Commission Implementing Decision (EU) 2020/1401 of 2 October 2020 providing for a temporary derogation from Council Directive 66/401/EEC as regards the requirements for the marketing of certified seed (notified under document C(2020) 6651) (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2020/1401

of 2 October 2020

providing for a temporary derogation from Council Directive 66/401/EEC as regards the requirements for the marketing of certified seed

(notified under document C(2020) 6651)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed[(1)], and in particular to Article 17(1) thereof,

Whereas:

(1) It appears from the information provided to the Commission by Slovenia that, due to the unfavourable weather conditions, during the growing season 2018/2019, the seed crop of the species crimson clover (*Trifolium incarnatum* L.) intended for the production of basic seed was severely affected. As a consequence, there was not enough basic seed available in Slovenia for the production of certified seed of the first generation for the 2020 harvest.

(2) Other Member States, partly facing harvesting problems, have not been able to cover the need of Slovenia for the category of basic seed.

(3) In the light of these circumstances, temporary difficulties in the general supply of certified seed of crimson clover occur. These difficulties cannot be overcome otherwise than by allowing, for a specific period and subject to an appropriate maximum quantity, the marketing in the Union of certified seed of the second generation of crimson clover produced in Slovenia.

(4) Therefore, this Decision should authorise the marketing in the Union of certified seed of crimson clover of the second generation produced in Slovenia from certified seed of the first generation, subject to certain conditions and limitations.

(5) It also appears from the information provided to the Commission by Slovenia that, in total, a quantity of 30 tonnes of crimson clover seed are needed to resolve these supply difficulties for the period expiring on 30 June 2021.

(6) The derogation does not prevent the application of the other conditions for the marketing of certified seed of crimson clover, as laid down in Directive 66/401/EEC.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/1401. (See end of Document for details)*

(7) The Member States should immediately notify the Commission and the other Member States of the quantities in respect of which they have granted authorisation for marketing pursuant to this Decision, in order to ensure its coordinated implementation.

(8) It is appropriate that Slovenia acts as coordinator in order to ensure that the total quantities of marketed seed authorised pursuant to this Decision does not exceed the maximum quantity whose marketing it allows.

(9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

1 The marketing in the Union of certified seed of the second generation of crimson clover (*Trifolium incarnatum* L.) produced in Slovenia from certified seed of the first generation, shall be allowed for a period expiring on 30 June 2021 and subject to the conditions provided for in paragraph 2.

2 Certified seed whose marketing is allowed pursuant to this Article shall:

a not exceed a total quantity of 30 tons;

b comply with the following requirements:

(i) the requirements for certified seed of the first generation, laid down in Annex II to Directive 66/401/EEC;

(ii) the seed concerned was first placed on the market in accordance with Article 3 of this Decision.

Article 2

The Member States shall immediately notify the Commission and the other Member States of the quantities in respect of which they have granted authorisation for marketing pursuant to this Decision.

Article 3

Any seed supplier wishing to place on the market the seeds referred to in Article 1 shall apply for authorisation to the Member State in which he is established or importing. The Member State concerned shall authorise the supplier to place that seed on the market, unless:

(1) there is sufficient evidence to doubt that the supplier is able to place on the market the amount of seed for which he has applied for authorisation; or

(2) the total quantity authorised to be placed on the market would exceed] the maximum quantity provided for in Article 1(2)(a).

Article 4

1 The Member States shall assist each other administratively in the application of this Decision.

2 Slovenia shall act as coordinating Member State in respect of Article 1(2)(a).