agropyron repens</i>	
1	2	3	4	5	6	7	
GRAMINEAE							
<i>Agrostis canina</i>	75 (a)		90	2,0	1,0	0,3	79/641/EEC – Art. 1(6)
<i>Agrostis gigantea</i>	80 (a)		90	2,0	1,0	0,3	
<i>Agrostis stolonifera</i>	75 (a)		90	2,0	1,0	0,3	
<i>Agrostis capillaris</i>	75 (a)		90	2,0	1,0	0,3	87/120/EEC – Art. 2(3)
<i>Alopecurus pratensis</i>	70 (a)		75	2,5	1,0 (f)	0,3	89/100/EEC – Art. 1
<i>Arrhenatherum elatius</i>	75 (a)		90	3,0	1,0 (f)	0,5	
<i>Bromus catharticus</i>	75 (a)		97	1,5	1,0	0,5	88/380/EEC – Art. 2(14)
<i>Bromus sitchensis</i>	75 (a)		97	1,5	1,0	0,5	
<i>Cynodon dactylon</i>	70 (a)		90	2,0	1,0	0,3	86/155/EEC – Art. 1(3)
<i>Dactylis glomerata</i>	80 (a)		90	1,5	1,0	0,3	78/386/EEC – Art. 1(2)
<i>Festuca arundinacea</i>	80 (a)		95	1,5	1,0	0,5	
<i>Festuca ovina</i>	75 (a)		85	2,0	1,0	0,5	
<i>Festuca pratensis</i>	80 (a)		95	1,5	1,0	0,5	
<i>Festuca rubra</i>	75 (a)		90	1,5	1,0	0,5	
× <i>Festulolium</i>	75 (a)		96	1,5	1,0	0,5	92/19/EEC – Art. 1(4)
<i>Lolium multiflorum</i>	75 (a)		96	1,5	1,0	0,5	78/386/EEC – Art. 1(2)
<i>Lolium perenne</i>	80 (a)		96	1,5	1,0	0,5	
<i>Lolium</i>							87/120/EEC – Art. 2(3)
× <i>boucheanum</i>	75 (a)		96	1,5	1,0	0,5	
<i>Phalaris aquatica</i> L.	75 (a)		96	1,5	1,0	0,3	86/155/EEC – Art. 1(3)
<i>Phleum bertolonii</i>	80 (a)		96	1,5	1,0	0,3	78/386/EEC – Art. 1(2)
<i>Phleum pratense</i>	80 (a)		96	1,5	1,0	0,3	
<i>Poa annua</i>	75 (a)		85	2,0 (c)	1,0 (c)	0,3	
<i>Poa nemoralis</i>	75 (a)		85	2,0 (c)	1,0 (c)	0,3	
<i>Poa palustris</i>	75 (a)		85	2,0 (c)	1,0 (c)	0,3	

Analytical purity				Maximum content of seeds of other plant species in a sample of the weight specified in column 4 of Annex III (total per column)			Conditions as regards content of Lupin seeds of another colour and of bitter Lupin seeds
Maximum content of seeds of other plant species (% by weight)							
<i>Alopecurus myosuroides</i>	<i>Melilotus</i> spp.	<i>Raphanus raphanistrum</i>	<i>Sinapis arvensis</i>	<i>Avena fatua</i> , <i>Avena ludoviciana</i> , <i>Avena sterilis</i>	<i>Cuscuta</i> spp.	<i>Rumex</i> spp. other than <i>Rumex acetosella</i> and <i>Rumex maritimus</i>	
8	9	10	11	12	13	14	15
0,3				0	0 (j)(k)	2 (n)	78/386/EEC – Art. 1(2)
0,3				0	0 (j)(k)	2 (n)	80/754/EEC – Art. 1(1)
0,3				0	0 (j)(k)	2 (n)	81/126/EEC – Art. 2
0,3				0	0 (j)(k)	2 (n)	81/126/EEC – Art. 2
0,3				0	0 (j)(k)	5 (n)	81/126/EEC – Art. 2
0,3				0	0 (j)(k)	5 (n)	87/480/EEC – Art. 1(1)
0,3				0 (g)	0 (j)(k)	5 (n)	87/480/EEC – Art. 1(1)
0,3				0 (g)	0 (j)(k)	10 (n)	88/380/EEC – Art. 2(14)
0,3				0 (g)	0 (j)(k)	10 (n)	
0,3				0	0 (j)(k)	2	86/155/EEC – Art. 1(3)
0,3				0	0 (j)(k)	5 (n)	78/386/EEC – Art. 1(2) – 87/480/EEC – Art. 1(1)
0,3				0	0 (j)(k)	5 (n)	87/480/EEC – Art. 1(1)
0,3				0	0 (j)(k)	5 (n)	87/480/EEC – Art. 1(1)
0,3				0	0 (j)(k)	5 (n)	87/480/EEC – Art. 1(1)
0,3				0	0 (j)(k)		5 (n) 92/19/EEC – Art. 1(4)
0,3				0	0 (j)(k)	5 (n)	78/386/EEC – Art. 1(2) – 87/480/EEC – Art. 1(1)
0,3				0	0 (j)(k)	5 (n)	87/480/EEC – Art. 1(1)
0,3				0	0 (j)(k)	5 (n)	87/480/EEC – Art. 1(1)
0,3				0	0 (j)(k)	5	86/155/EEC – Art. 1(3) – 87/480/EEC – Art. 1(1)
0,3				0	0 (k)	5	78/386/EEC – Art. 1(2)
0,3				0	0 (k)	5	
0,3				0	0 (j)(k)	5 (n)	81/126/EEC – Art. 2
0,3				0	0 (j)(k)	2 (n)	81/126/EEC – Art. 2
0,3				0	0 (j)(k)	2 (n)	81/126/EEC – Art. 2

Species	Germination		Analytical purity			
	Minimum germination (% of pure seed)	Maximum content of hard seed (% of pure seed)	Minimum analytical purity (% of weight)	Maximum content of seeds of other plant species (% of weight)		
				Total	A single species	<i>Agropyron repens</i>
1	2	3	4	5	6	7
<i>Poa pratensis</i>	75 (a)		85	2,0 (c)	1,0 (c)	0,3
<i>Poa trivialis</i>	75 (a)		85	2,0 (c)	1,0 (c)	0,3
<i>Trisetum flavescens</i>	70 (a)		75	3,0	1,0 (f)	0,3
LEGUMINOSAE						
<i>Hedysarum coronarium</i>	75 (a)(b)	30	95	2,5	1,0	
<i>Lotus corniculatus</i>	75 (a)(b)	40	95	1,8 (d)	1,0 (d)	
<i>Lupinus albus</i>	80 (a)(b)	20	98	0,5 (e)	0,3 (e)	
<i>Lupinus angustifolius</i>	75 (a)(b)	20	98	0,5 (e)	0,3 (e)	
<i>Lupinus luteus</i>	80 (a)(b)	20	98	0,5 (e)	0,3 (e)	
<i>Medicago lupulina</i>	80 (a)(b)	20	97	1,5	1,0	
<i>Medicago sativa</i>	80 (a)(b)	40	97	1,5	1,0	
<i>Medicago × varia</i>	80 (a)(b)	40	97	1,5	1,0	79/641/EEC – Art. 1(6)
<i>Onobrychis viciifolia</i>	75 (a)(b)	20	95	2,5	1,0	79/641/EEC – Art. 1(6)
<i>Pisum sativum</i>	80 (a)		98	0,5	0,3	79/641/EEC – Art. 1(6)
<i>Trifolium alexandrinum</i>	80 (a)(b)	20	97	1,5	1,0	
<i>Trifolium hybridum</i>	80 (a)(b)	20	97	1,5	1,0	
<i>Trifolium incarnatum</i>	75 (a)(b)	20	97	1,5	1,0	
<i>Trifolium pratense</i>	80 (a)(b)	20	97	1,5	1,0	
<i>Trifolium repens</i>	80 (a)(b)	40	97	1,5	1,0	
<i>Trifolium resupinatum</i>	80 (a)(b)	20	97	1,5	1,0	

78/386/EEC – Art. 1(2)

Analytical purity				Maximum content of seeds of other plant species in a sample of the weight specified in column 4 of Annex III (total per column)			Conditions as regards content of Lupin seeds of another colour and of bitter Lupin seeds
Maximum content of seeds of other plant species (% by weight)							
<i>Alopecurus myosuroides</i>	<i>Melilotus</i> spp.	<i>Raphanus raphanistrum</i>	<i>Sinapis arvensis</i>	<i>Avena fatua</i> , <i>Avena ludoviciana</i> , <i>Avena sterilis</i>	<i>Cuscuta</i> spp.	<i>Rumex</i> spp. other than <i>Rumex acetosella</i> and <i>Rumex maritimus</i>	
8	9	10	11	12	13	14	15
0,3				0	0 (j)(k)	2 (n)	81/126/EEC – Art. 2
0,3				0	0 (j)(k)	2 (n)	81/126/EEC – Art. 2
0,3				0 (h)	0 (j)(k)	2 (n)	81/126/EEC – Art. 2
	0,3			0	0 (k)	5	87/480/EEC – Art. 1(1)
	0,3			0	0 (l)(m)	10	
	0,3			0 (i)	0 (j)	5 (n)	(o)(p) 87/480/EEC – Art. 1(1)
	0,3			0 (i)	0 (j)	5 (n)	(o)(p) 87/480/EEC – Art. 1(1)
	0,3			0 (i)	0 (j)	5 (n)	(o)(p) 87/480/EEC – Art. 1(1)
	0,3			0	0 (l)(m)	10	87/480/EEC – Art. 1(1)
	0,3			0	0 (l)(m)	10	87/480/EEC – Art. 1(1)
	0,3			0	0 (l)(m)	10	87/480/EEC – Art. 1(1)
	0,3			0	0 (j)	5	87/480/EEC – Art. 1(1)
	0,3			0	0 (j)	5 (n)	87/480/EEC – Art. 1(1)
	0,3			0	0 (l)(m)	10	87/480/EEC – Art. 1(1)
	0,3			0	0 (l)(m)	10	
	0,3			0	0 (l)(m)	10	87/480/EEC – Art. 1(1)
	0,3			0	0 (l)(m)	10	87/480/EEC – Art. 1(1)
	0,3			0	0 (l)(m)	10	
	0,3			0	0 (l)(m)	10	87/480/EEC – Art. 1(1)

Species	Germination		Analytical purity			
	Minimum germination (% of pure seed)	Maximum content of hard seed (% of pure seed)	Minimum analytical purity (% of weight)	Maximum content of seeds of other plant species (% of weight)		
				Total	A single species	<i>Agropyron repens</i>
1	2	3	4	5	6	7
<i>Trigonella foenumgraecum</i>	80 (a)		95	1,0	0,5	
<i>Vicia faba</i>	85 (a)(b)	5	98	0,5	0,3	
<i>Vicia pannonica</i>	85 (a)(b)	20	98	1,0 (e)	0,5 (e)	
<i>Vicia sativa</i>	85 (a)(b)	20	98	1,0 (e)	0,5 (e)	
<i>Vicia villosa</i>	85 (a)(b)	20	98	1,0 (e)	0,5 (e)	
OTHER SPECIES						
<i>Brassica napus</i> var. <i>napobrassica</i>	80 (a)		98	1,0	0,5	
<i>Brassica oleracea</i> convar. <i>acephala</i>	75(a)		98	1,0	0,5	
<i>Phacelia tanacetifolia</i>	80 (a)		96	1,0	0,5	
<i>Raphanus sativus</i> var. <i>oleiformis</i>	80 (a)		97	1,0	0,5	

79/641/EEC – Art. 1(7)

88/380/EEC – Art. 2(14)

78/386/EEC – Art. 1(2)
87/120/EEC – Art. 2(3)

Analytical purity				Maximum content of seeds of other plant species in a sample of the weight specified in column 4 of Annex III (total per column)			Conditions as regards content of Lupin seeds of another colour and of bitter Lupin seeds
Maximum content of seeds of other plant species (% by weight)							
<i>Alopecurus myosuroides</i>	<i>Melilotus</i> spp.	<i>Raphanus raphanistrum</i>	<i>Sinapis arvensis</i>	<i>Avena fatua</i> , <i>Avena ludoviciana</i> , <i>Avena sterilis</i>	<i>Cuscuta</i> spp.	<i>Rumex</i> spp. other than <i>Rumex acetosella</i> and <i>Rumex maritimus</i>	
8	9	10	11	12	13	14	15
	0,3			0	0 (j)	<u>5</u>	87/480/EEC – Art. 1(1)
	0,3			0	0 (j)	<u>5 (n)</u>	87/480/EEC – Art. 1(1)
	0,3			0 (i)	0 (j)	<u>5 (n)</u>	87/480/EEC – Art. 1(1)
	0,3			0 (i)	0 (j)	<u>5 (n)</u>	87/480/EEC – Art. 1(1)
	0,3			0 (i)	0 (j)	<u>5 (n)</u>	87/480/EEC – Art. 1(1)
		0,3	0,3	0	0 (j)(k)	<u>5</u>	87/480/EEC – Art. 1(1)
		0,3	0,3	0	0 (j)(k)	<u>10</u>	87/480/EEC – Art. 1(1)
				0	0 (j)(k)		88/380/EEC – Art. 2(14)
		0,3	0,3	0	0 (j)	<u>5</u>	78/386/EEC – Art. 1(2) 87/480/EEC – Art. 1(1)

B. Standards or other conditions applicable where reference is made to them in the table under Section I (2) (A) of this Annex:

78/386/EEC - Art. 1(2)

- (a) All fresh and healthy seeds which do not germinate after pre-treatment shall be regarded as seeds which have germinated.
- (b) Up to the maximum quantity indicated, hard seed present shall be regarded as seed capable of germination.
- (c) A maximum total of 0,8 % by weight of seeds of other *Poa* species shall not be regarded as an impurity.
- (d) A maximum of 1 % by weight of seeds of *Trifolium pratense* shall not be regarded as an impurity.
- (e) A maximum total of 0,5 % by weight of seeds of *Lupinus albus*, *Lupinus angustifolius*, *Lupinus luteus*, *Pisum sativum*, *Vicia faba*, *Vicia pannonica*, *Vicia sativa*, *Vicia villosa* in another relevant species shall not be regarded as an impurity.
- (f) The prescribed maximum percentage by weight of seeds of a single species shall not apply to seeds of *Poa* spp.
- (g) A maximum total of two seeds of *Avena fatua*, *Avena ludoviciana*, *Avena sterilis* in a sample of the prescribed weight shall not be regarded as an impurity where a second sample of the same weight is free from any seeds of these species.
- (h) The presence of one seed of *Avena fatua*, *Avena ludoviciana*, *Avena sterilis* in a sample of the prescribed weight shall not be regarded as an impurity where a second sample of twice the prescribed weight is free from any seeds of these species.
- (i) The determination of seeds of *Avena fatua*, *Avena ludoviciana*, *Avena sterilis* by number need not be carried out unless there is doubt whether the conditions laid down in column 12 have been satisfied.
- (j) The determination of seeds of *Cuscuta* spp. by number need not be carried out unless there is doubt whether the conditions laid down in column 13 have been satisfied.
- (k) The presence of one seed of *Cuscuta* spp. in a sample of the prescribed weight shall not be regarded as an impurity where a second sample of the same weight is free from any seeds of *Cuscuta* spp.
- (l) The weight of the sample for the determination of seeds of *Cuscuta* spp. by number shall be twice the weight specified in column 4 of Annex III for the relevant species.

79/641/EEC - Art. 1(8)

(m) The presence of one seed of *Cuscuta* spp. in a sample of the prescribed weight shall not be regarded as an impurity where a second sample of twice the prescribed weight is free from any seeds of *Cuscuta* spp. | 78/386/EEC – Art. 1(2)

(n) The determination of seeds of *Rumex* spp. other than *Rumex acetosella* and *Rumex maritimus* by number need not be carried out unless there is doubt whether the conditions laid down in column 14 have been satisfied. | 80/754/EEC – Art. 1(2)

(o) The percentage by number of Lupin seeds of another colour shall not exceed:
— in bitter Lupin, 2 %
— in Lupins other than bitter Lupin, 1 % | 78/386/EEC – Art. 1(2)

(p) The percentage by number of bitter Lupin seeds in varieties other than bitter Lupin shall not exceed 2,5 %. | 87/120/EEC – Art. 2(4)

3. Harmful organisms which reduce the usefulness of the seed shall be at the lowest possible level.

II. BASIC SEED

Subject to the provisions below, the conditions laid down in Section I of this Annex shall apply to basic seed:

1. The seed of *Pisum sativum*, *Brassica napus* var. *napobrassica*, *Brassica oleracea* conv. *acephala*, *Vicia faba* and of varieties of *Poa pratensis* referred to in the second part of the third sentence of paragraph 4 of Annex I shall conform to the following standards or other conditions: the minimum varietal purity shall be 99,7 %. | 82/287/EEC – Art. 2(2)
85/38/EEC – Art. 2(2)

The minimum varietal purity shall be examined mainly in field inspections carried out in accordance with the conditions laid down in Annex I.

2. The seed shall satisfy the following standards or other conditions: | 78/386/EEC – Art. 1(2)

A. Table:

Species	Maximum content of seed of other plant species						Other standards or conditions	78/386/EEC - Art. 1(2) 80/754/EEC - Art. 1(3)
	Total (% by weight)	Content by number in a sample of the weight specified in column 4 of Annex III (total per column)						
		A single species	<i>Rumex</i> spp. other than <i>Rumex acetosella</i> and <i>Rumex maritimus</i>	<i>Agropyron repens</i>	<i>Alopecurus myosuroides</i>	<i>Melilotus</i> spp.		
1	2	3	4	5	6	7	8	
GRAMINEAE								
<i>Agrostis canina</i>	0,3	20	1	1	1	(j)	79/641/EEC - Art. 1(6)	
<i>Agrostis gigantea</i>	0,3	20	1	1	1	(j)		
<i>Agrostis stolonifera</i>	0,3	20	1	1	1	(j)		
<i>Agrostis capillaris</i>	0,3	20	1	1	1	(j)	87/120/EEC - Art. 2(5)	
<i>Alopecurus pratensis</i>	0,3	20 (a)	2	5	5	(j)	87/480/EEC - Art. 1(2)	
<i>Arrhenatherum elatius</i>	0,3	20 (a)	2	5	5	(i) (j)	87/480/EEC - Art. 1(2)	
<i>Bromus catharticus</i>	0,4	20	5	5	5	(j)	88/380/EEC - Art. 2(15)	
<i>Bromus sitchensis</i>	0,4	20	5	5	5	(j)		
<i>Cynodon dactylon</i>	0,3	20 (a)	1	1	1	(j)	86/155/EEC - Art. 1(4)	
<i>Dactylis glomerata</i>	0,3	20 (a)	2	5	5	(j)	78/386/EEC - Art. 1(2) - 87/480/EEC - Art. 1(2)	
<i>Festuca arundinacea</i>	0,3	20 (a)	2	5	5	(j)	87/480/EEC - Art. 1(2)	
<i>Festuca ovina</i>	0,3	20 (a)	2	5	5	(j)	87/480/EEC - Art. 1(2)	
<i>Festuca pratensis</i>	0,3	20 (a)	2	5	5	(j)	87/480/EEC - Art. 1(2)	
<i>Festuca rubra</i>	0,3	20 (a)	2	5	5	(j)	87/480/EEC - Art. 1(2)	
× <i>Festulolium</i>	0,3	20 (a)	2	5	5	(j)	92/19/EEC - Art. 1(5)	
<i>Lolium multiflorum</i>	0,3	20 (a)	2	5	5	(j)	78/386/EEC - Art. 1(2) - 87/480/EEC - Art. 1(2)	
<i>Lolium perenne</i>	0,3	20 (a)	2	5	5	(j)	87/480/EEC - Art. 1(2)	
<i>Lolium × boucheanum</i>	0,3	20 (a)	2	5	5	(j)	87/120/EEC - Art. 2(5) - 87/480/EEC - Art. 1(2)	

55

Species	Maximum content of seed of other plant species						Other standards or conditions
	Total (% by weight)	Content by number in a sample of the weight specified in column 4 of Annex III (total per column)					
		A single species	<i>Rumex</i> spp. other than <i>Rumex acetosella</i> and <i>Rumex maritimus</i>	<i>Agropyron repens</i>	<i>Alopecurus myosuroides</i>	<i>Melilotus</i> spp.	
1	2	3	4	5	6	7	8
<i>Phalaris aquatica</i> L.	0,3	20	2	5	5		(j)
<i>Phleum bertolonii</i>	0,3	20	2	1	1		(j)
<i>Phleum pratense</i>	0,3	20	2	1	1		(j)
<i>Poa annua</i>	0,3	20 (b)	1	1	1		(f) (j)
<i>Poa nemoralis</i>	0,3	20 (b)	1	1	1		(f) (j)
<i>Poa palustris</i>	0,3	20 (b)	1	1	1		(f) (j)
<i>Poa pratensis</i>	0,3	20 (b)	1	1	1		(f) (j)
<i>Poa trivialis</i>	0,3	20 (b)	1	1	1		(f) (j)
<i>Trisetum flavescens</i>	0,3	20 (c)	1	1	1		(i) (j)
LEGUMINOSAE							
<i>Hedysarum coronarium</i>	0,3	20	2			0 (e)	(j)
<i>Lotus corniculatus</i>	0,3	20	2			0 (e)	(g) (j)
<i>Lupinus albus</i>	0,3	20	2			0 (d)	(h) (k)
<i>Lupinus angustifolius</i>	0,3	20	2			0 (d)	(h) (k)
<i>Lupinus luteus</i>	0,3	20	2			0 (d)	(h) (k)
<i>Medicago lupulina</i>	0,3	20	5			0 (e)	(j)
<i>Medicago sativa</i>	0,3	20	2			0 (e)	(j)
<i>Medicago × varia</i>	0,3	20	2			0 (e)	(j)
<i>Onobrychis viciifolia</i>	0,3	20	2			0 (d)	
<i>Pisum sativum</i>	0,3	20	2			0 (d)	
<i>Trifolium alexandrinum</i>	0,3	20	2			0 (e)	(j)
<i>Trifolium hybridum</i>	0,3	20	2			0 (e)	(j)
<i>Trifolium incarnatum</i>	0,3	20	2			0 (e)	(j)
<i>Trifolium pratense</i>	0,3	20	5			0 (e)	(j)
<i>Trifolium repens</i>	0,3	20	5			0 (e)	(j)

78/386/EEC – Art. 1(2)

80/754/EEC – Art. 1(3)

86/155/EEC – Art. 1(4) – 87/480/EEC – Art. 1(2)

78/386/EEC – Art. 1(2)

87/480/EEC – Art. 1(2)

87/480/EEC – Art. 1(2)

87/480/EEC – Art. 1(2)

87/480/EEC – Art. 1(2)

87/480/EEC – Art. 1(2)

87/480/EEC – Art. 1(2)

79/641/EEC – Art. 1(6) – 87/480/EEC – Art. 1(2)

79/641/EEC – Art. 1(6) – 87/480/EEC – Art. 1(2)

79/641/EEC – Art. 1(6) – 87/480/EEC – Art. 1(2)

87/480/EEC – Art. 1(2)

87/480/EEC – Art. 1(2)

87/480/EEC – Art. 1(2)

136

Species	Maximum content of seed of other plant species						Other standards or conditions
	Total (% by weight)	Content by number in a sample of the weight specified in column 4 of Annex III (total per column)					
		A single species	<i>Rumex</i> spp. other than <i>Rumex acetosella</i> and <i>Rumex maritimus</i>	<i>Agropyron repens</i>	<i>Alopecurus myosuroides</i>	<i>Melilotus</i> spp.	
1	2	3	4	5	6	7	8
<i>Trifolium resupinatum</i>	0,3	20	3			0 (e)	(j)
<i>Trigonella foenumgraecum</i>	0,3	20	2			0 (d)	
<i>Vicia faba</i>	0,3	20	2			0 (d)	
<i>Vicia pannonica</i>	0,3	20	2			0 (d)	(h)
<i>Vicia sativa</i>	0,3	20	2			0 (d)	(h)
<i>Vicia villosa</i>	0,3	20	2			0 (d)	(h)
OTHER SPECIES							
<i>Brassica napus</i> var. <i>napobrassica</i>	0,3	20	2				(j)
<i>Brassica oleracea</i> convar. <i>acephala</i>	0,3	20	3				(j)
<i>Phacelia tanacetifolia</i>	0,3	20					
<i>Raphanus sativus</i> var. <i>oleiformis</i>	0,3	20	2				

78/386/EEC – Art. 1(2)

80/754/EEC – Art. 1(3)

87/480/EEC – Art. 1(2)

87/480/EEC – Art. 1(2)

79/641/EEC – Art. 1(7) – 87/480/EEC – Art. 1(2)

87/480/EEC – Art. 1(2)

87/480/EEC – Art. 1(2)

87/480/EEC – Art. 1(2)

87/480/EEC – Art. 1(2)

87/480/EEC – Art. 1(2)

88/380/EEC – Art. 2(15)

78/386/EEC – Art. 1(2) – 87/120/EEC – Art. 2(5)
87/480/EEC – Art. 1(2)

137

B. Standard or other conditions applicable where reference is made to them in the table under Section II (2) (A) of this Annex:

- (a) A maximum total of 80 seeds of *Poa* spp. shall not be regarded as an impurity.
- (b) The condition laid down in column 3 is not applicable to the seeds of *Poa* spp. The maximum total content of seeds of *Poa* spp. other than the species to be examined shall not exceed one in a sample of 500 seeds.
- (c) A maximum total of 20 seeds of *Poa* spp. shall not be regarded as an impurity.
- (d) The determination of seeds of *Melilotus* spp. by number need not be carried out unless there is doubt whether the conditions laid down in column 7 have been satisfied.
- (e) The presence of one seed of *Melilotus* spp. in a sample of the prescribed weight shall not be regarded as an impurity where a second sample of twice the prescribed weight is free from any seeds of *Melilotus* spp.
- (f) The condition (c) laid down in Section I (2) of this Annex is not applicable.
- (g) The condition (d) laid down in Section I (2) of this Annex is not applicable.
- (h) The condition (e) laid down in Section I (2) of this Annex is not applicable.
- (i) The condition (f) laid down in Section I (2) of this Annex is not applicable.
- (j) The conditions (k) and (m) laid down in Section I (2) of this Annex are not applicable.
- (k) The percentage by number of bitter Lupin seeds in varieties other than bitter Lupin shall not exceed 1 %.

III. COMMERCIAL SEED

Subject to the provisions below, the conditions laid down in Section I (2) and (3) of this Annex shall apply to commercial seed:

1. The percentages by weight laid down in columns 5 and 6 of the table under Section I (2) (A) of this Annex are increased by 1 %.

2. In *Poa annua* a maximum total of 10 % by weight of seeds of other *Poa* species shall not be regarded as an impurity.
3. In *Poa* spp. other than *Poa annua* a maximum total of 3 % by weight of seeds of other *Poa* species shall not be regarded as an impurity.
4. In *Hedisarum coronarium* a maximum total of 1 % by weight of seeds of *Melilotus* spp. shall not be regarded as an impurity.
5. The condition (d) laid down in Section I (2) of this Annex for *Lotus corniculatus* is not applicable.
6. In Lupin species:
 - (a) the minimum analytical purity shall be 97% by weight
 - (b) the percentage by number of Lupin seeds of another colour shall not exceed:
 - in bitter Lupin, 4 %
 - in Lupins other than bitter Lupin, 2 %
7. In *Vicia* spp. a maximum total of 6% by weight of seeds of *Vicia pannonica*, *Vicia villosa* or related cultivated species in another relevant species shall be not regarded as an impurity.
8. In *Vicia pannonica*, *Vicia sativa*, *Vicia villosa* the minimum analytical purity shall be 97% by the weight.

ANNEX III
LOT AND SAMPLE WEIGHTS

78/386/EEC - Art. 1(3)

Species	Maximum weight of a lot (tonnes)	Minimum weight of a sample to be drawn from a lot (grams)	Weight of the sample for the determinations by number provided for in columns 12 to 14 of Annex II (I) (2) (A) and columns 3 to 7 of Annex II (II) (2) (A) (grams)	
1	2	3	4	
<i>GRAMINEAE</i>				
<i>Agrostis canina</i>	10	50	5	79/641/EEC - Art. 1(6)
<i>Agrostis gigantea</i>	10	50	5	
<i>Agrostis stolonifera</i>	10	50	5	
<i>Agrostis capillaris</i>	10	50	5	87/120/EEC - Art. 2(7)
<i>Alopecurus pratensis</i>	10	100	30	
<i>Arrhenatherum elatius</i>	10	200	80	
<i>Bromus catharticus</i>	10	200	200	88/380/EEC - Art. 2(16)
<i>Bromus stichensis</i>	10	200	200	
<i>Cynodon dactylon</i>	10	50	5	86/155/EEC - Art. 1(5)
<i>Dactylis glomerata</i>	10	100	30	78/386/EEC - Art. 1(3)
<i>Festuca arundinacea</i>	10	100	50	
<i>Festuca ovina</i>	10	100	30	
<i>Festuca pratensis</i>	10	100	50	
<i>Festuca rubra</i>	10	100	30	
× <i>Festulolium</i>	10	200	60	92/19/EEC - Art. 1(6)
<i>Lolium multiflorum</i>	10	200	60	78/386/EEC - Art. 1(3)
<i>Lolium perenne</i>	10	200	60	
<i>Lolium</i> × <i>boucheanum</i>	10	200	60	87/120/EEC - Art. 2(7)
<i>Phalaris aquatica</i> L.	10	100	50	86/155/EEC - Art. 1(5)
<i>Phleum bertolonii</i>	10	50	10	78/386/EEC - Art. 1(3)
<i>Phleum pratense</i>	10	50	10	
<i>Poa annua</i>	10	50	10	
<i>Poa nemoralis</i>	10	50	5	
<i>Poa palustris</i>	10	50	5	
<i>Poa pratensis</i>	10	50	5	
<i>Poa trivialis</i>	10	50	5	
<i>Trisetum flavescens</i>	10	50	5	

Species	Maximum weight of a lot (tonnes)	Minimum weight of a sample to be drawn from a lot (grams)	Weight of the sample for the determinations by number provided for in columns 12 to 14 of Annex II (I) (2) (A) and columns 3 to 7 of Annex II (II) (2) (A) (grams)
1	2	3	4
LEGUMINOSAE			
<i>Hedysarum coronarium</i> :			
— fruit	10	1 000	300
— seed	10	400	120
<i>Lotus corniculatus</i>	10	200	30
<i>Lupinus albus</i>	20	1 000	1 000
<i>Lupinus angustifolius</i>	20	1 000	1 000
<i>Lupinus luteus</i>	20	1 000	1 000
<i>Medicago lupulina</i>	10	300	50
<i>Medicago sativa</i>	10	300	50
<i>Medicago</i> × <i>varia</i>	10	300	50
<i>Onobrychis viciifolia</i> :			
— fruit	10	600	600
— seed	10	400	400
<i>Pisum sativum</i>	20	1 000	1 000
<i>Trifolium alexandrinum</i>	10	400	60
<i>Trifolium hybridum</i>	10	200	20
<i>Trifolium incarnatum</i>	10	500	80
<i>Trifolium pratense</i>	10	300	50
<i>Trifolium repens</i>	10	200	20
<i>Trifolium resupinatum</i>	10	200	20
<i>Trigonella foenumgraecum</i>	10	500	450
<i>Vicia faba</i>	20	1 000	1 000
<i>Vicia pannonica</i>	20	1 000	1 000
<i>Vicia sativa</i>	20	1 000	1 000
<i>Vicia villosa</i>	20	1 000	1 000
OTHER SPECIES			
<i>Brassica napus</i> var. <i>napobrassica</i>	10	200	100
<i>Brassica oleracea</i> convar. <i>acephala</i>	10	200	100
<i>Phacelia tanacetifolia</i>	10	300	40
<i>Raphanus sativus</i> var. <i>oleiformis</i>	10	300	300

79/641/EEC - Art. 1(6)

79/641/EEC - Art. 1(6)

79/641/EEC - Art. 1(6)

79/641/EEC - Art. 1(7)

88/380/EEC - Art. 2(16)

78/386/EEC - Art. 1(3) - 87/120/EEC - Art. 2(7)

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

87/120/EEC - Art. 2(8)

ANNEX IV

MARKING

75/444/EEC - Art. 2(11)

A. Official label

I. Information required

(a) For basic seed and certified seed:

1. 'EEC rules and standards',
2. Certification authority and Member State or their initials,
3. Reference number of lot,

4. Month and year of sealing expressed thus: 'sealed ...' (month and year),

78/692/EEC - Art. 2(5)

or

month and year of the last official sampling for the purposes of certification expressed thus: 'sampled ...' (month and year),

5. Species, indicated at least under its botanical name, which may be given in abridged form and without the authorities' names, in roman characters,

75/444/EEC - Art. 2(11) - 88/380/EEC - Art. 2(17)

6. Variety indicated at least in roman characters,

88/380/EEC - Art. 2(19)

7. Category,

8. Country of production,

9. Declared net or gross weight or declared number of pure seeds,

10. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of pure seeds and the total weight,

11. For certified seed of the second generation and subsequent generations after basic seed: number of generations after basic seed,

12. For seed of grass varieties which have not been subjected to tests for their cropping value and use in accordance with Article 4 (2) (a) of Directive 95/.../EEC concerning the common catalogue: 'Not intended for the production of fodder plants',

[70/457/EEC]

13. Where at least germination has been retested, the words 'retested ... (month and year)' and the service responsible for such retesting may be indicated. Such information may be given on an official sticker attached to the official label.

78/55/EEC – Art. 2(5)

In accordance with the procedure laid down in Article 25 (2), Member States may be released from the requirement to indicate the botanical name in respect of individual species and, where appropriate, for limited periods where it has been established that the disadvantages of its implementation outweigh the advantages expected for the marketing of seed.

88/380/EEC – Art. 2(18)

(b) For commercial seed:

75/444/EEC – Art. 2(11)

1. 'EEC rules and standards',
2. 'Commercial seed (not certified as to variety)',
3. Supervising authority and Member State or their initials,
4. Reference number of lot,

5. Month and year of sealing expressed thus: 'sealed ...' (month and year),
or
month and year of the last official sampling for the purposes of certification expressed thus: 'sampled ...' (month and year),

78/692/EEC – Art. 2(6)

6. Species ⁽¹⁾ indicated at least under its botanical name, which may be given in abridged form and without the authorities' names in roman characters.
7. Area of production,
8. Declared net or gross weight or declared number of pure seeds,

75/444/EEC–Art. 2(11)–88/380/EEC–Art. 2(20)

⁽¹⁾ For lupins, it should be specified whether they are bitter or sweet lupins.

- | | |
|--|--|
| <p>9. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of pure seed and the total weight,</p> | <p>75/444/EEC – Art. 2(11)</p> |
| <p>10. Where at least germination has been retested, the words 'retested ... (month and year)'; and the service responsible for such retesting may be indicated. Such information may be given on an official sticker attached to the official label.</p> | <p>78/55/EEC – Art. 2(6)</p> |
| <p>In accordance with the procedure laid down in Article 25 (2), Member States may be released from the requirement to indicate the botanical name in respect of individual species and, where appropriate, for limited periods where it has been established that the disadvantages of its implementation outweigh the advantages expected for the marketing of seed.</p> | <p>88/380/EEC – Art. 2(21)</p> |
| <p>(c) For mixtures of seed:</p> | <p>75/444/EEC – Art. 2(11)</p> |
| <p>1. 'Mixture of seed for ...' (intended use),</p> | |
| <p>2. Authority responsible for sealing and Member State or their initials,</p> | |
| <p>3. Reference number of lot,</p> | |
| <p>4. Month and year of sealing expressed thus: 'sealed ...' (month and year),</p> | <p>78/692/EEC – Art. 2(7)</p> |
| <p>5. Percentage by weight of the various components shown by species and, where appropriate, by variety <u>both indicated at least in roman characters</u>; it is sufficient to give the name of the mixture if the percentage by weight has been notified in writing to the purchaser and officially recorded,</p> | <p>75/444/EEC – Art. 2(11)
88/380/EEC – Art. 2(22)</p> |
| <p>6. Declared net or gross weight or declared number of pure seeds,</p> | |
| <p>7. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of pure seed and the total weight,</p> | |

8. Where at least germination of all the components of the mixture has been retested, the words 'retested ... (month and year)' and the service responsible for such retesting may be indicated. Such information may be given on an official sticker attached to the official label.

78/55/EEC – Art. 2(7)

II. *Minimum dimensions*

110 × 67 mm.

75/444/EEC – Art. 2(11)

B. Supplier's label or information on the packaging (small EEC package)

Information required

(a) Certified seed:

1. 'Small EEC B package',
2. Name and address of the supplier responsible for marking or his identification mark,
3. Officially assigned serial number,
4. Service which assigned the serial number and name of Member State or their initials,
5. Reference number if the official serial number does not enable the certified seed lot to be identified,
6. Species, indicated at least in roman characters.
7. Variety, indicated at least in roman characters.
8. 'Certified seed',
9. Net or gross weight or number of pure seeds,
10. Where weight is indicated and granulated pesticides, pelleting substances, or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of pure seed and the total weight,
11. For seed of grass varieties which have not been subjected to tests for their cropping value and use in accordance with Article 4 (2) (a) Directive 95/.../EC concerning the common catalogue: 'not intended for the production of fodder plants'.

88/380/EEC – Art. 2(24)

88/380/EEC – Art. 2(25)

[70/457/EEC]

(b) Commercial seed:

75/444/EEC – Art. 2(11)

1. 'Small EEC B package',
2. Name and address of the supplier responsible for marking or his identification mark,
3. Officially assigned serial number,
4. Service which assigned the serial number and name of Member State or their initials,
5. Reference number if the official serial number does not enable the admitted seed lot to be identified,
6. Species ⁽¹⁾, indicated at least in roman characters,
7. 'Commercial seed',
8. Net weight or gross weight or number of pure seeds,
9. Where weight is indicated and granulated pesticides, pelleting substances, or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of pure seeds and the total weight.

88/380/EEC – Art. 2(26)

(c) Seed mixtures:

1. 'Small EEC A package' or 'small EEC B package',
2. Name and address of the supplier responsible for marking or his identification mark,
3. Small EEC B package: officially assigned serial number,
4. Small EEC B package: service which assigned the serial number and name of Member State or their initials,
5. Small EEC B package: reference number if the official serial number does not enable the used seed lots to be identified,
6. Small EEC A package: reference number enabling the used seed lots to be identified,
7. Small EEC A package: Member State or its initials,
8. 'Seed-mixture for ... (intended use)',
9. Net weight or gross weight or number of pure seeds,

⁽¹⁾ For lupins, it should be specified whether they are bitter or sweet lupins.

10. Where weight is indicated and granulated pesticides, pelleting substances, or other solid additives are used, the nature of the additives and also the approximate ratio between the weight of pure seed and the total weight,
11. Percentage by weight of the various components shown by species and, where appropriate, by variety both indicated at least in roman characters; it is sufficient to give part of this information, as Member States may prescribe for small packages produced in their territory, and a reference to the kind of mixture if the proportion by weight can be communicated to the purchaser on request and has been officially recorded.

75/444/EEC – Art. 2(11)

88/380/EEC – Art. 2(27)

ANNEX V

88/380/EEC – Art. 2(28)

Label and document provided in the case of seed not finally certified, harvested in another Member State

A. *Information required for the label*

- authority responsible for field inspection and Member States or their initials,
- species, indicated at least under its botanical name, which may be given in abridged form and without the authorities' names, in roman characters,
- variety, indicated at least in roman characters,
- category,
- field or lot reference number,
- declared net or gross weight,
- the words 'seed not finally certified'.

In accordance with the procedure laid down in Article 25 (2), Member States may be released from the requirement to indicate the botanical name in respect of individual species and, where appropriate, for limited periods where it has been established that the disadvantages of its implementation outweigh the advantages expected for the marketing of seed.

B. *Colour of the label*

The label shall be grey.

C. *Information required for the document*

- authority issuing the document,
- species, indicated at least under its botanical name, which may be given in abridged form and without the authorities' names, in roman characters,
- variety, indicated at least in roman characters,
- category,
- reference number of the seed used to sow the field and name of the country or countries which certified that seed,
- field or lot reference number,
- area cultivated for the production of the lot covered by the document,
- quantity of seed harvested and number of packages,
- number of generations after basic seed, in the case of certified seed,

- attestation that the conditions to be satisfied by the crop from which the seed comes have been fulfilled,
 - where appropriate, results of a preliminary seed analysis.
-

88/380/EEC – Art. 2(28)

ANNEX VI

Part A

Repealed Directives
(referred to by Article 28)

Directive 66/401/EEC
and its successive amendments

Directive 69/63/EEC

Directive 71/162/EEC

Directive 72/274/EEC

only Article 2

only concerning references made to Articles 1 and 2
on the provisions of Directive 66/401/EEC

Directive 72/418/EEC

only Article 2

Directive 73/438/EEC

only Article 2

Directive 75/444/EEC

only Article 2

Directive 78/55/EEC

only Article 2

Directive 78/386/EEC

Directive 78/692/EEC

only Article 2

Directive 78/1020/EEC

only Article 1

Directive 79/641/EEC

only Article 1

Directive 79/692/EEC

only Article 1

Directive 80/754/EEC

Directive 81/126/EEC

only Article 1

Directive 82/287/EEC

only Article 2

Directive 85/38/EEC

only Article 1

Directive 86/155/EEC

only Article 1

Directive 87/120/EEC

only Article 2

Directive 87/480/EEC

only Article 1

Directive 88/332/EEC

only Article 2

Directive 88/380/EEC

only Article 2

Directive 89/100/EEC

Directive 90/654/EEC

only concerning references made to Article 2 and to
Annex II (I) (2) (a) on the provisions of Directive
66/401/EEC

Directive 92/19/EEC

Part B

Deadlines for transposition into national law
(referred to by Article 28)

<i>Directive</i>	<i>Deadline for transposition</i>
66/401/EEC (OJ No 125, 11. 7. 1966, p. 2298/66)	1 July 1968 (Article 14 (1)) 1 July 1969 (other provisions) ⁽¹⁾ (2) (3)
69/63/EEC (OJ No L 48, 26. 2. 1969, p. 8)	1 July 1969 ⁽¹⁾
71/162/EEC (OJ No L 87, 17. 4. 1971, p. 24)	1 July 1970 (Article 2 (9)) 1 July 1972 (Article 2 (7) and (17)) 1 July 1971 (other provisions) ⁽¹⁾
72/274/EEC (OJ No L 171, 29. 7. 1992, p. 37)	1 July 1972 (Article 1) 1 January 1973 (Article 2)
72/418/EEC (OJ No L 287, 26. 12. 1972, p. 22)	1 July 1973
73/438/EEC (OJ No L 356, 27. 12. 1973, p. 79)	1 July 1973 (Article 2 (4)) 1 January 1974 (Article 2 (3) and (5)) 1 July 1974 (other provisions)
75/444/EEC (OJ No L 196, 26. 7. 1975, p. 6)	1 July 1975 (Article 2 (10)) 1 July 1980 (Article 2 (6)) ⁽⁴⁾ 1 July 1977 (other provisions)
78/55/EEC (OJ No L 16, 20. 1. 1978, p. 23)	1 July 1979
78/386/EEC (OJ No L 113, 25. 4. 1978, p. 1)	1 January 1981 (Article 1 ⁽¹⁾ ⁽⁵⁾ and (2) ⁽⁶⁾) 1 July 1980 (other provisions)
78/692/EEC (OJ No L 236, 26. 8. 1978, p. 13)	1 July 1977
78/1020/EEC (OJ No L 350, 14. 12. 1978, p. 27)	1 July 1977
79/641/EEC (OJ No L 183, 19. 7. 1979, p. 13)	1 July 1980
79/692/EEC (OJ No L 205, 13. 8. 1979, p. 1)	1 January 1980
80/754/EEC (OJ No L 207, 9. 8. 1980, p. 36)	1 July 1980
81/126/EEC (OJ No L 67, 12. 3. 1981, p. 36)	1 January 1981
82/287/EEC (OJ No L 131, 13. 5. 1982, p. 24)	1 January 1984 (Article 2) 1 January 1983 (other provisions)
85/38/EEC (OJ No L 16, 19. 1. 1985, p. 41)	1 January 1986
86/155/EEC (OJ No L 118, 7. 5. 1986, p. 23)	1 March 1986 (Article 1 (2)) 1 July 1987 (other provisions)
87/120/EEC (OJ No L 49, 18. 12. 1987, p. 39)	1 June 1988
87/480/EEC (OJ No L 273, 26. 9. 1987, p. 45)	1 July 1990
88/332/EEC (OJ No L 151, 17. 6. 1988, p. 82)	
88/380/EEC (OJ No L 187, 16. 7. 1988, p. 31)	1 July 1992 (Article 2 (8), (17), (20), (28); ⁽⁷⁾ and Article 2 (10)) 1 July 1990 (other provisions)
89/100/EEC (OJ No L 38, 10. 2. 1989, p. 38)	1 January 1990
90/654/EEC (OJ No L 353, 17. 12. 1990, p. 48)	
92/19/EEC (OJ No L 104, 22. 4. 1992, p. 61)	30 June 1992

⁽¹⁾ For Denmark, Ireland and the United Kingdom, 1 July 1973 for Article 14 (1), 1 July 1974 for the other provisions concerning basic seed and 1 July 1976 for the other provisions.

⁽²⁾ 1 January 1986 for Greece, 1 March 1986 for Spain, and 1 January 1989 for Portugal concerning the marketing of fodder plant seed for the species *Lolium multiflorum* Lam, *lolium perenne* L, and *Vicia sativa* L, and 1 January 1991 for other species.

(3) 1 January 1995 for Austria, Finland and Sweden.

However:

- Finland shall be allowed to maintain until 31 December 1996 at the latest its national scheme of seed production relating to the marketing in its territory of seed of the category 'commercial seed' ('Kauppasiemen'/ 'handelsutsäde') as defined in the existing Finnish legislation.
Seed shall not be introduced into the territory of other Member States;
- Finland shall adapt its legislation in this respect to comply with the relevant provisions of the Directive by the date of expiry of the above period;
- Finland shall apply from accession those provisions of the Directive which ensure access for material complying with the Directive to marketing in its territory.

(4) Concerning Article 11 (1) (b).

(5) Concerning Annex I (3) and (4).

(6) Concerning Annex II, Section 1 (1) and Section 2 (1).

(7) In so far as these provisions require the botanical name of a species to be indicated on the label of seed.

ANNEX VII

CORRELATION TABLE

Directive 66/401/EEC	This Directive
Article 1	Article 1, 1st subparagraph
Article 18	Article 1, 2nd subparagraph
Article 2 (1)	Article 2 (1)
Article 2 (1a)	Article 2 (2)
Article 2 (1b)	Article 2 (3)
Article 2 (1c)	Article 2 (4)
Article 2 (1d)	Article 2 (5)
Article 2 (2)	Article 2 (6)
Article 3	Article 3
Article 4	Article 4
Article 5	Article 5
Article 6	Article 6
Article 7	Article 7
Article 8	Article 8
Article 9	Article 9
Article 10	Article 10
Article 10a	Article 11
Article 10b	Article 12
Article 10c	Article 13
Article 11	Article 14
Article 12	Article 15
Article 13	Article 16
Article 13a	Article 17
Article 14 (1)	Article 18 (1)
Article 14 (1a)	Article 18 (2)
Article 14 (2)	Article 18 (3)
Article 14 (3)	Article 18 (4)
Article 15	Article 19
Article 16	Article 20 (1)
—	Article 20 (2)
Article 17	Article 21
Article 19	Article 22
Article 20	Article 23
Article 21a	Article 24
Article 21	Article 25
Article 22	Article 26
Article 23a	Article 27
—	Article 28
—	Article 29
—	Article 30

ANNEX I
ANNEX II
ANNEX III
ANNEX IV, Part A (I) (a) (1)
ANNEX IV, Part A (I) (a) (2)
ANNEX IV, Part A (I) (a) (3)
ANNEX IV, Part A (I) (a) (3a)
ANNEX IV, Part A (I) (a) (4)
ANNEX IV, Part A (I) (a) (5)
ANNEX IV, Part A (I) (a) (6)
ANNEX IV, Part A (I) (a) (7)
ANNEX IV, Part A (I) (a) (8)
ANNEX IV, Part A (I) (a) (9)
ANNEX IV, Part A (I) (a) (10)
ANNEX IV, Part A (I) (a) (11)
ANNEX IV, Part A (I) (a) (12)
ANNEX IV, Part A (I) (b) (1)
ANNEX IV, Part A (I) (b) (2)
ANNEX IV, Part A (I) (b) (3)
ANNEX IV, Part A (I) (b) (4)
ANNEX IV, Part A (I) (b) (4a)
ANNEX IV, Part A (I) (b) (5)
ANNEX IV, Part A (I) (b) (6)
ANNEX IV, Part A (I) (b) (7)
ANNEX IV, Part A (I) (b) (8)
ANNEX IV, Part A (I) (b) (9)
ANNEX IV, Part A (I) (c) (1)
ANNEX IV, Part A (I) (c) (2)
ANNEX IV, Part A (I) (c) (3)
ANNEX IV, Part A (I) (c) (3a)
ANNEX IV, Part A (I) (c) (4)
ANNEX IV, Part A (I) (c) (5)
ANNEX IV, Part A (I) (c) (6)
ANNEX IV, Part A (I) (c) (7)
ANNEX IV, Part A (II)
ANNEX V
—
—

ANNEX I
ANNEX II
ANNEX III
ANNEX IV, Part A (I) (a) (1)
ANNEX IV, Part A (I) (a) (2)
ANNEX IV, Part A (I) (a) (3)
ANNEX IV, Part A (I) (a) (4)
ANNEX IV, Part A (I) (a) (5)
ANNEX IV, Part A (I) (a) (6)
ANNEX IV, Part A (I) (a) (7)
ANNEX IV, Part A (I) (a) (8)
ANNEX IV, Part A (I) (a) (9)
ANNEX IV, Part A (I) (a) (10)
ANNEX IV, Part A (I) (a) (11)
ANNEX IV, Part A (I) (a) (12)
ANNEX IV, Part A (I) (a) (13)
ANNEX IV, Part A (I) (b) (1)
ANNEX IV, Part A (I) (b) (2)
ANNEX IV, Part A (I) (b) (3)
ANNEX IV, Part A (I) (b) (4)
ANNEX IV, Part A (I) (b) (5)
ANNEX IV, Part A (I) (b) (6)
ANNEX IV, Part A (I) (b) (7)
ANNEX IV, Part A (I) (b) (8)
ANNEX IV, Part A (I) (b) (9)
ANNEX IV, Part A (I) (b) (10)
ANNEX IV, Part A (I) (c) (1)
ANNEX IV, Part A (I) (c) (2)
ANNEX IV, Part A (I) (c) (3)
ANNEX IV, Part A (I) (c) (4)
ANNEX IV, Part A (I) (c) (5)
ANNEX IV, Part A (I) (c) (6)
ANNEX IV, Part A (I) (c) (7)
ANNEX IV, Part A (I) (c) (8)
ANNEX IV, Part A (II)
ANNEX V
ANNEX VI
ANNEX VII

ISSN 0254-1475

COM(95) 622 final

DOCUMENTS

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02 03

Catalogue number : CB-CO-95-665-EN-C

ISBN 92-77-97237-8

Office for Official Publications of the European Communities

L-2985 Luxembourg