

Proposal for a Council Directive amending Directive 69/208/EEC on the marketing of seed of oil and fibre plants

(2002/C 203 E/35)

COM(2002) 232 final — 2002/0105(CNS)

(Submitted by the Commission on 14 May 2002)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas:

(1) Varietal associations of oil and fibre plants species should be included in the scope of Council Directive 69/208/EEC⁽¹⁾. The conditions to be satisfied by the varietal associations, including the colour of the official label required for packages of certified seed of varietal associations, should also be defined.

(2) Owing to their increased importance in the Community, hybrid varieties of oil and fibre plant species additional to sunflower should also be included in the scope of the Directive 69/208/EEC.

(3) It is necessary for this Directive to enter into force as a matter of urgency. Due to the increased importance in the Community of such seed the Commission adopted in 1995 Commission Decision 95/232/EC⁽²⁾ with the aim of establishing the conditions to be satisfied by the seed of hybrids and varietal associations of swede rape and turnip rape. This Decision will expire on 30 June 2002.

(4) Directive 69/208/EEC should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

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

1. In Article 2, the following paragraph is inserted after paragraph 1b:

⁽¹⁾ OJ L 169, 10.7.1969, p. 3. Directive as last amended by Directive 98/96/EC (OJ L 25, 1.2.1999, p. 27).

⁽²⁾ OJ L 154, 5.7.1995, p. 22. Decision as last amended by Commission Decision 99/84/EC (OJ L 27, 2.2.1999, p. 31).

‘1c. Amendments to be made to paragraph 1(B) and (Ba) for the purpose of including hybrids of plants other than sunflower in the scope of this Directive shall be adopted in accordance with the procedure laid down in Article 20.’

2. In Article 10(1)(a), the following sentence is inserted after the second sentence:

‘In the case of certified seed of a varietal association, the label shall be blue with a diagonal green line.’

3. In Article 14(1), the terms ‘Directive 70/457/EEC’ are replaced by the following text:

‘Directive 70/457/EEC (*)’

(*) OJ L 225, 12.10.1970, p. 1; as last amended by Directive 98/95/EC (OJ L 25, 1.2.1999, p. 1)’.

4. The following Article 14b is inserted:

‘Article 14b

1. Member States shall permit seed of species of oil and fibre plants to be marketed in the form of a varietal association.

2. For the purpose of paragraph 1:

— a “varietal association” shall mean an association of certified seed of a specified pollinator-dependant hybrid officially admitted under Directive 70/457/EEC with certified seed of one or more specified pollinator(s), similarly admitted, and mechanically combined in proportions jointly determined by the persons responsible for the maintenance of these components, such combination having been notified to the Certification Authority,

— “pollinator-dependant hybrid” shall mean the male-sterile component within the “varietal association” (female component),

— “pollinator(s)” shall mean the component shedding pollen within the “varietal association” (male component),

3. The seed of the female and male components shall be dressed using different coloured seed dressings.'

Article 2

1. Member States shall bring into force the laws, regulations or administrative provisions necessary to comply with this Directive by 30 June 2002 at the latest. They shall forthwith inform the Commission thereof.

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

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

Article 3

This Directive shall enter into force on the 7th day of its publication in the *Official Journal of the European Communities*.

Article 4

This Directive is addressed to the Member States.
