



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 03.02.1999
COM(1998)771 final

95/ 0321(CNS)

Amended proposal for a

COUNCIL DIRECTIVE

on the marketing of cereal seed

(codified version)

(presented by the Commission pursuant to Article 189 a (2)
of the EC-Treaty)

Explanatory memorandum

1. On 11 December 1995, the Commission presented a proposal for a Council Directive codifying Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed ⁽¹⁾.
2. In view of the outcome of the work already carried out in the Council on the proposal referred to at point 1., the Commission has decided to present — in accordance with Article 189a (2) of the EC Treaty — an amended proposal for codification of the Directive in question, as set out in the attached text (Annex I).

This amended proposal also takes account of amendments purely of form or wording by the Consultative Working Party of Legal Services set up under the Interinstitutional Agreement of 20 December 1994 on an accelerated working method for official consolidation of legislative texts, where these are considered justified ⁽²⁾.

3. To facilitate reading and examination, the full text of the amended proposal for codification is also attached (Annex II).

⁽¹⁾ COM(95)628 final of 11. 12. 1995

⁽²⁾ Cf. the abovementioned opinion of the Consultative Working Party of 25 March 1996, transmitted to Parliament, the Council and the Commission on 15 April 1996.

ANNEX I

AMENDED PROPOSAL FOR A
COUNCIL DIRECTIVE

on the marketing of cereal seed

codified version

The proposal for a Council Directive - codified version COM(95)628 final of 11. 12. 1995
- 95/0321 (CNS) is amended as follows:

1. Footnote No 3 related to Recital No 1 shall be replaced by the following text:

'⁽³⁾ OJ No 125, 11. 7. 1966, p. 2309/66. Directive as last amended by Directive 96/72/EC (OJ No L 304, 27. 11. 1996, p. 10).'

2. In Recitals No 4 and 19, Articles 3 (1) and 16 (1) first subparagraph, Annex IV, A, (a), 11 the reference to '(95/.../EC)' shall be replaced by '(98/.../EC)'.

3. Recital No 24 shall be replaced by the following text:

'(24) Whereas the Commission should be entrusted with the task of adopting certain measures for the application of this Directive; whereas, in order to facilitate the implementation of the proposed measures, a procedure should be provided for establishing close cooperation between the Member States and the Commission within the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry; 22.

4. Article 2 (6) (c) shall be deleted.

5. In Article 16 (1) first subparagraph, first indent, and Article 16 (3) first indent, the reference 'Article 17 (b)' shall be replaced by the reference 'point (b) of Article 17 (1)'.

6. In Article 16 (3), the reference 'Article 17 (a)' shall be replaced by the reference 'point (a) of Article 17 (1)'.

7. Point (b) of Article 17 (1) shall be replaced by the following text:

'cereal 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 certified seed of the first or second generation harvested within the Community and complying with the provisions of this Directive.'

Corrigendum, OJ No L 199, 26. 7. 1997, p. 69

8. Article 20 (2) shall be replaced by the following text:

'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
(adapted)

9. Article 22 shall be replaced by the following text:

Article 22

Article 21

1. Where the procedure laid down in this Article is to be followed, matters shall be referred by the Chairman, either on his own initiative or at the request of the representative of a Member State, to the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry set up by Council Decision 66/399/EEC (1).

66/402/EEC
(adapted)

2. The representative of the Commission shall submit to the Committee 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 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.

95/1/EC, Euratom, ECSC
Annex I, point V. F. A. 43

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 forthwith be communicated by the Commission to the Council. In that event the Commission may defer application of the measures which it has adopted for not more than one month from the date of such communication.

66/402/EEC

The Council, acting by a qualified majority, may take a different decision within one month.

3. The Committee may, moreover, consider any other question arising under this Directive and referred to it by the Chairman, either on his own initiative or at the request of the representative of a Member State.

66/399/EEC - Art. 2
(adapted)

(1) OJ No 125, 11. 7. 1966, p. 2289/66.

10. In Annex II, 1.D., the word 'Decision' shall be replaced by the word 'Directive', and the remark 'adapted' shall be added in the right-hand margin.

11. In Annex IV, A, (a), 1, the abbreviation 'EEC' shall be replaced by the abbreviation 'EC', and the remark '96/72/EC - Art. 1 (3)' shall be added in the right-hand margin.

12. Annex VI, Part A shall be replaced for the following text:

ANNEX VI

Part A

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

**Directive 66/402/EEC
and its successive amendments**

Council Directive 69/60/EEC

Council Directive 71/162/EEC

Council Directive 72/274/EEC

only Article 3

only concerning references made to Articles 1 and 2
and to the provisions of Directive 66/402/EEC

Council Directive 72/418/EEC

only Article 3

Council Directive 73/438/EEC

only Article 3

Council Directive 75/444/EEC

only Article 3

Council Directive 78/55/EEC

only Article 3

Commission Directive 78/387/EEC

Council Directive 78/692/EEC

only Article 3

Council Directive 78/1020/EEC

only Article 2

Commission Directive 79/641/EEC

only Article 2

Council Directive 79/692/EEC

only Article 2

Commission Directive 81/126/EEC

only Article 3

Council Directive 81/561/EEC

Council Directive 86/155/EEC

only Article 2

Commission Directive 86/320/EEC

Commission Directive 87/120/EEC

only Article 3

Council Directive 88/332/EEC

only Article 3

Council Directive 88/380/EEC

only Article 3

Commission Directive 88/506/EEC

Commission Directive 89/2/EEC

Commission Directive 90/623/EEC

Council Directive 90/654/EEC

only concerning references made to Article 2 and to
Annex II (I) (3) and to the provisions of Directive
66/402/EEC

Commission Directive 93/2/EEC

Commission Directive 95/6/EC

Council Directive 96/72/EC

only Article 1 (3) .

13. Annex VI, B shall be replaced by the following text:

Part B

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

<i>Directive</i>	<i>Deadline for transposition</i>
66/402/EEC (OJ No 125, 11. 7. 1966, p. 2309/66)	1 July 1968 (Article 14 (1))
69/60/EEC (OJ No L 48, 26. 2. 1969, p. 1)	1 July 1969 (other provisions) ⁽¹⁾ ⁽²⁾ ⁽³⁾
71/162/EEC (OJ No L 87, 17. 4. 1971, p. 24)	1 July 1969 ⁽¹⁾
72/274/EEC (OJ No L 171, 29. 7. 1972, p. 37)	1 July 1970 (Article 3 (4))
72/418/EEC (OJ No L 287, 26. 12. 1972, p. 22)	1 July 1972 (Article 3 (2))
73/438/EEC (OJ No L 356, 27. 12. 1973, p. 79)	1 July 1971 (other provisions) ⁽¹⁾
75/444/EEC (OJ No L 196, 26. 7. 1975, p. 6)	1 July 1972 (Article 1)
78/55/EEC (OJ No L 16, 20. 1. 1978, p. 23)	1 January 1973 (Article 2)
78/387/EEC (OJ No L 113, 25. 4. 1978, p. 13)	1 July 1973
78/692/EEC (OJ No L 236, 26. 8. 1978, p. 13)	1 July 1973 (Article 3 (3))
78/1020/EEC (OJ No L 350, 14. 12. 1978, p. 27)	1 January 1974 (Article 3 (2) and (4))
79/641/EEC (OJ No L 183, 19. 7. 1979, p. 13)	1 July 1974 (other provisions)
79/692/EEC (OJ No L 205, 13. 8. 1979, p. 1)	1 July 1977
81/126/EEC (OJ No L 67, 12. 3. 1981, p. 36)	1 July 1979
81/561/EEC (OJ No L 203, 23. 7. 1981, p. 52)	1 July 1980
86/155/EEC (OJ No L 118, 7. 5. 1986, p. 23)	1 July 1977 (Article 3)
86/320/EEC (OJ No L 200, 23. 7. 1986, p. 38)	1 July 1979 (other provisions)
87/120/EEC (OJ No L 49, 18. 12. 1987, p. 39)	1 January 1979
88/332/EEC (OJ No L 151, 17. 6. 1988, p. 82)	1 July 1980
88/380/EEC (OJ No L 187, 16. 7. 1988, p. 31)	1 July 1980
88/506/EEC (OJ No L 274, 6. 10. 1988, p. 44)	1 July 1982
89/2/EEC (OJ No L 5, 7. 1. 1989, p. 31)	1 July 1987
90/623/EEC (OJ No L 333, 30. 11. 1990, p. 65)	1 July 1987
90/654/EEC (OJ No L 353, 17. 12. 1990, p. 48)	1 June 1988
93/2/EEC (OJ No L 54, 5. 3. 1993, p. 20)	1 July 1982 (Article 3 (11))
95/6/EC (OJ N L 67, 25. 3. 1995, p. 30)	1 January 1983 (Article 3 (12))
96/72/EC (OJ No L 304, 27. 11. 1996, p. 10)	1 July 1992 (Article 3 (18), (31) and (37)) ⁽⁴⁾
	1 July 1992 (Article 3 (20))
	1 July 1990 (other provisions)
	1 July 1990
	1 June 1993
	30 June 1995
	1 July 1997 ⁽⁵⁾

- (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 species *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' ('Valiosiemmen'/'elitutsäde') and
 - seed of the category 'commercial seed' ('Kauppa siemen'/'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.
- (5) The remaining stocks of labels bearing the abbreviation 'EEC' may continue to be used until 31 December 2001.

14. Annex VII shall be replaced by the following text:

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) (a)	Article 2 (6) (a)
Article 2 (2) (b)	Article 2 (6) (b)
Article 2 (2) (c)	—
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 13a	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 21a	Article 21
Article 21	Article 22
Article 21b	Article 23
Article 22	Article 24
Article 23a	Article 25

Directive 66/402/EEC	This Directive
—	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, Part 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

ANNEX II

Amended proposal for a
COUNCIL DIRECTIVE
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 98/.../EC ⁽⁴⁾ ; | 3.
+
2. 71/162/EEC
[70/457/EEC] |

⁽¹⁾ OJ No C ...

⁽²⁾ OJ No C ...

⁽³⁾ OJ No 125, 11. 7. 1966, p. 2309/66; Directive as last amended by Directive 96/72/EC (OJ No L 304, 27. 11. 1996, p. 10).

⁽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. +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;	13.	
(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 <i>Avena fatua</i> ;	13. + 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. + 4.	66/402/EEC 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 98/.../EC;	17.	(adapted) [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.
+
3. | 72/418/EEC
(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 the Commission should be entrusted with the task of adopting certain measures for the application of this Directive; whereas, in order to facilitate the implementation of the proposed measures, a procedure should be provided for establishing close cooperation between the Member States and the Commission within the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry; | 22. | |
| (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:

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)

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

Corrigendum 1965-66 (OJ No 125, p. 2309/66)

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;
- (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';

66/402/EEC

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|
| <p>(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</p> <p>(d) which has been found by official examination to satisfy the abovementioned conditions;</p> | 66/402/EEC |
|
 | |
| <p>D. 'Basic seed' (hybrids of oats, barley, rice, <u>rye</u>, wheat, durum wheat and spelt wheat) means seed</p> <p>(a) which is intended for the production of hybrids;</p> <p>(b) which, subject to the provisions of Article 4, satisfies the conditions laid down in Annexes I and II for basic seed; and</p> <p>(c) which has been found by official examination to satisfy the abovementioned conditions;</p> | 88/380/EEC – Art. 3 (4) – 89/2/EEC – Art. 1 (1) |
|
 | |
| <p>E. 'Basic seed' (maize and <u>Sorghum spp.</u>):</p> <p>1. 'Basic seed of open-pollinated varieties' means seed</p> <p>(a) which has been produced under the responsibility of the breeder according to accepted practices for the maintenance of the variety;</p> <p>(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;</p> <p>(c) which, subject to the provisions of Article 4, satisfies the conditions laid down in Annexes I and II for basic seed; and</p> <p>(d) which has been found by official examination to satisfy the abovementioned conditions;</p> <p>2. 'Basic seed of inbred lines' means seed</p> <p>(a) which, subject to the provisions of Article 4, satisfies the conditions laid down in Annexes I and II for basic seed; and</p> <p>(b) which has been found by official examination to satisfy the abovementioned conditions;</p> | 66/402/EEC – 86/155/EEC – Art. 2 (3) |

3. 'Basic seed of simple hybrids' means seed
- (a) which is intended for the production of double hybrids, ~~Triple-cross~~ hybrids or Top Cross 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;
- 66/402/EEC
Corrigendum 1965-66 (OJ No 125; p. 2309/66)
- 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
- (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;
 - (b) which is intended for purposes other than the production of cereal seed;
 - (c) which, subject to the provisions of point (b) 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;
- 88/380/EEC - Art. 3 (5) - 89/2/EEC - Art. 1 (2)
69/60/EEC - Art. 2 (3) - Corrigendum 1969 (I) (OJ No L 48, p. 1)
66/402/EEC
- 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
- (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;
 - (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;
- 88/380/EEC - Art. 3 (6)
69/60/EEC - Art. 2 (4) - Corrigendum 1969 (I) (OJ No L 48, p. 1)
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 - Art. 2 (5) - Corrigendum 1969 (I) (OJ No L 48, p. 1)
- (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)
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).

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

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'.

6. Member States may:

66/402/EEC

- (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.

Article 3

1. Without prejudice to the provisions of Directive 98/.../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.
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.

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

Article 4

- I. 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 1965-66
(OJ No 125, p. 2309/66)

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 1965–66 (OJ No 125, p. 2309/66)

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 1965-66 (OJ No 125, p. 2309/66)

Corrigendum 1965-66 (OJ No 125, p. 2309/66)

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 1965-66 (OJ No 125, p. 2309/66)

Corrigendum 1965-66 (OJ No 125, p. 2309/66)

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 1965-66 (OJ No 125, p. 2309/66)

Article 14

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 13 a

Article 15

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 1965-66 (OJ No 125, p. 2309/66)

78/55/EEC - Art. 3 (3) -

Corrigendum 1965-66 (OJ No 125, p. 2309/66)

Corrigendum 1965-66 (OJ No 125, p. 2309/66)

Article 14

<p>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 <i>Avena fatua</i> in those seeds, if similar provisions are applied to the home production of those seeds and if there is a campaign to eradicate <i>Avena fatua</i> from cereals grown in the region in question.</p>	<p>Act of Accession DA, IRL, UK - Art. 29.</p>
<p>3. Member States may restrict the marketing of certified seed of oats, barley, rice, <u>triticale</u>, wheat or spelt to that of the first generation.</p>	<p>66/402/EEC 88/380/EEC - Art. 3 (17)</p>
<p>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 <u>characteristics</u>, examination arrangements, marking and sealing,</p>	<p>72/418/EEC - Art. 3 (3) Corrigendum 1972 (9-28 Dec) (OJ No L 287, p. 22)</p>
<p>(a) if it has been officially <u>checked</u> by the competent certification authority in accordance with the provisions applicable for the certification of basic seed,</p>	<p>Corrigendum 1972 (9-28 Dec) (OJ No L 287, p. 22)</p>
<p>(b) if it is packed in accordance with the provisions of this Directive, and</p>	
<p>(c) if its <u>packages</u> bear an official label giving at least the following particulars:</p>	<p>Corrigendum 1972 (9-28 Dec) (OJ No L 287, p. 22)</p>
<p>— certification authority and Member State or their distinguishing abbreviation,</p>	
<p>— <u>lot</u> reference number,</p>	<p>Corrigendum 1972 (9-28 Dec) (OJ No L 287, p. 22)</p>
<p>— month and year of sealing,</p>	
<p>or</p>	<p>78/692/EEC - Art. 3 (3)</p>
<p>— month and year of the last official sampling for the purposes of certification,</p>	
<p>— species, indicated at least under its botanical name, which may be given in abridged form and without the authorities' names, in roman characters,</p>	
<p>— variety, indicated at least in roman characters,</p>	<p>88/380/EEC - Art. 3 (18)</p>
<p>— the description 'pre-basic seed',</p>	
<p>— <u>number of generations preceding seed of the categories 'certified seed' or 'certified seed of the first generation'</u>.</p>	<p>72/418/EEC - Art. 3 (3) Corrigendum 1972 (9-28 Dec) (OJ No L 287, p. 22)</p>

The label shall be white with a diagonal violet line.

72/418/EEC - Art. 3 (3) - Corrigendum
1972 (9-28 Dec) (OJ No L 287, p. 22)

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 (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 provisions of Directive 98/.../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

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 (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 17 (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.

Article 17

Article 16

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

66/402/EEC

- (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 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 certified seed of the first or second generation harvested within the Community and complying with the provisions of this Directive.

Corrigendum (OJ No L 199, 26. 7. 1997, p. 69)

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 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
(adapted)

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

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 21a

Article 22

1. Where the procedure laid down in this Article is to be followed, matters shall be referred by the Chairman, either on his own initiative or at the request of the representative of a Member State, to the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry set up by Council Decision 66/399/EEC (1).

66/402/EEC
(adapted)

Article 21

2. The representative of the Commission shall submit to the Committee 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.

95/1/EC, Euratom, ECSC
Annex I, point V. F. A. 43

(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 forthwith be communicated by the Commission to the Council. In that event the Commission may defer application of the measures which it has adopted for not more than one month from the date of such communication.

66/402/EEC

The Council, acting by a qualified majority, may take a different decision within one month.

3. The Committee may, moreover, consider any other question arising under this Directive and referred to it by the Chairman, either on his own initiative or at the request of the representative of a Member State.

66/399/EEC - Art. 2
(adapted)

Article 23

Article 21b

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 25

Article 23a

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):

88/380/EEC - Art. 3 (23)

(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.

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

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*:

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

78/387/EEC - Art. 1 (1)

86/155/EEC - Art. 2 (5)

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: 78/387/EEC - Art. 1 (1) 95/6/EC

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 m² for the production of basic seed,
- one per 10 m² 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.

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 m² for the production of basic seed,

— one per 10 m² for the production of certified seed.

D. *Oryza sativa*:

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 m² for the production of certified seed.

87/120/EEC – Art. 3 (3)

4. Hybrids of rye.

(a) The crop shall conform to the following standards as regards distances from neighbouring sources of pollen which may result in undesirable foreign pollination.

95/6/EC – Art. 1

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 m² for the production of basic seed,
 - one per 10 m² 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*: 1; 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: 1; 88/380/EEC - Art. 3 (26)
- (bb) inbred lines or hybrids: 3. 88/380/EEC - Art. 3 (26)
- 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

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.

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:

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*

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.

78/387/EEC – Art. 1 (2)

86/155/EEC – Art. 2 (10)

95/6/EC – Art. 1

79/641/EEC – Art. 2 (3)

88/380/EEC – Art. 3 (27)

88/380/EEC – Art. 3 (28)

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

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

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.

D. Hybrids of rye

95/6/EC - Art. 1
(adapted)

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 Directive in respect of identity and purity as regards the characters of the components, including male sterility.

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:

78/387/EEC - Art. 1 (2)

A. Table:

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 <i>Oryza sativa</i> in a sample of the weight specified in column 4 of Annex III (total per column)						
			Other plant species (a)	Red seeds of <i>Oryza sativa</i>	Other cereal species	Plant species other than cereals	<i>Avena fatua</i> , <i>Avena sterilis</i> , <i>Avena ludoviciana</i> , <i>Lolium temulentum</i>	<i>Raphanus raphanistrum</i> , <i>Agrostemma githago</i>	<i>Panicum</i> spp.
1	2	3	4	5	6	7	8	9	10
<i>Avena sativa</i> , <i>Hordeum vulgare</i> , <i>Triticum aestivum</i> , <i>Triticum durum</i> , <i>Triticum spelta</i> :									
— 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	
<i>Phalaris canariensis</i> :									
— basic seed	75	98	4		1 (b)		0 (c)		
— certified seed	75	98	10		5		0 (c)		
<i>Oryza sativa</i> :									
— basic seed	80	98	4	1					1
— certified seed, 1st generation	80	98	10	3					3
— certified seed, 2nd generation	80	98	15	5					3
<i>Secale cereale</i> :									
— basic seed	85	98	4		1 (b)	3	0 (c)	1	
— certified seed	85	98	10		7	7	0 (c)	3	
<i>Sorghum</i> spp.	80	98	0						
<i>Triticosecale</i> :									
— 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	
<i>Zea mays</i>	90	98	0						

79/641/EEC Art. 2 (3)

88/506/EEC – Art. 1 (1)

87/120/EEC Art. 3 (4)

87/120/EEC Art. 3 (4)

87/120/EEC Art. 3 (4)

86/155/EEC Art. 2 (12)

88/380/EEC Art. 3 (29)

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	<i>Claviceps purpurea</i>
1	2
Cereals other than 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
<i>Avena sativa</i> , <i>Hordeum vulgare</i> , <i>Triticum aestivum</i> , <i>Triticum durum</i> , <i>Triticum spelta</i> , <i>Secale cereale</i> , <i>Triticosecale</i>	25	1 000	500
<i>Phalaris canariensis</i>	10	400	200
<i>Oryza sativa</i>	25	500	500
<i>Sorghum</i> spp.	10	1 000	900
<i>Zea mays</i> , basic seed of inbred lines	40	250	250
<i>Zea mays</i> , basic seed other than of inbred lines; certified seed	40	1 000	1 000

79/641/EEC - Art. 2 (3)

88/380/EEC - Art. 3 (30) - 87/120/EEC - Art. 3

87/120/EEC - Art. 3 (5)

86/155/EEC - Art. 2 (13)

78/387/EEC - Art. 1 (3)
81/126/EEC - Art. 3

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

Label

A. Required information

(a) For basic seed and certified seed:

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| 1. 'EC rules and standards.' | 66/402/EEC |
| 2. Certification authority and Member State or their initials. | 69/60/EEC - Art. 13 (1) - 96/72/EC - Art. 1 (3) |
| 3. Reference number of lot. | 66/402/EEC |
| 4. 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). | 78/692/EEC - Art. 3 (4) |
| 5. <u>Species, indicated at least under its botanical name, which may be given in abridged form and without the authorities' names, in roman characters.</u> | 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. | 66/402/EEC |
| 9. Declared net or gross weight or declared number of <u>seeds</u> . | 72/418/EEC - Art. 3 (7)
Corrigendum 1972 (9-28 Dec)
(OJ No L 287, p. 22) |
| 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 98/.../EEC:

[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

1. 'mixture ...' (species or varieties).
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).

66/402/EEC - Corrigendum 1965-66
(OJ No 125, p. 2309/66)
88/380/EEC - Art. 3 (35) -
Corrigendum 1965-66 (OJ No 125, p. 2309/66)

78/692/EEC - Art. 3 (5)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| 5. Species, category, variety, country of production and proportion by weight of each of the components; <u>the names of the species and of the varieties shall be indicated at least in roman characters.</u> | 66/402/EEC
88/380/EEC - Art. 3 (36) |
| 6. Declared net or gross weight or declared number of <u>seeds.</u> | 72/418/EEC - Art. 3 (8)
Corrigendum 1972 (9-28 Dec)
(OJ No L 287, p. 22) |
| 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. <i>Minimum dimensions</i>
110 mm × 67 mm. | 66/402/EEC |

ANNEX V

88/380/EEC - Art. 3 (37)

**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)

ANNEX VI

Part A

Repealed Directives
(referred to by Article 26)

Directive 66/402/EEC
and its successive amendments

Council Directive 69/60/EEC

Council Directive 71/162/EEC

Council Directive 72/274/EEC

only Article 3

only concerning references made to Articles 1 and 2
and to the provisions of Directive 66/402/EEC

Council Directive 72/418/EEC

only Article 3

Council Directive 73/438/EEC

only Article 3

Council Directive 75/444/EEC

only Article 3

Council Directive 78/55/EEC

only Article 3

Commission Directive 78/387/EEC

Council Directive 78/692/EEC

only Article 3

Council Directive 78/1020/EEC

only Article 2

Commission Directive 79/641/EEC

only Article 2

Council Directive 79/692/EEC

only Article 2

Commission Directive 81/126/EEC

only Article 3

Council Directive 81/561/EEC

Council Directive 86/155/EEC

only Article 2

Commission Directive 86/320/EEC

Commission Directive 87/120/EEC

only Article 3

Council Directive 88/332/EEC

only Article 3

Council Directive 88/380/EEC

only Article 3

Commission Directive 88/506/EEC

Commission Directive 89/2/EEC

Commission Directive 90/623/EEC

Council Directive 90/654/EEC

only concerning references made to Article 2 and to
Annex II (1) (3) and to the provisions of Directive
66/402/EEC

Commission Directive 93/2/EEC

Commission Directive 95/6/EC

Council Directive 96/72/EC

only Article 1 (3)

Part B

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

<i>Directive</i>	<i>Deadline for transposition</i>
66/402/EEC (OJ No 125, 11. 7. 1966, p. 2309/66)	1 July 1968 (Article 14 (1)) 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)) 1 July 1972 (Article 3 (2)) 1 July 1971 (other provisions) ⁽¹⁾
72/274/EEC (OJ No L 171, 29. 7. 1992, p. 37)	1 July 1972 (Article 1) 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)) 1 January 1974 (Article 3 (2) and (4)) 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 (Article 3) 1 July 1979 (other provisions)
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. 12. 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)) 1 January 1983 (Article 3 (12)) 1 July 1992 (Article 3 (18), (31) and (37)) ⁽⁴⁾ 1 July 1992 (Article 3 (20)) 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
95/16/EC (OJ N L 67, 25. 3. 1995, p. 30)	30 June 1995
96/72/EC (OJ No L 304, 27. 11. 1996, p. 10)	1 July 1997 ⁽⁵⁾

⁽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 species *Hordeum vulgare* L., *Oryza sativa* L., *Triticum aestivum* L. emend. Fiori and 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' ('Valiosiemien'/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.

(5) The remaining stocks of labels bearing the abbreviation 'EEC' may continue to be used until 31 December 2001.

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) (a)	Article 2 (6) (a)
Article 2 (2) (b)	Article 2 (6) (b)
Article 2 (2) (c)	—
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 13a	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 21a	Article 21
Article 21	Article 22
Article 21b	Article 23
Article 22	Article 24
Article 23a	Article 25
—	Article 26

Directive 66/402/EEC	This Directive
—	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, Part 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

ISSN 0254-1475

COM(98) 771 final

DOCUMENTS

EN

03 10 16 01

Catalogue number : CB-CO-98-779-EN-C

Office for Official Publications of the European Communities

L-2985 Luxembourg