COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 11.12.1995
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95/0320 (CNS)
95/0321 (CNS)
95/0322 (CNS)

Proposal for a
COUNCIL DIRECTIVE

on the marketing of vegetable seed

(consolidated version)

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Proposal for a
COUNCIL DIRECTIVE

on the marketing of cereal seed

(consolidated version)

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Proposal for a
COUNCIL DIRECTIVE

on the common catalogue of varieties of agricultural plant species

(consolidated version)

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(presented by the Commission)

Proposal for a

COUNCIL DIRECTIVE

on the marketing of vegetable seed

(consolidated version)

[redacted]

## EXPLANATORY MEMORANDUM

1. When considering how Community law could be made simpler and more transparent, Parliament, the Commission and the Council found themselves confronted with an over-abundance of legislative instruments which had been amended several times, often substantially, and unanimously agreed on the need for a working method which would use legislative consolidation as a means of achieving greater clarity and transparency.

2. On 1 April 1987 the Commission therefore decided to instruct its staff that all legislative measures should be consolidated after *no more* than ten amendments, stressing that this was a minimum requirement and that departments should endeavour to consolidate at even shorter intervals the texts for which they were responsible, to ensure that the Community rules were clear and readily understandable.

3. The conclusions of the Presidency of the Edinburgh European Council reaffirmed these points, stressing that "*official codification* is important because it provides legal security as to the law which is applicable at a certain moment concerning a specific issue." To ensure not only the quality and the legal security of the texts consolidated, it was also suggested that "a jointly acceptable accelerated working method should be sought allowing codified Community law (replacing existing legislation without changing its substance) to be adopted in a speedy and efficient way".

4. The proposed consolidated version of ***Council Directive 70/458/EEC of 29 September 1970 on the marketing of vegetable seed*** forms part of a much larger programme of consolidation of the provisions on seeds and propagating material for agriculture, horticulture and forestry. It has been drafted in accordance with the fundamental principles agreed by Council, Parliament and the Commission in 1974; it aims at *legislative consolidation*: the existing Directives would be replaced by one new one, which would leave their substance untouched but would assemble them into a single text, with only the formal amendments required by the operation itself [1]. This codified text will serve as the basis for future legislative developments in this field.

5. Certain provisions of Directive 70/458/EEC refer to "*EEC* packaging" and "*EEC* standards".

   The Treaty on European Union replaced the expression "European Economic Community" by "European Community" in the Treaty; the same should now be done in the above provisions.

   This may be regarded as a purely formal amendment, but the Member States must none the less transpose it into national legislation if firms are to use labels referring to the EC rather than the EEC. Moreover, there could be a financial impact for these firms if they were required to begin using the new labels forthwith.

   For these reasons, and since consolidating directives do not need to be transposed, the original provisions being presumed to have been transposed within the time allowed, it would not appear possible to incorporate this amendment in the consolidation proposal as a *purely formal adjustment.*

   The Commission will accordingly present a separate *proposal for the amendment* of Directive 70/458/EEC replacing "EEC" by "EC".

   This amendment and those already proposed to the Council will, following adoption, be incorporated in the consolidation proposal which should then be before the Council.

6. This *consolidation* proposal was drawn up on the basis of a *preliminary consolidation*, in all the official languages, of Directive 70/458/EEC and the instruments amending it, carried out by the Office for Official Publications of the European Communities, by means of a *data-processing system* referred to in the conclusions of the European Council meeting at Edinburgh. Although the articles have been given new numbers, the former number is printed alongside in each case for the reader's convenience; the correlation between the old and new numbers is shown in a table contained in Annex VII to the consolidated Directive.

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(1) Annex VI, part A of this proposal.

[redacted]

**Proposal for a**

**COUNCIL DIRECTIVE .../.../EC**

of

on the marketing of vegetable seed

95/0320 (CNS)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament [1],

Having regard to the Opinion of the Economic and Social Committee [2],

1) Whereas Council Directive 79/458/EEC of 29 September 1970 on the marketing of vegetable seed [3] has been frequently and substantially amended; whereas for reasons of clarity and rationality the said Directive should be consolidated;

2) Whereas the production of vegetable seed occupies an important place in the agriculture of the Community; — 1. 70/458/EEC

3) Whereas satisfactory results in vegetable cultivation depend to a large extent on the use of appropriate seed; whereas, to this end, certain Member States have for some time restricted the marketing of seed of certain species of vegetable to controlled seed of specified varieties; whereas other States have introduced optional controls in respect of the quality of this seed; — 2.

4) Whereas, in so far as they undertake these seed controls, Member States have been able to take advantage of the systematic plant selection work carried out over several decades which has resulted in the development of distinct, stable and sufficiently uniform varieties which, by reason of their characteristics, promise to be of great value for the purposes in view; — 3.

5) Whereas greater productivity will be achieved in Community vegetable cultivation if for the choice of varieties accepted for certification, checking and marketing the Member States apply uniform rules which are as strict as possible; — 4.

(1) OJ No C
(2) OJ No C
(3) OJ No L 225, 12. 10. 1970, p. 7; as last amended by the Act of Accession AT, FI, SE.

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| 6) | Whereas a common catalogue of varieties of vegetable species can be compiled only on the basis of national catalogues; | 5. | (adapted) |
| 7) | Whereas all the Member States should therefore compile one or more national catalogues of the varieties accepted for certification, checking and marketing in their territory; | 6. | |
| 8) | Whereas these catalogues must be drawn up in accordance with uniform rules so that the varieties accepted will be distinct, stable and sufficiently uniform; | 7. | |
| 9) | Whereas, in order to carry out the examinations for the acceptance of a variety, a large number of uniform criteria and minimum requirements must be laid down; | 8. | |
| 10) | Whereas, on the other hand, provisions relating to the length of time during which acceptance of a variety is to remain valid, the grounds on which acceptance may be revoked and the practices for maintenance of the variety must be standardised; whereas Member States should inform one another of the acceptance and withdrawal of varieties; | 9. | |
| 11) | Whereas special rules should be made as regards those varieties which, it has been established, cannot be grown in any part of the territory of a Member State; | 7. | 73/438/EEC (adapted) |
| 12) | Whereas seed of varieties listed in the common catalogue of varieties should not be subject within the Community to any marketing restrictions relating to variety; | 10. | 70/458/EEC |
| 13) | Whereas the Commission should publish in the *Official Journal of the European Communities* the varieties accepted in the common catalogue; | 11. | |
| 14) | Whereas, furthermore, Member States should be given the right to raise objections to a variety where such objections are on plant health grounds; | 12. | |
| 15) | Whereas provision should be made for measures recognising the equivalence of examinations and controls of varieties carried out in third countries; | 13. | |
| 16) | Whereas it is, however, justifiable to restrict marketing to certain varieties only if the farmer can be sure of actually obtaining seed of those varieties; | 14. | |
| 17) | Whereas a scheme should be established applicable to marketing both in other Member States and on domestic markets; | 15. | |
| 18) | Whereas, as a general rule, vegetable seed should be allowed to be marketed only if it has been officially examined and certified, in accordance with the rules for certification, as basis seed or certified seed; | 16. | |

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| 19) | Whereas it is necessary to provide that bred seed of generations prior to basic seed, which may be admitted for marketing in the different Member States, shall correspond to the requirements laid down by this Directive; | 2. | 72/418/EEC (adapted) |
| 20) | Whereas, for certain species of vegetable, it would be desirable to restrict marketing to certified seed; whereas, however, it is at present impossible to attain this objective since Community requirements could not then be completely covered; whereas the marketing of checked standard seed which must also possess varietal identity and purity should therefore be allowed, these characteristics being subject, however, only to official post-control carried out in the field by sampling; | 17. | 70/458/EEC |
| 21) | Whereas vegetable seed which is not placed on the market should not, in view of its minor economic importance, be subject to Community rules; whereas Member States must retain the right to make such seed subject to special provisions; | 18. | |
| 22) | Whereas seed of certain species subject to the provisions of this Directive have no significance for certain Member States, although they are produced or at least marketed in them in insignificant quantities; whereas therefore certain species should be excluded from the application of this Directive and Member States should be released from the obligation to apply this Directive to seed of other species; | 9. | 72/418/EEC (adapted) |
| 23) | Whereas, in order to improve the quality of Community vegetable seed, certain requirements must be laid down as to minimum analytical purity and germination; | 19. | 70/458/EEC |
| 24) | Whereas this Directive should cover as full a catalogue of species as possible, including certain species which may be fodder plants or oil plants as well as vegetables; whereas, if, however, certain species of seed are not normally reproduced or marketed in the territory of a Member State, provision should be made for release of that Member State from the obligation to apply this Directive in respect of the species in question; | 20. | |
| 25) | Whereas, in order to ensure the identity of the seed, Community rules on packaging, sampling, sealing and marking are laid down; whereas it is desirable that provision also be made for official pre-control of certified seed, and that the obligations should be laid down which must be fulfilled by the person marketing standard seed and certified seed made up in small packages; | 21. | |

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| 26) | Whereas, in order to ensure that both the requirements as to the quality of the seed and the provisions for ensuring its identity are complied with during marketing, the Member States must make provision for appropriate control arrangements; | 22. | |
| 27) | Whereas seed satisfying these requirements should, without prejudice to Article 36 of the Treaty, be subject to no marketing restrictions other than those provided for in Community rules; | 23. | |
| 28) | Whereas, subject to certain conditions, seed multiplied in another country from basic seed certified in a Member State should be recognised as equivalent to seed multiplied in that Member State; | 24. | |
| 29) | Whereas provision should be made for authorising the marketing within the Community of vegetable seed harvested in third countries only if such seed affords the same assurances as seed officially certified or marketed as standard seed within the Community and complying with Community rules; | 25. | |
| 30) | Whereas, during periods in which there are difficulties in obtaining supplies of certified seed of the various categories or of standard seed, seed of an inferior quality should temporarily be permitted to be marketed, but also seeds of varieties not included in the common catalogue of varieties or in the national catalogue of varieties; | 26. + 3. | 72/418/EEC (adapted) |
| 31) | Whereas, in order to harmonise the technical methods of certification and control used in the Member States and to enable comparisons to be made between seed certified within the Community and that coming from third countries, Community test fields should be established in Member States to permit annual post-control of seed of certain varieties of the category 'basic seed' and of seed of the categories 'certified seed' and 'standard seed'; | 27. | 70/458/EEC |
| 32) | Whereas Community rules should not apply to seed shown to be intended for export to third countries; | 28. | |
| 33) | Whereas for the exercise of implementation powers conferred on the Commission, it seems appropriate that the Commission be assisted by the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry, according to the Management Committee procedure provided for in Article 2 (II) of Council Decision 87/373/EEC [1]; | 29. | (adapted) |
| 34) | Whereas this Directive must not affect the obligations of the Member States concerning the deadlines for transposition of the Directives set out in Annex VI, part B, | | |

HAS ADOPTED THIS DIRECTIVE:

(1) OJ No L 197, 18. 7. 1987, p. 33.

*Article 1*

This Directive shall apply to vegetable seed marketed within the Community. | 70/458/EEC

It ——— shall not apply to vegetable seed shown to be intended for export to third countries. | *Article 34*

*Article 2*

1. For the purposes of this Directive,

A. 'Vegetables' means plants of following species intended for agricultural or horticultural production but not for ornamental uses:

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| *Allium cepa* L. | Onion | |
| *Allium porrum* L. | Leek | |
| *Anthriscus cerefolium* (L.) Hoffm. | Chervil | |
| *Apium graveolens* L. | Celery | |
| *Asparagus officinalis* L. | Asparagus | |
| *Beta vulgaris* L. var. *vulgaris* | Spinach beet, chard | 87/120/EEC – Art. 5(1) |
| *Beta vulgaris* L. var. *conditiva Alef.* | Red beet or beetroot | |
| *Brassica oleracea* L. convar. *acephala* (DC.) Alef. var. *sabellica* L. | Curly kale | |
| *Brassica oleracea* L. convar. *botrytis* (L.) Alef. var. *botrytis* L. | Cauliflower | |
| *Brassica oleracea* L. convar. *botrytis* (L.) Alef. var. *cymosa* Duch. | Sprouting broccoli or calabrese | |
| *Brassica oleracea* L. convar. *oleracea* var. *gemmifera* DC. | Brussels sprouts | |
| *Brassica oleracea* L. convar. *capitata* (L.) Alef. var. *sabauda* L. | Savoy cabbage | |
| *Brassica oleracea* L. convar. *capitata* (L.) Alef. var. *alba* DC. | Cabbage | |
| *Brassica oleracea* L. convar. *capitata* (L.) Alef. var. *rubra* DC. | Red cabbage | |
| *Brassica oleracea* L. convar. *acephala* (DC.) Alef. var. *gongylodes* | Kohlrabi | |
| *Brassica pekinensis* (Lour.) Rupr. | Chinese cabbage | 88/380/EEC – Art. 7(1) |
| *Brassica rapa* L. var. *rapa* | Turnip | 87/120/EEC – Art. 5(1) |

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| *Capsicum annuum* L. | Chili<br>Pepper<br>Capsicum | 70/458/EEC |
| *Cichorium endivia* L. | Endive | |
| *Cichorium intybus* L. (*partim*) | Witloof chicory<br>large-leaved chicory<br>(Italian chicory)<br>Industrial chicory | 87/120/EEC – Art. 5(1)<br>88/380/EEC – Art. 7(1) |
| *Citrullus lanatus* (Thunb.) Matsum. et Nakai | Water melon | 79/641/EEC – Art. 4(1) |
| *Cucumis melo* L. | Melon | 70/458/EEC |
| *Cucumis sativus* L. | Cucumber, gherkin | |
| *Cucurbita maxima* Duchesne | Gourd | 86/155/EEC – Art. 6(1) |
| *Cucurbita pepo* L. | Marrow | 70/458/EEC |
| *Cynara cardunculus* L. | Cardoon | 86/155/EEC – Art. 6(1) |
| *Daucus carota* L. | Carrot | 79/641/EEC – Art. 4(1) |
| *Foeniculum vulgare* Miller | Fennel | 87/120/EEC – Art. 5(1) |
| *Lactuca sativa* L. | Lettuce | 70/458/EEC |
| *Lycopersicon lycopersicum* (L.) Karsten ex Farw. | Tomato | 79/641/EEC – Art. 4(2)<br>87/120/EEC – Art. 5(1) |
| *Petroselinum crispum* (Miller) Nyman ex A. W. Hill | Parsley | 79/641/EEC – Art. 4(1)<br>87/120/EEC – Art. 5(1) |
| *Phaseolus coccineus* L. | Runner bean | 70/458/EEC |
| *Phaseolus vulgaris* L. | French bean | |
| *Pisum sativum* L. (*partim*) | Pea, excluding Field pea | 79/641/EEC – Art. 4(1) |
| *Raphanus sativus* L. | Radish | 70/458/EEC |
| *Scorzonera hispanica* L. | Scorzonera or Black salsify | |
| *Solanum melongena* L. | Aubergine or egg plant | |
| *Spinacia oleracea* L. | Spinach | |
| *Valerianella locusta* (L.) Laterr. | Corn salad or Lamb's lettuce | 79/641/EEC – Art. 4(1) |
| *Vicia faba* L. (partim) | Broad bean | |

[redacted]

B. 'Basic seed' means seed:

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

(b) which is intended for the production of seed of the category 'certified seed';

(c) which, subject to the provisions of Article 22, satisfies the conditions laid down in Annexes I and II for basic seed; and

(d) which has been found by official examination to satisfy the abovementioned conditions;

70/458/EEC

C. 'Certified seed' means seed

(a) which is 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;

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(b) which is intended mainly for the production of vegetables;

(c) which, subject to the provisions of point (b) of Article 22, satisfies the conditions laid down in Annexes I and II for certified seed;

(d) which has been found by official examination to satisfy the aforementioned conditions;

(e) which is subject to official post-control by check inspection to verify its varietal identity and varietal purity;

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D. 'Standard seed' means seed

(a) which has sufficient varietal identity and varietal purity;

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(b) which is intended mainly for the production of vegetables;

(c) which satisfies the conditions laid down in Annex II; and

(d) which is subject to official post-control by check inspection to verify its varietal identity and varietal purity;

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E. 'Official measures' means measures taken

(a) by State authorities, or

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

(c) in the case of ancillary activities which are also under State control, by any natural person duly sworn for that purpose,

provided that the persons mentioned under (b) and (c) derive no private gain from such measures;

F. 'Small packages' means packages containing seed up to a maximum net weight of

(a) 5 kg for legumes;

(b) 500 g for onions, chervil, asparagus, spinach beet or chard, red beet or beetroot, turnips, water melon, gourd, marrows, carrots, radishes, scorzonera or black salsify, spinach, corn-salad or lamb's lettuce;

(c) 100 g for all other species of vegetable.

70/458/EEC — Corrigendum, English Special Edition, p.77

86/155/EEC – Art. 6(2)

2. Amendments to be made to the list of species referred to in point A of paragraph 1 in the light of the development of scientific or technical knowledge concerning the names and hybrids resulting from the crossing of species covered by this Directive shall be adopted in accordance with the procedure laid down in Article 42 (2).

78/55/EEC – Art. 7(1)

88/380/EEC – Art. 7(2)

3. The different types of varieties, including the components, may be specified and defined in accordance with the procedure laid down in Article 42 (2).

88/380/EEC – Art. 7(4)

4. Member States may be authorized in accordance with the procedure laid down in Article 42 (2) to permit, by way of derogation from point C (a) of paragraph 1, to be certified as certificated seed seeds of self-pollinating species which have been entered for certification as basic seed and which have been produced from a generation prior to basic seed but which has not been officially examined. This provision shall not apply to hybrid seeds. Certification as certified seed may occur only if this is requested by the applicant for certification with the agreement of the breeder and if an official post-control test based on samples taken officially and carried out at the latest during the growing season of the entered seed shows that the seeds from the previous generation have met the requirements for basic seed in respect of varietal identity and purity. In this case the breeder shall, when the samples are taken, state the total area which has been under production of seed of the previous generation. These conditions may be amended in the light of development of scientific or technical knowledge in accordance with the procedure laid down in Article 42 (2).

78/55/EEC – Art. 7(1) - 88/380/EEC – Art. 7(3)

Member States shall require that the official labels for seeds marketed in accordance with the authorization referred to in the first subparagraph be marked: 'passed for marketing in ... (Member State concerned) only'; in addition Member States may require in this case that the official labels also be marked: 'intended for further multiplication only'.

[redacted]

*Article 3*

1. Member States shall provide that vegetable seed may not be certified, verified as standard seed and marketed unless the variety is officially accepted in one or more Member States.

70/458/EEC
Corrigendum, English Special Edition, p.77

2. Each Member State shall establish one or more catalogues of the varieties officially accepted for certification, verification as standard seed and marketing in its territory. The catalogues shall be subdivided according to varieties:

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(a) whose seed may be certified as either 'basic seed' or 'certified seed', or may be verified as 'standard seed' and

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(b) whose seed may not be verified except as standard seed.

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Any person may consult the catalogues.

3. A common catalogue of varieties of vegetable species shall, in accordance with the provisions of Articles 17 and 18, be established on the basis of the national catalogues of the Member States

4. Member States may provide that the acceptance of a variety for inclusion in the common catalogue or in the catalogue of another Member State is equivalent to acceptance for inclusion in their own catalogues. Member States making such provision shall be released from the obligations provided for in Article 7, Article 10 (3) and Article 11 (2) to (5).

*Article 4*

Member States shall ensure that a variety is accepted only if it is distinct, stable and sufficiently uniform.

In the case of industrial chicory, the variety must be of satisfactory value for cultivation and use.

88/380/EEC – Art. 7(5)

*Article 5*

1. A variety shall be regarded as distinct if, whatever the origin, artificial or natural, of the initial variation from which it has resulted, it is clearly distinguishable in one or more important characteristics from any other variety known in the Community.

79/967/EEC – Art. 3(1)

The characteristics must be capable of precise recognition and of precise definition.

A variety in the Community shall be any variety which, at the time when the application for the acceptance of the variety to be assessed is duly made, is:

— either listed in the common catalogue of varieties of vegetable species or in the common catalogue of varieties of agricultural plant species,

— or, without being listed in one of those catalogues, has been accepted or has been submitted for acceptance in the Member State in question or in another Member State, either for certification and marketing, or for certification for other countries, or for verification as standard seed,

79/967/EEC – Art. 3(1)

unless the aforementioned conditions are no longer fulfilled in all the Member States concerned before the decision on the application for acceptance of the variety to be assessed is taken.

2. A variety shall be regarded as stable if, after successive propagation or multiplications or at the end of each cycle (where the breeder has defined a particular cycle of propagation or multiplications) it remains true to the description of its essential characteristics.

70/458/EEC

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3. A variety shall be regarded as sufficiently uniform if, apart form a very few aberrations, the plants of which it is composed are, account being taken of the distinctive features of the reproductive systems of the plants, similar or genetically identical as regards the characteristics, taken as a whole, which are considered for this purpose.

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*Article 6*

Member States shall ensure that varieties coming from other Member States are subject to the same requirements, in particular as regards the acceptance procedure, as those which apply to domestic varieties

*Article 7*

1. Member States shall provide that acceptance of varieties be based on the results of official examinations, particularly growing trials, covering a sufficient number of characteristics for the variety to be described. The methods used for determining characteristics must be accurate and reliable. In order to establish distinctness, the growing trials shall include at least the available comparable varieties which are varieties known in the Community within the meaning of Article 5 (1). For the purpose of applying Article 10, other available comparable varieties shall be included. In the case of varieties whose seed may not be verified except as standard seed, the results of unofficial examinations and knowledge gained from practical experience during cultivation may be taken into consideration. It may be prescribed, in accordance with the procedure laid down in Article 42 (2) that, as from specified dates, varieties of certain vegetable species will no longer be accepted except on the basis of official tests.

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79/967/EEC – Art. 3(2)

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72/418/EEC – Art. 6(3)

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2. The following shall be fixed in accordance with the procedure laid down in Article 42 (2), account being taken of current scientific and technical knowledge:

(a) the characteristics to be covered as a minimum by the examinations of the various species;

(b) the minimum requirements for carrying out the examinations.

3. Where examination of the genealogical components is necessary in order to study hybrids and synthetic varieties, Member States shall ensure that the results of the examination and the description of the genealogical components are, if the breeder so requests, treated as confidential.

70/458/EEC — Corrigendum, English Special Edition, p.77

*Article 8*

Member States shall require that when lodging an application for the acceptance of a variety the applicant indicate whether acceptance has already been applied for in another Member State, which Member State was concerned, and whether the application was granted.

*Article 9*

1. Member States may accept varieties which have been officially accepted in their territory before 1 July 1972, without having to carry out further examinations based on the principles of this Directive, if it is apparent from previous examinations that the varieties are distinct, stable and sufficiently uniform. Examination of the characteristics fixed in accordance with Article 7 (2) must be completed by 30 June 1975 at the latest.

72/418/EEC – Art. 6(4)

Corrigendum, English Special Edition, p.106

The dates shall be:

— with regard to Spain, 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;*

86/155/EEC – Art. 6(3) (adapted)

— with regard to Denmark, Ireland and the United Kingdom, 1 January 1973 and 31 December 1977 respectively.

Act of Accession DA, IRL, UK — Art. 29 (adapted)

2. Member States shall take all measures necessary to ensure that official acceptances of varieties granted before 1 July 1972 in accordance with principles other than those of this Directive expire not later than 30 June 1980 if by that date the varieties in question have not been accepted in accordance with the principles of this Directive.

72/418/EEC – Art. 6(4)

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| The dates shall be respectively: | 72/418/EEC — Art. 6(4) |
| — with regard to Spain, 1 March 1986 and 31 December 1993 respectively for the species referred to in the first indent of the second subparagraph of paragraph 1; | 86/155/EEC – Art. 6(4) (adapted) |
| — with regard to Denmark, Ireland and the United Kingdom, 1 January 1973. | Act of Accession DK, IRL, UK — Art. 29 (adapted) |
| With regard to the territory of the former German Democratic Republic, the dates referred to in the first subparagraph are those of 3 October 1990 and 31 December 1994 respectively in respect of the varieties accepted by the authorities of the former German Democratic Republic.<br>This provision shall apply *mutatis mutandis* to varieties which have not been officially accepted but whose seed had been marketed or sown in that territory prior to German unification. | 90/654/EEC – Art. 2 (adapted) |
| 3. In accordance with the procedure laid down in Article 42 (2), Member States may be authorized in respect of individual varieties to extend until 31 December 1982 at the latest the date of expiry provided for in paragraph 2, in so far as, on 1 July 1980, the examination procedure initiated for these varieties prior to this date, with a view to their acceptance under the provisions of this Directive, has not yet been completed. | 80/1141/EEC – Art. 2 |
| 4. The provisions of Article 3 (1) notwithstanding, Member States may permit until 30 June 1975 the marketing in their territory of standard varieties of seed not officially accepted, if seed of these varieties had been marketed there before 1 July 1972.<br>The dates shall be respectively: | 72/418/EEC – Art. 6(4) |
| — 31 December 1988 and 1 January 1986 with regard to Greece; | 88/380/EEC – Art. 7(6) (adapted) |
| — 31 December 1988 and 1 March 1986 with regard to Spain for the species referred to in the first indent of the second subparagraph of paragraph 1. | 86/155/EEC – Art. 6(5) (adapted) |
| *Article 10* | |
| 1. Member States shall arrange for official publication of the catalogue of varieties accepted in their territory and, where maintenance breeding of the variety is required, the name of the person or persons responsible for this in their countries. Where several persons are responsible for the maintenance of a variety, the names need not be published. If the names are not published, the catalogue shall indicate the authority holding the list of names of persons responsible for maintenance of the variety. | 70/458/EEC |

2. Member States shall, as far as possible, ensure at the time of acceptance that the variety is known by the same name in all Member States.

70/458/EEC

If it is known that seed or propagating material of a given variety are marketed in another country under a different name, that name shall also be indicated in the catalogue.

70/458/EEC — Corrigendum, English Special Edition, p.77

In the case of varieties which are derived from varieties whose official acceptance has been determined pursuant to Article 13 (3), second and fourth sentences, and which have been accepted in one or more Member States as a result of the official measures referred to in that provision, it may be decided, in accordance with the procedure laid down in Article 42 (2), that all Member States of acceptance shall ensure that the varieties bear names determined under the same procedure and complying with the above principles.

88/380/EEC – Art. 7(7)

3. In taking into account the information available, Member States shall also ensure that a variety which is not clearly distinguishable:

79/967/EEC – Art. 3(3)

— from a variety previously accepted in the Member State in question or in another Member State, or

— from another variety which has been assessed with regard to distinctness, stability and uniformity in accordance with rules correponding to those of this Directive, without, however, being a variety known in the Community within the meaning of Article 5 (1),

bears the name of that variety. This provision shall not apply if this name is likely to mislead or cause confusion concerning the variety in question, or if, pursuant to all the provisions of the Member State concerned governing the names of varieties, other facts prevent its utilization, or if the rights of third parties impede the free use of that name in connection with the variety in question.

4. Member States shall compile a special file on each variety accepted, containing a description of the variety and a clear summary of all the facts on which the acceptance was based. The description of the varieties shall relate to plants produced directly from seed of the category 'certified seed' or the category 'standard seed'.

70/458/EEC — 79/967/EEC – Art. 3(4)

*Article 11*

1. Any application or withdrawal of an application for acceptance of a variety, any entry in a catalogue of varieties as well as any amendment thereto shall be notified forthwith to the other Member States and the Commission.

79/967/EEC – Art. 3(5)

2. Member States shall, for each new variety accepted, send the other Member States and the Commission a brief description of its characteristics which have been noticed as a result of the acceptance procedure. They shall, on request, also communicate a description of the special characteristics which enable the variety to be distinguished from other similar varieties.

70/458/EEC

Corrigendum, English Special Edition, p.106
72/418/EEC – Art. 6(5)

3. Each Member State shall make available to the other Member States and the Commission the files referred to in Article 10 (4) on the varieties accepted or which have ceased to be accepted. Information exchanged concerning these files shall be treated as confidential.

4. Member States shall ensure that the acceptance files are made available for the personal and exclusive use of any person able to show a legitimate interest. These provisions shall not apply where the information must under Article 7 (3) be treated as confidential.

5. Where acceptance of a variety is refused or revoked, the results of the examinations shall be made available to persons affected by such decision.

*Article 12*

1. Member States shall provide that the varieties accepted must be maintained according to accepted practices for the maintenance of the variety. This rule shall not apply to varieties whose seed may not be verified except as standard seed but which are widely known on 1 July 1970.

Corrigendum, English Special Edition, p.77

The date shall be:

— with regard to Denmark, Ireland and the United Kingdom, 1 January 1973;

Act of Accession DA, IRL, UK — Art. 29 (adapted)

— with regard to Spain, 1March 1986.

86/155/EEC – Art. 6(6) (adapted)

2. It must at all times be possible to check maintenance from the records kept by the person or persons responsible for the variety. These records shall also cover the production of all generations prior to basic seed.

70/458/EEC — Corrigendum, English Special Edition, p.77

3. Samples may be requested from the person responsible for the variety. Such samples may if necessary be taken officially.

4. Where maintenance takes place in a Member State other than that in which the variety was accepted, the Member States concerned shall assist each other administratively as regards checks.

*Article 13*

1. Acceptance shall be valid until the end of the 10th calendar year following acceptance.

[redacted]

Acceptance of the varieties by the authorities of the former German Democratic Republic prior to German unification shall be valid until the end of the 10th calendar year at the latest following their entry in the catalogue of varieties drawn up by the Federal Republic of Germany in accordance with Article 3 (1).

90/654/EEC – Art. 2

2. Acceptance of a variety may be renewed at given intervals if it is still cultivated on such a scale as to justify this and provided that the requirements as to distinctness, uniformity and stability are still satisfied. Applications for renewal shall be submitted not later than two years before expiry of acceptance.

70/458/EEC

In the case of varieties referred to in the second sentence of Article 12 (1) the acceptance may be renewed only where, without prejudice to the provisions of Article 38, the name of the person or persons responsible for the maintenance has been officially registered and published in accordance with the provisions of Article 10 (1).

88/380/EEC – Art. 7(8)

3. The period of validity of acceptance shall be extended provisionally until a decision is taken on the application for renewal.

70/458/EEC

In the case of varieties for which acceptance has been granted before 1 July 1972 or, with regard to Denmark, Ireland and the United Kingdom, before 1 January 1973, the period mentioned in the first subparagraph of paragraph 1 may be extended, in accordance with the procedure laid down in Article 42 (2), until 30 June 1990 at the latest for individual varieties, where official measures organized on a Community basis have been taken before 1 July 1982 in order to ensure that the conditions for the renewal of their acceptance or for the acceptance of varieties derived from them are met.

With regard to Greece, Spain and Portugal, the expiry of the acceptance period for certain varieties for which acceptance has been granted in those Member States before 1 January 1986 may, at the request of those Member States, also be fixed for 30 June 1990, in accordance with the procedure laid down in Article 42 (2), and the varieties concerned may be included in the official measures referred to in the second subparagraph.

88/380/EEC – Art. 7(9) (adapted)

*Article 14*

*Article 13a*

1. Member States shall ensure that any doubts which arise after the acceptance of a variety concerning the appraisal of its distinctness or of its name at the time of acceptance are removed.

79/967/EEC – Art. 3(6)

2. Where, after acceptance of a variety, it is established that the condition concerning distinctness within the meaning of Article 5 was not fulfilled at the time of acceptance, acceptance shall be replaced by another decision or, where appropriate, a revocation, which conforms with this Directive.

By this other decision, the variety shall, with effect from the date of its initial acceptance, no longer be regarded as a variety known in the Community within the meaning of Article 5 (1).

79/967/EEC – Art. 3(6)

3. Where, after acceptance of a variety, it is established that its name within the meaning of Article 10 was not acceptable when the variety was accepted, the name shall be adapted in such a way that it conforms with this Directive. Member States may permit the previous name to be used temporarily as an additional name. The detailed arrangements in accordance with which the previous name may be used as an additional name may be laid down in accordance with the procedure provided for in Article 42 (2).

*Article 15*

*Article 14*

1. Member States shall ensure that acceptance of a variety is revoked:

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(a) if it is proved, on examination, that the variety is no longer distinct, stable or sufficiently uniform;

(b) if the person or persons responsible for the variety so request, unless maintenance of the variety is assured.

Corrigendum, English Special Edition, p.77

2. Member States may revoke the acceptance of a variety:

(a) if the laws, regulations and administrative provisions adopted in pursuance of this Directive are not complied with;

(b) if, at the time of the application for acceptance or during examination, false or fraudulent particulars were supplied concerning the facts on the basis of which acceptance was granted.

*Article 16*

*Article 15*

1. Member States shall ensure that a variety is deleted from their catalogues if acceptance of the variety has been revoked or if the period of validity of the acceptance has expired.

2. Member States may, in respect of their own territory, allow a period for certification, verification as standard seed and marketing of seed up to 30 June of the third year at the most after expiry of the acceptance.

79/967/EEC – Art. 3(7)

In the case of varieties that were listed pursuant to Article 17 (1) in the common catalogue of varieties referred to in Article 18, the period which expires last among those granted by the various Member States of acceptance under the first subparagraph shall apply to marketing in all the Member States, provided that the seed of the variety concerned has not been subject to any marketing restriction as regards the variety.

79/967/EEC – Art. 3(7)

*Article 17*

*Article 16*

1. Member States shall ensure that, after expiry of a period of two months following the publication referred to in Article 18, seed of varieties accepted in accordance with the provisions of this Directive or in accordance with principles corresponding to those of this Directive are subject to no marketing restrictions relating to variety.

72/418/EEC – Art. 6(7)

2. By way of derogation from paragraph 1, a Member State may, upon application which will be dealt with as provided in Article 42 (2), be authorized to prohibit the marketing in all or part of its territory of seed of the variety in question if the variety is not distinct, stable or sufficiently uniform. The application shall be lodged before the end of the third calendar year following that of acceptance.

3. The period provided for in paragraph 2 may be extended before expiry, in accordance with the procedure laid down in Article 42 (2), where there is good reason.

4. In the case of varieties accepted before 1 July 1972 the period provided for in the second sentence of paragraph 2 shall run from 1 July 1972.

This period shall run from:

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— 1 July 1973, with regard to Denmark, Ireland and the United Kingdom;

Act of Accession DA, IRL, UK — Art. 29 (adapted)

— 1 March 1986, with regard to Spain.

86/155/EEC – Art. 6(7) (adapted)

With regard to Germany, the period shall run from 3 October 1990 in respect of the varieties accepted by the authorities of the former German Democratic Republic.

90/654/EEC – Art. 2 (adapted)

5. With regard to Greece and in respect of varieties which have been accepted before 1 January 1986 in one or more of the other Member States and which have never been allowed for marketing in Greece before that date, the period provided for in paragraph 2 shall expire on 31 December 1988.

88/380/EEC – Art. 7(10)

[redacted]

*Article 18* — *Article 17*

The Commission shall, on the basis of the information supplied by Member States and as this is received, publish in the C Series of the *Official Journal of the European Communities* under the title 'Common Catalogue of Varieties of Vegetable Species' a list of all varieties whose seed, after expiry of a period of two months, is subject under Article 17 to no marketing restrictions as regards variety, and also the information required under Article 10 (1) concerning the person or persons responsible for maintenance of the variety. The published notice shall indicate the Member States which have received an authorization under Article 17 (2) or Article 19. The published notice shall list those varieties for which a period has been applied in accordance with the second subparagraph of Article 16 (2). This list shall indicate the length of the period and, where appropriate, the Member States to which the period does not apply.

70/458/EEC

72/418/EEC – Art. 6(8)

79/967/EEC – Art. 3(8)

*Article 19* — *Article 18*

If it is established that the cultivation of a variety included in the common catalogue of varieties of vegetable species may be harmful from the point of view of plant health to the cultivation of other varieties or species growing in a Member State, that Member State may upon application, which will be dealt with as provided in Article 42 (2), be authorized to prohibit the marketing of seed of that variety in all or part of its territory. Where there is imminent danger of the spread of harmful organisms, and until such time as a final decision has been taken in accordance with the procedure laid down in Article 42 (2), this prohibition may be imposed by the Member State concerned as soon as its application has been lodged.

*Article 20* — *Article 19*

Where a variety ceases to be accepted in the Member State which initially accepted it, one or more other Member States may continue to accept that variety provided that the requirements for acceptance continue to be met in their territory. If the variety in question is one whose maintenance is required, this must remain assured.

*Article 21* — *Article 20*

1. Member States shall provide that seed of industrial chicory may not be placed on the market unless it has been officially certified as 'basic seed' or 'certified seed' and unless it satisfies the conditions laid down in Annex II.

88/380/EEC – Art. 7(11)

2. Member States shall provide that seed of other vegetable species may not be placed on the market unless it has been officially certified as 'basic seed' or 'certified seed', or is standard seed, and unless it satisfies the conditions laid down in Annex II.

[redacted]

3. It may, however, under the procedure laid down in Article 42 (2), be provided that after specified dates seed of certain vegetable species 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 of seeds are carried out in accordance with current international methods, in so far as such methods exist.

5. Member States may provide for derogations from the provisions of paragraph 1:

(a) for seed of generations prior to basic seed;

(b) for tests or for scientific purposes;

(c) for selection work;

(d) for seed 'as grown' and sold to be prepared for marketing, provided that the identity of the seed is ensured.

*Article 22*

Member States may, however, by way of derogation from the provisions of Article 21:

(a) authorize the official certification and marketing of basic seed which does not satisfy the conditions laid down in Annex II in respect of germination. In this case, all necessary measures shall be taken to ensure that the supplier guarantees a specific germination which he shall state for marketing purposes on a particular 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 the official examination to control compliance with the conditions laid down in Annex II in repect of germination has not been concluded, authorize the official certification and marketing as far as the first buyer by way of trade of seed of the categories 'basic seed' or 'certified seed'. Certification shall be granted only on presentation of a provisional analytical report on the seed and provided that the name and address of the first consignee 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 reference number of the lot.

These provisions shall not apply to seed imported from third countries, save as otherwise provided in Article 33 in respect of multiplication outside the Community.

70/458/EEC

*Article 21*

Corrigendum, English Special Edition, p.77

Corrigendum, English Special Edition, p.77

Corrigendum, English Special Edition, p.77

Corrigendum, English Special Edition, p.77

[redacted]

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| *Article 23* | | *Article 22* |
| 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 produced in their own territory. | 70/458/EEC | |
| *Article 24* | | *Article 23* |
| 1. Member States shall require that for the examination of seed for certification and for post-control tests, samples are drawn officially in accordance with appropriate methods.<br>These provisions shall also apply where samples of standard seed are drawn officially for post-control tests.<br>2. For the examination of seed for certification and for post-control tests, 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 25* | | *Article 24* |
| 1. Member States shall require that basic seed, certified seed and standard seed be marketed only in sufficiently homogeneous lots and in sealed packages bearing, as prescribed in Articles 26 and 27, a sealing system and markings.<br>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. | | |
| 3. Member States may allow the marketing of mixtures of standard seed of different varieties of *Lactuca sativa* L. and of mixtures of standard seed of different varieties of *Raphanus sativus* L. in small packages not exceeding 50 g provided that the words 'mixture of varieties' and the names of the varieties making up the mixture are shown on the package. | 73/438/EEC – Art. 6(2) | |
| *Article 26* | | *Article 25* |
| 1. Member States shall require that packages of basic and certified seed, not made up in the form of EEC small packages, 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 27 (1) or the package.<br>In order to ensure sealing, the sealing system shall comprise at least either the official label or the affixing of an official seal. | 78/692/EEC – Art. 7(1) | |

The measures provided for in the second subparagraph shall not be necessary where a non-reusable sealing system is used.

In accordance with the procedure laid down in Article 42 (2) it may be established whether a particular sealing system complies with the provisions of this paragraph.

78/692/EEC – Art. 7(1)

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 therefore shall be stated on the label required under Article 27 (1).

70/458/EEC

78/692/EEC – Art. 7(2)

3. Member States shall require that packages of standard seed and small packages of seeds of the category certified seed be sealed in such a manner that they cannot be opened without damaging the sealing system or without leaving evidence of tampering on the label provided for in Article 27 (3) or the package. Except in the case of small packages, they shall also bear a lead or an equivalent sealing device attached by the person responsible for attaching labels. In accordance with the procedure laid down in Article 42 (2), it may be established whether a particular sealing system complies with the provisions of this paragraph. In the case of small packages of the category certified seed, packages shall not be sealed on one or more occasions except under official supervision.

78/692/EEC – Art. 7(3)

4. Member States may provide for exceptions to paragraphs 1 and 2 in the case of small packages of basic seed.

78/692/EEC – Art. 7(4)

*Article 27*

*Article 26*

1. Member States shall require that packages of basic seed and certified seed, except where seed of the latter category takes the form of small packages:

78/55/EEC – Art. 7(2)

(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 (A) and on which the information is given in one of the official languages of the Community. The label may be placed inside transparent packages provided it can be read. The colour of the label shall be white for basic seed and blue for certified seed. 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 22, 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 authorized. In accordance with the procedure laid down in Article 42 (2) the indelible printing under official control of the prescribed information on the package according to the label's model may be authorized;

78/55/EEC – Art. 7(2)

(b) contain an official document, in the same colour as the label, giving at least the information required under Annex IV (A) (a) (4) to (7). 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), the label is inside a transparent package or 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 of basic seed where they are marked: 'passed for marketing in ... (Member State concerned) only'.

78/55/EEC – Art. 7(3)

3. Packages of standard seed and small packages of seed of the category 'certified seed' shall, as required under Annex IV (B), bear a supplier's label or a printed or stamped notice in one of the official languages of the Community. The colour of the label shall be blue for certified seed and dark yellow for standard seed.

70/458/EEC — 88/380/EEC – Art. 7(13)
Corrigendum, English Special Edition, p.77

Save in the case of small packages of standard seed, the information prescribed or authorized under this paragraph shall be kept clearly separate from any other information given on the label or the package, including that provided for in Article 29.

88/380/EEC – Art. 7(13)

After 30 June 1992 it may be decided, in accordance with the procedure laid down in Article 42 (2), that small packages of standard seed of certain or all species should be subject to this requirement or that the information prescribed or authorized be distinct in some other way from any other information if the distinctive feature is expressly declared as such on the label or package.

88/380/EEC – Art. 7(13)

4. In the case of varieties which are widely known on 1 July 1970, reference may also be made on the label to any maintenance of the variety which has been or will be declared in accordance with the provisions of Article 38 (2). It shall be prohibited to refer to any special properties which might be connected with such maintenance.

The date shall be:

— 1 July 1973 with regard to Denmark, Ireland and the United Kingdom;

— 1 March 1981 with regard to Spain.

This reference shall follow the varietal name, from which it shall be clearly separated, preferably by means of a dash. It shall not be given greater prominence than the varietal name.

Only maintenances declared before the date so determined may be referred to on the label.

88/380/EEC – Art. 7(12) (adapted)

*Article 28*

*Article 27*

Member States shall take all measures necessary to ensure that in the case of small packages of certified seed the identity of the seed can be verified, in particular at the time when seed lots are divided up. To this end, they may require that small packages made up in their territory be sealed officially or under official supervision.

70/458/EEC
Corrigendum, English Special Edition, p.77
Corrigendum, English Special Edition, p.77

Corrigendum, English Special Edition, p.77

*Article 29*

*Article 28*

1. Member States shall retain the right to require that in cases other than those provided for in Articles 22 and 27, packages of basic seed, certified seed or standard seed, whether the seed has been produced in their own territory or imported, must, if the seed is to be marketed within their territory, bear additional information from the supplier, either printed on a label or stamped directly on the package.

88/380/EEC – Art. 7(14)

Corrigendum, English Special Edition, p.77

Corrigendum, English Special Edition, p.77

2. In the case of basic and certified seed the label or the printing referred to under paragraph 1 shall be drawn up in such a manner that it cannot be confused with the official label referred to in Article 27 (1).

88/380/EEC – Art. 7(15)

[redacted]

| *Article 30* | *Article 29* |
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| Member States shall require that any chemical treatment of basic seed, certified seed or standard seed be noted either on the official label or on the supplier's label and on the package or inside it. For small packages, this information may be printed directly on the package or inside it. | 70/458/EEC<br><br>Corrigendum, English Special Edition, p.77<br>Corrigendum, English Special Edition, p.77 |
| *Article 31* | *Article 29a* |
| For the purpose of seeking improved alternatives to certain elements of the certification scheme adopted under this Directive, it may be decided to organize temporary experiments under specified conditions at Community level in accordance with the procedures laid down in Article 42 (2).<br><br>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. | 88/380/EEC – Art. 7(16) |
| *Article 32* | *Article 30* |
| 1. Member States shall ensure that basic seed and certified seed which have been officially certified and whose packages have been marked and sealed officially or under official supervision as prescribed in this Directive, and also certified seed made up in small packages and standard seed whose packages have been marked and sealed as prescribed in this Directive, are subject to no marketing restrictions as regard their characteristics, examination arrangements, marking and sealing other than those laid down in this Directive. | 70/458/EEC<br><br>Corrigendum, English Special Edition, p.77<br>78/55/EEC – Art. 7(4)<br>Corrigendum, English Special Edition, p.77<br>Corrigendum, English Special Edition, p.77<br><br>Corrigendum, English Special Edition, p.77 |
| 2. Until such time as a decision has been taken under Article 21 (3) any Member State may upon application, which will be dealt with under Article 42 (2), be authorized to provide that after specified dates seed of certain species of vegetable may not be placed on the market unless it has been officially certified as 'basic seed' or 'certified seed'. | |
| 3. Member States which have provided for exemptions in accordance with the provisions of point (a) of Article 21 (5) shall ensure that bred seed of generations prior to basic seed are subject to no marketing restrictions on account of their characteristics, examination arrangements, marking and sealing, | 72/418/EEC – Art. 6(10)<br><br>Corrigendum, English Special Edition, p.77 |
| (a) if it has been officially checked by the competent certification authority in accordance with the provisions applicable to basic seed, | Corrigendum, English Special Edition, p.106 |

[redacted]

(b) if it is packed in accordance with the provisions of this Directive, and — 72/418/EEC – Art. 6(10)

(c) if its packages bear an official label giving at least the following particulars: — Corrigendum, English Special Edition, p.106

— certification authority and Member State or their distinguishing abbreviation,

— lot reference number, — Corrigendum, English Special Edition, p.106

— month and year of sealing, or — 78/692/EEC – Art. 7(5)

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

— species, indicated at least in roman characters, under its botanical name, which may be given in abridged form and without the authorities' names, or under its common name, or both, — 88/380/EEC – Art. 7(17)

— variety, indicated at least in roman characters,

— the description 'pre-basic seed', — 72/418/EEC – Art. 6(10)

— number of generations preceding seed of the category 'certified seed'. — Corrigendum, English Special Edition, p.106

The label shall be white with a violet diagonal line. — Corrigendum, English Special Edition, p.106

*Article 33* — *Article 31*

1. Member States shall provide that vegetable seed — 88/380/EEC – Art. 7(18)

— which has been produced directly from basic seed or certified seed officially certified either in one or more Member States or in a third country which has been granted equivalence under point (d) of Article 34 (1), 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 other provisions of this Directive, be officially 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.

Where in such cases the seed has been produced directly from officially certified seed of generations prior to basic seed, Member States may also authorize official certification as basic seed, if the conditions laid down for that category are satisfied.

2. Vegetable seed which has been harvested in another Member State, and which is intended for certification in accordance with the provisions laid down in 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 the provisions laid down in Article 26 (1), and

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

3. Member States shall also provide that vegetable seed

— which has been produced directly from basic seed or certified seed officially certified either in one or more Member States or in a third country which has been granted equivalence under point (d) of Article 34 (1) 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 a third country,

shall, on request, be officially certified as certified seed in any of those Member States where the basic seed was either produced or officially certified, if the seed has undergone field inspection satisfying the conditions laid down in an equivalence decision made under point (a) of Article 34 (1) for the relevant category, and if official examination has shown that the conditions laid down in Annex II for the same category are satisfied. Other Member States may also authorize official certification of such seed.

88/380/EEC – Art. 7(18)

*Article 34*

1. The Council, acting by a qualified majority on a proposal from the Commission, shall determine whether:

(a) the official examinations of varieties carried out in the third country afford the same assurances as those provided for in Article 7 and carried out in the Member States;

(b) the checks on practices for the maintenance of the varieties carried out in the third country afford the same assurances as those carried out by the Member States;

(c) in the cases referred to in Article 33, the field inspections in the third country satisfy the conditions laid down in Annex I;

70/458/EEC

*Article 32*

| | |
|---|---|
| (d) vegetable seed harvested in a third country and affording the same assurances as regards its characteristics and the arrangements for its examination, for ensuring identity, for marking and for control, is equivalent in these respects to basic seed, certified seed or standard seed harvested within the Community and complying with the provisions of this Directive. | 70/458/EEC<br>Corrigendum, English Special Edition, p.77 |
| 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. | 72/274/EEC – Art. 2 |
| *Article 35* | *Article 33* |
| 1. In order to remove any temporary difficulties in the general supply of basic seed, certified seed or standard seed that occur in one or more Member States and cannot be overcome within the Community, one or more Member States may be authorized, in accordance with the procedure laid down in Article 42 (2), to permit, for a specified period, the marketing of seed of a category subject to less stringent requirements, or of seed of varieties not included in the 'Common Catalogue of Varieties of Vegetable Species' or in their national catalogues of varieties. | 72/418/EEC – Art. 6(11) |
| 2. For a category of seeds of any given variety, the official label or the supplier's label shall be that provided for the corresponding category; in all other cases, it shall be brown. The label shall always state that the seed in question is of a category satisfying less stringent requirements. | 70/458/EEC |
| 3. Rules for the application of paragraph 1 may be adopted in accordance with the procedure laid down in Article 42 (2). | 88/332/EEC – Art. 8 |
| *Article 36* | *Article 35* |
| 1. Member States shall make suitable arrangements for vegetable seed to be officially verified, at least by sampling, as regards its compliance with the requirements of this Directive. | 70/458/EEC — 72/418/EEC – Art. 6(12) |

2. Member States shall take all necessary measures to ensure that the following particulars are presented during the marketing of quantities exceeding 2 kg of seed coming from another Member State or from a third country:

(a) species,

(b) variety,

(c) category,

(d) country of production and official control authority,

(e) country of dispatch,

(f) importer,

(g) quantity of seed.

The manner in which these particulars must be presented may be determined in accordance with the procedure laid down in Article 42 (2).

72/418/EEC – Art. 6(13)

*Article 37*

Member States shall ensure that seed of the categories 'certified seed' and 'standard seed' is subject to official post-control in the field by inspection to compare their varietal identity and varietal purity against standard controls.

*Article 36*

70/458/EEC

Corrigendum, English Special Edition, p.77

*Article 38*

1. Member States shall ensure that the persons responsible for affixing the labels for standard seed intended for marketing:

(a) inform them of the dates when their activities begin and end;

(b) keep records of all lots of standard seed and make them available to the Member States for not less than three years;

(c) make available to Member States for not less than two years a control sample of seed of varieties for which maintenance is not required;

(d) draw samples from each lot intended for marketing and make them available to Member States for not less than two years.

The operations referred to in points (b) and (d) shall be subject to official checks carried out on a random basis. The obligation laid down in point (c) shall apply only to producers.

*Article 37*

72/418/EEC – Art. 6(14)

2. Member States shall ensure that any person intending in accordance with Article 27 (4) to make reference to a given maintenance of a variety state this intention in advance.

88/380/EEC – Art. 7(19)

*Article 39*

1. If it is repeatedly found, during post-control tests carried out in the field, that seed of any one variety does not adequately satisfy the conditions laid down in respect of varietal identity purity, Member States shall ensure that the person marketing it is wholly or partially forbidden to market such seed (where appropriate, for a specified period).

2. Any measures taken under paragraph 1 shall be withdrawn as soon as it has been established with adequate certainty that the seed intended for marketing will in future satisfy the conditions as to varietal identity and varietal purity.

70/458/EEC

*Article 38*

Corrigendum, English Special Edition, p.77

*Article 40*

1. Community comparative tests shall be carried out within the Community for the post-control examination of samples of basic seed, with the exception of that of hybrid and synthetic varieties, and of certified or standard vegetable seed, taken during sampling. Satisfaction of the conditions with which the seed must comply may be checked during the post-control tests. The arrangements for holding the tests and their results shall be submitted to the Committee referred to in Article 42 (1).

*Article 39*

71/162/EEC – Art. 6(1)
Corrigendum, English Special Edition, p.87

2. These comparative tests shall be used to harmonize the technical methods of certification and post-control so as to obtain results which are equivalent. Progress reports shall be made on the tests and sent in confidence to the Member States and to the Commission. The Commission shall, in accordance with the procedure laid down in Article 42 (2), set the date for the first report.

3. The Commission, acting in accordance with the procedure laid down in Article 42 (2), shall make the necessary arrangements for the comparative tests to be carried out. Vegetable seed harvested in third countries may be included in the comparative tests.

70/458/EEC
(adapted)

*Article 41*

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 laid down in Article 42 (2).

*Article 40a*

73/438/EEC – Art. 6(4)

*Article 42*

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

87/373/EEC
(adapted)

[1] OJ No 125, 11. 7. 1966, p. 2289/66.

2. The representative of the Commission shall submit a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith. In that event, the Commission may defer application of the measures which it has decided for a period of not more than one month from the date of such communication.

The Council, acting by a qualified majority, may take a different decision within the time limit referred to in the second subparagraph.

87/373/EEC
(adapted)

3. The Committee, on request by the chairman or of one of the Member States, may examine any questions relevant to the subject matter of this Directive.

69/399/EEC – Art. 2
(adapted)

*Article 43*

*Article 41*

Save as otherwise provided in Article 18 and in Annexes I and II, 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 or commercial property.

70/458/EEC

*Article 44*

*Article 42*

Upon application by a Member State, which will be dealt with as provided in Article 42 (2), that State may be wholly or partially released from the obligation to apply the provisions of this Directive, save where this would run counter to the provisions laid down in Article 17 (1) and in Article 32 (1):

72/418/EEC – Art. 6(15)
(adapted)

(a) to the following species:

| | |
|---|---|
| *Anthriscus cerefolium* (L.) Hoffm. | Chervil |
| *Asparagus officinalis* L. | Asparagus |
| *Beta vulgaris* L. var. *vulgaris* | Spinach beet, chard |
| *Brassica oleracea* L. convar. *acephala* (DC.) Alef. var. *sabellica* L. | Curly kale |
| *Brassica oleracea* L. convar. *botrytis* (L.) Alef. var. *botrytis* L. | Cauliflower |

| | | |
|---|---|---|
| *Brassica pekinensis* (Lour.) Rupr. | Chinese cabbage | 88/380/EEC – Art. 7(20) (adapted) |
| *Brassica oleracea* L. convar. *botrytis* (L.) Alef. var. *cymosa* Duch. | Sprouting broccoli or calabrese | 72/418/EEC – Art. 6(15) (adapted) |
| *Cichorium intybus* L. (*partim*) | Witloof chicory<br>large-leaved chicory (Italian chicory)<br>Industrial chicory | 88/380/EEC – Art. 7(20) (adapted) |
| *Citrullus lanatus* (Thunb.) Matsum. et Nakai | Water melon | 72/418/EEC – Art. 6(15) (adapted) |
| *Foeniculum vulgare* Miller | Fennel | |
| *Scorzonera hispanica* L. | Scorzonera or Black salsify | |

(b) to other species which are not normally reproduced or marketed in its territory.

*Article 45*

1. The Directives listed in Annex VI Part A, are 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.

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

*Article 46*

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

*Article 26*

This Directive is addressed to the Member States.

Done at Brussels,

For the Council,

The President

*ANNEX I*

70/458/EEC

## CONDITIONS FOR CROP CERTIFICATION

1. The crop shall have sufficient varietal identity and varietal purity.

   Corrigendum, English Special Edition, p.77

2. In the case of basic seed, at least one official field inspection shall be carried out. In the case of certified seed, at least one field inspection shall be carried out, officially controlled by means of check inspection of at least 20% of the crop of each species.

3. The cultural condition of the field and the stage of development of the crop shall be such as to permit varietal identity and varietal purity and health status to be adequately checked.

   Corrigendum, English Special Edition, p.77

4. The minimum distances from neighbouring plants which might result in undesirable foreign pollination shall be:

   Corrigendum, English Special Edition, p.77

A. ***Beta vulgaris***

87/481//EEC – Art. 1(1)

| | | |
|---|---|---|
| 1. | From any pollen sources of the genus *Beta* not included below. | 1 000 metres; |
| 2. | From pollen sources of varieties of the same subspecies belonging to a different group of varieties: | |
| | (a) for basic seed | 1 000 metres, |
| | (b) for certified seed | 600 metres; |
| 3. | From pollen sources of varieties of the same subspecies belonging to the same group of varieties: | |
| | (a) for basic seed | 600 metres, |
| | (b) for certified seed | 300 metres. |

The groups of varieties referred to in 2 and 3 shall be determined in accordance with the procedure laid down in Article 42 (2).

B. ***Brassica species***

70/458/EEC — 87/481/EEC Art. 1(2)

1. From sources of foreign pollen liable to cause serious deterioration of varieties of *Brassica* species:

| | | |
|---|---|---|
| (a) for basic seed | 1 000 metres, | 70/458/EEC |
| (b) for certified seed | 600 metres; | |
| 2. From other sources of foreign pollen liable to cross with varieties of *Brassica* species: | | |
| (a) for basic seed | 500 metres, | |
| (b) for certified seed | 300 metres. | |
| *C. Industrial chicory* | | 88/380/EEC Art. 7(21) |
| 1. From other species of the same genera or subspecies | 1 000 metres; | |
| 2. From another variety of industrial chicory: | | |
| – for basic seed | 600 metres, | |
| – for certified seed | 300 metres. | |
| *D. Other species* | | 70/458/EEC |
| 1. From sources of foreign pollen liable to cause serious deterioration of varieties of other species as a result of cross-fertilization: | | |
| (a) for basic seed | 500 metres, | |
| (b) for certified seed | 300 metres; | |
| 2. From other sources of foreign pollen liable to cross with varieties of other species as a result of cross-fertilization: | | |
| (a) for basic seed | 300 metres, | |
| (b) for certified seed | 100 metres. | |
| These distances can be disregarded if there is sufficient protection from any undesirable foreign pollination. | | |
| 5. Diseases and harmful organism which reduce the usefulness of the seed shall be at the lowest possible level. | | |

[redacted]

*ANNEX II*

70/458/EEC

**CONDITIONS TO BE SATISFIED BY THE SEED**

1. The seeds shall have sufficient varietal identity and varietal purity

   Corrigendum, English Special Edition, p.77

2. Diseases and harmful organisms which reduce the usefulness of the seed shall be at the lowest possible level.

3. The seeds shall also satisfy the following conditions:

   (a) Standards

| Species | Minimum analytical purity (% by weight) | Maximum content of seeds of other plant species (% by weight) | Minimum germination (% clusters or pure seed) | |
|---|---|---|---|---|
| *Allium cepa* | 97 | 0,5 | 70 | |
| *Allium porrum* | 97 | 0,5 | 65 | |
| *Anthriscus cerefolium* | 96 | 1 | 70 | |
| *Apium graveolens* | 97 | 1 | 70 | |
| *Asparagus officinalis* | 96 | 0,5 | 70 | |
| *Beta vulgaris* (Cheltenham beet) | 97 | 0,5 | 70 | 88/380/EEC – Art. 7(22) |
| *Beta vulgaris* (other than Cheltenham beet) | 97 | 0,5 | 70 (clusters) | 88/380/EEC – Art. 7(22) |
| *Brassica oleracea* (cauliflower) | 97 | 1 | 70 | 87/120/EEC Art. 5(2) |
| *Brassica oleracea* (other subspecies) | 97 | 1 | 75 | 87/120/EEC Art. 5(2) |
| *Brassica pekinensis* | 97 | 1 | 75 | 88/380/EEC Art. 7(23) |
| *Brassica rapa* | 97 | 1 | 80 | 70/458/EEC |
| *Capsicum annuum* | 97 | 0,5 | 65 | |
| *Cichorium intybus* (*partim*) (Witloof chicory, large-leaved chicory (Italian chicory)) | 95 | 1,5 | 65 | 88/380/EEC Art. 7(23) |

| Species | Minimum analytical purity (% by weight) | Maximum content of seeds of other plant species (% by weight) | Minimum germination (% clusters or pure seed) | 70/458/EEC |
|---|---|---|---|---|
| *Cichorium intybus* (*partim*) (industrial chicory) | 97 | 1 | 80 | 88/380/EEC Art. 7(23) |
| *Cichorium endivia* | 95 | 1 | 65 | 70/458/EEC |
| *Citrullus lanatus* | 98 | 0,1 | 75 | 79/641/EEC Art. 4(3) |
| *Cucumis melo* | 98 | 0,1 | 75 | |
| *Cucumis sativus* | 98 | 0,1 | 80 | |
| *Cucurbita maxima* | 98 | 0,1 | 80 | 86/155/EEC Art. 6(9) |
| *Cucurbita pepo* | 98 | 0,1 | 75 | 70/458/EEC |
| *Cynara cardunculus* | 96 | 0,5 | 65 | 86/155/EEC Art. 6(9) |
| *Daucus carota* | 95 | 1 | 65 | 70/458/EEC |
| *Foeniculum vulgare* | 96 | 1 | 70 | |
| *Lactuca sativa* | 95 | 0,5 | 75 | |
| *Lycopersicon lycopersicum* | 97 | 0,5 | 75 | 79/641/EEC Art. 4(3) |
| *Petroselinum crispum* | 97 | 1 | 65 | 79/641/EEC Art. 4(3) |
| *Phaseolus coccineus* | 98 | 0,1 | 80 | |
| *Phaseolus vulgaris* | 98 | 0,1 | 75 | |
| *Pisum sativum* | 98 | 0,1 | 80 | |
| *Raphanus sativus* | 97 | 1 | 70 | |
| *Scorzonera hispanica* | 95 | 1 | 70 | |
| *Solanum melongena* | 96 | 0,5 | 65 | |
| *Spinacia oleracea* | 97 | 1 | 75 | |
| *Valerianella locusta* | 95 | 1 | 65 | |
| *Vicia faba* | 98 | 0,1 | 80 | |

(b) Additional requirements

(i) legume seed shall not be contaminated by the following live insects:

*Acanthoscelides obtectus* Sag.

*Bruchus affinis* Froel.

*Bruchus atomarius* L.

*Bruchus pisorum* L.

*Bruchus rufimanus* Boh.

(ii) seed shall not be contaminated by live *Acarina*.

70/458/EEC

*ANNEX III*

70/458/EEC

1. Maximum weight of a seed lot

| | | |
|---|---|---|
| (a) | Seeds of a size not less than that of a grain of wheat | 20 metric tons |
| (b) | Seeds of a size smaller than a grain of wheat | 10 metric tons |

The maximum lot weight shall not be exceeded by more than 5 %. — 87/120/EEC – Art. 5(3)

2. Minimum weight of a sample — 73/438/EEC – Art. 6(5)

| Species | Weight (in g) | |
|---|---|---|
| *Allium cepa* | 25 | |
| *Allium porrum* | 20 | |
| *Anthriscus cerefolium* | 20 | |
| *Apium graveolens* | 5 | |
| *Asparagus officinalis* | 100 | |
| *Beta vulgaris* | 100 | |
| *Brassica oleracea* | 25 | |
| *Brassica pekinensis* | 20 | 88/380/EEC – Art. 7(24) |
| *Brassica rapa* | 20 | 73/438/EEC – Art. 6(5) |
| *Capsicum annuum* | 40 | |
| *Cichorium intybus (partim)* (Witloof chicory, large-leaved chicory (Italian chicory)) | 15 | 88/380/EEC – Art. 7(24) |
| *Cichorium intybus (partim)* (industrial chicory) | 50 | 88/380/EEC – Art. 7(24) |
| *Cichorium endivia* | 15 | 73/438/EEC – Art. 6(5) |
| *Citrullus lanatus* | 250 | 79/641/EEC – Art. 4(3) |
| *Cucumis melo* | 100 | |
| *Cucumis sativus* | 25 | |
| *Cucurbita maxima* | 250 | 86/155/EEC – Art. 6(10) |
| *Cucurbita pepo* | 150 | 73/438/EEC – Art.. 6(5) |
| *Cynara cardunculus* | 50 | 86/155/EEC – Art. 6(10) |
| *Daucus carota* | 10 | 73/438/EEC – Art. 6(5) |
| *Foeniculum vulgare* | 25 | |
| *Lactuca sativa* | 10 | |
| *Lycopersicon lycopersicum* | 20 | 79/641/EEC – Art. 4(3) |

| | |
|---|---|
| *Petroselinum crispum* | 10 |
| *Phaseolus coccineus* | 1 000 |
| *Phaseolus vulgaris* | 700 |
| *Pisum sativum* | 500 |
| *Raphanus sativus* | 50 |
| *Scorzonera hispanica* | 30 |
| *Solanum melongena* | 20 |
| *Spinacia oleracea* | 75 |
| *Valerianella locusta* | 20 |
| *Vicia faba* | 1 000 |

In the case of F-1 hybrid varieties of the above species, the minimum weight of the sample may be decreased to a quarter of the specified weight. However the sample must have a weight of at least 5 g and consist of at least 400 seeds.

*ANNEX IV*

**Label**

70/458/EEC

**A. Official label (basic seed and certified seed, excluding small packages)**

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(a) Required information

1. 'EEC rules and standards.' — 78/692/EEC – Art. 7(6)
2. Certification authority and Member State or their initials.
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 in roman characters, under its botanical name, which may be given in abridged form and without the authorities' names, or its common name, or both. — 88/380/EEC – Art. 7(25)
6. Variety, indicated at least in roman characters. — 88/380/EEC – Art. 7(26)
7. Category.
8. Country of production.
9. Declared net or gross weight or declared number of seeds.
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 clusters or pure seeds and total weight.
11. In the case of varieties which are hybrids or inbred lines: — 88/380/EEC – Art. 7(27)

    — for basic seed where the hybrid or inbred line to which the seed belongs has been officially accepted under this Directive:

      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:<br>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',<br>— for certified seed:<br>the name of the variety to which the seed belongs, accompanied by the word 'hybrid'. | 88/380/EEC – Art. 7(27) |
| 12. Where at least germination has been retested, the words 'retested . . .'; (month and year) may be indicated. | 78/692/EEC – Art. 7(6) |
| (b) *Minimum dimensions*<br>110 × 67 mm | 70/458/EEC |
| **B. Supplier's label or inscription on the packages (standard seed and small packages of the category 'certified seed')**<br>(a) *Required information* | Corrigendum, English Special Edition, p.77 |
| 1. 'EEC rules and standards.' | 78/692/EEC – Art. 7(7) |
| 2. Name and address of the person responsible for affixing the labels or his identification mark. | |
| 3. Marketing year of the sealing or of the last examination of germination. The end of the marketing year may be indicated. | |
| 4. Species, indicated at least in roman characters. | 88/380/EEC – Art. 7(28) |
| 5. Variety, indicated at least in roman characters. | 88/380/EEC – Art. 7(29) |
| 6. Category: in the case of small packages, certified seed may be marked with the letter 'C' or 'Z' and standard seed with the letters 'ST'. | |
| 7. Reference number given by the person responsible for affixing the labels – in the case of standard seed. | |
| 8. Reference number enabling the certified lot to be identified – in the case of certified seed. | |

| | |
|---|---|
| 9. Declared net or gross weight or declared number of seeds, except for small packages of up to 500 grams. | 78/692/EEC – Art. 7(7) |
| 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 clusters or pure seeds and the total weight. | |
| (b) *Minimum dimensions of the label (excluding small packages)*<br>110 × 67 mm. | 70/458/EEC<br>Corrigendum, English Special Edition, p.77 |

*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,

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

— variety, indicated at least in roman characters,

— category,

— field or lot reference number,

— declared net or gross weight,

— the words 'seed not finally certified'.

B. *Colour of the label*

The label shall be grey.

C. *Information required for the document*

— authority issuing the document,

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

— 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,

— 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.

*ANNEX VI*

**Part A**

**Repealed Directives**
(referred to by Article 45)

| | |
|---|---|
| Directive 70/458/EEC and its successive amendments | |
| Directive 71/162/EEC | only Article 6 |
| Directive 72/274/EEC | only concerning references made to Article 1 and 2 on the provisions of Directive 70/458/EEC |
| Directive 72/418/EEC | only Article 6 |
| Directive 73/438/EEC | only Article 6 |
| Directive 76/307/EEC | only Article 2 |
| Directive 78/55/EEC | only Article 7 |
| Directive 78/692/EEC | only Article 7 |
| Directive 79/641/EEC | only Article 4 |
| Directive 79/692/EEC | only Article 4 |
| Directive 79/967/EEC | only Article 3 |
| Directive 80/1141/EEC | only Article 2 |
| Directive 86/155/EEC | only Article 6 |
| Directive 87/120/EEC | only Article 5 |
| Directive 87/481/EEC | |
| Directive 88/332/EEC | only Article 8 |
| Directive 88/380/EEC | only Article 7 |
| Directive 90/654/EEC | only concerning references made to Article 2 and to Annex II (I) (7) on the provisions of Directive 70/458/EEC |

## Part B

**Deadlines for transposition into national law**
(referred to by Article 45)

| *Directive* | *Deadline for transposition* |
|---|---|
| 70/458/EEC (OJ No 225, 12. 10. 1970, p. 7) | 1 July 1972 (1) (2) |
| 71/162/EEC (OJ No L 87, 17. 4. 1971, p. 24) | 1 July 1972 |
| 72/274/EEC (OJ No L 171, 29. 7. 1972, p. 37) | 1 July 1972 (Article 1)<br>1 January 1973 (Article 2) |
| 72/418/EEC (OJ No L 287, 26. 12. 1972, p. 22) | 1 January 1973 (Article 6 (13) and (18))<br>1 July 1972 (other provisions) |
| 73/438/EEC (OJ No L 356, 27. 12. 1973, p. 79) | 1 January 1974 (Article 6 (4))<br>1 July 1974 (other provisions) |
| 76/307/EEC (OJ No L 72, 18. 3. 1976, p. 16) | 1 July 1975 |
| 78/55/EEC (OJ No L 16, 20. 1. 1978, p. 23) | 1 July 1977 (Article 7 (5))<br>1 July 1979 (other provisions) |
| 78/692/EEC (OJ No L 236, 26. 8. 1978, p. 13) | 1 July 1977 |
| 79/641/EEC (OJ No L 183, 19. 7. 1979, p. 13) | 1 July 1980 |
| 79/692/EEC (OJ No L 205, 13. 8. 1979, p. 1) | 1 July 1977 |
| 79/967/EEC (OJ No L 293, 20. 11. 1979, p. 16) | 1 July 1982 |
| 80/1141/EEC (OJ No L 341, 16. 12. 1980, p. 27) | 1 July 1980 |
| 86/155/EEC (OJ No L 118, 7. 5. 1986, p. 23) | 1 March 1986 (Article 6 (3) and (8))<br>1 July 1987 (other provisions) |
| 87/120/EEC (OJ No L 49, 18. 2. 1987, p. 39) | 1 July 1988 |
| 87/481/EEC (OJ No L 273, 26. 9. 1987, p. 45) | 1 July 1989 |
| 88/332/EEC (OJ No L 151, 17. 6. 1988, p. 82) | |
| 88/380/EEC (OJ No L 187, 16. 7. 1988, p. 31) | 1 July 1982 (Article 7 (9))<br>1 January 1986 (Article 7 (6) and (10))<br>1 July 1992 (Article 7 (18))<br>1 July 1990 (other provisions) |
| 90/654/EEC (OJ No L 353, 17. 12. 1990, p. 48) | |

(1) For Denmark, Ireland and the United Kingdom, 1 July 1973; for Greece, 1 January 1986; for Spain, 1 March 1986; and for Portugal, 1 January 1991.

(2) 1 January 1995 for Austria, Finland and Sweden.
However:

- Finland and Sweden may postpone until 31 December 1995 at the latest, the application in their territories of this Directive with regard to the marketing in their territories of seeds of varieties listed in their respective national catalogues of varieties of agricultural plant species and varieties of vegetable plant species which have not been officially accepted in accordance with the provisions of this Directive. Seeds of such varieties shall not be allowed to be marketed in the territory of the other Member States during this period;
- varieties of agricultural and vegetable plant species which, at the date of accession or subsequently, are listed in both the respective national catalogues of Finland and Sweden and in the common catalogues, shall not be subject to any marketing restrictions as regards variety;
- throughout the period mentioned in the first indent, those varieties in the respective national catalogues of Finland and Sweden which have been officially accepted in accordance with the provisions of the abovementioned Directive shall be included in the common catalogues of varieties of agricultural or vegetable plant species, respectively.

*ANNEX VII*

## CORRELATION TABLE

| Directive 70458/402/EEC | This Directive |
|---|---|
| Article 1 | Article 1, first subparagraph |
| Article 34 | Article 1, second subparagraph |
| Article 2 (1) | Article 2 (1) |
| Article 2 (1a) | Article 2 (2) |
| Article 2 (1b) | Article 2 (3) |
| Article 2 (1c) | Article 2 (4) |
| Article 3 | Article 3 |
| Article 4 | Article 4 |
| Article 5 | Article 5 |
| Article 6 | Article 6 |
| Article 7 | Article 7 |
| Article 8 | Article 8 |
| Article 9 (1) | Article 9 (1) |
| Article 9 (2) | Article 9 (2) |
| Article 9 (2a) | Article 9 (3) |
| Article 9 (3) | Article 9 (4) |
| Article 10 | Article 10 |
| Article 11 | Article 11 |
| Article 12 | Article 12 |
| Article 13 | Article 13 |
| Article 13a | Article 14 |
| Article 14 | Article 15 |
| Article 15 | Article 16 |
| Article 16 | Article 17 |
| Article 17 | Article 18 |
| Article 18 | Article 19 |
| Article 19 | Article 20 |
| Article 20 (1) | Article 21 (1) |
| Article 20 (1a) | Article 21 (2) |
| Article 20 (2) | Article 21 (3) |
| Article 20 (3) | Article 21 (4) |
| Article 20 (4) | Article 21 (5) |
| Article 21 | Article 22 |
| Article 22 | Article 23 |
| Article 23 | Article 24 |
| Article 24 | Article 25 |
| Article 25 | Article 26 |
| Article 26 (1) | Article 27 (1) |
| Article 26 (1a) | Article 27 (2) |
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Proposal for a

COUNCIL DIRECTIVE

on the marketing of cereal seed

(consolidated version)

## EXPLANATORY MEMORANDUM

1. When considering how Community law could be made simpler and more transparent, Parliament, the Commission and the Council found themselves confronted with an over-abundance of legislative instruments which had been amended several times, often substantially, and unanimously agreed on the need for working method which would use legislative consolidation as a means of achieving greater clarity and transparency.

2. On 1 April 1987 the Commission therefore decided to instruct its staff that all legislative measure should be consolidated after *no more* than ten amendments, stressing that this was a minimum requirement and that departments should endeavour to consolidate at even shorter intervals the texts for which they were responsible, to ensure that the Community rules were clear and readily understandable.

3. The conclusions of the Presidency of the Edinburgh European Council reaffirmed these points, stressing that "*official codification* is important because it provides legal security as to the law which is applicable at a certain moment concerning a specific issue." To ensure not only the quality and the legal security of the texts consolidated, it was also suggested that "a jointly acceptable accelerated working method should be sought allowing codified Community law (replacing existing legislation without changing its substance) to be adopted in a speedy and efficient way".

4. The proposed consolidated version of ***Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed*** forms part of a much larger programme of consolidation of the provisions on seeds and propagating material for agriculture, horticulture and forestry. It has been drafted in accordance with the fundamental principles agreed by Council, Parliament and the Commission in 1974; it aims at *legislative consolidation*: the existing Directives would be replaced by one new one, which would leave their substance untouched but would assemble them into a single text, with only the formal amendments required by the operation itself [1]. This codified text will serve as the basis for future legislative developments in this field.

5. Certain provisions of Directive 66/402/EEC refer to "*EEC* standards".

   The Treaty on European Union replaced the expression "European Economic Community" by "European Community" in the Treaty; the same should now be done in the above provisions.

   This may be regarded as a purely formal amendment, but the Member States must none the less transpose it into national legislation if firms are to use labels referring to the EC rather than EEC. Moreover, there could be a financial impact for these firms if they were required to begin using the new labels forthwith.

   For these reasons, and since consolidating directives do not need to be transposed, the original provisions being presumed to have transposed within the time allowed, it would appear possible to incorporate this amendment in the consolidation proposal as a *purely formal adjustment.*

   The Commission will accordingly present a separate *proposal for the amendment* of Directive 66/402/EEC replacing "EEC" by "EC".

   This amendment and those already proposed to the Council will, following adoption, be incorporated in the consolidation proposal which should then be before the Council.

6. This *consolidation* proposal was drawn up on the basis of a *preliminary consolidation*, in all the official languages, of Directive 66/402/EEC and the instruments amending it, carried out by the Office for Official Publications of the European Communities, by means of *data-processing system* referred to in the conclusions of the European Council meeting at Edinburgh. Although the articles have been given new numbers, the former number is printed alongside in each case for the reader's convenience; the correlation between the old and new numbers is shown in a table contained in Annex VII to the consolidated Directive.

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(1) Annex VI, part A of this proposal.

[redacted]

**Proposal for a**

**COUNCIL DIRECTIVE ../.../EC**

95/0321 (CNS)

of

on the marketing of cereal seed

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament [1],

Having regard to the opinion of the Economic and Social Committee [2],

| | | | |
|---|---|---|---|
| 1) | Whereas Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed [3] has been frequently and substantially amended; whereas for reasons of clarity and rationality the said Directive should be consolidated; | | |
| 2) | Whereas cereal production occupies an important place in the agriculture of the Community; | 1. | 66/402/EEC |
| 3) | Whereas satisfactory results in cereal cultivation depend to a large extent on the use of appropriate seed; whereas to this end certain Member States have for some time restricted the marketing of cereal seed to high-quality seed; whereas they have been able to take advantage of the systematic plant selection work carried out over several decades which has resulted in the development of sufficiently stable and uniform cereal varieties which, by reason of their characteristics, promise to be of great value for purposes in view; | 2. | |
| 4) | Whereas greater productivity will be obtained in Community cereal cultivation if for the choice of varieties permitted to be marketed the Member States apply uniform rules which are as strict as possible; whereas a common catalogue of varieties of agricultural plant species is therefore provided for in Council Directive 95/../EC [4]; | 3.<br>+<br>2. | 71/162/EEC<br>[70/457/EEC] |

(1) OJ No C ...
(2) OJ No C ...
(3) OJ No 125, 11. 7. 1966, p. 2309/66; as last amended by Commission Directive 95/6/EC (OJ No L 67, 25. 3. 1995, p. 30).
(4) See page ... of this Official Journal.

| | | | |
|---|---|---|---|
| 5) | Whereas it is, however, justifiable to restrict marketing to certain varieties only if the farmer can be sure of actually obtaining seed of those varieties; | 4. | 66/402/EEC |
| 6) | Whereas certain Member States have for this purpose been applying certification schemes which are intended by official verification to ensure the identity and purity of the varieties; | 5. | |
| 7) | Whereas such schemes already exist at international level; whereas the Food and Agriculture Organisation of the United Nations has recommended minimum standards for the certification of maize seed in European and Mediterranean countries; whereas, furthermore, the Organisation for Economic Co-operation and Development has established a scheme for the varietal certification of herbage seed moving in international trade; | 6. | |
| 8) | Whereas it is desirable to establish a uniform certification scheme for the Community based on the experience gained in the application of those schemes; whereas the Community scheme should therefore apply to marketing both in other Member States and on domestic markets; | 7.<br>+<br>8. | |
| 9) | Whereas, as a general rule, cereal seed should be allowed to be marketed only if it has been officially examined and certified, in accordance with the rules for certification, as basic seed or certified seed; whereas the choice of the technical terms 'basic seed' and 'certified seed' is based on already existing international terminology; | 9. | |
| 10) | Whereas cereal seed which is not placed on the market should not, in view of its minor economic importance, be subject to Community rules; whereas Member States must retain the right to make such seed subject to special provisions; | 10. | |
| 11) | Whereas, if certain species of seed are not normally reproduced or marketed in the territory of a Member State, provision should be made for release of that State, under the procedure of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry, from the obligation to apply that Directive in respect of the species in question; | 4. | 69/60/EEC |
| 12) | Whereas Community rules should not apply to seed shown to be intended for export to third countries; | 11. | 66/402/EEC |
| 13) | Whereas, in order to improve not only the genetic quality of Community cereal seed but also its external characteristics, certain conditions should be laid down as to analytical purity, germination and health status; | 12. | |

| | | | |
|---|---|---|---|
| 14) | Whereas it is appropriate to authorize the Member States, in certain circumstances, to admit for marketing seed of generation prior to basic seed derogating from the established principle that only seed officially certified as 'basic seed' or 'certified seed' are permitted to be marketed; | | |
| 15) | Whereas, in order to ensure identity of the seed, Community rules on packaging, sampling, sealing and marking must be established; whereas to this end the labels should give the particulars needed both for official verification and for the information of the farmer and should clearly show the Community nature of the certification; whereas in the case of cereal seed provision should be made for the possibility of special marking concerning the presence of *Avena fatua*; | 13.<br>+<br>2. | 73/438/EEC (adapted) |
| 16) | Whereas certain Member States need mixtures of cereal seed of various species for special uses; whereas, in order to take these needs into account, Member States should be authorized to approve such mixtures provided that precautions are taken to guarantee that the quality of the seed or of the final product is not affected; | 14.<br>+<br>4. | 66/402/EEC<br>79/692/EEC (adapted) |
| 17) | Whereas, in order to ensure that both the requirements as to the quality of the seed and the provisions for ensuring its identity are complied with during marketing, Member States must make provision for appropriate control arrangements; | 15. | 66/402/EEC |
| 18) | Whereas seed satisfying these requirements should, without prejudice to Article 36 of the Treaty, be subject to no marketing restrictions other than those provided for in Community rules, except in those cases where Community rules provide for tolerances in respect of harmful organisms; | 16. | |
| 19) | Whereas, restrictions include in particular the obligation of the Member States to restrict the marketing of seed to those varieties allowed by the common catalogue provided for by Directive 95/. . ./EC; | 17. | (adapted)<br>[70/457/EEC] |
| 20) | Whereas, subject to certain conditions, seed multiplied in another country from basic seed certified in a Member State should be recognized as equivalent to seed multiplied in that Member State; | 18. | |

| | | | |
|---|---|---|---|
| 21) | Whereas, on the other hand, provision should be made for authorizing the marketing within the Community of cereal seed harvested in third countries only if such seed affords the same assurances as seed officially certified in the Community and complying with Community rules; | 19. | |
| 22) | Whereas, during periods in which there are difficulties in obtaining supplies of certified seed of the various categories, seed of an inferior quality should be temporarily permitted to be marketed, and also seeds of varieties not included either in the common catalogue or in the national catalogue of varieties; | 20.<br>+<br>3. | 72/418/EEC<br>(adapted) |
| 23) | Whereas, in order to harmonize the technical methods of certification used in the Member States and to enable comparisons to be made between seed certified within the Community and that coming from third countries, Community test fields should be established in Member States to permit annual post-control of seed of the various categories of 'certified seed'; | 21. | 66/402/EEC |
| 24) | Whereas for the exercise of implementation powers conferred on the Commission, it seems appropriate that the Commission be assisted by the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry, according to the Management Committee procedure provided for in Article 2 (II) of Council Decision 87/373/EEC [1]; | 22. | (adapted) |
| 25) | Whereas this Directive must not effect the obligations of the Member States concerning the deadlines for transposition of the Directives set out in Annex VI, part B, | | |

HAS ADOPTED THIS DIRECTIVE:

(1) OJ No L 197, 18. 7. 1987, p. 33.

*Article 1*

This Directive shall apply to cereal seed marketed within the Community. | 66/402/EEC

It shall not apply to cereal seed shown to be intended for export to third countries. | Article 18

*Article 2*

1. For the purposes of this Directive,

A. 'Cereals' means plants of the following species intended for agricultural or horticultural production other than production for ornamental purposes: | 72/418/EEC – Art. 3 (1)

| | | |
|---|---|---|
| *Avena sativa* L. | Oats | 66/402/EEC |
| *Hordeum vulgare* L. | Barley | 79/641/EEC – Art. 2 (1) |
| *Oryza sativa* L. | Rice | 66/402/EEC |
| *Phalaris canariensis* L. | Canary grass | 69/60/EEC – Art. 2 (1) |
| *Secale cereale* L. | Rye | 66/402/EEC |
| *Sorghum bicolor* (L.) Moench<br>*Sorghum sudanense* (Piper) Stapf. | Sorghum<br>Sudan grass | 86/155/EEC – Art. 2 (1) |
| *X Triticosecale* Wittm. | Triticale | 88/380/EEC – Art. 3 (1) |
| *Triticum aestivum* L. emend. Fiori et Paol.<br>*Triticum durum* Desf. | Wheat<br>Durum wheat | 79/641/EEC – Art. 2 (2) |
| *Triticum spelta* L. | Spelt wheat | 66/402/EEC |
| *Zea mays* L. (partim) | Maize except popcorn and sweet corn | 71/162/EEC–Art. 3 (1) – 87/120/EEC–Art. 3 (1) |

This definition shall also cover the following hybrids resulting from the crossing of species referred to above. | 86/320/EEC – Art. 1 (1)

| | | |
|---|---|---|
| *Sorghum bicolor* (L) Moench × *Sorghum sudanense* (Piper) Stapf | Hybrids resulting from the crossing of Sorghum and Sudan grass. | 86/320/EEC – Art. 1 (1) |

Unless otherwise specified, seed of the aforementioned hybrids shall be subject to the standards or other conditions applicable to seed of each of the species from which they are derived;

B. 'Varieties, hybrids and inbred lines of maize and *Sorghum* spp.': — 66/402/EEC – 86/155/EEC – Art. 2 (2)

(a) 'Open-pollinated variety' means a sufficiently uniform and stable variety;

(b) 'Inbred line' means a sufficiently uniform and stable line, obtained either by artificial self-fertilization accompanied by selection over several successive generations or by equivalent operations;

(c) 'Simple hybrid' means the first generation of a cross, defined by the breeder, between two inbred lines;

(d) 'Double hybrid' means the first generation of a cross, defined by the breeder, between two simple hybrids;

(e) 'Triple-cross hybrid' means the first generation of a cross, defined by the breeder, between an inbred line and a simple hybrid; — Corrigendum, English Special Edition p. 17.

(f) 'Top Cross hybrid' means the first generation of a cross, defined by the breeder, between an inbred line or a simple hybrid and an open-pollinated variety;

(g) 'Intervarietal hybrid' means the first generation of a cross, defined by the breeder, between plants grown from basic seed of two open-pollinated varieties;

C. 'Basic seed' (oats, barley, rice, canary grass, rye triticale, wheat, durum wheat and spelt wheat, other than hybrids in each case) means seed — 88/380/EEC – Art. 3 (3)

(a) which has been produced under the responsibility of the breeder according to accepted practices for the maintenance of the variety; — 66/402/EEC

(b) 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';

(c) which, subject to the provisions of Article 4 (1) (a), satisfies the conditions laid down in Annexes I and II for basic seed; and

(d) which has been found by official examination to satisfy the abovementioned conditions;

66/402/EEC

D. 'Basic seed' (hybrids of oats, barley, rice, rye, wheat, durum wheat and spelt wheat) means seed

(a) which is intended for the production of hybrids;

(b) which, subject to the provisions of Article 4, satisfies the conditions laid down in Annexes I and II for basic seed; and

(c) which has been found by official examination to satisfy the abovementioned conditions;

88/380/EEC – Art. 3 (4) – 89/2/EEC – Art. 1 (1)

E. 'Basic seed' (maize and *Sorghum* spp.):

1. 'Basic seed of open-pollinated varieties' means seed

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

(b) which is intended for the production of seed of this variety of the category 'certified seed' or of Top Cross hybrids or of intervarietal hybrids;

(c) which, subject to the provisions of Article 4, satisfies the conditions laid down in Annexes I and II for basic seed; and

(d) which has been found by official examination to satisfy the abovementioned conditions;

2. 'Basic seed of inbred lines' means seed

(a) which, subject to the provisions of Article 4, satisfies the conditions laid down in Annexes I and II for basic seed; and

(b) which has been found by official examination to satisfy the abovementioned conditions;

66/402/EEC – 86/155/EEC – Art. 2 (3)

3. 'Basic seed of simple hybrids' means seed

66/402/EEC

(a) which is intended for the production of double hybrids, Triple-cross hybrids or Top Cross hybrids;

Corrigendum, English Special Edition, p. 17.

(b) which, subject to the provisions of Article 4, satisfies the conditions laid down in Annexes I and II for basic seed; and

(c) which has been found by official examination to satisfy the abovementioned conditions;

F. 'Certified seed' (canary grass, other than hybrids, rye, sorghum, Sudan grass, maize and hybrids of oats, barley, rice, wheat, durum wheat and spelt wheat) means seed

88/380/EEC – Art. 3 (5) – 89/2/EEC – Art. 1 (2)

(a) 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;

69/60/EEC – Art. 2 (3) – Corrigendum, English Special Edition, p. 29.

(b) which is intended for purposes other than the production of cereal seed;

66/402/EEC

(c) which, subject to the provisions of point (G) of Article 4 (1) and Article 4 (2), satisfies the conditions laid down in Annexes I and II for certified seed; and

(d) which has been found by official examination to satisfy the abovementioned conditions;

G. 'Certified seed of the first generation' (oats, barley, rice, triticale, wheat, durum wheat and spelt wheat, other than hybrids in each case) means seed

88/380/EEC – Art. 3 (6)

(a) which has been produced directly from basic seed or, if the breeder so requests, from seed of a generation prior to basic seed which has been found by official examination to satisfy the conditions laid down in Annexes I and II for basic seed;

69/60/EEC – Art. 2 (4) – Corrigendum, English Special Edition, p. 29.

(b) which is intended either for the production of seed of the category 'certified seed, second generation' or for purposes other than the production of cereal seed;

66/402/EEC

(c) which satisfies the conditions laid down in Annexes I and II for certified seed of the first generation; and

(d) which has been found by official examination to satisfy the abovementioned conditions;

66/402/EEC

H. 'Certified seed of the second generation' (oats, barley, rice, triticale, wheat, durum wheat and spelt wheat, other than hybrids in each case) means seed

88/380/EEC – Art. 3 (7)

(a) 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 which has been found by official examination to satisfy the conditions laid down in Annexes I and II for basic seed;

69/60/EEC – Corrigendum, English Special Edition, p. 29.

(b) which is intended for purposes other than the production of cereal seed;

(c) which satisfies the conditions laid down in Annexes I and II for certified seed of the second generation; and

(d) which has been found by official examination to satisfy the abovementioned conditions;

66/402/EEC

I. 'Official measures' means measures taken

(a) by State authorities, or

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

(c) 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 (b) and (c) derive no private gain from such measures.

2. Amendments to be made to the list of species referred to in point A of paragraph 1 in the light of the development of scientific or technical knowledge concerning the names and hybrids resulting from the crossing of species covered by this Directive shall be adopted in accordance with the procedure laid down in Article 22 (2).

78/55/EEC – Art. 3 (1)

88/380/EEC – Art. 3 (8)

3. Amendments to be made to point C, D, F, G and H of paragraph 1 for the purpose of including hybrids of canary grass, rye and triticale in the scope of this Directive shall be adopted in accordance with the procedure laid down in Article 22 (2).

88/380/EEC – Art. 3 (10)

4. 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 22 (2). In accordance with the same procedure the definitions in point B of paragraph 1 shall be adapted accordingly.

88/380/EEC – Art. 3 (10)

5. Member States may be authorized in accordance with the procedure laid down in Article 22 (2) to permit, by way of derogation from paragraph 1 under points G (a) or H (a), to be certified as certified seed of the first generation or certified seed of the second generation seeds of self-pollinating species which have been entered for certification as basic seed and which have been produced from a generation prior to basic seed but which has not been officially examined. This provision shall not apply to hybrid seeds. Certification as certified seed may occur only if this is requested by the applicant for certification with the agreement of the breeder and if an official post-control test based on samples taken officially and carried out at the latest during the growing season of the entered seed shows that the seeds from the previous generation have met the requirements for basic seed in respect of varietal identity and purity. In this case the breeder shall, when the samples are taken, state the total area which has been under production of seeds of the previous generation. These conditions may be amended in the light of development of scientific or technical knowledge in accordance with the procedure laid down in Article 22 (2).

Member States shall require that the official labels for seeds marketed in accordance with the authorization referred to in the first subparagraph be marked: 'passed for marketing in ... (Member State concerned) only'; in addition Member States may require in this case that the official labels also be marked 'intended for further multiplication only'.

78/55/EEC–Art. 3 (1) – 88/380/EEC–Art. 3 (9)

6. Member States may:

(a) include several generations in the basic seed category and subdivide this category by generation;

(b) provide that official examinations in respect of germination and analytical purity not be carried out on all lots during certification unless there is doubt whether the conditions laid down in Annex II in these respects have been satisfied.

66/402/EEC

(c) during a transitional period of not more than three years after the entry into force of the laws, regulations or administrative provisions necessary to comply with this Directive, and by way of derogation from points F, G and H of paragraph 1, certify as certified seed seed which is of direct descent from seed officially controlled in a Member State under the scheme in operation at that time and which affords the same assurances as basic seed certified in accordance with the principles of this Directive; this provision shall apply correspondingly to the certified seed of the first generation referred to in point H of paragraph 1.

69/60/EEC – Art. 2 (6)

*Article 3*

1. Without prejudice to the provisions of Directive 95/. . ./EC, Member States shall provide that cereal seed may not be placed on the market unless it has been officially certified as 'basic seed', 'certified seed', 'certified seed, first generation' or 'certified seed, second generation' and unless it satisfies the conditions laid down in Annex II.

66/402/EEC
[70/457/EEC]

2. Member States shall, for the purposes of certification and marketing, fix the maximum moisture content of basic seed and certified seed of all kinds.

3. Member States shall ensure that the official examinations of seed are carried out in accordance with current international methods, insofar as such methods exist.

4. Member States may provide for derogations from the provisions of paragraphs 1 and 2:

(a) for bred seed of generations prior to basic seed;

(b) for tests or for scientific purposes;

(c) for selection work;

(d) for seed as grown, marketed for processing, provided that the identity of the seed is ensured.

*Article 4*

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

(a) authorize 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 the official examination to check compliance with the conditions laid down in Annex II in respect of germination has not been concluded, authorize the official certification and marketing as far as the first buyer by way of trade of the categories 'basic seed' or 'certified seed'. Certification 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.

66/402/EEC

These provisions shall not apply to seed imported from third countries, save as otherwise provided in Article 16 in respect of multiplication outside the Community.

2. In the case of maize seed, Member States may reduce to 85 % the minimum germination required under Annex II.

3. In the case of triticale seed intended for marketing in their own territory, Member States may reduce to 80 % the minimum germination required under Annex II. If, in such cases, triticale seed does not satisfy the conditions laid down in Annex II in respect of germination, this fact, and the fact that the seed is for marketing only in the territory of the Member State concerned, shall be stated on the label.

88/380/EEC – Art. 3 (13)

*Article 5*

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 produced in their own territory.

66/402/EEC

*Article 6*

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

71/162/EEC – Art. 3 (2)

*Article 7*

1. Member States shall require that, for the checking of varieties and inbred lines of maize and for the examination of seed for certification, samples are drawn officially in accordance with appropriate methods.

66/402/EEC

2. For the examination of seed for certification, 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 8*

1. Member States shall require that basic seed and certified seed of all categories be marketed only in sufficiently homogeneous lots and in sealed packages bearing, as prescribed in Articles 9 and 10, a sealing system and markings.

69/60/EEC – Art. 4 – Corrigendum, English Special Edition, p. 17.

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 9*

1. Member States shall require that packages of basic seed and certified seed of all categories be sealed officially or under official supervision in such a manner that they cannot be opened without damaging the sealing system or without leaving evidence of tampering on either the official label provided for in Article 10 (1) or the package.

78/692/EEC – Art. 3 (1)

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.

In accordance with the procedure laid down in Article 22 (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 therefore shall be stated on the label required under Article 10 (1).

69/60/EEC – Art. 5

78/692/EEC – Art. 3 (2)

3. Member States may provide for exceptions to paragraph 1 in the case of small packages.

75/444/EEC – Art. 3 (1)

*Article 10*

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

78/55/EEC – Art. 3 (2)

(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 and for certified seed of the first generation and red for certified seed of the second generation. 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 point (a) of Article 4 (1) and Article 4 (2), the basic seed or maize 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 authorized. In accordance with the procedure laid down in Article 22 (2), the indelible printing under official supervision of the prescribed information on the package according to the label's model may be authorized;

(b) contain an official document, in the same colour as the label, giving at least the information required under Annex IV (A) (a) (3), (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 where they are marked: 'passed for marketing in ... (Member State concerned) only'.

*Article 11*

1. This Directive shall not affect the right of Member States to require that, in cases other than those provided for in Article 4, packages of basic seed or certified seed of all categories, whether the seed has been produced in their own territory or imported, must, if the seed is to be marketed within their territory, bear a supplier's label or that seed lots complying with the special conditions concerning the presence of *Avena fatua* laid down according to the procedure provided for in Article 22 (2), shall be accompanied by an official certificate attesting compliance with these conditions.

66/402/EEC – 88/380/EEC – Art. 3 (14)

Corrigendum, English Special Edition, p. 17.

73/438/EEC – Art. 3 (2)

2. The label referred to in paragraph 1 shall be drawn up in such a manner that it cannot be confused with the official label referred to in Article 10 (1).

88/380/EEC – Art. 3 (15)

*Article 12*

Member States shall require that any chemical treatment of basic seed or certified seed of all categories be noted either on the official label or on the supplier's label and on the package or inside it.

66/402/EEC
Corrigendum, English Special Edition, p. 17.

Corrigendum, English Special Edition, p. 17.

*Article 13*

1. Member States may permit seed of a species of cereal to be marketed in the form of specific mixtures of seeds of various varieties provided that scientific or technical knowledge indicates that these mixtures are such as to be particularly effective against the propagation of certain harmful organisms and provided also that the components of the mixture comply, before mixing, with the marketing rules applicable to them.

79/692/EEC – Art. 2 (2)

2. Member States may authorize the marketing of cereal seed in the form of mixtures of seed of various species, provided that the components of the mixture complied, before mixing, with the marketing rules applicable to them.

66/402/EEC – 79/692/EEC – Art. 2 (3)
Corrigendum, English Special Edition, p. 17.
Corrigendum, English Special Edition, p. 17.

3. The provisions of Articles 8, 9 and 11 shall apply, as shall also those of Article 10, except that for mixtures the label used shall be green.

79/692/EEC – Art. 2 (3)
Corrigendum, English Special Edition, p. 17.

*Article 14*

Article 13 *a*

For the purpose of seeking improved alternatives to certain elements of the certification scheme adopted under this Directive, it may be decided to organize temporary experiments under specified conditions at Community level in accordance with the procedure laid down in Article 22 (2).

88/380/EEC – Art. 3 (16)

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 15*

Article 14

1. The Member States shall ensure that basic seed and certified seed of all categories which have been officially certified and whose packages have been marked and sealed officially or under official supervision as prescribed in this Directive are subject to no marketing restrictions as regards their characteristics, examination arrangements, marking and sealing other than those laid down in this Directive.

66/402/EEC
Corrigendum, English Special Edition, p. 17.
78/55/EEC – Art. 3 (3) –
Corrigendum, English Special Edition, p. 17.

Corrigendum, English Special Edition, p. 17.

2. The Commission, in accordance with the procedure provided for in Article 22 (2), shall for the marketing of cereals seeds authorize, in respect of the whole or parts of the territory of one or more Member States, provisions which are more strict than those laid down in Annex II concerning the presence of *Avena fatua* in those seeds, if similar provisions are applied to the home production of those seeds and if there is a campaign to eradicate *Avena fatua* from cereals grown in the region in question.

Act of Accession DA, IRL, UK – Art. 29.

3. Member States may restrict the marketing of certified seed of oats, barley, rice, triticale, wheat or spelt to that of the first generation.

66/402/EEC
88/380/EEC – Art. 3 (17)

4. Member States which have provided for exemptions in accordance with the provisions of points (a) of Article 3 (4) shall ensure that bred seed of generations prior to basic seed are subject to no marketing restrictions on account of their characteristics, examination arrangements, marking and sealing,

72/418/EEC – Art. 3 (3)

Corrigendum, English Special Edition p. 106.

(a) if it has been officially checked by the competent certification authority in accordance with the provisions applicable for the certification of basic seed,

Corrigendum, English Special Edition p. 106.

(b) if it is packed in accordance with the provisions of this Directive, and

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

Corrigendum, English Special Edition p. 106.

— certification authority and Member State or their distinguishing abbreviation,

— lot reference number,

Corrigendum, English Special Edition p. 106.

— month and year of sealing,

or

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

78/692/EEC – Art. 3 (3)

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

— variety, indicated at least in roman characters,

88/380/EEC – Art. 3 (18)

— the description 'pre-basic seed',

— number of generations preceding seed of the categories 'certified seed' or 'certified seed of the first generation'.

72/418/EEC – Art. 3 (3)

Corrigendum, English Special Edition p. 106.

The label shall be white with a diagonal violet line.

72/418/EEC–Art. 3 (3) – Corrigendum, English Special Edition p. 106

In accordance with the procedure laid down in Article 22 (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.

88/380/EEC–Art. 3 (19)

*Article 16*

Article 15

1. The Member States shall provide that cereal seed

88/380/EEC – Art. 3 (20)

— 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 point (b) of Article 17, 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 95/. . ./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.

[70/457/EEC]

Where in such cases the seed has been produced directly from officially certified seed of generations prior to basic seed, Member States may also authorize official certification as basic seed, if the conditions laid down for that category are satisfied.

2. Cereal seed which has been harvested in another Member State, and which is intended for certification in accordance with the provisions laid down in 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 the provisions laid down in Article 9 (1), and

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

3. Member States shall also provide that cereal seed

— 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 point (b) of Article 17, 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 a third country,

shall, on request, be officially certified as certified seed in any of those Member States where the basic seed was either produced or officially certified, if the seed has undergone field inspection satisfying the conditions laid down in an equivalence decision made under point (a) of Article 17 for the relevant category, and if official examination has shown that the conditions laid down in Annex II for the same category are satisfied. Other Member States may also authorize official certification of such seed.

88/380/EEC – Art. 3 (20)

*Article 17*

Article 16

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 16, the field inspections in the third country satisfy the conditions laid down in Annex I;

(b) cereal grain harvested in a third country and affording the same assurances as regards its characteristics and the arrangements for its examination, for ensuring identity, for marking and for control is equivalent in these respects to basic seed, certified seed or certified seed of the first or second generation harvested within the Community and complying with the provisions of this Directive.

66/402/EEC

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.

72/274/EEC – Art. 2

[redacted]

*Article 18*

Article 17

1. In order to remove any temporary difficulties in the general supply of basic seed or certified seed of any category that occur in one or more Member States and cannot be overcome within the Community, one or more Member States may be authorized, in accordance with the procedure laid down in Article 22 (2), to permit, for a specified period, the marketing of seed of a category subject to less stringent requirements, or of seed varieties not included in the common catalogue or in their national catalogues of varieties.

72/418/EEC – Art. 3 (4)

2. For a category of seed of any given variety or inbred line, the official label shall be that provided for the corresponding category; in all other cases it shall be brown. The label shall always state that the seed in question is of a category satisfying less stringent requirements.

66/402/EEC

69/60/EEC – Art. 9

3. Rules for the application of paragraph 1 may be adopted in accordance with the procedure laid down in Article 22 (2).

88/332/EEC – Art. 3

*Article 19*

1. Member States shall make suitable arrangements for cereal seed to be officially verified during marketing, at least by sampling, as regards its compliance with the requirements of this Directive.

66/402/EEC – 72/418/EEC – Art. 3 (5)

2. Member States shall take all necessary measures to ensure that the following particulars are presented during the marketing of quantities exceeding 2 kg of seed coming from another Member State or from a third country:

72/418/EEC – Art. 3 (6)

(a) species,

(b) variety,

(c) category,

(d) country of production and official control authority,

(e) country of dispatch,

(f) importer,

(g) quantity of seed.

The manner in which these particulars must be presented may be determined in accordance with the procedure laid down in Article 22 (2).

*Article 20*

1. Community comparative tests shall be carried out within the Community for the post-control of samples of basic seed, with the exception of that of hybrid or synthetic varieties, and of certified seed of all categories of cereal, taken during sampling. Satisfaction of the conditions with which the seed must comply may be checked during the post-control tests. The arrangements for holding the tests and their results shall be submitted to the Committee referred to in Article 22.

71/162/EEC – Art. 3 (5)

2. These comparative tests shall, be used to harmonize the technical methods of certification so as to obtain results which are equivalent. As soon as this aim is achieved, annual progress reports shall be made on the tests and sent in confidence to the Member States and to the Commission. The Commission, acting in accordance with the procedure laid down in Article 22 (2), shall set the date for the first report.

66/402/EEC

3. The Commission, acting in accordance with the procedure laid down in Article 22 (2), shall make the necessary arrangements for the comparative tests to be carried out. Cereal seed harvested in third countries may be included in the comparative tests.

*Article 21*

Article 21 *a*

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 laid down in Article 22 (2).

73/438/EEC – Art. 3 (4)

*Article 22*

Article 21

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

87/373/EEC
(adapted)

2. The representative of the Commission shall submit a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

[1] OJ No 125, 11. 7. 1966, p. 2289/66.

The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith. In that event, the Commission may defer application of the measures which it has decided for a period of not more than one month from the date of such communication.

The Council, acting by a qualified majority, may take a different decision within the time limit referred to in the second subparagraph.

87/373/EEC (adapted)

3. The Committee, on request by the chairman or of one of the Member States, may examine any questions relevant to the subject matter of this Directive.

66/399/EEC – Art. 2 (adapted)

*Article 23*

Article 21 *b*

Amendments to be made to the content of the Annexes in order to establish the conditions to be satisfied by the crop and the seed of hybrids of oats, barley, rice, wheat, durum wheat, spelt wheat and other species for which hybrids are included in the scope of this Directive pursuant to Article 2 (3) and the conditions to be satisfied by the crop and the seed of cross-pollinating varieties of triticale shall be adopted according to the procedure laid down in Article 22 (2).

88/380/EEC – Art. 3 (21)

*Article 24*

Article 22

Save as otherwise provided in Annex II (3) in respect of tolerances for harmful organisms, 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

66/402/EEC – 88/380/EEC – Art. 3 (22)

Article 23 *a*

*Article 25*

Upon application by a Member State, which will be dealt with as provided in Article 22 (2), that State may be wholly or partially released from the obligation to apply the provisions of this Directive, with the exception of Article 15 (1):

(a) in respect of the following species:

— canary grass,

— sorghum,

— Sudan grass;

(b) in respect of other species which are not normally reproduced or marketed in its territory.

88/380/EEC – Art. 3 (23)

[redacted]

*Article 26*

1. The Directives listed in Annex VI Part A, are 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.

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

*Article 27*

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

*Article 28*

This Directive is addressed to the Member States.

Done at Brussels,

For the Council,

The President

*ANNEX I*

78/387/EEC – Art. 1 (1)

**CONDITIONS TO BE SATISFIED BY THE CROP**

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

2. The crop shall conform to the following standards as regards distances from neighbouring sources of pollen which may result in undesirable foreign pollination and in particular, in the case of sorghum, from sources of *Sorghum halepense*:

86/155/EEC – Art. 2 (5)

| Crop | Minimum distance |
|---|---|
| 1 | 2 |
| *Phalaris canariensis, Secale cereale* other than hybrids: | |
| — for the production of basic seed | 300 m |
| — for the production of certified seed | 250 m |
| *Sorghum* spp. | 300 m |
| *Triticosecale,* self-pollinating varieties | |
| — for the production of basic seed | 50 m |
| — for the production of certified seed | 20 m |
| *Zea mays* | 200 m |

95/6/EC – Art. 1

86/155/EEC – Art. 2 (6)

88/380/EEC – Art. 3 (24)

78/387/EEC – Art. 1 (1)

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 of *Sorghum* spp. and *Zea mays*, sufficient identity and purity as regards its characteristics.

86/155/EEC – Art. 2 (7)

For the production of seed of hybrid varieties of *Sorghum* spp. and *Zea mays*, the abovementioned provisions shall also apply to the characteristics of the components, including male sterility or fertility restoration.

86/155/EEC – Art. 2 (7)

In particular, crops of *Oryza sativa*, *Phalaris canariensis*, *Secale cereale* other than hybrids, *Sorghum* spp. and *Zea mays* shall conform to the following standards or other conditions:

87/120/EEC – Art. 3 (2)
95/6/EC – Art. 1 — 86/155/EEC – Art. 2 (7)

A. *Phalaris canariensis and Secale cereale* other than hybrids:

the number of plant of the crop species, which are recognizable 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.

B. *Zea mays:*

(a) the percentage by number of plants which are recognizable as obviously not being true to the variety, 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 hybrid, each component, | 0,1 % |
| (iii) open-pollinated varieties, | 0,5 % |
| (bb) for the production of certified seed: | |
| (i) hybrid varieties component: | |
| — inbred lines, | 0,2 % |
| — simple hybrid, | 0,2 % |
| — open-pollinated variety, | 1,0 % |
| (ii) open-pollinated varieties, | 1,0 % |

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

(aa) a sufficient pollen shall be shed by the plants of the male component while the plants of the female component are in flower;

(bb) where appropriate, emasculation shall be carried out;

(cc) where 5 % or more of the female component plants have receptive stigmas, the percentage of female component which have shed pollen or are shedding pollen shall not exceed:

— 1 % at any official field inspection, and

— 2 % at the total of the official field inspections.

[redacted]

Plants are considered as having shed pollen or shedding pollen where, on 50 mm or more of the central axis or laterals of a panicle, the anthers have emerged from their glumes and have shed or are shedding pollen. | 78/387/EEC – Art. 1 (1)

C. *Sorghum* spp. | 86/155/EEC – Art. 2 (8)

(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 of hybrid varieties: | 86/320/EEC – Art. 1 (2)

(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 %;

(c) crops of open pollinated varieties or synthetic varieties of *Sorghum* spp. shall conform to the following standards: the number of plants of the crop which are recognizable as obviously not being true to the variety shall not exceed: | 86/320/EEC – Art. 1 (3)

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

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

D. *Oryza sativa:*

87/120/EEC – Art. 3 (3)

the number of plants which are recognizable as obviously being wild plants or red-grain plants shall not exceed:

— 0 for the production of basic seed,

— 1 per 50 $m^2$ for the production of certified seed.

4. Hybrids of rye.

95/6/EC – Art. 1

(a) 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 |
|---|---|
| 1 | 2 |
| — for the production of basic seed | |
| — where the male sterility is used | 1 000 m |
| — where male sterility is not used | 600 m |
| — for the production of certified seed | 500 m |

(b) The crop shall have sufficient identity and purity as regards the characteristics of the components, including male sterility.

In particular, the crop shall conform to the following standards or other conditions:

(i) the number of plants or the crop species, which are recognizable as obviously not being true to the component 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, this standard to apply in official field inspections to the female component only,

(ii) in the case of basic seed, where male sterility is used, the level of sterility of the male-sterile component shall be at least 98 %.

(c) Where appropriate, certified seed shall be produced in mixed cultivation of a female male-sterile component with a male component which restores male fertility.

5. Harmful organisms which reduce the usefulness of the seed, in particular *Ustilagineae*, shall be at the lowest possible level. — 78/387/EEC – Art. 1 (1)

6. The satisfaction of the abovementioned standards or other conditions shall be examined in official field inspections.

   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. The number of field inspections shall be at least:

      (a) for *Avena sativa*, *Hordeum vulgare*, *Oryza sativa*, *Phalaris canariensis*, *Triticosecale*, *Triticum aestivum*, *Triticum durum*, *Triticum spelta* and *Secale cereale:* one; — 79/641/EEC – Art. 2 (3); 88/380/EEC – Art. 3 (25)

      (b) for *Sorghum* spp. and *Zea mays* during the flowering season: — 86/155/EEC – Art. 2 (9)

         (aa) open-pollinated varieties: one,

         (bb) inbred lines or hybrids: three.

      When the crop follows a *Sorghum* spp. and *Zea mays* crop in either the preceding year or current year, at least one special field inspection shall be made to check the satisfaction of the provisions laid down in point 1 of this Annex. — 86/155/EEC Art. 2 (9)

   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.

*ANNEX II*

78/387/EEC – Art. 1 (2)

**CONDITIONS TO BE SATISFIED BY THE SEED**

1. The seed shall have sufficient varietal identity and varietal purity, or in the case of seed of an inbred line of *Sorghum* spp. and *Zea mays*, sufficient identity and purity as regards its characteristics. For the seed of hybrid varieties of *Secale Cereale*, *Sorghum* spp. and *Zea Mays*, the abovementioned provisions shall also apply to the characteristics of the components.

   86/155/EEC – Art. 2 (10)

   95/6/EC – Art. 1

   In particular, the seed of the species listed below shall conform to the following standards or other conditions:

   A. *Avena sativa*, *Hordeum vulgare*, *Oryza sativa*, *Triticum aestivum*, *Triticum durum*, *Triticum spelta* other than hybrids in each case:

   79/641/EEC – Art. 2 (3)

   88/380/EEC – Art. 3 (27)

| Category | Minimum varietal purity (%) |
|---|---|
| 1 | 2 |
| Basic seed | 99,9 |
| Certified seed, 1st generation | 99,7 |
| Certified seed, 2nd generation | 99,0 |

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

   B. Self-pollinating varieties of *Triticosecale*

   88/380/EEC – Art. 3 (28)

| Category | Minimum varietal purity (%) |
|---|---|
| 1 | 2 |
| Basic seed | 99,7 |
| Certified seed, 1st generation | 99,0 |
| Certified seed, 2nd generation | 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.

C. *Sorghum* spp. and *Zea mays*:

Where for the production of certified seed of hybrid varieties a female male-sterile component and a male component which does not restore male fertility have been used, the seed shall be produced:

— either by mixing seed lots in a proportion appropriate to the variety where, on the one hand, a female male-sterile component has been used and, on the other, a female male-fertile component has been used,

— or by growing the female male-sterile component and the female male-fertile component in a proportion appropriate to the variety. The proportion of these components shall be examined in field inspections carried out in accordance with the conditions laid down in Annex I.

78/387/EEC–Art. 1 (2)–86/155/EEC–Art. 2 (11)

D. Hybrids of rye

Seed shall not be certified as certified seed unless due account has been taken of the results of an official post-control test, 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 met the requirements for basic seed laid down in this Decision in respect of identity and purity as regards the characters of the components, including male sterility.

95/6/EC – Art. 1

2. The seed shall conform to the following standards or other conditions as regards germination, analytical purity and content of seeds of other plants species:

A. Table:

78/387/EEC–Art. 1 (2)

| Species and category | Minimum germination (% of pure seed) | Minimum analytical purity (% by weight) | Maximum content by number of seeds of other plant species including red seeds of *Oryza sativa* in a sample of the weight specified in column 4 of Annex III (total per column) | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | Other plant species (a) | Red seeds of *Oryza sativa* | Other cereal species | Plant species other than cereals | *Avena fatua, Avena sterilis, Avena ludoviciana, Lolium temulentum* | *Raphanus raphanistrum, Agrostemma githago* | *Panicum spp.* | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | |
| *Avena sativa, Hordeum vulgare, Triticum aestivum, Triticum durum, Triticum spelta:* | | | | | | | | | | 79/641/EEC Art. 2 (3) |
| — basic seed | 85 | 99 | 4 | | 1 (b) | 3 | 0 (c) | 1 | | |
| — certified seed, 1st and 2nd generation | 85 (d) | 98 | 10 | | 7 | 7 | 0 (c) | 3 | | 88/506/EEC – Art. 1 (1) |
| *Phalaris canariensis:* | | | | | | | | | | |
| — basic seed | 75 | 98 | 4 | | 1 (b) | | 0 (c) | | | |
| — certified seed | 75 | 98 | 10 | | 5 | | 0 (c) | | | |
| *Oryza sativa:* | | | | | | | | | | |
| — basic seed | 80 | 98 | 4 | 1 | | | | | 1 | 87/120/EEC Art. 3 (4) |
| — certified seed, 1st generation | 80 | 98 | 10 | 3 | | | | | 3 | 87/120/EEC Art. 3 (4) |
| — certified seed, 2nd generation | 80 | 98 | 15 | 5 | | | | | 3 | 87/120/EEC Art. 3 (4) |
| *Secale cereale:* | | | | | | | | | | |
| — basic seed | 85 | 98 | 4 | | 1 (b) | 3 | 0 (c) | 1 | | |
| — certified seed | 85 | 98 | 10 | | 7 | 7 | 0 (c) | 3 | | |
| *Sorghum* spp. | 80 | 98 | 0 | | | | | | | 86/155/EEC Art. 2 (12) |
| *Triticosecale:* | | | | | | | | | | 88/380/EEC Art. 3 (29) |
| — basic seed | 85 | 98 | 4 | | 1 (b) | 3 | 0 (c) | 1 | | |
| — certified seed, 1st and 2nd generation | 85 | 98 | 10 | | 7 | 7 | 0 (c) | 3 | | |
| *Zea mays* | 90 | 98 | 0 | | | | | | | 78/387/EEC – Art. 1 (2) |

B. Standards or other conditions applicable where reference is made to them in the table under Section 2 (A) of this Annex:

78/387/EEC – Art. 1 (2)

(a) The maximum contents of seeds laid down in column 4 include also the seeds of the species in columns 5 to 10.

(b) A second seed shall not be regarded as an impurity if a second sample of same weight is free from any seeds of other cereals species.

(c) The presence of one seed of *Avena fatua*, *Avena sterilis*, *Avena ludoviciana* or *Lolium temulentum* 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 these species.

(d) in the case of varieties of *Avena sativa* which are officially classified as of the 'naked oat' type the minimum germination capacity is reduced to 75 % of pure seed. In such a case the official label shall be endorsed 'minimum germination capacity 75 %'.

93/2/EEC – Art. 1

3. Harmful organisms which reduce the usefulness of the seed shall be at the lowest possible level.

95/6/EC – Art. 1

In particular, the seed shall conform to the following standards in respect of *Claviceps purpurea* (maximum number of *sclerotia* or fragments of *sclerotia* in a sample of the weight specified in column 3 of Annex III).

| Category | *Claviceps purpurea* |
|---|---|
| 1 | 2 |
| Cereals other then hybrid rye: | |
| — basic seed | 1 |
| — certified seed | 3 |
| Hybrids of rye: | |
| — basic seed | 1 |
| — certified seed | 4(a) |

(a) The presence of five *sclerotia* or fragments of *sclerotia* in a sample of the prescribed weight shall be deemed to be in conformity with the standards, where a second sample of the same weight contains not more than four *sclerotia* or fragments of *sclerotia*.

*ANNEX III*

**LOT AND SAMPLE WEIGHTS**

78/387/EEC – Art. 1 (3)

| Species | Maximum weight of a lot (tonnes) | Minimum weight of a sample to be drawn from a lot (grams) | Weight of the sample for determinations by number provided for in columns 4 to 10 of Annex II (2) (A) and Annex II (3) (grams) | |
|---|---|---|---|---|
| 1 | 2 | 3 | 4 | |
| *Avena sativa*, *Hordeum vulgare*, *Triticum aestivum*, *Triticum durum*, *Triticum spelta*, *Secale cereale*, *Triticosecale* | 25 | 1 000 | 500 | 79/641/EEC – Art. 2 (3)<br>88/380/EEC–Art. 3 (30) – 87/120/EEC–Art. 3 (5) |
| *Phalaris canariensis* | 10 | 400 | 200 | |
| *Oryza sativa* | 25 | 500 | 500 | 87/120/EEC – Art. 3 (5) |
| *Sorghum* spp. | 10 | 1 000 | 900 | 86/155/EEC – Art. 2 (13) |
| *Zea mays*, basic seed of inbred lines | 40 | 250 | 250 | 78/387/EEC – Art. 1 (3)<br>81/126/EEC – Art. 3 |
| *Zea mays*, basic seed other than of inbred lines; certified seed | 40 | 1 000 | 1 000 | 81/126/EEC – Art. 3 |

The maximum lot weight shall not be exceeded by more than 5 %. — 87/120/EEC – Art. 3 (6)

| | |
|---|---|
| *ANNEX IV*<br>**Label** | 66/402/EEC |
| A. *Required information*<br>(a) For basic seed and certified seed: | |
| 1. 'EEC rules and standards.' | 69/60/EEC – Art. 13 (1) |
| 2. Certification authority and Member State or their initials. | |
| 3. Reference number of lot. | 66/402/EEC |
| 4. Month and year of sealing expressed thus: 'sealed . . .' (month and year),<br>or<br>month and year of the last official sampling for the purposes of certification expressed thus: 'sampled . . .' (month and year). | 78/692/EEC – Art. 3 (4) |
| 5. Species, indicated at least under its botanical name, which may be given in abridged form and without the authorities' names, in roman characters. | 66/402/EEC – 88/380/EEC – Art. 3 (31) |
| 6. Variety, indicated at least in roman characters. | 88/380/EEC – Art. 3 (33) |
| 7. Category. | 66/402/EEC |
| 8. Country of production. | |
| 9. Declared net or gross weight or declared number of seeds. | 72/418/EEC – Art. 3 (7)<br>Corrigendum, English Special Edition, p. 106. |
| 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. | 75/444/EEC – Art. 3 (2) |

| | |
|---|---|
| 11. In the case of varieties which are hybrids or inbred lines: | 88/380/EEC – Art. 3 (34) |
| — for basic seed where the hybrid or inbred line to which the seed belongs has been officially accepted under Directive 95/. . ./EC: | [70/457/EEC] |
| 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. | 78/55/EEC – Art. 3 (4) |
| In accordance with the procedure laid down in Article 22 (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. | 88/380/EEC – Art. 3 (32) |
| (b) For seed mixtures | 66/402/EEC – Corrigendum, English Special Edition, p. 17. |
| 1. 'mixture . . . ' (species or varieties). | 88/380/EEC – Art. 3 (35) – Corrigendum, English Special Edition, p. 17. |
| 2. Authority responsible for sealing and Member State. | |
| 3. Reference number of lot. | |
| 4. Month and year of sealing expressed thus: 'sealed . . .' (year and month). | 78/692/EEC – Art. 3 (5) |

| | |
|---|---|
| 5. Species, category, variety, country of production and proportion by weight of each of the components; the names of the species and of the varieties shall be indicated at least in roman characters. | 66/402/EEC<br>88/380/EEC – Art. 3 (36) |
| 6. Declared net or gross weight or declared number of seeds. | 72/418/EEC – Art. 3 (8)<br>Corrigendum, English Special Edition, p. 106. |
| 7. 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. | 75/444/EEC – Art. 3 (2) |
| 8. Where at least germination of all the components of the mixture 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. | 78/55/EEC – Art. 3 (5) |
| 9. 'Marketing permitted exclusively in . . .' (Member State concerned). | 79/692/EEC – Art. 2 (4) |
| B. *Minimum dimensions*<br>110 mm × 67 mm. | 66/402/EEC |

*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,

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

— declared net or gross weight,

— the words 'seed not finally certified'.

In accordance with the procedure laid down in Article 22 (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,

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

— 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.

88/380/EEC – Art. 3 (37)

[redacted]

*ANNEX VI*

**Part A**

**Repealed Directives**
(referred to by Article 26)

| | |
|---|---|
| Directive 66/402/EEC and its successive amendments | |
| Directive 69/60/EEC | |
| Directive 71/162/EEC | only Article 3 |
| Directive 72/274/EEC | only concerning references made to Articles 1 and 2 on the provisions of Directive 66/402/EEC |
| Directive 72/418/EEC | only Article 3 |
| Directive 73/438/EEC | only Article 3 |
| Directive 75/444/EEC | only Article 3 |
| Directive 78/55/EEC | only Article 3 |
| Directive 78/387/EEC | |
| Directive 78/692/EEC | only Article 3 |
| Directive 78/1020/EEC | only Article 2 |
| Directive 79/641/EEC | only Article 2 |
| Directive 79/692/EEC | only Article 2 |
| Directive 81/126/EEC | only Article 3 |
| Directive 81/561/EEC | |
| Directive 86/155/EEC | only Article 2 |
| Directive 86/320/EEC | |
| Directive 87/120/EEC | only Article 3 |
| Directive 88/332/EEC | only Article 3 |
| Directive 88/380/EEC | only Article 3 |
| Directive 88/506/EEC | |
| Directive 89/2/EEC | |
| Directive 90/623/EEC | |
| Directive 90/654/EEC | only concerning references made to Article 2 and to Annex II (I) (3) on the provisions of Directive 66/402/EEC |
| Directive 93/2/EEC | |
| Directive 95/6/EC | |

## Part B

**Deadlines for transposition into national law**
(referred to by Article 26)

| *Directive* | *Deadline for transposition* |
|---|---|
| 66/402/EEC (OJ No 125, 11. 7. 1966, p. 2309/66) | 1 July 1968 (Article 14 (1))<br>1 July 1969 (other provisions) (1) (2) (3) |
| 69/60/EEC (OJ No L 48, 26. 2. 1969, p. 1) | 1 July 1969 (1) |
| 71/162/EEC (OJ No L 87, 17. 4. 1971, p. 24) | 1 July 1970 (Article 3 (4))<br>1 July 1972 (Article 3 (2))<br>1 July 1971 (other provisions) (1) |
| 72/274/EEC (OJ No L 171, 29. 7. 1972, p. 37) | 1 July 1972 (Article 1)<br>1 January 1973 (Article 2) |
| 72/418/EEC (OJ No L 287, 26. 12. 1972, p. 22) | 1 July 1973 |
| 73/438/EEC (OJ No L 356, 27. 12. 1973, p. 79) | 1 July 1973 (Article 3 (3))<br>1 January 1974 (Article 3 (2) and (4))<br>1 July 1974 (other provisions) |
| 75/444/EEC (OJ No L 196, 26. 7. 1975, p. 6) | 1 July 1977 |
| 78/55/EEC (OJ No L 16, 20. 1. 1978, p. 23) | 1 July 1979 |
| 78/387/EEC (OJ No L 113, 25. 4. 1978, p. 13) | 1 July 1980 |
| 78/692/EEC (OJ No L 236, 26. 8. 1978, p. 13) | 1 July 1977 |
| 78/1020/EEC (OJ No L 350, 14. 12. 1978, p. 27) | 1 January 1979 |
| 79/641/EEC (OJ No L 183, 19. 7. 1979, p. 13) | 1 July 1980 |
| 79/692/EEC (OJ No L 205, 13. 8. 1979, p. 1) | 1 January 1980 |
| 81/126/EEC (OJ No L 67, 12. 3. 1981, p. 36) | 1 July 1982 |
| 81/561/EEC (OJ No L 203, 23. 7. 1981, p. 52) | |
| 86/155/EEC (OJ No L 118, 7. 5. 1986, p. 23) | 1 July 1987 |
| 86/320/EEC (OJ No L 200, 23. 7. 1986, p. 38) | 1 July 1987 |
| 87/120/EEC (OJ No L 49, 18. 2. 1987, p. 39) | 1 June 1988 |
| 88/332/EEC (OJ No L 151, 17. 6. 1988, p. 82) | |
| 88/380/EEC (OJ No L 187, 16. 7. 1988, p. 31) | 1 July 1982 (Article 3 (11))<br>1 July 1983 (Article 3 (12))<br>1 July 1992 (Article 3 (18), (31) and (37)) (4)<br>1 July 1992 (Article 3 (20))<br>1 July 1990 (other provisions) |
| 88/506/EEC (OJ No L 274, 6. 10. 1988, p. 44) | |
| 89/2/EEC (OJ No L 5, 7. 1. 1989, p. 31) | 1 July 1990 |
| 90/623/EEC (OJ No L 333, 30. 11. 1990, p. 65) | |
| 90/654/EEC (OJ No L 353, 17. 12. 1990, p. 48) | |
| 93/2/EEC (OJ No L 54, 5. 3. 1993, p. 20) | 1 June 1993 |
| 95/6/EC (OJ No L 67, 25. 3. 1995, p. 30) | 30 June 1995 |

(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 1989 for Portugal concerning the marketing of cereal seed, for the secies *Hordeum vulgare* L., *Oryza sativa* L., *Triticum aestivum* L. emend. Fiori et Paol, *Triticum durum* Desf. and *Zea mays* L. and for the other species, 1 January 1991.

(3) 1 January 1995 for Austria, Finland and Sweden.
However:

— Finland shall be allowed to maintain its national scheme of seed production relating to the marketing, until 31 December 1996 at the latest, in its territory of

  — seed which does not meet the requirements of the Directive in respect of the maximum number of generations of seed of the category 'certified seed' ('Valiosiemen'/'elitutsäde') and

  — seed of the category 'commercial seed' ('Kauppasiemen'/'handelsutsäde') as defined in the existing Finnish legislation;

— Such seed shall not be introduced into the territory of other Member States. Finland shall adapt its legislation in this respect to comply with the relevant provisions of the Directive by the date of expiry of the above period;

— Finland shall apply from the date of accession those provisions of the Directive which ensure access for material complying with the Directive to marketing in its territory.

(4) In so far as these provisions require the botanical name of a species to be indicated on the label of seed.

*ANNEX VII*

**CORRELATION TABLE**

| Directive 66/402/EEC | This Directive |
|---|---|
| Article 1 | Article 1, 1st subparagraph |
| Article 18 | Article 1, 2nd subparagraph |
| Article 2 (1) (A) | Article 2 (1) (A) |
| Article 2 (1) (B) | Article 2 (1) (B) |
| Article 2 (1) (C) | Article 2 (1) (C) |
| Article 2 (1) (Ca) | Article 2 (1) (D) |
| Article 2 (1) (D) | Article 2 (1) (E) |
| Article 2 (1) (E) | Article 2 (1) (F) |
| Article 2 (1) (F) | Article 2 (1) (G) |
| Article 2 (1) (G) | Article 2 (1) (H) |
| Article 2 (1) (H) | Article 2 (1) (I) |
| Article 2 (1a) | Article 2 (2) |
| Article 2 (1b) | Article 2 (3) |
| Article 2 (1c) | Article 2 (4) |
| Article 2 (1d) | Article 2 (5) |
| Article 2 (2) | Article 2 (6) |
| Article 3 | Article 3 |
| Article 4 | Article 4 |
| Article 5 | Article 5 |
| Article 6 | Article 6 |
| Article 7 | Article 7 |
| Article 8 | Article 8 |
| Article 9 | Article 9 |
| Article 10 | Article 10 |
| Article 11 | Article 11 |
| Article 12 | Article 12 |
| Article 13 | Article 13 |
| Article 13 a | Article 14 |
| Article 14 (1) | Article 15 (1) |
| Article 14 (1a) | Article 15 (2) |
| Article 14 (2) | Article 15 (3) |
| Article 14 (3) | Article 15 (4) |
| Article 15 | Article 16 |
| Article 16 | Article 17 (1) |
| — | Article 17 (2) |
| Article 17 | Article 18 |
| Article 19 | Article 19 |
| Article 20 | Article 20 |
| Article 21 a | Article 21 |
| Article 21 | Article 22 |
| Article 21 b | Article 23 |
| Article 22 | Article 24 |
| Article 23 a | Article 25 |
| — | Article 26 |
| — | Article 27 |
| — | Article 28 |

| | |
|---|---|
| ANNEX I | ANNEX I |
| ANNEX I (1) | ANNEX I (1) |
| ANNEX I (2) | ANNEX I (2) |
| ANNEX I (3) | ANNEX I (3) |
| ANNEX I (3a) | ANNEX I (4) |
| ANNEX I (4) | ANNEX I (5) |
| ANNEX I (5) | ANNEX I (6) |
| ANNEX II (1) (A) | ANNEX II (1) (A) |
| ANNEX II (1) (Aa) | ANNEX II (1) (B) |
| ANNEX II (1) (B) | ANNEX II (1) (C) |
| ANNEX II (1) (C) | ANNEX II (1) (D) |
| ANNEX II (2) | ANNEX II (2) |
| ANNEX II (3) | ANNEX II (3) |
| ANNEX III | ANNEX III |
| ANNEX IV, Part A (a) (1) | ANNEX IV, Part A (a) (1) |
| ANNEX IV, Part A (a) (2) | ANNEX IV, Part A (a) (2) |
| ANNEX IV, Part A (a) (3) | ANNEX IV, Part A (a) (3) |
| ANNEX IV, Part A (a) (3a) | ANNEX IV, Part A (a) (4) |
| ANNEX IV, Part A (a) (4) | ANNEX IV, Part A (a) (5) |
| ANNEX IV, Part A (a) (5) | ANNEX IV, Part A (a) (6) |
| ANNEX IV, Part A (a) (6) | ANNEX IV, Part A (a) (7) |
| ANNEX IV, Part A (a) (7) | ANNEX IV, Part A (a) (8) |
| ANNEX IV, Part A (a) (8) | ANNEX IV, Part A (a) (9) |
| ANNEX IV, Part A (a) (8a) | ANNEX IV, Part A (a) (10) |
| ANNEX IV, Part A (a) (9) | ANNEX IV, Part A (a) (11) |
| ANNEX IV, Part A (a) (10) | ANNEX IV, Part A (a) (12) |
| ANNEX IV, Part A (b) (1) | ANNEX IV, Part A (b) (1) |
| ANNEX IV, Part A (b) (2) | ANNEX IV, Part A (b) (2) |
| ANNEX IV, Part A (b) (3) | ANNEX IV, Part A (b) (3) |
| ANNEX IV, Part A (b) (3a) | ANNEX IV, Part A (b) (4) |
| ANNEX IV, Part A (b) (4) | ANNEX IV, Part A (b) (5) |
| ANNEX IV, Part A (b) (5) | ANNEX IV, Part A (b) (6) |
| ANNEX IV, Part A (b) (6) | ANNEX IV, Part A (b) (7) |
| ANNEX IV, Part A (b) (7) | ANNEX IV, Fart A (b) (8) |
| ANNEX IV, Part A (b) (8) | ANNEX IV, Part A (b) (9) |
| ANNEX IV, Part B | ANNEX IV, Part B |
| ANNEX V | ANNEX V |
| — | ANNEX VI |
| — | ANNEX VII |

Proposal for a

COUNCIL DIRECTIVE

on the common catalogue of varieties of agricultural plant species

(consolidated version)

## EXPLANATORY MEMORANDUM

1. When considering how Community law could be made simpler and more transparent, Parliament, the Commission and the Council found themselves confronted with an over-abundance of legislative instruments which had been amended several times, often substantially, and unanimously agreed on the need for a working method which would use legislative consolidation as a means of achieving greater clarity and transparency.

2. On 1 April 1987 the Commission therefore decided to instruct its staff that all legislative measures should be consolidated after *no more* than ten amendments, stressing that this was a minimum requirement and that departments should endeavour to consolidate at even shorter intervals the texts for which they were responsible, to ensure that the Community rules were clear and readily understandable.

3. The conclusions of the Presidency of the Edinburgh European Council reaffirmed these points, stressing that "*official codification* is important because it provides legal security as to the law which is applicable at a certain moment concerning a specific issue." To ensure not only the quality and the legal security of the texts consolidated, it was also suggested that "a jointly acceptable accelerated working method should be sought allowing codified Community law (replacing existing legislation without changing its substance) to be adopted in a speedy and efficient way".

4. The proposed consolidated version of ***Council Directive 70/457/EEC of 29 September 1970 on the common catalogue of varieties of agricultural plant species*** forms part of a much larger programme of consolidation of the provisions on seeds and propagating material for agriculture, horticulture and forestry. It has been drafted in accordance with the fundamental principles agreed by Council, Parliament and the Commission in 1974; it aims at *legislative consolidation*: the existing Directives would be replaced by one new one, which would leave their substance untouched but would assemble them into a single text, with only the formal amendments required by the operation itself [1]. This codified text will serve as the basis for future legislative developments in this field.

6. This *consolidation* proposal was drawn up on the basis of a *preliminary consolidation*, in all the official languages, of Directive 70/457/EEC and the instruments amending it, carried out by the Office for Official Publications of the European Communities, by means of a *data-processing system* referred to in the conclusions of the European Council meeting at Edinburgh. Although the articles have been given new numbers, the former number is printed alongside in each case for the reader's convenience; the correlation between the old and new numbers is shown in a table contained in Annex II to the consolidated Directive.

(1) Annex I, part A of this proposal.

[redacted]

**Proposal for a**

**COUNCIL DIRECTIVE .../.../EC**

95/0322 (Acc)

of

on the common catalogue of varieties of agricultural plant species

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament [1],

Having regard to the opinion of the Economic and Social Committee [2],

| | | | |
|---|---|---|---|
| 1) | Whereas Council Directive 70/457/EEC of 29 September 1970 on the common catalogue of varieties of agricultural plant species [3] has been frequently and substantially amended; whereas for reasons of clarity and rationality the said Directive should be consolidated; | | |
| 2) | Whereas the production of agricultural seed and young plants occupies an important place in the agriculture of the Community; | 1. | 70/457/EEC |
| 3) | Whereas, for this reason, the Council has adopted Directives concerning respectively the marketing of beet seed (95/. . ./EC) [4], fodder plant seed (95/. . ./EC) [5], cereal seed (95/. . ./EC) [6], seed potatoes (95/. . ./EC) [7] and seed of oil and fibre plants (95/. . ./EC) [8]; | 2. | (adapted)<br>[66/400/CEE] – [66/401/CEE]<br>[66/402/CEE] – [66/403/CEE]<br>[69/208/CEE] |
| 4) | Whereas a common catalogue of varieties can be compiled only on the basis of national catalogues; | 4. | |
| 5) | Whereas all Member States should therefore compile one or more national catalogues of the varieties accepted for certification and marketing in their territory; | 5. | |

(1) OJ No C ...
(2) OJ No C ...
(3) OJ No L 225, 12. 10. 1970, p. 1; as last amended by the Act of Accession AT, FI, SE.
(4) See page ... of this Official Journal.
(5) See page ... of this Official Journal.
(6) See page ... of this Official Journal.
(7) See page ... of this Official Journal.
(8) See page ... of this Official Journal.

| | | | |
|---|---|---|---|
| 6) | Whereas it is appropriate to take into consideration internationally established rules for certain provisions relating to the acceptance of varieties at national level, the names of varieties, and the exchange of information between Member States, and to strengthen the rules concerning the free marketing, as regards variety, of seeds belonging to the varieties accepted in the Member States, in the case of certain species at least; | 5. | 79/692/CEE (adapted) |
| 7) | Whereas these catalogues must be drawn up in accordance with uniform rules so that the varieties accepted will be distinct, stable and sufficiently uniform and that they will be of satisfactory value for cultivation and use; | 6. | 70/457/CEE |
| 8) | Whereas specific rules should be made as regards those varieties which, it has been established, cannot be grown in any part of the territory of a Member State; | 7. | 73/438/CEE (adapted) |
| 9) | Whereas, in order to carry out the examinations for the acceptance of a variety, a large number of uniform criteria and minimum requirements must be laid down; | 7. | 70/457/CEE |
| 10) | Whereas, furthermore, provisions relating to the length of time during which acceptance of a variety is to remain valid, to the grounds on which acceptance may be revoked and to practices for maintenance of the variety must be standardized and whereas the Member States should inform one another of the acceptance and withdrawal of varieties; | 8. | |
| 11) | Whereas all seed or propagating material of varieties which have been accepted in accordance with the principles of this Directive since the adoption of seed rules in one or more Member States should, after a certain time, be subject within the Community to no restrictions relating to variety; whereas all such seed or propagating material should be added to the common catalogue of varieties; | 9. | (adapted) |
| 12) | Whereas, however, Member States should be given the right to express by means of a special procedure any objections which they may have to a variety and to its inclusion in the common catalogue of varieties as well as any objections on plant health grounds to a variety already entered in that catalogue; | 10. | |
| 13) | Whereas special provisions should be adopted to cover varieties which were accepted in an individual Member State in accordance with the principles of this Directive; whereas it seems justifiable to make their inclusion in this catalogue conditional upon their being of importance for seed production; | 11. | (adapted) |
| 14) | Whereas the Commission should publish in the *Official Journal of the European Communities* the varieties which are being added to the common catalogue of varieties of agricultural plant species; | 12. | |
| 15) | Whereas provision should be made for measures recognizing the equivalence of examinations and checks of varieties carried out in third countries; | 13. | |

| | | | |
|---|---|---|---|
| 16) | Whereas, however, Community rules should not apply to varieties the seed or propagating material of which are shown to be intended for export to third countries; | 14. | |
| 17) | Whereas for the exercise of implementation powers conferred on the Commission, it seems appropriate that the Commission be assisted by the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry, according to the Management Committee procedure provided for in Article 2 (II) of Council Decision 87/373/EEC [1]; | 15. | (adapted) |
| 18) | Whereas this Directive must not affect the obligations of the Member States concerning the deadlines for transposition of the Directives set out in Annex I, part B, | | |

HAS ADOPTED THIS DIRECTIVE:

(1) OJ No L 197, 18. 7. 1987, p. 33.

[redacted]

*Article 1*

1. This Directive concerns the acceptance for inclusion in a common catalogue of varieties of agricultural plant species of those varieties of beet, fodder plant, cereal, potato and oil and fibre plant the seed of which may be marketed under provisions of the Directives concerning respectively the marketing of beet seed (95/. . ./EC), fodder plant seed (95/. . ./EC), cereal seed (95/. . ./EC), seed potatoes (95/. . ./EC), and seed of oil and fibre plants (95/. . ./EC).

70/457/EEC

[66/400/EEC]
[66/401/EEC] – [66/402/EEC]
[66/403/EEC]
[69/208/EEC]

2. The common catalogue of varieties shall be compiled on the basis of the national catalogues of the Member States.

3. This Directive shall not apply to varieties the seed or propagating material of which are shown to be intended for export to third countries.

*Article 22*

*Article 2*

For the purposes of this Directive 'official measures' means measures taken:

(a) by State authorities, or

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

(c) in the case of ancillary activities which are also under State control, by any natural person duly sworn for that purpose,

provided that the persons mentioned under (b) and (c) derive no private gain from such measures.

*Article 3*

1. Each Member State shall establish one or more catalogues of the varieties officially accepted for certification and marketing in its territory. Any person may consult the catalogues.

2. In the case of varieties (inbred lines, hybrids) which are intended solely as components for final varieties, the provisions of paragraph 1 apply only to the extent that the seeds which belong to them are to be marketed under their names.

88/380/EEC – Art. 6 (1)

The conditions under which the provisions of paragraph 1 shall also apply to other component varieties may be determined in accordance with the procedure laid down in Article 23 (2). In the case of cereals other than maize, Member States may themselves apply those provisions to other component varieties in respect of seed intended for certification in their territories.

Component varieties shall be indicated as such.

3. Member States may provide that the acceptance of a variety for inclusion in the common catalogue or in the catalogue of another Member State is equivalent to acceptance for inclusion in their own catalogues. If such provision is made, the Member State shall be released from the obligations provided in Article 7, Article 9 (3) and Article 10 (2) to (5).

70/457/EEC

4. The Member States shall take all measures necessary to ensure that official acceptances of varieties granted before 1 July 1972 in accordance with principles other than those of this Directive expire not later than 30 June 1980 if by that date the varieties in questions have not been accepted in accordance with the principles of this Directive.

72/418/EEC – Art. 7(1)

The dates shall be respectively:

— with regard to Spain, 1 March 1986 and 31 December 1990, in respect of the following species:

86/155/EEC – Art. 5(1) (adapted)

*Agrostis stolonifera*

*Agrostis tenuis*

*Phleum pratense*

*Poa pratensis*

*Hedysarum coronarium*

*Lotus corniculatus*

*Lupinus angustifolium*

*Lupinus luteus*

*Onobrychis viciifolia*

*Trifolium alexandrium*

*Trifolium pratense*

*Vicia villosa*

*Brassica napus* var. *napobrassica*

*Brassica oleracea convar. acephala*

*Papharus sativus* ssp. *oleifera* og

*Arachis hypogaea;*

— with regard to Denmark, Ireland and the United Kingdom, 1 January 1973.

Act of Accession DA, IRL, UK – Art. 29 (adapted)

With regard to the territory of the former German Democratic Republic, the dates — referred to in the first — subparagraph are respectively those of 3 October 1990 and 31 December 1994 in respect of the varieties accepted by the authorities of the former German Democratic Republic.

90/654/EEC – Art. 2. (adapted)

This provision shall apply *mutadis mutandis* to varieties which have not been officially accepted but whose seed had been marketed or sown in the territories prior to German unification.

5. In accordance with the procedure laid down in Article 23, the Member States may be authorized in respect of individual varieties to extend until 31 December 1982 at the latest the date of expiry provided for in paragraph 4, in so far as, on 1 July 1980, the examination procedure inititated for these varieties prior to this date, with a view to their acceptance under the provisions of this Directive, has not yet been completed.

80/1141/EEC – Art. 1.

*Article 4*

70/457/EEC

1. Member States shall ensure that a variety is accepted only if it is distinct, stable and sufficiently uniform. The variety must be of satisfactory value for cultivation and use.

2. Examination of the value for cultivation and use shall not be required:

(a) for the acceptance of varieties of grasses if the breeder declares that the seed of his variety is not intended for the production of fodder plants;

(b) for the acceptance of varieties whose seed is to be marketed in another Member State which has already accepted the varieties, having regard to their value for cultivation and use.

(c) for the acceptance of varieties (inbred lines, hybrids) which are intended solely as components for hybrid varieties satisfying the requirements of paragraph 1.

88/380/EEC – Art. 6 (2)

3. In the case of varieties to which point (a) of paragraph 2 applies, it may be decided, in accordance with the procedure laid down in Article 23 (2), and to the extent that this is justified in the interest of free circulation of seed within the Community, that the varieties have to be shown by appropriate examination to be suitable for the purpose for which they are declared to be intended. In such cases, the conditions for the examination shall be determined.

88/380/EEC – Art. 6 (3)

*Article 5*

1. A variety shall be regarded as distinct if, whatever the origin, artificial or natural, of the initial variation from which it has resulted, it is clearly distinguishable on one or more important characteristics from any other variety known in the Community.

79/692/EEC – Art. 3 (1)

The characteristics of a variety must be capable of precise recognition and precise definition.

A variety known in the Community shall be any variety which, at the time when the application for the acceptance of the variety to be assessed is duly made, is:

— either listed in the common catalogue of varieties of agricultural plant species or the catalogue of varieties of vegetable species,

— or, without being listed in one of those catalogues, has been accepted or submitted for acceptance in the Member State in question or in another Member State, either for certification and marketing, or for certification for other countries,

unless the aforementioned conditions are no longer fulfilled in all the Member States concerned before the decision on the application for acceptance of the variety to be assessed is taken.

79/692/EEC – Art. 3 (1)

2. A variety shall be regarded as stable if, after successive propagation or multiplications or at the end of each cycle (where the breeder has defined a particular cycle of propagation or multiplications) it remains true to the description of its essential characteristics.

3. A variety shall be regarded as sufficiently uniform if, apart from a very few aberrations, the plants of which it is composed are, account being taken of the distinctive features of the reproductive systems of the plants, similar or genetically identical as regards the characteristics, taken as a whole, which are considered for this purpose.

4. The value of a variety for cultivation or use shall be regarded as satisfactory if, compared to other varieties accepted in the catalogue of the Member State in question, its qualities, taken as a whole, offer, at least as far as production in any given region is concerned, a clear improvement either for cultivation or as regards the uses which can be made of the crops or the products derived therefrom. Where other, superior characteristics are present, individual inferior characteristics may be disregarded.

70/457/EEC

*Article 6*

Member States shall ensure that varieties coming from other Member States are subject to the same requirements, in particular as regards the acceptance procedure, as those which apply to domestic varieties.

*Article 7*

1. Member States shall provide that the acceptance of varieties be based on the results of official examinations, particularly growing trials, covering a sufficient number of characteristics for the variety to be described. The methods used for determining characteristics must be exact and reliable. In order to establish distinctness, the growing trials shall include at least the available comparable varieties which are varieties known in the Community within the meaning of Article 5 (1). For the purpose of applying Article 9, other available comparable varieties shall be included.

79/692/EEC – Art. 3 (2)

2. The following shall be fixed in accordance with the procedure laid down in Article 23 (2), account being taken of current scientific and technical knowledge:

(a) the characteristics to be covered as a minimum by the examinations of the various species;

(b) the minimum requirements for carrying out the examinations.

70/457/EEC

3. Where examination of the genealogical components is necessary in order to study hybrids and synthetic varieties, Member States shall ensure that the results of the examination and the description of the genealogical components are, if the breeder so requests, treated as confidential.

*Article 8*

Member States shall require that when lodging an application for the acceptance of a variety, the applicant indicate whether acceptance has already been applied for in another Member State, which Member State was concerned and whether the application was granted.

*Article 9*

1. Each Member State shall arrange for official publication of the catalogue of varieties accepted in its territory and of the name of the person or persons responsible for maintenance of the variety in its country. When several persons are responsible for the maintenance of a variety, the names need not be published. If the names are not published, the catalogue shall indicate the authority holding the list of names of persons responsible for maintenance of the variety.

2. Member States shall, as far as possible, ensure at the time of acceptance that the variety is known by the same name in all Member States.

If it is known that seed or propagating material of a given variety are marketed in another country under a different name, that name shall also be indicated in the catalogue.

79/692/EEC – Art. 3 (3)

3. In taking into account the information available, Member States shall also ensure that a variety which is not clearly distinguishable:

— from a variety previously accepted in the Member State in question or in another Member State, or

— from another variety which has been assessed with regard to distinctness, stability and uniformity in accordance with rules corresponding to those of this Directive, without, however, being a variety known in the Community within the meaning of Article 5 (1),

bears the name of that variety. This provision shall not apply if this name is likely to mislead or cause confusion concerning the variety in question, or if, pursuant to all the provisions of the Member State concerned governing the names of varieties, other facts prevent its utilization, or if the rights of third parties impede the free use of that name in connection with the variety in question.

4. Member States shall compile a file on each variety accepted, containing a description of the variety and a clear summary of all the facts on which the acceptance was based. The description of the varieties shall relate to plants produced directly from seed and young plants of the category 'certified seed and propagating material'.

70/457/EEC – 79/692/EEC – Art. 3 (4)

*Article 10*

1. Any application or withdrawal of an application for acceptance of a variety, any entry in a catalogue of varieties as well as any amendment thereto shall be notified forthwith to the other Member States and the Commission.

79/692/EEC – Art. 3 (5)

2. Member States shall, for each new variety accepted, send the other Member States and the Commission a brief description of its most important characteristics for use. This provision shall not apply in the case of varieties (inbred lines, hybrids) which are intended solely as components for final varieties. They shall, on request, also communicate the special qualities which enable the variety to be distinguished from other similar varieties.

70/457/EEC

88/380/EEC – Art. 6 (4)

72/418/EEC – Art. 7 (2)

3. Each Member State shall make available to the other Member States and the Commission the files referred to in Article 9 (4) on the varieties which are accepted or which have ceased to be accepted. Information exchanged concerning these files shall be treated as confidential.

4. Member States shall ensure that the acceptance files are made available for the personal and exclusive use of any person able to show a legitimate interest. These provisions shall not apply where the information must, under Article 7 (3), be treated as confidential.

5. Where acceptance of a variety is refused or revoked, the results of the examinations shall be made available to persons affected by such decision.

*Article 11*

1. Member States shall provide that the varieties accepted must be maintained according to accepted practices for the maintenance of the variety.

2. It must at all times be possible to check maintenance from the records kept by the person or persons responsible for the variety. These records shall also cover the production of all generations prior to basic seed or propagating material.

3. Samples may be requested from the person responsible for the variety. Such samples may if necessary be taken officially.

4. Where maintenance takes place in a Member State other than the one in which the variety was accepted, the Member States concerned shall assist each other administratively as regards verification.

70/457/EEC

*Article 12*

1. Acceptance shall be valid until the end of the tenth calendar year following acceptance.

Acceptance of the varieties by the authorities of the former German Democratic Republic prior to German unification shall be valid until the end of the tenth calendar year at the latest following their entry in the catalogue of varieties drawn up by the Federal Republic of Germany in accordance with Article 3 (1).

90/654/EEC – Art. 2

2. Acceptance of a variety may be renewed at given intervals if it is still cultivated on such a scale as to justify this and provided that the requirements as to distinctness, uniformity and stability are still satisfied. Applications for renewal shall be submitted not later than two years before expiry of acceptance.

3. The period of validity of acceptance shall be extended provisionally until a decision is taken on the application for renewal.

70/457/EEC

*Article 13*

*Article 12a*

1. Member States shall ensure that any doubts which arise after the acceptance of a variety concerning the appraisal of its distinctness or of its name at the time of acceptance are clarified.

79/692/EEC – Art. 3 (6)

2. Where, after acceptance of a variety, it is established that the condition concerning distinctness within the meaning of Article 5 was not fulfilled at the time of acceptance, acceptance shall be replaced by another decision or, where appropriate, a revocation, which conforms with this Directive.

By this other decision, the variety shall, with effect from the date of its initial acceptance, no longer be regarded as a variety known in the Community within the meaning of Article 5 (1).

3. Where, after acceptance of a variety, it is established that its name within the meaning of Article 9 was not acceptable when the variety was accepted, the name shall be adapted in such a way that it conforms with this Directive. Member States may permit the previous name to be used temporarily as an additional name. The detailed arrangements in accordance with which the previous name may be used as an additional name may be laid down in accordance with the procedure laid down in Article 23 (2).

*Article 14*

*Article 13*

1. Member States shall ensure that acceptance of a variety is revoked:

70/457/EEC

(a) if it is proved, on examination, that the variety is no longer distinct, stable or sufficiently uniform,

(b) if the person or persons responsible for the variety so request, unless there is maintenance of the variety.

2. Member States may revoke the acceptance of a variety:

(a) if the laws, regulations and administrative provisions adopted in pursuance of this Directive are not complied with,

(b) if, at the time of the application for acceptance or during examination, false or fraudulent particulars were supplied concerning the factors on the basis of which acceptance was granted.

*Article 15*

*Article 14*

1. Member States shall ensure that a variety is deleted from their catalogues if acceptance of the variety has been revoked or if the period of validity of the acceptance has expired.

2. Member States may, in respect of their own territory, allow a period for the certification and marketing of seed or propagating material up to 30 June of the third year at the most after expiry of the acceptance.

79/967/EEC – Art. 2 (1)

In the case of varieties that were listed pursuant to Article 16 (1) in the common catalogue of varieties referred to in Article 19, the period which expires last among those granted by the various Member States of acceptance under the first subparagraph shall apply to marketing in all the Member States, provided that the seed or propagating material of the variety concerned has not been subject to any marketing restriction as regards the variety.

*Article 16*

*Article 15*

1. Member States shall ensure that after expiry of a period ending on 31 December of the second year following that in which a variety was accepted seed and propagating material of varieties accepted after 1 July 1972 in one or more Member States in accordance with the provisions of this Directive are subject to no marketing restrictions relating to variety. The period specified above shall be:

70/457/EEC

— 1 July 1973 with regard to Denmark, Ireland and the United Kingdom,

Act of Accession DA, IRL, UK – Art. 29 (adapted)

— 1 March 1986 with regard to Spain 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.

86/155/EEC – Art. 5 (2) (adapted)

2. By way of derogation from paragraph 1, a Member State may be authorized, upon application lodged before the expiry of the periods specified in paragraph 1, which will be dealt with as provided in Article 23 (2), to prohibit the marketing in all or part of its territory of seed and propagating material of the variety in question. Only applications submitted four months before the end of the said periods shall be taken into consideration. With regard to Greece and in respect of varieties which have been accepted before 1 January 1986 in one or more of the other Member States and which have never been allowed for marketing in Greece before that date, applications submitted by that Member State not later than 31 December 1986 shall be taken into consideration, without prejudice to the provisions laid down in paragraph 1, provided that the applications are made on the grounds referred to in the first indent of point (c) of paragraph 3.

70/457/EEC

79/692/EEC – Art. 3 (7)

88/380/EEC – Art. 6 (5)

3. The authorization provided for in paragraph 2 shall be granted only in the following cases:

(a) where the variety is not distinct, stable or sufficiently uniform, or

(b) where it is established that the cultivation of the variety could be harmful from the point of view of plant health to the cultivation of other varieties or species, or

(c) — where official growing trials carried out in the applicant Member States, Article 5 (4) being applied correspondingly, show that the variety does not, in any part of its territory, produce results corresponding to those obtained from a comparable variety accepted in the territory of that Member State, or

— where it is well known that the variety is not suitable for cultivation in any part of its territory because of its type or maturity's class.

73/438/EEC – Art. 7 (2)

4. If, in respect of any given variety, a Member State does not intend to lodge an application under the procedure laid down in paragraph 2, it shall so notify the Commission or make a statement to the committee referred to in Article 23 (1).

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5. Where all the Member States make the notification or the statement provided for in paragraph 4, the period provided for in paragraph 1 shall no longer apply and Article 19 shall be put into effect. In the case of *Beta vulgaris L.* and *Solanum tuberosum L.* this condition shall be considered fulfilled on 31 December each year in respect of varieties for which the communications provided for in Article 10 (1) and (2) were made four months before that date, unless a Member State informs the Commission or makes a declaration to the committee referred to in Article 23 (1) to the effect that it does not intend to dispense with making an application pursuant to paragraph 2. Acting on a proposal from the Commission, the Council shall decide whether these provisions will also be applied to other species.

70/457/EEC

79/692/EEC – Art. 3 (8)

6. If at the time of its acceptance in one Member State a variety is also already being examined in another Member State with a view to acceptance, the period provided for in paragraph 1 shall for the latter Member State be shortened by the period of the examinations.

7. The period provided for in paragraph 1 may be extended before expiry in accordance with the procedure laid down in Article 23 (2), where there is good reason.

*Article 17*

*Article 16*

1. Article 16 shall also apply to varieties accepted before 1 July 1972 according to the laws and regulations of individual Member States and with the principles corresponding to those of this Directive, where:

(adapted)

(a) the variety was accepted after 30 June 1967, or

(b) the variety was accepted before the date referred to in (a) in two or more Member States, or

(c) the variety was accepted before the date referred to in (a) in one Member State, provided that in that Member State the proportion of the area used for multiplication of the variety which was presented for field inspection with a view to certification represented, after the date referred to under (a) and in each of three growing seasons, at least 3 % of the total area used for multiplication of the species.

2. The date specified in paragraph 1 shall be:

— 1 July 1973 with regard to Denmark, Ireland and the United Kingdom,

Act of Accession DA, IRL, UK – Art. 29 (adapted)

— 1 March 1986 with regard to Spain.

86/155/EEC – Art. 5 (3) (adapted)

| | |
|---|---|
| 3. With regard to Germany, the date shall be 3 October 1990 in respect of varieties accepted by the authorities of the former German Democratic Republic. All areas used for multiplication of the variety, as referred to in point (c) of paragraph 1, shall be situated in the territory of the former German Democratic Republic. | 90/654/EEC – Art. 2 (adapted) |
| *Article 18* | *Article 17* |
| 1. The period provided for in Article 16 (1) shall,<br>(a) for the cases referred to in points (a) and (b) of Article 17 (1), run from 1 July 1972, and<br>(b) for the cases referred to in point (c) of Article 17 (1), run from the date on which the Member State informs the Commission that the requirement is satisfied. | 70/457/EEC (adapted) |
| 2. The date referred to in point (a) of paragraph 1 shall be: | |
| — 1 July 1973 with regard to Denmark, Ireland and the United Kingdom, | Act of Accession DA, IRL, UK – Art. 29 (adapted) |
| — 1 March 1986 with regard to Spain. | 86/155/EEC – Art. 5 (4) (adapted) |
| 3. The period provided for in Article 16 (1) shall run from 3 October 1990 in the cases referred to in Article 17 (3). | 90/654/EEC – Art. 2 (adapted) |
| *Article 19* | *Article 18* |
| The Commission shall, on the basis of the information supplied by the Member States and as this is received, publish in the C series of the *Official Journal of the European Communities* under the title 'Common Catalogue of Varieties of Agricultural Plant Species' a list of all varieties of which the seed and propagating material, under Articles 15 and 16, are not subject to any marketing restrictions as regards variety, and also the information required under Article 9 (1) concerning the person or persons responsible for maintenance of the variety. The published notice shall indicate the Member States which have received an authorization under Article 16 (2) or Article 20. The published notice shall list those varieties for which a period has been applied in accordance with the second subparagraph of Article 15 (2). This shall indicate the length of the period and, where appropriate, the Member States to which the period does not apply. | 70/457/EEC<br>79/967/EEC – Art. 2 (2) |

*Article 20*

If it is established that the cultivation of a variety included in the common catalogue of varieties could in any Member State be harmful from the point of view of plant health to the cultivation of other varieties or species, that Member State may upon application, which will be dealt with as provided in Article 23 (2), be authorized to prohibit the marketing of the seed or propagating material of that variety in all or part of its territory. Where there is imminent danger of the spread of harmful organisms, and until such time as a final decision has been taken in accordance with the procedure laid down in Article 23 (2), this prohibition may be imposed by the Member State concerned as soon as its application has been lodged.

70/457/EEC — *Article 19*

*Article 21*

Where a variety ceases to be accepted in the Member State which initially accepted it, one or more other Member States may continue to accept that variety provided that the requirements for acceptance continue to be met in their territory and that maintenance remains assured.

*Article 20*

*Article 22*

1. The Council, acting by a qualified majority on a proposal from the Commission, shall determine whether:

a) the official examinations of varieties carried out in the third country afford the same assurances as those provided for in Article 7 and carried out in the Member States;

b) the checks on practices for the maintenance of varieties carried out in the third country afford the same assurances as those carried out by the Member States.

*Article 21*

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.

72/274/EEC – Art. 2

*Article 23*

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

87/373/EEC (adapted)

[1] OJ No 125, 11. 7. 1966, p. 2289/66.

2. The representative of the Commission shall submit a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

87/373/EEC (adapted)

The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the committee, they shall be communicated by the Commission to the Council forthwith. In that event, the Commission may defer application of the measures which it has decided for a period of not more than one month from the date of such communication.

The Council, acting by a qualified majority, may take a different decision within the time limit referred to in the second subparagraph.

3. The Committee, on request by the chairman or of one of the Member States, may examine any questions relevant to the subject matter of this Directive.

66/399/EEC – Art. 2 (adapted)

*Article 24*

Save as otherwise provided in Articles 16, 17 and 20, 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 or commercial property.

70/457/EEC

*Article 25*

1. The Directives listed in Annex I Part A, are hereby repealed without prejudice to the obligations of the Member States concerning the deadlines for transposition of the said Directives set out in Annex I Part B.

2. References to the repealed Directives shall be construed as references to this Directive and should be read in accordance with the correlation table set out in Annex II.

*Article 26*

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

*Article 27*

This Directive is addressed to the Member States.

Done at Brussels,

For the Council,

The President

[redacted]

*ANNEX I*

**Part A**

**Repealed Directives**
(referred to by Article 25)

| | |
|---|---|
| Directive 70/457/EEC and its successive amendments | |
| Directive 72/274/EEC | only concerning references made to Articles 1 and 2 on the provisions of Directive 70/457/EEC |
| Directive 72/418/EEC | only Article 7 |
| Directive 73/438/EEC | only Article 7 |
| Directive 78/55/EEC | only Article 6 |
| Directive 79/692/EEC | only Article 3 |
| Directive 79/967/EEC | only Article 2 |
| Directive 80/1141/EEC | only Article 1 |
| Directive 86/155/EEC | only Article 5 |
| Directive 88/380/EEC | only Article 6 |
| Directive 90/654/EEC | only concerning references made to Article 2 and to Annex II (I) (6) on the provisions of Directive 70/457/EEC |

## Part B

**Deadlines for transposition into national law**
(referred to by Article 25)

| *Directive* | *Deadline for transposition* |
|---|---|
| 70/457/EEC (OJ No 225, 12. 10. 1970, p. 1) | 1 July 1972 [1] [2] |
| 72/274/EEC (OJ No L 171, 29. 7. 1972, p. 37) | 1 July 1972 (Article 1)<br>1 January 1973 (Article 2) |
| 72/418/EEC (OJ No L 287, 26. 12. 1972, p. 22) | 1 July 1972 (Article 7) |
| 73/438/EEC (OJ No L 356, 27. 12. 1973, p. 79) | 1 July 1974 (Article 7) |
| 78/55/EEC (OJ No L 16, 20. 1. 1978, p. 23) | 1 July 1977 (Article 6) |
| 79/692/EEC (OJ No L 205, 13. 8. 1979, p. 1) | 1 July 1977 (Article 3 (9))<br>1 July 1982 (other provisions) |
| 79/967/EEC (OJ No L 293, 20. 11. 1979, p. 16) | 1 July 1982 (Article 2) |
| 80/1141/EEC (OJ No L 341, 16. 12. 1980, p. 27) | 1 July 1980 (Article 1) |
| 86/155/EEC (OJ No L 118, 7. 5. 1986, p. 23) | 1 March 1986 (Articles 5) |
| 88/380/EEC (OJ No L 187, 16. 7. 1988, p. 31) | 1 January 1986 (Article 6 (5) and (6))<br>1 July 1990 (other provisions) |
| 90/654/EEC (OJ No L 353, 17. 12. 1990, p. 48) | |

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(1) For Denmark, Ireland and the United Kingdom, 1 July 1973; for Greece 1 January 1986; for Spain 1 March 1986; and for Portugal 1 January 1989 for specific species referred to in the Directive on the marketing of fodder plant seeds – *Lolium multiflorum Lam, Lolium perenne* L., and *Vicia sativa* L., and the Directive on the marketing of cereal seed – *Hordeum vulgare* L., *Oryza sativa, Triticum aestivum* L. *emend. Fiori* and *Paol.*, and *Triticum durum* Desf. *Zea mays* L. – and for the other species referred to by this Directive 1 January 1991.

(2) 1 January 1995 for Austria, Finland and Sweden.
However:

- Finland and Sweden may postpone until 31 December 1995 at the latest, the application in their territories of this Directive with regard to the marketing in their territories of seeds of varieties listed in their respective national catalogues of varieties of agricultural plant species and varieties of vegetable plant species which have not been officially accepted in accordance with the provisions of this Directive. Seeds of such varieties shall not be allowed to be marketed in the territory of the other Member States during this period;
- varieties of agricultural and vegetable plant species which, at the date of accession or subsequently, are listed in both the respective national catalogues of Finland and Sweden and in the common catalogues, shall not be subject to any marketing restrictions as regards variety;
- throughout the period mentioned in the first indent, those varieties in the respective national catalogues of Finland and Sweden which have been officially accepted in accordance with the provisions of the abovementioned Directive shall be included in the common catalogue of varieties of agricultural or vegetable plant species, respectively.

*ANNEX II*

## CORRELATION TABLE

| Directive 70/457/EEC | This Directive |
|---|---|
| Article 1 (1) | Article 1 (1) |
| Article 1 (2) | Article 1 (2) |
| Article 22 | Article 1 (3) |
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