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Conformément au règlement (CEE, Euratom) n° 354/83 du Conseil du 1er février 1983 concernant l'ouverture au public des archives historiques de la Communauté économique européenne et de la Communauté européenne de l'énergie atomique (JO L 43 du 15.2.1983, p. 1), tel que modifié par le règlement (CE, Euratom) n° 1700/2003 du 22 septembre 2003 (JO L 243 du 27.9.2003, p. 1), ce dossier est ouvert au public. Le cas échéant, les documents classifiés présents dans ce dossier ont été déclassifiés conformément à l'article 5 dudit règlement.

In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

COMMISSION OF THE EUROPEAN COMMUNITIES

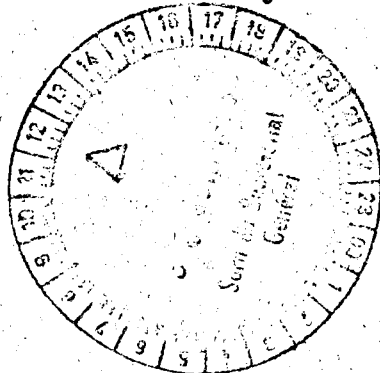
COM(78) 288 final

Brussels, 27 June 1978

Proposal for a COUNCIL DIRECTIVE

amending Directives 66/401/EEC, 66/402/EEC, 66/403/EEC, 69/208/EEC, 70/458/EEC and 70/457/EEC on the marketing of fodder plant seed, cereal seed, seed potatoes, seed of oil and fibre plants, vegetable seed and on the common catalogue of varieties of agricultural plant species

(submitted to the Council by the Commission)



COM(78) 288 final

EXPLANATORY NOTE

According to the provisions of Directives 66/401/EEC, 69/208/EEC, 70/457/EEC and 70/458/EEC the equivalence of measures taken in third countries concerning variety and official seed examination could be established, until the 1st July 1977, by the Member States at national level.

As certain equivalence decisions taken at Community level apply only from the 1st July 1978, the present proposal provides for an extension of the said period retroactively.

In the same way certain Member States must also be enabled to extend the validity of national equivalences which have been established for seed potatoes produced in certain third countries since the preparatory work for the adoption of equivalence at Community level has not yet been completed for seed potatoes.

Furthermore this proposal provides for the possibility of relaxing, under Community control, certain conditions to be satisfied by the seed in the case of certain cultivated species in order to comply with exceptional situations or plant health requirements.

Finally, it would be useful to adapt the provisions on the catalogues of varieties in the light of certain requirements which have emerged during the period of application of the Directives.

Proposal for a Council Directive amending Directives 66/401/EEC, 66/402/EEC, 66/403/EEC, 69/208/EEC, 70/458/EEC and 70/457/EEC on the marketing of fodder plant seed, cereal seed, seed potatoes, seed of oil and fibre plants, vegetable seed and on the common catalogue of varieties of agricultural plant species

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission ,

Having regard to the opinion of the European Parliament ,

Whereas, for the reasons given below, certain Directives on the marketing of seeds and propagating material should be amended ; .

Whereas the provisions on the marketing of fodder plant seed, seed of oil and fibre plants and of vegetable seed and also the provisions of the common catalogue of varieties of agricultural plant species provide that, after the 1 July 1977, the equivalence of measures taken in third countries concerning variety and official seed examination can no longer be established by the Member States at national level ; whereas certain equivalence decisions taken at Community level shall take effect from 1 July 1978; whereas the period provided for the establishment of equivalence at national level should be extended by one year in order to cover the traditional trade patterns which have been maintained after 1 July 1977 pending the Community decisions;

Whereas the provisions on the marketing of seed potatoes provide for the possibility to extend, until 30 June 1978, the validity of certain decisions on the establishment of equivalence taken previously at national level; whereas the work to enable such equivalence to be established at Community level and in particular the work which has to be undertaken under Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Member States of harmful organisms of plant or plant products (1) has not yet been completed; whereas, therefore, the said extension should be permitted until 30 June 1979;

(1) O.J. N° L 26, 31/1/1977, p. 20

Whereas in the case of fodder plant seed, certain conditions concerning seed testing must be able to be relaxed for those regions of the Community in which very favourable ecological conditions ensure compliance with the relevant Community standards laid down;

Whereas in the case of seed of rye used for fodder purposes, a temporary relaxation of the Community standards applicable to rye seed should be permitted in order to overcome the temporary difficulties which exist in certain Community regions for these products;

Whereas in the case of cereal seed, recently experimented methods in order to reduce the effects of attack by certain harmful organisms appear to justify the admission of mixtures of seed of different varieties, provided that measures are taken guaranteeing that the quality of the seed or the final product is not affected;

Whereas, in order to improve the functioning of the systems of the common catalogue of varieties of agricultural plant species and of the common catalogue of varieties of vegetable species, certain provisions relating to the admission of varieties at national level, to the exchange of information between the Member States and to the free marketing of seed should be adapted to internationally established rules and to the needs of the marketing years;

Whereas, finally, the provisions of the two above-mentioned common catalogues permit the Member States to grant for their own territory a period for the disposal of seed of varieties whose acceptance has expired; whereas it is appropriate to provide for such a period at Community level in the case of seed of varieties which were listed in one of the common catalogues,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed (1), as last amended by Commission Directive 78/386/EEC (2), is hereby amended as follows:

1. The following paragraph is added to Article 2 :

"(1 c) Member States may be authorized in accordance with the procedure laid down in Article 21 not to apply in respect of their own production the condition contained in Annex II(I)(2)(B)(1) in respect of one or more of the species concerned, to the extent that ecological conditions and past experience permit the assumption that the standards laid down in Annex II(I)(2) column 13 of the Table are complied with.

2. In Article 16(2) "1 July 1977" shall read "1 July 1978".

Article 2

Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed (3), as last amended by Commission Directive 78/387/EEC (4), is hereby amended as follows:

1. The following paragraph is added to Article 2 :

"1 c. Until 30 June 1982, Member States may be authorized in accordance with the procedure laid down in Article 21 to permit the marketing of the seed of certain varieties of rye to be used chiefly as fodder which does not satisfy the requirements with regard to germination or analytical purity laid down in Annex II."

2. In Article 2(2)(d), "31 December 1978" shall read "31 December 1980".

(1) OJ N° 125, 11/7/1966, p. 2298/66

(2) OJ N° L 113, 25/4/1978, p. 1

(3) OJ N° 125, 11/7/1966, p. 2309/66

(4) OJ N° L 113, 25/4/1978, p. 13

3. The following paragraph is added to Article 13 :

"(1) Member States may be authorized in accordance with the procedure laid down in Article 21 to permit the marketing of specific mixtures of seeds of various varieties recognized as being resistant to certain harmful organisms, provided that these mixtures are of such a kind, according to scientific or technical knowledge, as to reduce the effects of attacks by these harmful organisms and provided also that the components of the mixture comply, before mixing, with the marketing rules applicable to them."

4. In Article 13, paragraph 1 becomes paragraph 2 and paragraph 2 becomes paragraph 3.

Article 3

In Article 15(2a) of Council Directive 66/403/EEC of 14 June 1966 on the marketing of seed potatoes (1) as last amended by Directive 77/648/EEC (2) the date "30 June 1978" is hereby amended to read "30 June 1979".

Article 4

In Article 15 (2) of Council Directive 69/208/EEC of 30 June 1969 on the marketing of seed of oil and fibre plants (3), as last amended by Commission Directive 78/388/EEC (4) the date "1 July 1977" is hereby amended to read "1 July 1978".

Article 5

Council Directive 70/457/EEC of 29 September 1970 on the common catalogue of varieties of agricultural plant species (5), as last amended by Directive 78/55/EEC (6), is hereby amended as follows:

1. Article 5(1) shall read:

" 1. A variety shall be regarded as distinct if, when acceptance is applied for, it is clearly distinguishable, in one or more important morphological or physiological characteristics, from any other variety whose existence is a matter of common knowledge at the time. Such varieties shall include at least :

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- (1) O.J. N° 125, 11/7/1966, p. 2320/66
 - (2) O.J. N° L 261, 14/10/1977, p. 21
 - (3) O.J. N° L 169, 10/7/1969, p. 3
 - (4) O.J. N° L 113, 25/4/1978, p. 20
 - (5) O.J. N° L 225, 12/10/1970, p. 1
 - (6) O.J. N° L 16, 20/1/1978, p. 23

- any variety accepted or submitted for acceptance in the Member State in question,
- any variety accepted in another Member State and any variety whose submission for acceptance has been communicated to the Member State in question,
- any variety listed in the common catalogue of varieties."

2. Article 10(1) shall read:

"1. Any application for acceptance of a variety, any entry in a catalogue of varieties and any amendments thereto shall be sent forthwith to the other Member States and the Commission."

3. The following paragraph is added to Article 14 :

"(2) In the case of varieties which have been listed in the common catalogue of varieties referred to in Article 18, a period shall be allowed for the disposal of remaining stocks of seed or propagating material, which shall expire on 30 June of the second year following that in which acceptance in the last country in which acceptance had been granted has expired."

4. In Article 14, paragraph 2 becomes paragraph 3 and shall read:

"(3) In the case of varieties which have not been listed in the common catalogue of varieties, Member States may in respect of their own territory, allow a period of not more than three years after expiry of the acceptance for the disposal of any remaining seed or propagating material."

5. In Article 15(1), "31 December of the second year" shall read "1 July of the third year".

6. The following sentence is added to Article 15(2) :

"Only applications submitted six months before the end of the abovementioned period shall be taken into consideration."

7. The following sentences are added to Article 15(5) :

"In the case of *Beta vulgaris* L. and *Solanum tuberosum* L. this condition shall be considered fulfilled on 30 June each year in respect of varieties for which the communications provided for in Article 10(1) and (2) were made one month before that date, provided that a Member State informs the Commission or make a declaration to the Standing

Committee on Seeds and Propagating Material that it has no intention of not making an application pursuant to paragraph 2. The procedure laid down in Article 23 may be used to extend these rules to other species".

8. In Article 21(2), "30 June 1977" shall read "30 June 1978".

Article 6

Council Directive 70/458/EEC of 29 September 1970 on the marketing of vegetable seed (1), as last amended by Directive 78/55/EEC, is

1. Article 5(1) shall read:

"1. A variety shall be regarded as distinct if, when acceptance is applied for, it is clearly distinguishable, in one or more important morphological or physiological characteristics, from any other variety whose existence is a matter of common knowledge at the time. Such varieties shall include at least :

- any variety accepted or submitted for acceptance in the Member State in question,
- any variety accepted in another Member State and any variety whose submission for acceptance has been communicated to the Member State in question,
- any variety listed in the common catalogue of varieties".

2. Article 11(1) shall read:

"1. Any application for acceptance of a variety, any entry in a catalogue of varieties and any amendments thereto shall be sent forthwith to the other Member States and the Commission."

3. The following paragraph 2 is added to Article 15:

"(2) In the case of varieties which have been listed in the common catalogue of varieties, referred to in Article 18, a period shall be allowed for the disposal of remaining stocks of seed which shall expire on 30 June of the second year following that in which acceptance in the last country in which this acceptance had been granted has expired."

(1) OJ No L 225, 12.10.1970, p.7

4. In Article 15, paragraph 2 becomes paragraph 3 and shall read:

"(3) In the case of varieties which have not been listed in the common catalogue of varieties the Member States may, in respect of their own territory, allow a period of not more than three years after expiry of the acceptance for the disposal of any remaining seed.

5. In Article 32(2) "30 June 1977" shall read "30 June 1978".

Article 7

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply :

- with Articles 1(2), 4, 5(8) and 6(5) with effect from 1 July 1977,
- with Article 3, on 1 July 1978,
- with the other provisions of this Directive, on 1 July 1979.

Article 8

This Directive is addressed to the Member States.

Done at Brussels,

For the Council,
