Proposal for a Council Directive amending various Directives on seeds and propagating material in view of the accession of Spain and Portugal

COM(85) 707 final

(Submitted by the Commission to the Council on 12 December 1985)

(85/C 349/07)

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 the Council has established, by means of various Directives, a regime applicable to the marketing of seeds and propagating material;

Whereas, in respect of Portugal, a transitional regime applicable in this field has been specified in the Act of Accession of Spain and Portugal;

Whereas, in respect of Spain, adaptations should be made to the following Directives during the interim period in accordance with the conclusions of the Conference:

— Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed (1), as last amended by Commission Directive 85/38/EEC (2),

— Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed (3), as last amended by Directive 81/567/EEC (4),

— Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine (5), as last amended by Commission Directive 82/331/EEC (6),

— Council Directive 69/208/EEC of 30 June 1969 on the marketing of seed of oil and fibre plants (7), as last amended by Commission Directive 81/859/EEC (8),

— Council Directive 70/457/EEC of 29 September 1970 on the common catalogue of varieties of agricultural plant species (9), as last amended by Directive 80/1141/EEC (10),

— Council Directive 70/458/EEC of 29 September 1970 on the marketing of vegetable seed (11), as last amended by Directive 80/1141/EEC;

Whereas Bermuda grass, Harding grass (Phalaris), sorghum, Sudan grass, safflower, gourd and cardoon are important species for the production of agricultural or vegetable plants in the enlarged Community and should therefore be included in the scope of the said Directives;

Whereas, in order to make it possible to take the necessary steps to develop a system of compulsory varietal certification of seed of local varieties of lucerne, fodder kale and fodder radish, Spain should be authorized, in respect of such seed, to postpone application of the obligation imposed by Directive 66/401/EEC to market exclusively seed which has been officially certified as 'basic seed' or 'certified seed';

Whereas the demand for cotton seed in the enlarged Community is such that Directive 69/208/EEC should be amended to allow the marketing of certified cotton seed of the second generation;

Whereas, in order to permit Spain to take the necessary steps to adapt its seed and propagating material production and marketing to the requirements of the catalogue of varieties set up in the Community system, it is expedient to allow Spain to postpone the implementation of certain provisions relating to the national catalogue of vine varieties, the Common catalogue of Varieties of Agricultural Plant Species and the Common Catalogue of Varieties of Vegetable Species, either entirely or in respect of certain species,

HAS ADOPTED THIS DIRECTIVE:

(1) OJ No 125, 11. 7. 1966, p. 2298/66.
(2) OJ No L 16, 19. 1. 1985, p. 41.
(3) OJ No 125, 11. 7. 1966, p. 2309/66.
(4) OJ No L 203, 23. 7. 1981, p. 52.
(5) OJ No L 93, 17. 4. 1968, p. 15.
(6) OJ No L 148, 27. 5. 1982, p. 47.
(7) OJ No L 169, 10. 7. 1969, p. 3.
(8) OJ No L 357, 18. 12. 1982, p. 31.
(9) OJ No L 225, 12. 10. 1970, p. 1.
(10) OJ No L 341, 16. 12. 1980, p. 27.
(11) OJ No L 225, 12. 10. 1970, p. 7.

Article 1

Directive 66/401 EEC is hereby amended as follows

1 In Article 2 (1) (A) (a),

'*Cynodon dactylon* (L.) Pers. — Bermuda grass'

is inserted after

Arrhenatherum elatius (L.) Beauv. ex J. et K. Presl — Tall oatgrass'

and

Phalaris stenoptera Hackel — Harding grass, Phalaris'

is inserted after

'*Lolium* x *hybridum* Hausskn. — Hybrid ryegrass'.

2 The following paragraph is inserted after Article 3 (1):

'1a. Until 31 December 1989 Spain may be authorized, in accordance with the procedure laid down in Article 21, to provide for exceptions to paragraph 1 in the case of seed of *Medicago sativa*, *Brassica oleracea convar. acephala* and *Raphanus sativus*.'

3 In Annex II (1) (2) (A), the following is inserted after *Arrhenatherum elatius* and *Lolium x hybridum* respectively:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Cynodon dactylon	70	1	90	2,0	1,0	0,3	0,3				0	0	1	k	2	
and																
Phalaris stenoptera	75	1	96	1,5	1,0	0,3	0,3				0	0	1	k	20	

4 In Annex II (II) (2) (A), the following is inserted after *Arrhenatherum elatius* and *Lolium x hybridum* respectively:

1	2	3	4	5	6	7	8
Cynodon dactylon	0,3	20	a	1	1	1	(1)'
and							
Phalaris stenoptera	0,3	20		5	5	5	1'

5 In Annex III, the following is inserted after *Arrhenatherum elatius* and *Lolium* x *hybridum* respectively:

1	2	3	4
Cynodon dactylon	10	50	5
and			
Phalaris stenoptera	10	100	50'

Article 2

Directive 66/402 EEC is hereby amended as follows:

1 In Article 2 (1) (A),

'*Sorghum bicolor* (L.) Moench — Sorghum
Sorghum sudanense (Piper) Stapf — Sudan grass'

is inserted after

'*Secale cereale* L. — Rye'.

2. In Article 2 (1) (B), 'and *Sorghum spp.*' is inserted after 'maize'.

3. In Article 2 (1) (D), '*Sorghum spp.*' is inserted after 'maize'.

4. The following paragraph is added to Article 2:

'1b. The different types of varieties, including the component, eligible for certification under the provisions of this Directive may be specified and defined in accordance with the procedure laid down in Article 21.'

5. Former Article 2 (1b) and (1c) become 2 (1c) and (1d) respectively.

6. In Article 2 (2) (E), '*Sorghum spp.*' is inserted after 'canary grass'.

7. In Annex I (2), the following is inserted before the table:

'and in particular, in the case of sorghum, from sources of *Sorghum halepense*'.

8. In the table in Annex I (2), the following is inserted before the line of *Zea maïs*:

'*Sorghum spp.*	400 m'.

9. In the first and second paragraphs of Annex I (3), and in the introductory wording of the third paragraph, '*Sorghum spp.*' is inserted in each case before '*Zea maïs*'.

10. In the third paragraph of Annex I (3), the following is added:

'C. *Sorghum spp.*

(a) the percentage by number of plants of a sorghum species other than the crop species or 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) at flowering	0,1 %
(ii) at maturity	0,1 %
(bb) for the production of certified seed	
(i) plants of the male component which have shed pollen when the plants of the female component have receptive stigmas	0,1 %
(ii) plants of the female component	
— at flowering	0,3 %
— at maturity	0,1 %

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

(aa) sufficient pollen shall be shed by the plants of the male component while the plants of the female component have receptive stigmas

(bb) where plants of the female component have receptive stigmas, the percentage of plants of that component which have shed pollen or are shedding pollen shall not exceed 0,1 %'.

11. In Annex I (5) (B) (b), '*Sorghum spp.*' is inserted in each case before '*Zea maïs*'.

12. In Annex II (1), first and second sentences, '*Sorghum spp.* and' is inserted at each case before '*Zea maïs*'.

13. In Annex II (1) (B), '*Sorghum spp.* and' is inserted before '*Zea maïs*'.

14. In Annex II (2) (A), the following is inserted after the line of *Secale cereale:*

1	2	3	4	5	6	7	8	9	10
'*Sorghum spp.*	80	98	0						'

15. In Annex III, the following is inserted after the line of *Oryza sativa:*

1	2	3	4
'*Sorghum spp.*	10	1 000	900'

16. Annex IV (A) (a) (5) is replaced by the following:

'5. Variety; in the case of varieties (inbred lines, hybrids), which are intended solely as components for hybrid varieties, the word 'component' shall be added.'

17. In Annex IV (A) (a) (9), 'of maize' is deleted.

Article 3

Directive 68/193/EEC is hereby amended as follows:

The following sentence is added to Article 5:

'With regard to Spain, "31 December 1971" referred to above is replaced by "28 February 1986".'

Article 4

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

1. In Article 2 (1) (A),
'*Carthamus tinctorius L.* Safflower'
is inserted after
'*Cannabis sativa L.* Hemp'.

2. In Article 2 (1) (C), 'cotton' is deleted and 'safflower' inserted after 'dioecious hemp'.

3. In Article 2 (1) (D), 'cotton' is inserted after 'soya'.

4. In Article 2 (1) (E), 'cotton' is inserted after 'soya'.

5. In Article 3 (1), '*Carthamus tinctorius L.*' is inserted after '*Cannabis sativa L.*'.

6. In column 1 of the ...ble in Annex I (2), '*Carthamus tinctorius*' is inserted after *Cannabis sativa* other than monoecious hemp'.

7. In Annex I (3), '*Carthamus tinctorius*' is inserted after '*Cannabis sativa*'.

8. In Annex II (1) (2) (A), the following is inserted after the line of *Cannabis sativa:*

1	2	3	4	5	6	7	8	9	10	11	12
'*Charthamus tinctorius*	75	98	—	5	0	0 (c)					(e)'

9. In Annex III, the following is inserted after the line *Cannabis sativa:*

1	2	3	4
'Carthamus tinctorius	10	900	900'

Article 5

Directive 70/457/EEC is hereby amended as follows:

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

'With regard to Spain, "1 July 1972" and "30 June 1980" referred to in the first sentence are replaced by "1 March 1986" and "31 December 1990" respectively in respect of the following species:

Agrostis stolonifera
Agrostis tenuis
Phleum pratense
Poa pratensis
Hedysarum coronarium
Lotus corniculatus
Lupinus angustifolium
Lupinus luteus
Onobrychis viciifolia
Trifolium alexandrinum
Trifolium pratense
Vicia villosa
Brassica napus var. napobrassica
Brassica oleracea convar. acephala
Raphanus sativus ssp. oleifera
Arachis hypogaea.'

2. The following sentence is added to Article 15 (1):

'With regard to Spain, "1 July 1972" referred to in the first sentence is replaced by "1 March 1986" in respect of varieties other than those which are officially included in the catalogue of that Member State on 1 March 1986 and which are also included on that date in the catalogue of one or more of the Member States of the Community of Ten, without prejudice to the particular provisions applicable to certain species referred to in paragraph 5, second and third sentences, of this Article.'

3. The following sentence is added to Article 16:

'With regard to Spain, "1 July 1972" referred to in the first sentence is replaced by "1 March 1986".'

4. The following sentence is added to Article 17:

'With regard to Spain, "1 July 1972" referred to in the first sentence is replaced by "1 March 1986".'

Article 6

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

1. In Article 2 (1) (A),

'Cucurbita maxima Duchesne Gourd'

is inserted after

'Cucumis sativus L. Cucumber, gherkin'

and

'Cynara cardunculus L. Cardoon'

is inserted after

'Cucurbita pepo L. Marrow'.

2. In Article 2 (1) (F) (b), 'gourd' is inserted after 'water melon'.

3. The following sentence is added to Article 9 (1):

'With regard to Spain "1 July 1972" and "30 June 1975" referred to in the first sentence is replaced by "1 March 1986" and "31 December 1988" respectively in respect of the following species:

Apium graveolens
Beta vulgaris var. esculenta
Brassica oleracea
Cichorium endivia
Cucurbita pepo
Petroselinum crispum
Phaseolus coccineus
Raphanus sativus
Scorzonera hispanica.'

4. The following sentence is added to Article 9 (2):

'With regard to Spain, "1 July 1972" and "30 June 1980" referred to in the first sentence are replaced by "1 March 1986" and "31 December 1993" respectively in respect of the species referred to in the last sentence of paragraph 1.'

5. The following sentence is added to Article 9 (3):

'With regard to Spain, "30 June 1975" and "1 July 1972" referred to above are replaced by "31 December 1988" and "1 March 1986" respectively in respect of the species referred to in the last sentence of paragraph 1.'

6. The following sentence is added to Article 12 (1):

'With regard to Spain, "1 July 1970" referred to in the second sentence is replaced by "1 March 1986".'

7. The following sentence is added to Article 16 (4):

'With regard to Spain, "1 July 1972" referred to in the first sentence is replaced by "1 March 1986".'

8. The following sentence is added to Article 26 (2):

'With regard to Spain, "1 July 1970" referred to in the first sentence is replaced by "1 March 1986".'

9. In Annex II (3) (a), the following are inserted after the lines of *Cucumis sativus* and *Cucurbita pepo* respectively:

'*Cucurbita maxima*	98	0,1	80'
and			
'*Cynara cardunculus*	96	0,5	65'

10. In Annex III (2), the following are inserted after the lines of *Cucumis sativus* and *Cucurbita pepo* respectively:

'*Cucurbita maxima*	250'
and	
'*Cynara cardunculus*	50'

Article 7

Member States shall take the necessary steps to comply with the provisions of this Directive with effect from 1 March 1986, subject to the entry into force of the Treaty of Accession of Spain and Portugal.

Article 8

This Directive is addressed to the Member States.