Commission Implementing Directive (EU) 2016/2109 of 1 December 2016 amending Council Directive 66/401/EEC as regards the inclusion of new species and the botanical name of the species Lolium x boucheanum Kunth (Text with EEA relevance)

COMMISSION IMPLEMENTING DIRECTIVE (EU) 2016/2109

of 1 December 2016

amending Council Directive 66/401/EEC as regards the inclusion of new species and the botanical name of the species *Lolium x boucheanum* Kunth

(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 Article 2(1)(A) thereof,

Whereas:

(1) Article 2(1)(A)(a) of Directive 66/401/EEC lists *Lolium x boucheanum* Kunth. The International Seed Testing Association has recently changed the botanical name of *Lolium x boucheanum* Kunth to *Lolium x hybridum* Hausskn. Consequently it is appropriate to change the name of that species in Directive 66/401/EEC.

(2) Commission Decision 2009/109/EC[(2)] provides for the organisation of a temporary experiment to assess whether certain species not covered by Directive 66/401/EEC may be marketed as or in seed mixtures. Experience gained during that temporary experiment has shown that the species *Biserrula pelecinus*, *Lathyrus cicera*, *Medicago doliata*, *Medicago italica*, *Medicago littoralis*, *Medicago murex*, *Medicago polymorpha*, *Medicago rugosa*, *Medicago scutellata*, *Medicago truncatula*, *Ornithopus compressus*, *Ornithopus sativus*, *Plantago lanceolata*, *Trifolium fragiferum*, *Trifolium glanduliferum*, *Trifolium hirtum*, *Trifolium isthmocarpum*, *Trifolium michelianum*, *Trifolium squarrosum*, *Trifolium subterraneum*, *Trifolium vesiculosum* and *Vicia benghalensis* contribute to establishing new fodder plant seed mixtures that offer solutions for persistent, productive and biodiverse pastures and forage crops. Those species should therefore be included in the list of species covered by Article 2(1)(A)(b) of Directive 66/401/EEC.

(3) On the basis of the technical experience gained during the above temporary experiment, it is appropriate that certain requirements are set out for each of those species concerning minimum germination, minimum analytical purity, maximum content of seeds of other plant species, maximum content of seeds of other plant species in a sample of weight and marking.

(4) Directive 66/401/EEC should therefore be amended accordingly.

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

HAS ADOPTED THIS DIRECTIVE:

Article 1

Amendments to Directive 66/401/EEC

Directive 66/401/EEC is amended as follows:

(1) Article 2(1)(A) is amended as follows:

(a) In point (a), the words '*Lolium x boucheanum* Kunth' are replaced by the words '*Lolium x hybridum* Hausskn'.

(b) Point (b) is replaced by the following:

'(b) *Fabaceae* (*Leguminosae*)	Legumes
Biserrula pelecinus L.	Biserrula
Galega orientalis Lam.	Fodder galega
Hedysarum coronarium L.	Sulla
Lathyrus cicera L.	Chickling vetch/Dwarf chickling vetch
Lotus corniculatus L.	Birdsfoot trefoil
Lupinus albus L.	White lupin
Lupinus angustifolius L.	Narrow-leaved lupin
Lupinus luteus L.	Yellow lupin
Medicago doliata Carmign.	Straight-spined medic
Medicago italica (Mill.) Fiori	Disc medic
Medicago littoralis Rohde ex Loisel.	Shore medic/Strand medic
Medicago lupulina L.	Trefoil
Medicago murex Willd.	Sphere medic
Medicago polymorpha L.	Bur medic
Medicago rugosa Desr.	Wrinkled medic/Gama medic
Medicago sativa L.	Lucerne
Medicago scutellata (L.) Mill.	Snail medic/Shield medic
Medicago truncatula Gaertn.	Barrel medic
Medicago × *varia* T. Martyn Sand	Sand lucerne
Onobrychis viciifolia Scop.	Sainfoin

Ornithopus compressus L.	Yellow serradella
Ornithopus sativus Brot.	Serradella
Pisum sativum L. (partim)	Field pea
Trifolium alexandrinum L.	Berseem, Egyptian clover
Trifolium fragiferum L.	Strawberry clover
Trifolium glanduliferum Boiss.	Glandular clover
Trifolium hirtum All.	Rose clover
Trifolium hybridum L.	Alsike clover
Trifolium incarnatum L.	Crimson clover
Trifolium isthmocarpum Brot.	Moroccan clover
Trifolium michelianum Savi	Balansa clover
Trifolium pratense L.	Red clover
Trifolium repens L.	White clover
Trifolium resupinatum L.	Persian clover
Trifolium squarrosum L.	Squarrose clover
Trifolium subterraneum L.	Subterranean clover
Trifolium vesiculosum Savi	Arrow-leaf clover
Trigonella foenum-graecum L.	Fenugreek
Vicia benghalensis L.	Purple vetch
Vicia faba L.	Field bean
Vicia pannonica Crantz	Hungarian vetch
Vicia sativa L.	Common vetch
Vicia villosa Roth	Hairy vetch’.

(c) In point (c), the following entry is inserted after ‘*Phacelia tanacetifolia* Benth. California bluebell’:

‘*Plantago lanceolata* L.	Ribwort plantain’

(2) In Article 3(1), the words ‘*Lolium x boucheanum* Kunth’ are replaced by the words ‘*Lolium x hybridum* Hausskn’.

(3) Annexes II and III are amended as set out in the Annex to this Directive.

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Article 2

Transposition

1 Member States shall adopt and publish, by 31 December 2017 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 1 January 2018.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2 Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

Entry into force

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

Article 4

Addressees

This Directive is addressed to the Member States.

Done at Brussels, 1 December 2016.

For the Commission

The President

Jean-Claude JUNCKER

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ANNEX

Annexes II and III to Directive 66/401/EEC are amended as follows:

(1) Annex II is amended as follows:

(a) The following paragraph is added to point I(1) after the entry concerning '*Pisum sativum*, *Vicia faba*':

— *Trifolium subterraneum, Medicago* spp., except *M. lupulina*, *M. sativa*, *M. x varia*:

— for the production of basic seed: 99,5 %,

— for the production of certified seed for further multiplication: 98 %,

— for the production of certified seed: 95 %.

(b) The table in point I(2)(A) is replaced by the following:

Species	**Germination**		**Analytical purity**								**Maximum content of seeds of other plant species in a sample of the weight specified in column 4 of Annex III (total per column)**			**Conditions as regards content of seeds of *Lupinus* spp. of another colour and of bitter lupin seeds *Rumex acetosella* and *Rumex maritimus***
	Minimum germination of pure seed)	**Maximum content of hard seed (% of pure seed)**	**Minimum analytical purity (% by weight)**	**Maximum content of seeds of other plant species (% by weight)**											
				Total	**A single species**	***Elytrigia repens***	***Holcus mollis***	***Rumex* spp.**	***Lupinus* spp.**	***Sinapis arvensis***		***Avena fatua*, *Avena sterilis***	***Cuscuta* spp.**	***Rumex* spp. other than *Rumex acetosella* and *Rumex maritimus***	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
Poaceae (Gramineae)															
Agrostis canina	75 (a)		90	2,0	1,0	0,3	0,3				0	0 (j) (k)	2 (n)		
Agrostis capillaris	75 (a)		90	2,0	1,0	0,3	0,3				0	0 (j) (k)	2 (n)		
Agrostis gigantea	80 (a)		90	2,0	1,0	0,3	0,3				0	0 (j) (k)	2(n)		