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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 04.02.2000
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Proposal for a

COUNCIL DECISION

amending Decision 95/513/EEC on the equivalence of seed potatoes produced in third countries and Decision 95/514/EEC on the equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries

(presented by the Commission)

EXPLANATORY MEMORANDUM

Directives 66/400/EEC, 66/401/EEC, 66/402/EEC, 66/403/EEC and 69/208/EEC on the marketing of beet seed, fodder plant seed, cereal seed, seed potatoes and seed of oil and fibre plants respectively, provide for the Council to determine whether seed or seed potatoes produced in third countries are equivalent to those in the Community.

By Decisions 95/513/EC and 95/514/EC the Council has determined for a limited period that seed and seed potatoes respectively produced in third countries are equivalent to those in the Community.

Those Council Decisions establish conditions in respect of package marking. Council Directive 98/95/EC has provided that without prejudice to the conditions determined under the authorisation procedures required under Community law in the case of seed and seed potatoes of a variety which has been genetically modified, any label or document, official or otherwise, which is affixed to or accompanies the seed or seed potatoes lot, shall clearly indicate that the variety has been genetically modified. In order to guarantee a proper information of the seed users and the consumers and avoid deceptive practices it is appropriate to apply the same requirements to seed and seed potatoes imported under the said decisions;.

Furthermore the Decisions 95/513/EC and 95/514/EC will expire respectively on 30 June 2000 and on 31 January 2000. It appears desirable to ensure continuation of the equivalence under a new Decision, until 31 December 2002.

There are no financial implications for the EC-budget.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 66/400/EEC of 14 June 1966 on the marketing of beet seed[1], and in particular Article 16(1)(b) thereof,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed[2], and in particular Article 16(1)(b) thereof,

Having regard to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed[3], and in particular Article 16(1)(b) thereof,

Having regard to Council Directive 66/403/EEC of 14 June 1966 on the marketing of seed potatoes[4], and in particular Article 15(1) thereof,

Having regard to Council Directive 69/208/EEC of 30 June 1969 on the marketing of seed of oil and fibre plants[5], and in particular Article 15(1)(b) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) In Council Decision 95/513/EC[6] it has been determined for a limited period that seed potatoes produced in third countries are equivalent to seed potatoes produced in the Community and complying with Directive 66/403/EEC;

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1 OJ 125, 11.7.1966, p. 2290/66, as last amended by Council Directive 98/96/EC (OJ L 25, 1.2.1999, p. 27).
2 OJ 125, 11.7.1966, p. 2298/66, as last amended by Council Directive 98/96/EC (OJ L 25, 1.2.1999, p. 27).
3 OJ 125, 11.7.1966, p. 2309/66, as last amended by Commission Directive 1999/54/EC (OJ L 142, 5.6.1999, p. 30).
4 OJ 125, 11.7.1966, p. 2320/66, as last amended by Commission Decision 1999/49/EC (OJ L 16, 21.1.1999, p. 30
5 OJ L 169, 10.7.1969, p. 3, as last amended by Council Directive 98/96/EC (OJ L 25 1.2.1999, p. 27).
6 OJ L 296, 9.12.1995, p. 31

(2) In Council Decision 95/514/EC[7] it has been determined for a limited period that field inspections carried out in third countries on seed-producing crops of certain species satisfies the conditions laid down in Directives 66/400/EEC, 66/401/EEC, 66/402/EEC and 69/208/EEC; In Decision 95/514/EC it has also been determined that seed of certain species produced in third countries was equivalent to seed produced in the Community;

(3) Decisions 95/513/EC and 95/514/EC establish conditions in respect of package marking. Council Directive 98/95/EC has provided that without prejudice to the conditions determined under the authorisation procedure required under Council Directive 90/220/EEC[8], under amendments thereto or under relevant sectoral legislation, in the case of seed or seed potatoes of a variety which has been genetically modified, any label or document, official or otherwise, which is affixed to or accompanies the seed or seed potatoes lot, shall clearly indicate that the variety has been genetically modified. In order to guarantee a proper information of the seed users and the consumers and avoid deceptive practices it is appropriate to obtain the same requirements to seed and seed potatoes imported under the said decisions;

(4) Decision 95/513/EC will expire on 30 June 2000. The conditions for the application of the said Decision still obtain. It is therefore appropriate to extend its application until 31 December 2002.

(5) Decision 95/514/EC will expire on 31 January 2000. The conditions for the application of the said Decision still obtain. It is therefore appropriate to extend its application until 31 December 2002,

HAS ADOPTED THIS DECISION:

Article 1

In the Annex, Part II of Decision 95/513/EC, the following point shall be inserted after point 2.

"2a. In the case of seed potatoes of a variety which has been genetically modified, any label or document, official or otherwise, which is affixed to or accompanies the seed potatoe lot, shall clearly indicate that the variety has been genetically modified and provide for any other information as may be determined in the authorisation procedure required under Community law."

Article2

In Article 2 of Decision 95/513/EC "30 June 2000" is replaced by "31 December 2002".

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7 OJ L 296, 9.12.1995, p. 34., as last amended by Council Decision ……

8 OJ L 117, 8.5.1990, p. 15

Article 3

In the Annex, Part II.B of Decision 95/514/EC, the following point shall be inserted after point 4.1.

"4.1.a In the case of seed of a variety which has been genetically modified, any label or document, official or otherwise, which is affixed to or accompanies the seed lot, shall clearly indicate that the variety has been genetically modified and provide for any other information as may be determined in the authorisation procedure required under Community law."

Article 4

In Article 6 of Decision 95/514/EC "31 January 2000" is replaced by "31 December 2002".

Article 5

This Decision is addressed to the Member States.

Done at Brussels,

For the Council
The President