

DIRECTIVES

COMMISSION IMPLEMENTING DIRECTIVE (EU) 2021/1927

of 5 November 2021

amending Annexes I and II to Council Directive 66/402/EEC as regards requirements for seeds of hybrid wheat produced by means of cytoplasmic male sterility

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed ⁽¹⁾, and in particular Article 21b thereof,

Whereas:

- (1) Directive 66/402/EEC establishes rules on the production and marketing of cereal seeds in the Union. In the case of seeds of hybrid wheat, the only techniques to produce hybrid seed provided for by that Directive are the ones of direct crossing and chemical hybridization.
- (2) In the recent years, however, cytoplasmic male sterility ('CMS') has been accepted worldwide as a breeding technique for the production of hybrids of cereal seed varieties. Relevant rules regarding the CMS production technique are already in force for barley, as the production of hybrid seeds with CMS was put into practice several years ago.
- (3) Barley and wheat are self-pollinating by nature and are produced in blend cultivation. Taking into account the technical similarities between the production of seeds of hybrids of barley and wheat, and the needs of the users of hybrid seeds, it is appropriate to set out conditions for seeds of hybrid wheat similar to those applying for the seeds of hybrids of barley. Experience shows that the specific blend production system of hybrid wheat such as *Triticum aestivum* subsp. *aestivum*, *Triticum turgidum* subsp. *durum*, *Triticum aestivum* subsp. *spelta*, applied in the field, in combination with the weather related risks during the flowering period, require a reduction of the varietal purity standard to 85 %, in case CMS is applied, allowing stable seed production under less favorable weather conditions. Therefore, it is appropriate to allow a lower level of varietal purity for the seeds of hybrid wheat produced with CMS than the level required for other hybrids of seeds.
- (4) The experience with other seeds of CMS produced hybrids shows that at the beginning of a new production scheme it is important to test the technical requirements in force. Therefore, the requirements for varieties should be applicable on a temporary basis until 31 August 2029, to allow the breeders to adapt the production of hybrid wheat in a blend system. Such approach is necessary to minimize any risks of this production scheme and provide farmers with a new type of wheat varieties. That time limit should be sufficient to enable breeders and certification authorities to gain the necessary knowledge for the application of the technical requirements for the production of hybrid wheat seeds, and to review those requirements.
- (5) In order for the Commission and the Member States to obtain adequate knowledge about the application of the CMS, and to allow for the review of the respective rules, the responsible certification authority should report every year to the Commission and to the other Member States, until 28 February 2030, the results of the preceding year concerning the quantity of produced hybrid seeds and the percentage of seed lots which have been rejected due to insufficient quality parameters.

⁽¹⁾ OJ 125, 11.7.1966, p. 2309.

- (6) Annexes I and II to Directive 66/402/EEC should therefore be amended accordingly.
- (7) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Amendments to Directive 66/402/EEC

Annexes I and II to Directive 66/402/EEC are amended in accordance with the Annex to this Directive.

Article 2

Transposition

1. Member States shall adopt and publish, by 31 August 2022 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 1 September 2022 until 31 August 2029.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

Entry into force

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

Article 4

Addressees

This Directive is addressed to the Member States.

Done at Brussels, 5 November 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annexes I and II to Directive 66/402/EEC are amended as follows:

(1) Annex I is amended as follows:

(a) the first sentence of point 5 is replaced by the following:

‘Crops to produce certified seed of hybrids of *Avena nuda*, *Avena sativa*, *Avena strigosa*, *Oryza sativa* and self-pollinating *xTriticosecale* and crops to produce certified seed of hybrids of *Hordeum vulgare*, *Triticum aestivum* subsp. *aestivum*, *Triticum aestivum* subsp. *spelta*, *Triticum turgidum* subsp. *durum*, by means of a technique other than Cytoplasmic Male Sterility (‘CMS’);’

(b) the following point is inserted between points 5a and 6:

‘5b. Crops to produce basic and certified seed of hybrids of *Triticum aestivum* subsp. *aestivum*, *Triticum aestivum* subsp. *spelta*, *Triticum turgidum* subsp. *durum* by means of CMS:

(a) The crop shall conform to the following standards as regards distances from neighboring sources of pollen, which may result in undesirable foreign pollination:

Crop	Minimum distance
For the CMS female component for the production of basic seed	300 m
For the production of certified seed	25 m

(b) The crop shall have sufficient varietal identity and purity as regards the characteristics of the components.

In particular, the crop shall conform to the following standards:

(i) The percentage by number of plants, which are obviously not true to type, shall not exceed:

— for the crops used to produce basic seed, 0,1 % for the maintainer and the restorer line and 0,3 % for the CMS female component;

— for the crops used to produce certified seed, 0,3 % for the restorer and 0,6 % for the CMS female component and 1 % in case the CMS female component is a single hybrid.

(ii) The level of male sterility of the female component shall be at least:

— 99,7 % for crops used to produce basic seed;

— 99 % for crops used to produce certified seed.

(iii) The conformity with the requirements of points (i) and (ii) shall be examined by official post control test.

(c) Certified seed may be produced in mixed cultivation of a female male-sterile component with a male component, which restores fertility.

The responsible certification authority shall report by 28 February of each year to the Commission and the other Member States the results of the preceding year concerning the quantity of produced hybrid seeds, compliance of the field inspections with the respective requirements, the percentage of seed lots, which have been rejected due to insufficient quality parameters, and any further information justifying that rejection. This reporting obligation shall be applicable until 28 February 2030.’

(2) Point 1 of Annex II is amended as follows:

(a) Section C is replaced by the following:

C. Hybrids of *Avena nuda*, *Avena sativa*, *Avena strigosa*, *Hordeum vulgare*, *Oryza sativa*, *Triticum aestivum* subsp. *aestivum*, *Triticum aestivum* subsp. *spelta*, *Triticum turgidum* subsp. *durum* and self-pollinating *xTriticosecale*

The minimum varietal purity of the seed of the category certified seed shall be 90 %.

In case of *Hordeum vulgare*, *Triticum aestivum* subsp. *aestivum*, *Triticum aestivum* subsp. *spelta*, *Triticum turgidum* subsp. *durum* produced by means of CMS, it shall be 85 %. Impurities other than the restorer shall not exceed 2 %.

The minimum varietal purity shall be examined in official post control test on an appropriate proportion of samples.

The responsible certification authority shall report by 28 February of each year to the Commission and the other Member States the results of the preceding year concerning the quantity of produced hybrid seeds of *Triticum aestivum* subsp. *aestivum*, *Triticum aestivum* subsp. *spelta* and *Triticum turgidum* subsp. *durum*, and the percentage of seed lots which have been rejected due to insufficient quality parameters, results of the post-control test and any further information justifying that rejection. This reporting obligation shall be applicable until 28 February 2030.'

(b) The heading of Section E is replaced by the following:

E. Hybrids of *Secale cereale* and CMS-hybrids of *Hordeum vulgare*, *Triticum aestivum* subsp. *aestivum*, *Triticum aestivum* subsp. *spelta*, *Triticum turgidum* subsp. *durum*'.
