

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(77) 162 final.

Brussels, 11 May 1977.

Proposal for a Council Directive amending Directives
66/400/EEC, 66/401/EEC, 66/402/EEC, 66/403/EEC, 68/193/EEC,
69/208/EEC, 70/458/EEC and 70/457/EEC on the marketing of
beet seed, fodder plant seed, cereal seed, seed
potatoes, material for the vegetative propagation of
the vine, seed of oil and fibre plants, vegetable
seed and on the common catalogue of varieties of agric-
ultural plant species.

(submitted to the Council by the Commission)

COM(77) 162 final.

Explanatory Note

In 1966, 1968, 1969 and 1970 the Council adopted of eight Directives providing for the conditions on genetical, quality, packaging and labelling requirements according to which seeds or propagating materials of agriculture and vegetable species may be marketed within the Community.

It has been necessary to amend these Directives on several occasions in order to take account of developments during their application.

This proposal intends mainly to take into account the technical progress achieved in respect of packaging material, closing systems and ways of labelling.

In addition, this proposal makes it possible to certify seed as "certified seed" under certain conditions, mainly in the case of self-pollinating species and where the seeds of previous generations have not been subject to field inspection.

The proposal submits also seed potatoes to the same sampling procedures stipulated for the other species.

Finally, this proposal envisages an accelerated procedure for

- defining the scope of the different directives in respect of the species;
- fixing the conditions for community classes of different categories of seed potatoes;
- the possible extension of the period provided for the expiring of equivalences granted at national levels to certain third countries in respect of the admission of varieties of agriculture and vegetable species outside the Community.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament,

Having regard to the Opinion of the Economic and Social Committee,

Whereas, for the reasons given below, certain Directives on the marketing
of seeds and propagating material should be amended;

Whereas the present provisions of those Directives relating to the closing
and marking of seeds and propagating material do not take into account
technical progress in respect of packaging material, closing
systems and methods of labelling; whereas they should therefore be brought
up to date accordingly;

Whereas an accelerated procedure should be provided for
extending, where necessary, the scope of some of these Directives to cover
other plant species or crosses between species or to adapt the
nomenclature of the species;

Whereas in principle seed which is intended for certification as
"certified seed" must have been produced from basic seed, whereas however,
by way of derogation, the said Directives permit in the case of seed of
certain species certification as "certified seed" where the seed has been
produced from pre-basic seed which has been subject to official examination;
whereas this latter facility is not sufficient for some species; whereas
therefore this facility should be extended provided that sufficient
guarantees are laid down;

Whereas Member States may subdivide the categories of seed potatoes into
grades satisfying different requirements; whereas it should be provided
that the Community grades and their conditions of application
may be fixed by an accelerated procedure;

Whereas, also in the case of seed potatoes, for
the examination of the tubers for certification, samples should be tak-
en officially in accordance with appropriate methods;

Whereas Council Directives 70/457/EEC and 70/458/EEC provide that from
1 July 1977 the equivalence of the official examination of varieties and
the checks on practice for the maintenance of varieties carried out in

third countries can no longer be established nationally by Member States; whereas Council Directive 70/458/EEC provides that from 1 July 1977 the equivalence of seeds harvested in third countries can no longer be established nationally by Member States;

Whereas, however, it is likely that examinations concerning the granting of these equivalences on a Community basis will not be completed, in all those cases where national equivalences have been granted, within the above-mentioned periods; whereas it should therefore be made possible to decide by an accelerated procedure on a possible extension of these periods in certain cases in order to avoid disturbing current commercial relations,
HAS ADOPTED THIS DIRECTIVE:

Article 1

Council Directive 66/400/EEC of 14 June 1966 on the marketing of beet seed (1), as last amended by Commission Directive 76/331/EEC of 29 March 1976 (2), shall be amended as follows :

1. The following shall be substituted for Article 10(1)

"1. Member States shall require that packages of basic seed and certified seed, except where seed of the latter category takes the form of small EEC packages, be closed officially or under official supervision in such a manner that they cannot be opened without damaging the system of closing or leaving evidence of tampering either on the official label provided for in Article 11(1) or on the package.

The system of closing shall comprise either the incorporation into the system of the label mentioned above or the application of an official seal. This is not necessary where a non-reusable system of closing is used.

Approved or non-approved systems of closing may be defined in accordance with the procedure laid down in Article 21."

(1) O.J. No 125, 11.7.1966, p. 2290/66

(2) O.J. No L 83, 30.3.1976, p. 34

2. In the first sentence of Article 10(2), the following shall be inserted after "officially": "or under official supervision".

3. The following shall be substituted for Article 10(3).

"3. Member States shall require that small EEC packages be closed in such a manner that they cannot be opened without damaging the system of closing or leaving evidence of tampering on the label or on the package. Approved or non-approved systems of closing may be defined in accordance with the procedure laid down in Article 21. Packages shall not be reclosed on one or more occasions unless this is done under official supervision."

4. The following shall be substituted for Article 11:

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

(a) be labelled on the outside with an official label which has not previously been used, which satisfies the conditions laid down in Annex III(A) 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 and blue for certified seed. The use of official adhesive labels shall be authorized. In accordance with the procedure laid down in Article 21 the indelible printing under official supervision of the prescribed information on the package according to the label's model may be authorized. When a label with a string-hole is used, its attachment shall be ensured in all cases with an official seal. If, in cases under Article 4 (a), the basic seed does not satisfy the conditions laid down in Annex I in respect of germination, this fact shall be stated on the label;

(b) contain an official document, in the same colour as the label, giving at least the information required for the label under Annex III, (A), (3), (4), (5), (10) and (11). 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 untearable material is used.

2. Member States may provide for exceptions to paragraph 1 in the case of small packages of basic seed where they are marked: "Passed for marketing in.....(Member State concerned) only".

5. In Article 11b, the following shall be substituted for "officially sealed and marked": "closed and marked officially or under official supervision".

6. In the first indent of Article 14(1), the following shall be substituted for "officially marked and sealed": "marked and closed officially or under official supervision".

7. In Article 14(3) (c), the following shall be added after the indent: "Lot reference number":
" - month and year of closing:.....(month and year) , or
- month and year of the last official sampling intended for the decision on certification:.....(month and year)."

8. In Annex III (A), the following is added:
"3a.
- month and year of closing:.....(month and year) , or
- month and year of the last official sampling intended for the decision on certification:.....(month and year)."

9. In Annex III (A), the following is added:
"12. Where at least germination has been retested, the words "retested":.....(month and year)" may be indicated."

Article 2

Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed (3), as last amended by Council Directive 75/444/EEC of 26 June 1975 (4), shall be amended as follows:

1. In Article 2, the following paragraphs shall be added:

"1a. Amendments to be made to the list of species referred to in paragraph 1 A in the light of the development of scientific or technical knowledge shall be adopted in accordance with the procedure laid down in Article 21.

1b. Member States may be authorized in accordance with the procedure laid down in Article 21 to permit, by way of derogation from paragraph 1 C (a) and if the breeder so requests, to be certified as "certified seed" seeds of self pollinating or apomictic species other than hybrid seeds which have been entered for certification as basic seed and which have been produced from a generation prior to basic seed but not officially examined, if an official post-control test based on samples taken officially and carried out not later than the growing season of the entered seed shows that the seeds from this previous generation have met the requirements for basic seed in respect of varietal identity and purity. In this case the breeder shall, before the samples are taken, state the total area under production of seed of the previous generation. These conditions may be amended in the light of development of scientific or technical knowledge in accordance with the procedure laid down in Article 21."

2. The following shall be substituted for Article 9(1):

"1. Member States shall require that packages of basic seed, certified seed and commercial seed, except where seed of the two latter categories takes the form of small EEC B packages, be closed officially or under official supervision in such a manner that they cannot be opened without damaging the system of closing or leaving evidence of tampering either on the official label provided for in Article 10(1) or on the package.

(3) O.J. No 125, 11.7.1966, p. 2298/66
(4) O.J. No L 196, 26.7.1975, p. 6.

The system of closing shall comprise either the incorporation into the system of the label mentioned above or the application of an official seal. This is not necessary where a non-reusable system of closing is used.

Approved or non-approved systems of closing may be defined in accordance with the procedure laid down in Article 21.

3. In the first sentence of Article 9 (2), the following shall be inserted after "officially": "or under official supervision".

4. The following shall be substituted for Article 9 (3):

"3. Member States shall require that small EEC B packages be closed in such a manner that they cannot be opened without damaging the system of closing or leaving evidence of tampering on the label or on the package.

Approved or non-approved systems of closing may be defined in accordance with the procedure laid down in Article 21.

Packages shall not be reclosed on one or more occasions unless this is done under official supervision."

5. The following shall be substituted for Article 10:

"1. Member States shall require that packages of basic seed, certified seed and commercial seed, except where seed of the last two categories takes the form of small EEC B packages:

(a) be labelled on the outside with an official label which has not previously been used, which satisfies the conditions laid down in Annex IV (A) and on which the information is given in one of the official languages of the Community. The colour of the label shall be white for basic seed, blue for certified seed of the first generation after basic seed, red for certified seed of subsequent generations after basic seed and brown for commercial seed. The use of an official adhesive label shall be authorized. In accordance with the procedure laid down in Article 21, the indelible

printing under official supervision of the prescribed information on the package according to the label's model may be authorized. When a label with string-hole is used, its attachment shall be ensured in all cases with an official seal. If, in cases under Article 4 (a), the basic seed or certified seed does not satisfy the conditions laid down in Annex II in respect of germination, this fact shall be stated on the label;

- (b) contain an official document, in the same colour as the label, giving at least the information required for the label under Annex IV (A) (1) (a) (3), (4), and (5) and, in the case of commercial seed, under (b) (2), (4), and (5). 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 untearable material is used.

2. Member States may provide for exceptions to paragraph 1 in the case of small packages of basic seed where they are marked :
 "Passed for marketing in:.....(Member State concerned) only".

- 6. In Article 10 b, the following shall be substituted for "officially sealed and marked": "closed and marked officially or under official supervision".
- 7. In the first and second indents of Article 14 (1), the following shall be substituted for "officially marked and sealed": "marked and closed officially or under official supervision".
- 8. In Article 14 (3) (c), the following shall be added after the indent: "Lot reference number":
 " - month and year of closing:.....(month and year), or
 - month and year of the last official sampling intended for the decision on certification:..... (month and year)."

9. In Annex IV (A), the following is added under (a):

"3a.

- month and year of closing:.....(month and year), or
- month and year of the last official sampling intended for the decision on certification:.....(month and year)."

10. In Annex IV (A), the following is added under (b):

"4a.

- month and year of closing:.....(month and year), or
- month and year of the last official sampling intended for the decision on approval as commercial seed:.....(month and year)."

11. In Annex IV (A), the following is added under (c):

"3a.

- month and year of closing:.....(month and year), or
- month and year of the last official sampling intended for the decision on certification or approval as commercial seed of the components of the mixture:.....(month and year)."

12. In Annex IV (A), the following is added under (a):

"12. Where at least germination has been retested, the words "retested:.....(month and year) may be indicated."

13. In Annex IV (A), the following is added under (b):

"9. Where at least germination has been retested, the words "retested:.....(month and year)" may be indicated."

14. In Annex IV (A), the following is added under (c):

"7. Where at least germination of all the components of the mixture has been retested, the words "retested:.....(month and year)" may be indicated."

Article 3

Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed (5), as last amended by Council Directive 75/444/EEC of 26 June 1975 (4), shall be amended as follows :

1. In Article 2, the following paragraphs shall be added:

"1a. Amendments to be made to the list of species referred to in paragraph 1 A in the light of the development of scientific or technical knowledge shall be adopted in accordance with the procedure laid down in Article 21.

1b. Member States may be authorized in accordance with the procedure laid down in Article 21 to permit, by way of derogation from paragraph 1 under F (a) or G (a) and if the breeder so requests, to be certified as "certified seed of the first generation" or "certified seed of the second generation" seeds of self pollinating species other than hybrid seeds which have been entered for certification as basic seed and which have been produced from a generation prior to basic seed but not officially examined, if an official post-control test based on samples taken officially and carried out not later than the growing season of the entered seed shows that the seeds from this previous generation have met the requirements for basic seed in respect of varietal identity and purity. In this case the breeder shall, before the samples are taken, state the total area 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 21."

2. The following shall be substituted for Article 9(1):

"1. Member States shall require that packages of basic seed and

(5) O.J. No 125, 11.7.1966, p. 2309/66

certified seed of all categories, be closed officially or under official supervision in such a manner that they cannot be opened without damaging the system of closing or without leaving evidence of tampering either on the official label provided for in Article 10(1) or on the package.

The system of closing shall comprise either the incorporation into the system of the label mentioned above or the application of an official seal. This is not necessary where a non-reusable system of closing is used.

Approved or non-approved systems of closing may be defined in accordance with the procedure laid down in Article 21.

3. In the first sentence of Article 9(2), the following shall be inserted after "officially": "or under official supervision".
4. The following shall be substituted for Article 10:

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

- (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". The use of official adhesive labels shall be authorized. In accordance with the procedure laid down in Article 21 the indelible printing under official supervision of the prescribed information indelibly on the package according to the label's model may be authorized. When a label with a string-hole is used, its attachment shall be ensured in all cases with an official seal. If, in cases under Article 4 (1) (a) and (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;

(b) contain an official document, in the same colour as the label, giving at least the information required for the label under Annex IV (A) (a) (3), (4) and (5). 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 untearable 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".

5. In Article 14(1), the following shall be substituted for "officially marked and sealed": "marked and closed officially".

6. In Article 14(3) (c), the following shall be added after the indent: "lot reference number":
 "-month and year of closing:.....(month and year) , or
 - month and year of the last sampling intended for the decision on certification:.....(month and year)."

7. In Annex IV (A), the following is added under (a):
 "3a.
 -"month and year of closing:.....(month and year)" , or
 - month and year of the last sampling intended for the decision on certification:.....(month and year)."

8. In Annex IV (A) the following is added under (b):
 "3a.
 - month and year of closing:.....(month and year) , or
 - month and year of the last sampling intended for the decision on certification of the components of the mixture:.....
 (month and year)."

9. In Annex IV (A), the following is added under (a):
"10. Where at least germination has been retested, the words "Retested:.....(month and year)" may be indicated."
10. In Annex IV (A) the following is added under (b):
"7. Where at least germination of all the components of the mixture has been retested, the words "Retested:..... (month and year)" may be indicated."

Article 4

Council Directive 66/403/EEC of 14 June 1966 on the marketing of seed potatoes (6), as last amended by Council Directive 76/307/EEC of 15 March 1976 (7), shall be amended as follows:

1. In Article 3, the following paragraph shall be added:
"3. Within the categories provided for in Article 2, Community grades, the conditions which they shall satisfy and the conditions of application of these grades for certification may be determined in accordance with the procedure laid down in Article 19."
2. The following Article shall be added:
"Article 5
The Member States shall require that, for the examination of seed potatotubers for certification, samples are taken officially in accordance with appropriate methods."
3. The following shall be substituted for Article 9(1):
"1. Member States shall require that packages and containers of basic seed potatoes and certified potatoes, be closed officially or under official supervision in such a manner that they cannot

(6) O.J. No 125, 11.7.1966 p. 2320/66
(7) O.J. No L 72, 18.3.1976 p. 16

be opened without damaging the system of closing or leaving evidence of tampering either on the official label provided for in Article 10(1) or on the package.

The system of closing shall comprise either the incorporation into the system of the lable mentioned above or the application of an official seal.

Approved or non-approved systems of closing may be defined in accordance with the procedure laid down in Article 19.

4. In the first sentence of Article 9(2), the following shall be inserted after "officially": "or under official supervision".
5. The following shall be substituted for Article 10:
 - "1. Member States shall require that packages and containers of basic seed potatoes and certified seed potatoes:
 - (a) be labelled on the outside with an official label which has not previously been used, which satisfies the conditions laid down in Annex III 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 potatoes, blue for certified seed potatoes. The use of official adhesive labels shall be authorized. In accordance with the procedure laid down in Article 19, the indelible printing under official supervision of the prescribed information on the package according to the label's model may be authorized. When a label with a string-hole is used, its attachment shall be ensured in all cases with an official seal;
 - (b) contain an official document, in the same colour as the label giving at least the information required for the label under Annex III (A), (3), (4) 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 untearable material is used.

- 2. Member States may provide for exceptional to paragraph 1 in the case of small packages where they are marked: "Passed for marketing in(Member State concerned) only".
- 6. In Article 13(1), the following shall be substituted for "officially marked and sealed": "marked and closed officially or under official supervision".
- 7. In Article 13(4) (c), the following shall be added after the indent: "lot reference number": "-month and year of closing".
- 8. In Annex III (A) the following shall be added:
"3a. Month and year of closing."
- 9. In Annex III (A), point 9 shall be deleted.

Article 5

Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine (8), as last amended by Council Directive 74/648/EEC of 9 December 1974 (9), shall be amended as follows:

- 1. The following shall be substituted for Article 9:

"Member States shall require that packages and bundles of propagation material be closed in such a manner that they cannot be opened without damaging the system of closing or leaving evidence of tampering on the label provided for in Article 10(1) or on the package. They shall also bear a lead or equivalent sealing device attached by the person responsible for attaching the labels. Approved or non-approved systems of closing may be defined in accordance with the procedure laid down in Article 17. Packages shall not be reclosed on one or more occasions unless this is done under official supervision."

- 2. The following paragraph 1a shall be added to Article 10;

"1a. Nevertheless Member States may permit that up to 10 packages or bundles of rooted grafts of the same characteristics, or up to

(8) O.J. No. L. 93, 17.4.1968, p. 15
 (9) O.J. No. L. 352, 28.12.1974, p. 43

5 packages or bundles of rooted cuttings of the same characteristics are marked with only one label conforming to the specifications in Annex IV. In this case, the packages or bundles shall be tied together in such a way that the tie, when they are separated, is damaged and cannot be reused. The label shall be attached with this tie. Reclosing shall not be authorized."

Article 6

Council Directive 69/208/EEC of 30 June 1969 on the marketing of seed of oil and fibre plants (10), as last amended by Council Directive 75/444/EEC of 26 June 1975 (4), shall be amended as follows:

1. In Article 2, the following paragraphs shall be added:
 - 1a. Amendments to be made to the list of species referred to in paragraph 1 A in the light of the development of scientific or technical knowledge shall be adopted in accordance with the procedure laid down in Article 20.
 - 1b. Member States may be authorized in accordance with the procedure laid down in Article 20 to permit, by way of derogation from paragraph 1 D (a) or E (a) and if the breeder so requests, to be certified as "certified seed of the first generation" or "certified seed of the second generation" seeds of self pollinating species other than hybrid seeds which have been entered for certification as basic seed and which have been produced from a generation prior to basic seed but not officially examined, if an official post-control test based on samples taken officially and carried out not later than the growing season of the entered seed shows that the seeds from this previous generation have met the requirements for basic seed in respect of varietal identity and purity. In this case the breeder shall, before the samples are taken, state the total area under production of seed of the previous generation. These conditions may be amended in the light of development of scientific or technical knowledge in accordance with the procedure laid down in Article 20.

(10) O.J. No. L. 169, 10.7.1969, p.3

2. The following shall be substituted for Article 9(1):

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

The system of closing shall comprise either the incorporation into the system of the label mentioned above or the application of an official seal. This is not necessary where a non-reusable system of closing is used.

Approved or non-approved systems of closing may be defined in accordance with the procedure laid down in Article 20.

3. In the first sentence of Article 9(2), the following shall be inserted after "officially": "or under official supervision".

4. The following shall be substituted for Article 10(1) and (2):

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

(a) be labelled on the outside with an official label which has not previously been used, which satisfies the conditions laid down in Annex IV and on which the information is given in one of the official languages of the Community. The colour of the label shall be white for basic seed, blue for certified seed of the first generation after basic seed, red for certified seed of subsequent generations after basic seed and brown for commercial seed. The use of official adhesive labels shall be authorized. In accordance with the procedure laid down in Article 20 the indelible printing under official supervision of the information on the package according to the label's model may be authorized. When a label with a string-hole is used, its attachment shall be ensured in all cases with an official seal. If, in case under Article 4(a), the basic seed does not satisfy the conditions laid down

in Annex II in respect of germination, this fact shall be stated on the label;

(b) contain an official document, in the same colour as the label giving at least the information required for the label under Annex IV, (A) (a), (4), (5) and (6) and, in the case of commercial seed, under (b), (2), (5) and (6). This document shall be drawn up in such a manner that it cannot be confused with the official label referred to under (a). This document is not necessary if the information is printed indelibly on the package or if in accordance with the provisions under (a) an adhesive label or a label of untearable 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 States concerned) only."

5. In Article 13(1), the following shall be substituted for "officially marked and sealed": "marked and closed officially or under official supervision".

6. In Article 13(3) (c), the following shall be added after the indent: "lot reference number":
"-month and year of closing:.....(month and year), or
-month and year of the last official sampling intended for the decision on certification:.....(month and year)."

7. In Annex IV (A) under (a), the following shall be substituted for the text of item 3:
"-month and year of closing:.....(month and year), or
-month and year of the last official sampling intended for the decision on certification:.....(month and year)."

8. In Annex IV (A) under (b), the following shall be substituted for the text of item 4:
"-month and year of closing:.....(month and year), or
-month and year of the last official sampling intended for the decision on approval as commercial seed:.....(month and year)."

- 9. In Annex IV (A), the following is added under (a):
 "11. Where at least germination has been retested, the words
 "retested:.....(month and year) may be indicated."
- 10. In Annex IV (A), the following is added under (b):
 "10. Where at least germination has been retested, the words
 "retested:.....(month and year)" may be indicated."

Article 7

Council Directive 70/457/EEC of 29 September 1970 on the common catalogue of varieties of agricultural plant species⁽¹¹⁾, as last amended by Council Directive 73/438/EEC of 11 December 1973⁽¹²⁾, shall be amended as follows:

The following words shall be added to Article 21 (2):

" In accordance with the procedure laid down in Article 23, this period may be extended as regards certain third countries provided that the available information does not yet permit a determination according to paragraph 1."

Article 8

Council Directive 70/458/EEC of 29 September 1970 on the marketing of vegetable seed (13), as last amended by Council Directive 76/307/EEC of 15 March 1976 (7), shall be amended as follows :

- 1. In Article 2, the following paragraphs shall be added:
 "1a. Amendments to be made to the list of species referred to in paragraph 1 A in the light of the development of scientific or technical knowledge shall be adopted in accordance with the procedure laid down in Article 40.
 1b. Member States may be authorized in accordance with the procedure

(11) O.J. No. L 225, 12.10.1970, p.1
 (12) O.J. No. L 356, 27.12.1973, p. 79
 (13) O.J. No. L 225, 12.10.1070, p. 7.

laid down in Article 40 to permit, by way of derogation from paragraph 1 C(a) and if the breeder so requests, to be certified as "certified seed" seeds of self pollinating species other than hybrid seeds which have been entered for certification as basic seed and which have been produced from a generation prior to basic seed but not officially examined, if an official post-control test based on samples taken officially and carried out not later than the growing season of the entered seed shows that the seeds from this previous generation have met the requirements for basic seed in respect of varietal identity and purity. In this case the breeder shall, before the samples are taken state the total area under production of seed of the previous generation. These conditions may be amended in the light of development of scientific or technical knowledge in accordance with the procedure laid down in Article 40.

2. The following shall be substituted for Article 25(1):

"1. Member States shall require that packages of basic seed and certified seed, not made up in the form of small packages, be closed officially or under official supervision in such a manner that they cannot be opened without damaging the system of closing or leaving evidence of tampering either on the official label provided for in Article 26(1) or on the package.

The system of closing shall comprise either the incorporation into the system of the label mentioned above or the application of an official seal. This is not necessary where a non-reusable system of closing is used.

Approved or non-approved systems of closing may be defined in accordance with the procedure laid down in Article 40.

3. In the first sentence of Article 25, the following shall be inserted after "officially": "or under official supervision".

4. The following shall be substituted for Article 25(3):

"3. Member States shall require that packages of standard seed and small packages of seeds of the category "certified seed" be closed in such a manner that they cannot be opened without damaging the system of closing or without leaving evidence of tampering on the label provided for in Article 26(3) or on the package.

Except in the case of small packages, they shall also bear a lead or an equivalent sealing device attached by the person responsible for attaching labels. Approved or non-approved systems of closing may be defined in accordance with the procedure laid down in Article 40. In the case of small packages of the category "certified seed", packages shall not be reclosed on one or more occasion unless this is done under official supervision."

5. The following paragraph shall be added to Article 25:

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

6. The following shall be substituted for Article 26(1):

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

(a) be labelled on the outside with an official label which has not previously been used, which satisfies the conditions laid down in Annex IV (A) and on which the information is given in one of the official languages of the Community. The colour of the label shall be white for basic seed and blue for certified seed. The use of official adhesive labels shall be authorized. In accordance with the procedure laid down in Article 40 the indelible printing under official control of the prescribed information on the package according to the label's model may be authorized. When a label with a string-hole is used, its attachment shall be ensured in all cases with an official seal. If, in cases under

Article 21, the basic seed does not satisfy the conditions laid down in Annex II in respect of germination, this fact shall be stated on the label;

- (b) contain an official document, in the same colour as the label, giving at least the information required for the label under Annex IV (A) (a) (4), (5), (6) and (7). This document shall be drawn up in such a manner that it cannot be confused with the official label referred to under (a)."

This document is not necessary if the information is printed indelibly on the package or if in accordance with the provisions under (a) an adhesive label or a label of untearable material is used.

The label shall not be required for transparent packages if the official document inside gives the information required under Annex IV (A) (a) which can be read through the package.

- 7. In Article 26, the following paragraph shall be added:

"1a. Member States may provide for exceptions to paragraph 1 in the case of small packages of basic seed where they are marked "Passed for marketing in(Member State concerned) only"."

- 8. In Article 30 (1), the following shall be substituted for "officially marked and sealed": "marked and closed officially or under official supervision".

- 9. In Article 30 (3)(c), the following shall be added after the indent: "lot reference number":

"-month and year of closing:.....(month and year) , or -month and year of the last official sampling intended for the decision on certification:.....(month and year)."

- 10. The following words shall be added to Article 32 (2):

"In accordance with the procedure laid down in Article 40 this period may be extended as regards certain third countries provided that the available information does not yet permit a determination according

to paragraph 1."

11. The following shall be substituted for the text of Annex IV (A)(a):

- "1. EEC rules and standards .
2. Certification authority and Member State or their initials.
3. - month and year of closing:.....(month and year) , or
- month and year of the last official sampling intended for
the decision on certification:..... (month and year).
4. Reference number of lot.
5. Species.
6. Variety.
7. Category.
8. Country of production.
9. Declared net or gross weight or declared number of seeds.
10. Where weight is indicated and granulated pesticides, pelleting
substances or other solid additives are used, the nature of the
additive and also the approximate ratio between the weight of
clusters or pure seeds and total weight.
11. Where at least germination has been retested, the words
"Retested:.....(month and year)" may be indicated."

12. The following shall be substituted for the text of Annex IV (B)(a)

- "1. EEC rules and standards.
2. Name and address of the person responsible for affixing the
labels or his identification mark.
3. Calendar year or marketing year (1 July to 30 June)
of the closing or of the
last examination of germination. This information may be
given in codified version provided that the code is notified
to the Certification authority prior to its use.
4. Species.
5. Variety.
6. Category: in the case of small packages, certified seed may be
marked with the letters "C" or "Z" and standard seed with the
letters "ST".
7. Reference number given by the person responsible for affixing
the labels - in the case of standard seed.

8. Reference number enabling the certified lot to be identified - in the case of certified seed.
9. Declared net or gross weight or declared number of seeds, except for small packages of up to 500 gram
10. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of clusters or pure seeds and the total weight."

Article 9

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with the provisions of this Directive,

- in respect of Articles 1(4), 2(5), 3(4), 4(5) 6(4) and 8(6) and (12) on or before 1 July 1977; and
- in respect of all the other provisions on or before 1 July 1978.

Article 10

This Directive is addressed to the Member States.

Done at Bruxelles,

For the Council

The President.