This text is meant purely as a documentation tool and has no legal effect. The Union's institutions do not assume any liability for its contents. The authentic versions of the relevant acts, including their preambles, are those published in the Official Journal of the European Union and available in EUR-Lex. Those official texts are directly accessible through the links embedded in this document

►**B**

COUNCIL DIRECTIVE 2002/57/EC

of 13 June 2002

on the marketing of seed of oil and fibre plants

(OJ L 193, 20.7.2002, p. 74)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Council Directive 2002/68/EC of 19 July 2002	L 195	32	24.7.2002
►**M2**	Commission Directive 2003/45/EC of 28 May 2003	L 138	40	5.6.2003
►**M3**	Council Directive 2003/61/EC of 18 June 2003	L 165	23	3.7.2003
►**M4**	Council Directive 2004/117/EC of 22 December 2004	L 14	18	18.1.2005
►**M5**	Commission Directive 2009/74/EC of 26 June 2009	L 166	40	27.6.2009
►**M6**	Commission Implementing Directive (EU) 2016/11 of 5 January 2016	L 3	48	6.1.2016
►**M7**	Commission Implementing Directive (EU) 2016/317 of 3 March 2016	L 60	72	5.3.2016
►**M8**	Commission Implementing Directive (EU) 2020/177 of 11 February 2020	L 41	1	13.2.2020
►**M9**	Commission Implementing Directive (EU) 2021/971 of 16 June 2021	L 214	62	17.6.2021

Corrected by:

►**C1**	Corrigendum, OJ L 154, 19.6.2010, p. 31 (2009/74/EC)

▼B

COUNCIL DIRECTIVE 2002/57/EC

of 13 June 2002

on the marketing of seed of oil and fibre plants

Article 1

This Directive shall apply to the production with a view to marketing, and to the marketing within the Community, of seed of oil and fibre plants intended for agricultural production but not 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.

Article 2

1. For the purpose of this Directive:

(a) 'marketing': means the sale, holding with a view to sale, offer for sale and any disposal, supply or transfer aimed at commercial exploitation of seed to third parties, whether or not for consideration.

Trade in seed not aimed at commercial exploitation of the variety, such as the following operations, shall not be regarded as marketing:

— the supply of seed to official testing and inspection bodies;

— the supply of seed to providers of services for processing or packaging, provided the provider of services does not acquire title to seed thus supplied.

The supply of seed under certain conditions to providers of services for the production of certain agricultural raw materials, intended for industrial purposes, or seed propagation for that purpose, shall not be regarded as marketing, provided the provider of services does not acquire title to either the seed thus supplied or the product of the harvest. The supplier of seed shall provide the certification authority with a copy of the relevant parts of the contract made with the provider of services and this shall include the standards and conditions currently met by the seed provided.

The conditions for the application of this provision shall be determined in accordance with the procedure referred to in Article 25(2);

(b) 'oil and fibre plants': means plants of the following genera and species:

Arachis hypogaea L.	Groundnut (peanut)
►M5 *Brassica juncea* (L.) Czern ◄	Brown mustard
Brassica napus L. (partim)	Swede rape
►M5 *Brassica nigra* (L.) W.D.J. Koch ◄	Black mustard
Brassica rapa L. var. silvestris *(Lam.) Briggs*	Turnip rape
Cannabis sativa L.	Hemp
Carthamus tinctorius L.	Safflower
Carum carvi L.	Caraway
Glycine max (L.) Merr.	Soja bean
Gossypium spp.	Cotton
Helianthus annuus L.	Sunflower
Linum usitatissimum L.	Flax, linseed

▼M5

Papaver somniferum L.	Poppy

▼B

Sinapis alba L.	White mustard;

▼M2

(c) ‘basic seed’: (varieties other than hybrids) means seed

▼B

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

(ii) 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’;

(iii) which, subject to the provisions of Article 5, satisfies the conditions laid down in Annexes I and II for basic seed; and

▼M4

(iv) which has been found by official examination or in the case of the conditions laid down in Annex II, either by official examination or by examination carried out under official supervision to satisfy the conditions set out in (i), (ii) and (iii);

▼M2

(d) ‘basic seed’ (hybrids):

▼B

1. ‘Basic seed of inbred lines’ means seed

(i) which, subject to the provisions of Article 5, satisfies the conditions laid down in Annexes I and II for basic seed; and

▼M4

(ii) which has been found by official examination or, in the case of the conditions laid down in Annex II, either by official examination or by examination carried out under official supervision to satisfy the conditions set out in (i);

▼B

2. ‘Basic seed of simple hybrids’ means seed

(i) which is intended for the production of three-way-cross hybrids or double-cross hybrids;

(ii) which, subject to the provisions of Article 5, satisfies the conditions laid down in Annexes I and II for basic seed; and

▼M4

(iii) which has been found by official examination or, in the case of the conditions laid down in Annex II, either by official examination or by examination carried out under official supervision to satisfy the conditions set out in (i) and (ii);

▼B

(e) ‘certified seed’: (turnip rape, brown mustard, swede rape, dioecious hemp, safflower, black mustard, caraway, sunflower, opium poppy, white mustard) means seed

(i) 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

(ii) which is intended for purposes other than the production of seed of oil or fibre plants;

(iii) which, subject to the provisions of point (b) of Article 5, satisfies the conditions laid down in Annexes I and II for certified seed; and

▼M4

(iv) which has been found by official examination or by examination carried out under official supervision to satisfy the conditions set out in (i), (ii) and (iii);

▼B

(f) ‘certified seed, first generation’: (groundnut, monoecious hemp, flax, linseed, soya, cotton) means seed

(i) 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;

(ii) 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;

(iii) which satisfies the conditions laid down in Annexes I and II for certified seed; and

▼M4

(iv) which has been found by official examination or by examination carried out under official supervision to satisfy the conditions set out in (i), (ii) and (iii);

▼B

(g) ‘certified seed, second generation’: (groundnut, flax, linseed, soya, cotton) means seed

(i) 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;

(ii) 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’;

(iii) which satisfies the conditions laid down in Annexes I and II for certified seed; and

▼M4

(iv) which has been found by official examination or by examination carried out under official supervision to satisfy the conditions set out in (i), (ii) and (iii);

▼B

(h) ‘certified seed, second generation’ (monoecius hemp): means seed

(i) 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

(ii) which is intended for the production of hemp to be harvested in flower;

(iii) which satisfies the conditions laid down in Annexes I and II for certified seed; and

▼M4

(iv) which has been found by official examination or by examination carried out under official supervision to satisfy the conditions set out in (i), (ii) and (iii);

▼B

(i) 'certified seed, third generation': (flax, linseed) means seed

(i) 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;

(ii) which is intended for purposes other than the production of seed of oil or fibre plants;

(iii) which satisfies the conditions laid down in Annexes I and II for certified seed; and

▼M4

(iv) which has been found by official examination or by examination carried out under official supervision to satisfy the conditions set out in (i), (ii) and (iii);

▼B

(j) 'commercial seed': means seed

(i) which is identifiable as belonging to a species;

(ii) which, subject to the provisions of Article 5(b), satisfies the conditions laid down in Annex II for commercial seed, and

▼M4

(iii) which has been found by official examination or by examination carried out under official supervision to satisfy the conditions set out in (i) and (ii);

▼B

(k) 'official measures': means measures taken

(i) by State authorities; or

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

(iii) 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 (ii) and (iii) derive no private gain from such measures.

2. Amendments to be made to the list of species referred to in paragraph 1(b) shall be adopted in accordance with the procedure laid down in Article 25(2).

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 25(2).

▼M1

3a. Amendments to be made to paragraph 1(c) and (d) for the purpose of including hybrids of oil and fibre plants other than sunflower within the scope of this Directive shall be adopted in accordance with the procedure laid down in Article 25(2).

▼B

4. Member States may:

(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 examination 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.

▼M4

5. When the examinations under official supervision referred to in paragraphs (1)(c)(iv), (1)(d)(1)(ii), (1)(d)(2)(iii), (1)(e)(iv), (1)(f)(iv), (1)(g)(iv), (1)(h)(iv), (1)(i)(iv) and (1)(j)(iii) are carried out, the following requirements shall be complied with:

A. Field inspection

(a) The inspectors shall:

(i) have the necessary technical qualifications;

(ii) derive no private gain in connection with the carrying out of the inspections;

(iii) have been officially licensed by the seed certification authority of the Member State concerned and this licensing shall include either the swearing-in of inspectors or the signature by inspectors of a written statement of commitment to the rules governing official examinations;

(iv) carry out inspections under official supervision in accordance with the rules applicable to official inspections.

(b) The seed crop to be inspected shall be grown from seed which has undergone official post-control, the results of which have been satisfactory.

(c) A proportion of the seed crops shall be checked by official inspectors. That proportion shall be at least 5 %.

(d) A proportion of samples from the seed lots harvested from the seed crops shall be drawn for official post control and, where appropriate, for official laboratory seed testing in respect of varietal identity and purity.

▼M4

(e) The Member States shall lay down the rules on penalties applicable to infringements of the national provisions governing examination under official supervision, adopted pursuant to this Directive. The penalties provided for must be effective, proportionate and dissuasive. Penalties may include the withdrawal of the licence provided for in (a)(iii), from officially licensed inspectors who are found guilty of deliberately or negligently contravening the rules governing official examinations. The Member States shall ensure that any certification of the seed examined is annulled in the event of such contravention unless it can be shown that such seed still meets all relevant requirements.

B. Seed testing

(a) Seed testing shall be carried out by seed-testing laboratories which have been authorised for that purpose by the seed certification authority of the Member State concerned under the conditions set out in (b) to (d).

(b) The seed-testing laboratory shall have a seed analyst-in-charge who has direct responsibility for the technical operations of the laboratory and has the necessary qualifications for technical management of a seed-testing laboratory.

Its seed analysts shall have the necessary technical qualifications obtained in training courses organised under conditions applicable to official seed analysts and confirmed by official examinations.

The laboratory shall be maintained in premises and with equipment officially considered by the seed certification authority to be satisfactory for the purpose of seed testing, within the scope of the authorisation.

It shall carry out seed testing in accordance with current international methods.

(c) The seed-testing laboratory shall be:

(i) an independent laboratory;

or

(ii) a laboratory belonging to a seed-company.

In the case referred to in (ii), the laboratory may carry out seed testing only on seed lots produced on behalf of the seed-company to which it belongs, unless it has been otherwise agreed between that seed-company, the applicant for certification and the seed certification authority.

(d) The seed-testing laboratory's performance of seed testing shall be subject to appropriate supervision by the seed certification authority.

▼M4

(e) For the purposes of the supervision referred to in (d) a proportion of the seed lots entered for the official certification shall be check-tested by official seed testing. That proportion shall in principle be as evenly spread as possible over natural and legal persons entering seed for certification, and the species entered, but may also be oriented to eliminate specific doubts. That proportion shall be at least 5 %.

(f) The Member States shall lay down the rules on penalties applicable to infringements of the national provisions governing examination under official supervision, adopted pursuant to this Directive. The penalties provided for must be effective, proportionate and dissuasive. Penalties may include the withdrawal of the authorisation provided for in (a), from officially authorised seed-testing laboratories which are found guilty of deliberately or negligently contravening the rules governing official examinations. The Member States shall ensure that any certification of the seed examined is annulled in the event of such contravention unless it can be shown that such seed still meets all relevant requirements.

▼B

6. Further measures applicable to the carrying out of examinations under official supervision may be adopted in accordance with the procedure referred to in Article 25(2).

▼M4

_____

▼B

Article 3

1. Member States shall provide that seed of:

Brassica napus L. (*partim*)

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

Cannabis sativa L.

Carthamus tinctorius L.

Carum carvi L.

Gossypium spp.

Helianthus annuus L.

Linum usitatissimum L. (*partim*) — flax, linseed

may not be placed on the market unless it has been officially certified as ‘basic seed’ or ‘certified seed’.

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.

▼B

3. It may be provided, under the procedure laid down in Article 25(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.

Article 4

Notwithstanding Article 3(1) and (2), Member States shall provide that:

— bred seed of generations prior to basic seed, and

— seed as grown, marketed for processing, provided that the identity of the seed is ensured,

may be placed on the market.

Article 5

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

(a) authorise 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, authorise 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 18 in respect of multiplication outside the Community.

Member States making use of the derogation provided for in either point (a) or (b) shall assist each other administratively as regards inspection.

▼B

Article 6

1. Notwithstanding Article 3(1) and (2), Member States may authorise procedures in their own territory to place on the market:

(a) small quantities of seed for scientific purposes or selection work;

(b) appropriate quantities of seed for other test or trial purposes, provided it belongs to varieties for which an application for entry in the catalogue has been submitted in the Member State in question.

In the case of genetically modified material, such authorisation may be granted only if all appropriate measures have been taken to avoid adverse effects on human health and the environment. For the environmental risk assessment to be carried out in this respect, the provisions of Article 7(4) of Directive 2002/53/EC shall apply accordingly.

2. The purposes for which the authorisations referred to in paragraph 1(b) may be given, the provisions relating to the marking of packages, and the quantities and the conditions under which Member States may grant such authorisation, shall be determined in accordance with the procedure referred to in Article 25(2).

3. Authorisations granted before 14 December 1998 by Member States to producers in their own territory for the purposes set out in paragraph 1 shall remain in force pending determination of the provisions referred to in paragraph 2. Thereafter, all such authorisations shall respect the provisions established in accordance with paragraph 2.

Article 7

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

Article 8

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

Article 9

▼M4

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 or under official supervision in accordance with appropriate methods. However seed sampling with a view to controls pursuant to Article 22 shall be carried out officially.

1a. When the seed sampling under official supervision provided for in paragraph 1 is carried out, the following requirements shall be complied with:

▼M4

(a) seed sampling shall be carried out by seed samplers who have been authorised for that purpose by the seed certification authority of the Member State concerned under the conditions set out in (b), (c), and (d);

(b) seed samplers shall have the necessary technical qualifications obtained in training courses organised under conditions applicable to official seed samplers and confirmed by official examinations.

They shall carry out seed sampling in accordance with current international methods;

(c) seed samplers shall be:

(i) independent natural persons;

(ii) persons employed by natural or legal persons whose activities do not involve seed production, seed growing, seed processing or seed trade;

or

(iii) persons employed by natural or legal persons whose activities involve seed production, seed growing, seed processing or seed trade.

In the case referred to in (iii), a seed sampler may carry out seed sampling only on seed lots produced on behalf of his employer, unless it has been otherwise agreed between his employer, the applicant for certification and the seed certification authority;

(d) the performance of the seed samplers shall be subject to appropriate supervision by the seed certification authority. When automatic sampling is in operation appropriate procedures must be adhered to and officially supervised;

(e) for the purposes of the supervision referred to in (d) a proportion of the seed lots entered for official certification shall be check-sampled by official seed samplers. That proportion shall in principle be as evenly spread as possible over natural and legal persons entering seed for certification and the species entered but may also be oriented to eliminate specific doubts. That proportion shall be at least 5 %. This check sampling does not apply to automatic sampling.

The Member States shall compare the seed samples drawn officially with those of the same seed lot drawn under official supervision;

▼M4

(f) the Member States shall lay down the rules on penalties applicable to infringements of the national provisions governing examination under official supervision, adopted pursuant to this Directive. The penalties provided for must be effective, proportionate and dissuasive. Penalties may include the withdrawal of the authorisation provided for in (a), from officially authorised seed samplers who are found guilty of deliberately or negligently contravening the rules governing official examinations. The Member States shall ensure that any certification of the seed sampled is annulled in the event of such contravention unless it can be shown that such seed still meets all relevant requirements.

1b. Further measures applicable to the carrying out of seed sampling under official supervision may be adopted in accordance with the procedure laid down in Article 25(2).

▼B

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 10

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 11 and 12, 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 11

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 12(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 above shall not be necessary where a non-reusable sealing system is used.

▼B

In accordance with the procedure referred to in Article 25(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 12(1).

3. Member States may provide for exceptions to paragraph 1 in the case of small packages sealed in their own territory. Conditions relating to these exceptions may be determined in accordance with the procedure referred to in Article 25(2).

Article 12

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

(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. ►**M1** In the case of certified seed of a varietal association, the label shall be blue with a diagonal green line. ◄ 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 Article 5(a), 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 authorised. In accordance with the procedure referred to in Article 25(2) the indelible printing under official supervision of the information on the package according to the label's model may be authorised;

(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 sealed on their own territory. Conditions relating to these exceptions may be determined in accordance with the procedure referred to in Article 25(2).

▼B

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.

Article 13

In accordance with the procedure laid down in Article 25(2), it may be provided that Member States may require that, in cases other than those provided for in this Directive, packages of basic seed, certified seed of all categories or commercial seed shall bear a supplier's label (which may either be a label separate from the official label or take the form of suppliers' information printed on the package itself). The particulars to be provided on any such label shall also be established in accordance with the procedure referred to in Article 25(2).

Article 14

In the case of seed of a variety which has been genetically modified, any label or document, official or otherwise, which is affixed to or accompanies the seed lot, under the provisions of this Directive, shall clearly indicate that the variety has been genetically modified.

Article 15

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 on on the package or inside it.

Article 16

For the purpose of seeking improved alternatives to certain provisions set out in this Directive, it may be decided to organise temporary experiments under specified conditions at Community level in accordance with the provisions referred to 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 17

Member States shall ensure that seed which is placed on the market under the provisions of this Directive, whether mandatory or discretionary, is not subject to any marketing restrictions as regards its characteristics, examination requirements, marking and sealing other than those laid down in this or any other Directive.

▼B

Article 18

The conditions under which bred seed of generations prior to basic seed may be placed on the market under the first indent of Article 4, shall be as follows:

(a) it must have been officially inspected by the competent certification authority in accordance with the provisions applicable to the certification of basic seed;

(b) it must be packed in accordance with this Directive; and

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

— certification authority and Member State or their distinguishing abbreviation,

— lot reference number,

— month and year of sealing, or

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

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

— variety, indicated at least in roman characters,

— the description ‘pre-basic seed’,

— number of generations preceding seed of the categories ‘certified seed’, or ‘certified seed of the first generation’.

The label shall be white with a diagonal violet line.

Article 19

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

— 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 Article 20(b), 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 2002/53/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.

▼B

Where in such cases the seed has been produced directly from officially certified seed of generations prior to basic seed, Member States may also authorise 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 the Community and which is intended for certification in accordance with 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 Article 11(1); and

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

The provisions in the first subparagraph on packing and labelling may be waived if the authorities responsible for field inspection, those drawing up the documents for the certification of seeds which have not been definitively certified and those responsible for certification are the same, or if they agree on exemption.

▼M4

3. The Member States shall also provide that seed of oil and fibre plants harvested in a third country shall, on request, be officially certified if:

(a) the seed has been produced directly from:

(i) 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 Article 20(1)(b);

or

(ii) the crossing of basic seed officially certified in a Member State with basic seed officially certified in a third country referred to in (i);

(b) it has undergone field inspection satisfying the conditions laid down in an equivalence decision made under Article 20(1)(a) for the relevant category;

(c) official examination has shown that the conditions laid down in Annex II for the same category are satisfied.

▼M1

Article 19a

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 purposes of paragraph 1:

▼M1

(a) ‘varietal association’ means an association of certified seed of a specified pollinator-dependant hybrid officially admitted under Directive 2002/53/EC 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;

(b) ‘pollinator-dependant hybrid’ means the male-sterile component within the ‘varietal association’ (female component);

(c) ‘pollinator(s)’ means the component shedding pollen within the ‘varietal association’ (male component).

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

▼B

Article 20

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;

▼M4

(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 seed harvested within the Community and complying with the provisions of this Directive.

▼B

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.

Article 21

1. In order to remove any temporary difficulties in the general supply of basic or certified seed that occur in the Community and cannot be otherwise overcome, it may be decided in accordance with the procedure laid down in Article 25(2) that Member States shall permit, for a specified period, the marketing throughout the Community in quantities necessary to resolve the supply difficulties of seed of a category subject to less stringent requirements, or of seed of a variety not included in the Common Catalogue of Varieties of Agricultural Plant Species or in the national catalogue of varieties of the Member States.

▼B

2. For a category of seed of any given variety, the official label shall be that provided for the corresponding category; for seed of varieties not included in the abovementioned catalogues the official label 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.

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

Article 22

1. Member States shall ensure that official inspections are carried out in relation to the marketing of seed of oil and fibre plants, at least by random checks, to verify compliance with the requirements of this Directive.

2. Without prejudice to the free movement of seed within the Community, Member States shall take all necessary measures to ensure that they are supplied with the following particulars during the marketing of quantities exceeding two kilograms of seed imported from third countries:

(a) species;

(b) variety;

(c) category;

(d) country of production and official inspection authority;

(e) country of dispatch;

(f) importer;

(g) quantity of seed.

The manner in which these particulars are to be presented may be determined in accordance with the procedure referred to in Article 25(2).

▼M3

Article 23

1. Community comparative tests and trials shall be carried out within the Community for the post-control of samples of seed of oil and fibre plants placed on the market under the provisions of this Directive, whether mandatory or discretionary, and taken during sampling. The comparative tests and trials may include the following:

— seed harvested in third countries,

— seed suitable for organic farming,

— seed marketed in relation to the conservation *in situ* and the sustainable use of plant genetic resources.

2. These comparative tests and trials shall be used to harmonise the technical methods of certification and to check satisfaction of the conditions with which the seed must comply.

▼M3

3. The Commission, acting in accordance with the procedure referred to in Article 25(2), shall make the necessary arrangements for the comparative tests and trials to be carried out. The Commission shall inform the Committee referred to in Article 25(1) about the technical arrangements for holding the tests and trials and the results thereof.

4. The Community may make a financial contribution to the performance of the tests and trials foreseen in paragraphs 1 and 2.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.

5. The tests and trials which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 25(2).

6. The tests and trials foreseen in paragraphs 1 and 2 may be performed only by State authorities or legal persons acting under the responsibility of the State.

▼B

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 referred to in Article 25(2).

Article 25

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

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. The Committee shall adopt its rules of procedure.

Article 26

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.

([1]) OJ L 125, 11.7.1966, p. 2289/66.

▼B

Article 27

1. Specific conditions may be established in accordance with the procedure referred to in Article 25(2) to take account of developments in the areas of:

(a) conditions under which chemically treated seed may be marketed;

(b) conditions under which seed may be marketed in relation to the conservation *in situ* and the sustainable use of plant genetic resources, including seed mixtures of species which also include species listed in Article 1 of Directive 2002/53/EC, and are associated with specific natural and semi-natural habitats and are threatened by genetic erosion;

(c) conditions under which seed suitable for organic production may be marketed.

2. The specific conditions referred to in paragraph 1(b) shall include in particular the following points:

(a) the seed of these species shall be of a known provenance approved by the appropriate Authority in each Member State for marketing the seed in defined areas;

(b) appropriate quantitative restrictions.

Article 28

Upon application by a Member State, which will be dealt with as referred to Article 25(2), that State may be wholly or partially released from the obligation to apply the provisions of this Directive, with the exception of Article 17:

(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 29

The 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.

The Commission shall inform the other Member States thereof.

Article 30

No later than 1 February 2004, the Commission shall submit a detailed evaluation of the simplifications of the certification procedures introduced by Article 5 of Directive 98/96/EC. This evaluation shall focus in particular on the possible effects on the quality of the seed.

Article 31

1. Directive 69/208/EEC as amended by the Directives listed in Annex VI part A, is 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.

▼B

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

Article 32

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

Article 33

This Directive is addressed to the Member States.

▼M5

ANNEX I

CONDITIONS TO BE SATISFIED BY THE CROP

1. The previous cropping of the field shall not have been incompatible with the production of seed of the species and variety of the crop, and the field shall be sufficiently free from such plants which are volunteers from previous cropping.

   In the case of hybrids of *Brassica napus*, the crop shall be raised in a production ground where five years have elapsed since plants of *Brassicaceae* (*Cruciferae*) were last grown.

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
►C1 *Brassica* spp. other than *Brassica napus, Cannabis sativa* other than monoecious *Cannabis sativa, Carthamus tinctorius, Carum carvi, Sinapis alba*: ◄	
— for the production of basic seed,	400 m
— for the production of certified seed,	200 m
Brassica napus:	
— for the production of basic seed of varieties other than hybrids,	200 m
— for the production of basic seed of hybrids,	500 m
— for the production of certified seed of varieties other than hybrids,	100 m
— for the production of certified seed of hybrids,	300 m
Cannabis sativa, monoecious *Cannabis sativa*:	
— for the production of basic seed,	5 000 m
— for the production of certified seed,	1 000 m
Helianthus annuus:	
— 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

▼M5

Crop	Minimum distance
Gossypium hirsutum and/or *Gossypium barbadense*:	
►C1 — for the production of basic seed of *Gossypium hirsutum*, ◄	100 m
►C1 — for the production of basic seed of *Gossypium barbadense*, ◄	200 m
— for the production of certified seed of non-hybrid varieties and intraspecific hybrids of *Gossypium hirsutum* produced without Cytoplasmic Male Sterility (CMS),	30 m
— for the production of certified seed of intraspecific hybrids of *Gossypium hirsutum* produced with CMS,	800 m
— for the production of certified seed of non-hybrid varieties and intraspecific hybrids of *Gossypium barbadense* produced without CMS,	150 m
— for the production of certified seed of intraspecific hybrids of *Gossypium barbadense* produced with CMS,	800 m
— for the production of basic seed of fixed interspecific hybrids of *Gossypium hirsutum* and *Gossypium barbadense*,	200 m
— for the production of certified seed of fixed interspecific hybrids of *Gossypium hirsutum* and *Gossypium barbadense* and hybrids produced without CMS,	150 m
— for the production of certified seed of hybrids of *Gossypium hirsutum* and *Gossypium barbadense* produced with CMS,	800 m

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

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

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

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

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

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

— one per 30 m^2 for the production of basic seed,

— one per 10 m^2 for the production of certified seed,

▼M5

B. Hybrids of *Helianthus annuus*:

(a) the percentage by number of plants which are recognisable 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 recognisable 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 conditions 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;

C. Hybrids of *Brassica napus*, produced using the male sterility:

(a) the percentage by number of plants which are recognisable 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	0,1 %
(ii) simple hybrids	
— male component,	0,1 %

▼M5

— female component,	0,2 %
(bb) for the production of certified seed	
— male component,	0,3 %
— female component,	1,0 %

(b) Male sterility shall be at least 99 % for the production of basic seed and 98 % for the production of certified seed. The level of male sterility shall be assessed by examining flowers for the absence of fertile anthers;

D. Hybrids of *Gossypium hirsutum* and *Gossypium barbadense*:

(a) in crops to produce basic seed of parental lines of *Gossypium hirsutum* and *Gossypium barbadense*, the minimum varietal purity of both the female and male parental lines shall be 99,8 % when 5 % or more of seed-bearing plants have pollen receptive flowers. The level of male sterility of the seed-bearing parent line shall be assessed by examining the flowers for the presence of sterile anthers and shall not be less than 99,9 %

(b) in crops to produce certified seed of hybrid varieties of *Gossypium hirsutum* and/or *Gossypium barbadense*, the minimum varietal purity of both the seed-bearing parent and the pollen parent line shall be 99,5 % when 5 % or more of seed-bearing plants have pollen receptive flowers. The level of male sterility of the seed-bearing parent line shall be assessed by examining the flowers for the presence of sterile anthers and shall not be less than 99,7 %.

▼M9

3a. In the case where, following the implementation of points 1 and 3, there is still doubt left as to the varietal identity of the seed, the certification authority may use, for the examination of that identity, an internationally recognised and reproducible biochemical or molecular technique, in accordance with the applicable international standards.

▼M8

4. The crop shall be practically free from any pests which reduce the usefulness and quality of the propagating material. The crop shall also comply with the requirements concerning Union quarantine pests, protected zone quarantine pests and regulated non-quarantine pests ('RNQPs') provided for in implementing acts adopted pursuant to Regulation (EU) 2016/2031 ([1]), as well as with the measures adopted pursuant to Article 30(1) of that Regulation.

The presence of RNQPs on the crops shall comply with the following requirements as set out in the table:

Fungi and oomycetes				
RNQPs or symptoms caused by RNQPs	Plants for planting (genus or species)	Thresholds for the production of pre-basic seed	Thresholds for the production of basic seed	Thresholds for the production of certified seed
Plasmopara halstedii (Farlow) Berlese & de Toni [PLASHA]	*Helianthus annuus* L.	0 %	0 %	0 %

([1]) Regulation (EU) 2016/2031 of the European Parliament of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC (OJ L 317, 23.11.2016, p. 4).

▼**M5**

5. The satisfaction of the abovementioned other standards or conditions shall, in the case of basic seed, be examined in official field inspections and, in the case of certified seed, be examined either in official field inspections or in inspections carried out under official supervision. 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. In cases other than crops of hybrids of *Helianthus annuus, Brassica napus, Gossypium hirsutum* and *Gossypium barbadense*, there shall be at least one inspection.

      In the case of hybrids of *Helianthus annuus* there shall be at least two inspections.

      In the case of hybrids of *Brassica napus* there shall be at least three inspections: the first shall be made before the flowering stage, the second at the early flowering stage and the third at the end of the flowering stage.

      In the case of hybrids of *Gossypium hirsutum* and/or *Gossypium barbadense* there shall be at least three inspections: the first shall be made at the early flowering stage, the second before the end of the flowering stage and the third at the end of the flowering stage after removal, where appropriate, of the pollen parent plants.

   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.

▼M5

ANNEX II

CONDITIONS TO BE SATISFIED BY THE SEED

I. BASIC AND CERTIFIED SEED

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

Species and category	Minimum varietal purity (%)
Arachis hypogaea:	
— basic seed,	99,7
— certified seed,	99,5
Brassica napus other than hybrids, other than varieties to be used solely for fodder purposes, *Brassica rapa*, other than varieties to be used solely for fodder purposes	
— basic seed,	99,9
— certified seed,	99,7
Brassica napus spp. other than hybrids, varieties to be used solely for fodder purposes, *Brassica rapa*, varieties to be used solely for fodder purposes, *Helianthus annuus*, other than hybrid varieties including their components, *Sinapis alba*:	
— basic seed,	99,7
— certified seed,	99,0
Glycine max:	
— basic seed,	99,5
— certified seed,	99,0
Linum usitatissimum:	
— basic seed,	99,7
— certified seed, 1st generation,	98,0
— certified seed, 2nd and 3rd generations,	97,5
Papaver somniferum:	
— basic seed,	99,0
— certified seed,	98,0

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

▼M5

2. In the case of hybrids of *Brassica napus* produced using male sterility the seed shall conform with the conditions and standards set out in points (a) to (d).

(a) The seed shall have sufficient identity and purity as regards the varietal characteristics of its components, including male sterility or restoration of fertility;

▼M6

(b) The minimum varietal purity of the seed shall be:

— basic seed, female component: 99,0 %,

— basic seed, male component: 99,9 %,

— certified seed of winter swede rape varieties: 90,0 %,

— certified seed of spring swede rape varieties: 85,0 %;

▼M5

(c) Seed shall not be certified as certified seed unless due account has been taken of the results of official post-control plot tests on samples of basic seed taken officially and carried out during the growing season of the seed entered for certification as certified seed to ascertain whether the basic seed has met the requirements for basic seed laid down in respect of identity as regards the characteristics of the components, including male sterility, and the standards for basic seed laid down in respect of the minimum varietal purity laid down in point (b).

In the case of basic seed of hybrids, the varietal purity may be assessed by appropriate biochemical methods;

(d) The compliance with the standards of the minimum varietal purity laid down in point (b) in respect of certified seed of hybrids shall be monitored by official post-control tests on an appropriate proportion of samples taken officially. Appropriate biochemical methods may be utilised.

3. 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 *Helianthus annuus* 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.

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

▼M5

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 of seeds of other plant species (% by weight)	Other plan species (a)	*Avena fatua, Avena sterilis*	*Cuscuta* spp.	*Raphanus raphanistrum*	*Rumex* spp. other than *Rumex acetosella*	*Alopecurus myosuroides*	*Lolium remotum*	
1	2	3	4	5	6	7	8	9	10	11	12
Arachis hypogaea	70	99	—	5	0	0 (c)					
Brassica spp.											
— basic seed,	85	98	0,3	—	0	0 (c) (d)	10	2			
— certified seed,	85	98	0,3	—	0	0 (c) (d)	10	5			
Cannabis sativa	75	98	—	30 (b)	0	0 (c)					(e)
Carthamus tinctorius	75	98	—	5	0	0 (c)					(e)
Carum carvi	70	97	—	25 (b)	0	0 (c) (d)	10		3		
Glycine max	80	98	—	5	0	0 (c)					
Gossypium spp.	80	98	—	15	0	0 (c)					
Helianthus annuus	85	98	—	5	0	0 (c)					
Linum usitatissimum:											
— flax,	92	99	—	15	0	0 (c) (d)			4	2	

▼M5

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 of seeds of other plant species (% by weight)	Other plan species (a)	*Avena fatua, Avena sterilis*	*Cuscuta* spp.	*Raphanus raphanistrum*	*Rumex* spp. other than *Rumex acet-osella*	*Alopecurus myosuroides*	*Lolium remotum*	
1	2	3	4	5	6	7	8	9	10	11	12
— linseed,	85	99	—	15	0	0 (c) (d)			4	2	
Papaver somniferum	80	98	—	25 (b)	0	0 (c) (d)					
Sinapis alba:											
— basic seed,	85	98	0,3	—	0	0 (c) (d)	10	2			
— certified seed,	85	98	0,3	—	0	0 (c) (d)	10	5			

▼M5

B. Other standards or conditions applicable where reference is made to them in the table under Section I(4)(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 plant 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 *Orobanche* spp.; however the presence of one seed of *Orobanche* 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 *Orobanche* spp.

▼M8

5. The seed shall be practically free from any pests which reduce the usefulness and quality of the propagating material.

The seed shall also comply with the requirements concerning Union quarantine pests, protected zone quarantine pests and RNQPs provided for in implementing acts adopted pursuant to Regulation (EU) 2016/2031, as well as with the measures adopted pursuant to Article 30(1) of that Regulation.

The presence of RNQPs on the seeds and the respective categories shall comply with the following requirements as set out in the table:

Fungi and oomycetes

RNQPs or symptoms caused by RNQPs	Plants for planting (genus or species)	Thresholds for pre-basic seed	Thresholds for basic seed	Thresholds for certified seed
Alternaria linicola Groves & Skolko [ALTELI]	*Linum usitatissimum* L.	5 % 5 % affected with *Alternaria linicola*, *Boeremia exigua* var. *linicola*, *Colletotrichium lini* and *Fusarium* spp	5 % 5 % affected with *Alternaria linicola*, *Boeremia exigua* var. *linicola*, *Colletotrichium lini* and *Fusarium* spp	5 % 5 % affected with *Alternaria linicola*, *Boeremia exigua* var. *linicola*, *Colletotrichium lini* and *Fusarium* spp
Boeremia exigua var. *linicola* (Naumov & Vassiljevsky) Aveskamp, Gruyter & Verkley [PHOMEL]	*Linum usitatissimum* L. - flax	1 % 5 % affected with *Alternaria linicola*, *Boeremia exigua* var. *linicola*, *Colletotrichium lini* and *Fusarium* spp	1 % 5 % affected with *Alternaria linicola*, *Boeremia exigua* var. *linicola*, *Colletotrichium lini* and *Fusarium* spp	1 % 5 % affected with *Alternaria linicola*, *Boeremia exigua* var. *linicola*, *Colletotrichium lini* and *Fusarium* spp
Boeremia exigua var. *linicola* (Naumov & Vassiljevsky) Aveskamp, Gruyter & Verkley [PHOMEL]	*Linum usitatissimum* L. - linseed	5 % 5 % affected with *Alternaria linicola*, *Boeremia exigua* var. *linicola*, *Colletotrichium lini* and *Fusarium* spp	5 % 5 % affected with *Alternaria linicola*, *Boeremia exigua* var. *linicola*, *Colletotrichium lini* and *Fusarium* spp	5 % 5 % affected with *Alternaria linicola*, *Boeremia exigua* var. *linicola*, *Colletotrichium lini* and *Fusarium* spp
Botrytis cinerea de Bary [BOTRCI]	*Helianthus annuus* L., *Linum usitatissimum* L.	5 %	5 %	5 %

▼M8

Fungi and oomycetes				
RNQPs or symptoms caused by RNQPs	Plants for planting (genus or species)	Thresholds for pre-basic seed	Thresholds for basic seed	Thresholds for certified seed
Colletotrichum lini Westerdijk [COLLLI]	*Linum usitatissimum* L.	5 % 5 % affected with *Alternaria linicola*, *Boeremia exigua* var. *linicola*, *Colletotrichium lini* and *Fusarium* spp	5 % 5 % affected with *Alternaria linicola*, *Boeremia exigua* var. *linicola*, *Colletotrichium lini* and *Fusarium* spp	5 % 5 % affected with *Alternaria linicola*, *Boeremia exigua* var. *linicola*, *Colletotrichium lini* and *Fusarium* spp
Diaporthe caulivora (Athow & Caldwell) J.M. Santos, Vrandecic & A.J.L. Phillips [DIAPPC] *Diaporthe phaseolorum* var. *sojae* Lehman [DIAPPS]	*Glycine max* (L.) Merr	15 % for infection with the Phomopsis complex	15 % for infection with the Phomopsis complex	15 % for infection with the Phomopsis complex
Fusarium (anamorphic genus) Link [1FUSAG] other than *Fusarium oxysporum* f. sp. *albedinis* (Kill. & Maire) W.L. Gordon [FUSAAL] and *Fusarium circinatum* Nirenberg & O'Donnell [GIBBCI]	*Linum usitatissimum* L.	5 % 5 % affected with *Alternaria linicola*, *Boeremia exigua* var. *linicola*, *Colletotrichium lini* and *Fusarium* spp	5 % 5 % affected with *Alternaria linicola*, *Boeremia exigua* var. *linicola*, *Colletotrichium lini* and *Fusarium* spp	5 % 5 % affected with *Alternaria linicola*, *Boeremia exigua* var. *linicola*, *Colletotrichium lini* and *Fusarium* spp
Plasmopara halstedii (Farlow) Berlese & de Toni [PLASHA]	*Helianthus annuus* L.	0 %	0 %	0 %
Sclerotinia sclerotiorum (Libert) de Bary [SCLESC]	*Brassica rapa* L. var. silvestris (Lam.) Briggs,	Not more than 5 sclerotia or fragments of sclerotia found in a laboratory examination of a representative sample of each seed lot, of a size specified in column 4 of Annex III to Directive 2002/57/EC.	Not more than 5 sclerotia or fragments of sclerotia found in a laboratory examination of a representative sample of each seed lot, of a size specified in column 4 of Annex III to Directive 2002/57/EC.	Not more than 5 sclerotia or fragments of sclerotia found in a laboratory examination of a representative sample of each seed lot, of a size specified in column 4 of Annex III to Directive 2002/57/EC.
Sclerotinia sclerotiorum (Libert) de Bary [SCLESC]	*Brassica napus* L. *(partim)*, *Helianthus annuus* L.	Not more than 10 sclerotia or fragments of sclerotia found in a laboratory examination of a representative sample of each seed lot, of a size specified in column 4 of Annex III to Directive 2002/57/EC	Not more than 10 sclerotia or fragments of sclerotia found in a laboratory examination of a representative sample of each seed lot, of a size specified in column 4 of Annex III to Directive 2002/57/EC	Not more than 10 sclerotia or fragments of sclerotia found in a laboratory examination of a representative sample of each seed lot, of a size specified in column 4 of Annex III to Directive 2002/57/EC

▼M8

Fungi and oomycetes				
RNQPs or symptoms caused by RNQPs	Plants for planting (genus or species)	Thresholds for pre-basic seed	Thresholds for basic seed	Thresholds for certified seed
Sclerotinia sclerotiorum (Libert) de Bary [SCLESC]	*Sinapis alba* L.	Not more than 5 sclerotia or fragments of sclerotia found in a laboratory examination of a representative sample of each seed lot, of a size specified in column 4 of Annex III to Directive 2002/57/EC	Not more than 5 sclerotia or fragments of sclerotia found in a laboratory examination of a representative sample of each seed lot, of a size specified in column 4 of Annex III to Directive 2002/57/EC.	Not more than 5 sclerotia or fragments of sclerotia found in a laboratory examination of a representative sample of each seed lot, of a size specified in column 4 of Annex III to Directive 2002/57/EC.

▼M5

II. COMMERCIAL SEED

With the exception of Section 1, the conditions referred to in Annex II(I) shall apply to commercial seed.

▼M5

ANNEX III

LOT AND SAMPLE WEIGHTS

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)(4)(A) and in column 5 of Annex II(I)(5)(A) (grams)
1	2	3	4
Arachis hypogaea	30	1 000	1 000
Brassica juncea	10	100	40
Brassica napus	10	200	100
Brassica nigra	10	100	40
Brassica rapa	10	200	70
Cannabis sativa	10	600	600
Carthamus tinctorius	25	900	900
Carum carvi	10	200	80
Glycine max	30	1 000	1 000
Gossypium spp.	25	1 000	1 000
Helianthus annuus	25	1 000	1 000
Linum usitatissimum	10	300	150
Papaver somniferum	10	50	10
Sinapis alba	10	400	200

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

▼B

ANNEX IV

LABEL

A. **Required information**

(a) *For basic seed and certified seed*

1. ‘EC rules and standards’.

2. Certification authority and Member State or their initials.

▼M7

2a. Officially assigned serial number.

▼B

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)’.

4. Reference number of lot.

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

6. Variety, indicated at least in roman characters.

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.

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 2002/53/EC:

     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’,

   — 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.

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.

▼M2

(aa) *For certified seed of a varietal association*

the information required under section (a), except that instead of the name of the variety, the name of the varietal association shall be (information 'varietal association' and its name) and the percentages by weight of the various components shown by variety shall be given; it shall be sufficient to give the name of the varietal association if the percentage by weight has been notified in writing to the purchaser, on request, and officially recorded.

▼B

(b) *For commercial seed*

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

▼M7

3a. Officially assigned serial number.

▼B

4. Month and year of sealing expressed thus: 'sealed … (month and year)'.
5. Reference number of lot.
6. Species, indicated at least under its botanical name, which may be given in abridged form and without the authors' names, in roman characters.
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.
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.

In accordance with the procedure referred to 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. **Minimum dimensions**

110 mm × 67 mm.

▼B

ANNEX V

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,

▼M7

— officially assigned serial number,

▼B

— species, indicated at least under its botanical name, which may be given in abridged form and without the authors' 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 referred to 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,

▼M7

— officially assigned serial number,

▼B

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

▼B

— 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.

▼B

ANNEX VI

PART A

REPEALED DIRECTIVE AND ITS SUCCESSIVE AMENDMENTS

(referred to by Article 31)

Directive 69/208/EEC (OJ L 169, 10.7.1969, p. 3)	
Council Directive 71/162/EEC (OJ L 87, 17.4.1971, p. 24)	only Article 5
Council Directive 72/274/EEC (OJ L 171, 29.7.1972, p. 37)	only concerning references made to the provisions of Directive 69/208/EEC in Articles 1 and 2
Council Directive 72/418/EEC (OJ L 287, 26.12.1972, p. 22)	only Article 5
Council Directive 73/438/EEC (OJ L 356, 27.12.1973, p. 79)	only Article 5
Council Directive 75/444/EEC (OJ L 196, 26.7.1975, p. 6)	only Article 5
Council Directive 78/55/EEC (OJ L 16, 20.1.1978, p. 23)	only Article 5
Commission Directive 78/388/EEC (OJ L 113, 25.4.1978, p. 20)	
Council Directive 78/692/EEC (OJ L 236, 26.8.1978, p. 13)	only Article 6
Council Directive 78/1020/EEC (OJ L 350, 14.12.1978, p. 27)	only Article 3
Commission Directive 79/641/EEC (OJ L 183, 19.7.1979, p. 13)	only Article 3
Commission Directive 80/304/EEC (OJ L 68, 14.3.1980, p. 33)	
Commission Directive 81/126/EEC (OJ L 67, 12.3.1981, p. 36)	only Article 4
Commission Directive 82/287/EEC (OJ L 131, 13.5.1982, p. 24)	only Articles 3 and 4
Council Directive 82/727/EEC (OJ L 310, 6.11.1982, p. 21)	
Commission Directive 82/859/EEC (OJ L 357, 18.12.1982, p. 31)	
Council Directive 86/155/EEC (OJ L 118, 7.5.1986, p. 23)	only Article 4
Commission Directive 87/120/EEC (OJ L 49, 18.2.1987, p. 39)	only Article 4
Commission Directive 87/480/EEC (OJ L 273, 26.9.1987, p. 43)	only Article 2
Council Directive 88/332/EEC (OJ L 151, 17.6.1988, p. 82)	only Article 7
Council Directive 88/380/EEC (OJ L 187, 16.7.1988, p. 31)	only Article 5
Council Directive 90/654/EEC (OJ L 353, 17.12.1990, p. 48)	only concerning references made to the provisions of Directive 69/208/EEC in Article 2 and to Annex II(I)(5)
Commission Directive 92/9/EEC (OJ L 70, 17.3.1992, p. 25)	
Commission Directive 92/107/EEC (OJ L 16, 25.1.1993, p. 1)	
Commission Directive 96/18/EC (OJ L 76, 26.3.1996, p. 21)	only Article 2

▼B

Council Directive 96/72/EC (OJ L 304, 27.11.1996, p. 10)	only Article 1(5)
Council Directive 98/95/EC (OJ L 25, 1.2.1999, p. 1)	only Article 5
Council Directive 98/96/EC (OJ L 25, 1.2.1999, p. 27)	only Article 5

PART B

DEADLINES FOR TRANSPOSITION INTO NATIONAL LAW

(referred to by Article 31)

Directive	Deadline for transposition
69/208/EEC	1 July 1970 ([1]) ([2])
71/162/EEC	1 July 1970 (Article 5(1), (2) and (7))
	1 July 1972 (Article 5(3))
	1 July 1971 (other provisions) ([1])
72/274/EEC	1 July 1972 (Article 1)
	1 January 1973 (Article 2)
72/418/EEC	1 July 1973
73/438/EEC	1 July 1973 (Article 5(3)
	1 January 1974 (Article 5(4)
	1 July 1974 (other provisions)
75/444/EEC	1 July 1975 (Article 5(2)
	1 July 1977 (other provisions)
78/55/EEC	1 July 1978 (Article 5(2)
	1 July 1979 (other provisions)
78/388/EEC	1 January 1981 (Article 1(1) ([3]) and (2) ([4])
	1 July 1980 (other provisions)
78/692/EEC	1 July 1977 (Article 6)
	1 July 1979 (other provisions)
78/1020/EEC	1 July 1977
79/641/EEC	1 July 1980
80/304/EEC	1 July 1980
81/126/EEC	1 July 1982
82/287/EEC	1 January 1983
82/727/EEC	1 July 1982
82/859/EEC	1 July 1983

▼B

Directive	Deadline for transposition
86/155/EEC	1 March 1986 (Articles 4(3), (4) and 5)
	1 July 1987 (other provisions)
87/120/EEC	1 June 1988
87/480/EEC	1 July 1990
88/332/EEC	
88/380/EEC	1 July 1992 (Article 5(10), (19), (23) and (25) [5] and Article 5(12))
	1 July 1990 (other provisions)
90/654/EEC	
92/9/EEC	30 June 1992
92/107/EEC	1 July 1994
96/18/EC	1 July 1996
96/72/EC	1 July 1997 [6]
98/95/EC	1 February 2000 (Corrigendum OJ L 126, 20.5.1999, p. 23)
98/96/EC	1 February 2000

([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.

([6]) The remaining stocks of labels bearing the abbreviation ‘EEC’ may continue to be used until 31 December 2001.

▼B

ANNEX VII

TABLE OF CORRESPONDENCE

Directive 69/208/EEC	This Directive
Article 1	Article 1, first subparagraph
Article 17	Article 1, second subparagraph
Article 1(a)	Article 2(1)(a)
Article 2(1)(A)	Article 2(1)(b)
Article 2(1)(B)(a)	Article 2(1)(c)(i)
Article 2(1)(B)(b)	Article 2(1)(c)(ii)
Article 2(1)(B)(c)	Article 2(1)(c)(iii)
Article 2(1)(B)(d)	Article 2(1)(c)(iv)
Article 2(1)(Ba)(1)(a)	Article 2(1)(d)(1)(i)
Article 2(1)(Ba)(1)(b)	Article 2(1)(d)(1)(ii)
Article 2(1)(Ba)(2)(a)	Article 2(1)(d)(2)(i)
Article 2(1)(Ba)(2)(b)	Article 2(1)(d)(2)(ii)
Article 2(1)(Ba)(2)(c)	Article 2(1)(d)(2)(iii)
Article 2(1)(C)(a)	Article 2(1)(e)(i)
Article 2(1)(C)(b)	Article 2(1)(e)(ii)
Article 2(1)(C)(c)	Article 2(1)(e)(iii)
Article 2(1)(C)(d)	Article 2(1)(e)(iv)
Article 2(1)(D)(a)	Article 2(1)(f)(i)
Article 2(1)(D)(b)	Article 2(1)(f)(ii)
Article 2(1)(D)(c)	Article 2(1)(f)(iii)
Article 2(1)(D)(d)	Article 2(1)(f)(iv)
Article 2(1)(E)(a)	Article 2(1)(g)(i)
Article 2(1)(E)(b)	Article 2(1)(g)(ii)
Article 2(1)(E)(c)	Article 2(1)(g)(iii)
Article 2(1)(E)(d)	Article 2(1)(g)(iv)
Article 2(1)(Ea)(a)	Article 2(1)(h)(i)
Article 2(1)(Ea)(b)	Article 2(1)(h)(ii)
Article 2(1)(Ea)(c)	Article 2(1)(h)(iii)
Article 2(1)(Ea)(d)	Article 2(1)(h)(iv)

▼B

Directive 69/208/EEC	This Directive
Article 2(1)(F)(a)	Article 2(1)(i)(i)
Article 2(1)(F)(b)	Article 2(1)(i)(ii)
Article 2(1)(F)(c)	Article 2(1)(i)(iii)
Article 2(1)(F)(d)	Article 2(1)(i)(iv)
Article 2(1)(G)(a)	Article 2(1)(j)(i)
Article 2(1)(G)(b)	Article 2(1)(j)(ii)
Article 2(1)(G)(c)	Article 2(1)(j)(iii)
Article 2(1)(H)(a)	Article 2(1)(k)(i)
Article 2(1)(H)(b)	Article 2(1)(k)(ii)
Article 2(1)(H)(c)	Article 2(1)(k)(iii)
Article 2(1a)	Article 2(2)
Article 2(1b)	Article 2(3)
Article 2(2)(a)	—
Article 2(2)(b)	Article 2(4)(a)
Article 2(2)(c)	—
Article 2(2)(d)	Article 2(4)(b)
Article 2(3)(i)(a)	Article 2(5)(a)(i)
Article 2(3)(i)(b)	Article 2(5)(a)(ii)
Article 2(3)(i)(c)	Article 2(5)(a)(iii)
Article 2(3)(i)(d)	Article 2(5)(a)(iv)
Article 2(3)(ii)	Article 2(5)(b)
Article 2(3)(iii)	Article 2(5)(c)
Article 2(3)(iv)	Article 2(5)(d)
Article 2(3)(v)	Article 2(5), second subparagraph
Article 2(4)	Article 2(6)
Article 3	Article 3
Article 3(a)	Article 4
Article 4	Article 5
Article 4(a)	Article 6
Article 5	Article 7
Article 6	Article 8
Article 7	Article 9
Article 8	Article 10
Article 9	Article 11

▼B

Directive 69/208/EEC	This Directive
Article 10	Article 12
Article 11	Article 13
Article 11(a)	Article 14
Article 12	Article 15
Article 12(a)	Article 16
Article 13	Article 17
Article 14	Article 19
Article 14(a)	Article 18
Article 15(1)(a)	Article 20(a)
Article 15(1)(b)	Article 20(b)
Article 16	Article 21
Article 18	Article 22
Article 19	Article 23
Article 20(a)	Article 24
Article 20	Article 25
Article 21	Article 26
Article 21(a)(1)	Article 27(1)
Article 21(a)(2)(i)	Article 27(2)(a)
Article 21(a)(2)(ii)	Article 27(2)(b)
Article 22	Article 28
—	Article 29 ([1])
—	Article 30 ([2])
—	Article 31
—	Article 32
—	Article 33
ANNEX I	ANNEX I
ANNEX II part I point 1	ANNEX II part I point 1
ANNEX II part I point 1(a)	ANNEX II part I point 2
ANNEX II part I point 2	ANNEX II part I point 3
ANNEX II part I point 3	ANNEX II part I point 4
ANNEX II part II	ANNEX II part II
ANNEX III	ANNEX III
ANNEX IV part A point (a)(1)	ANNEX IV part A point (a)(1)
ANNEX IV part A point (a)(2)	ANNEX IV part A point (a)(2)

▼B

Directive 69/208/EEC	This Directive
ANNEX IV part A point (a)(3)	ANNEX IV part A point (a)(3)
ANNEX IV part A point (a)(4)	ANNEX IV part A point (a)(4)
ANNEX IV part A point (a)(5)	ANNEX IV part A point (a)(5)
ANNEX IV part A point (a)(6)	ANNEX IV part A point (a)(6)
ANNEX IV part A point (a)(7)	ANNEX IV part A point (a)(7)
ANNEX IV part A point (a)(8)	ANNEX IV part A point (a)(8)
ANNEX IV part A point (a)(9)	ANNEX IV part A point (a)(9)
ANNEX IV part A point (a)(10)	ANNEX IV part A point (a)(10)
ANNEX IV part A point (a)(10)(a)	ANNEX IV part A point (a)(11)
ANNEX IV part A point (a)(11)	ANNEX IV part A point (a)(12)
ANNEX IV part A point (b)	ANNEX IV part A point (b)
ANNEX IV part B	ANNEX IV part B
ANNEX V	ANNEX V
—	ANNEX VI
—	ANNEX VII

(1) 98/95/EC Article 9(2) and 98/96/EC Article 8(2).

(2) 98/96/EC Article 9.