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# COUNCIL DIRECTIVE 98/96/EC

## of 14 December 1998

**amending, *inter alia*, as regards unofficial field inspections under Directives 66/400/EEC, 66/401/EEC, 66/402/EEC, 66/403/EEC, 69/208/EEC, 70/457/EEC and 70/458/EEC on the marketing of beet seed, fodder plant seed, cereal seed, seed potatoes, seed of oil and fibre plants and vegetable seed and on the common catalogue of varieties of agricultural plant species**

(OJ L 25, 1.2.1999, p. 27)

Amended by:

| | | Official Journal | | |
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| | | No | page | date |
| ►**M1** | Council Directive 2002/53/EC of 13 June 2002 | L 193 | 1 | 20.7.2002 |
| ►**M2** | Council Directive 2002/54/EC of 13 June 2002 | L 193 | 12 | 20.7.2002 |
| ►**M3** | Council Directive 2002/55/EC of 13 June 2002 | L 193 | 33 | 20.7.2002 |
| ►**M4** | Council Directive 2002/56/EC of 13 June 2002 | L 193 | 60 | 20.7.2002 |
| ►**M5** | Council Directive 2002/57/EC of 13 June 2002 | L 193 | 74 | 20.7.2002 |

Corrected by:

►**C1** Corrigendum, OJ L 161, 16.6.2001, p. 48 (98/96/EC)

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# COUNCIL DIRECTIVE 98/96/EC

## of 14 December 1998

**amending, *inter alia*, as regards unofficial field inspections under Directives 66/400/EEC, 66/401/EEC, 66/402/EEC, 66/403/EEC, 69/208/EEC, 70/457/EEC and 70/458/EEC on the marketing of beet seed, fodder plant seed, cereal seed, seed potatoes, seed of oil and fibre plants and vegetable seed and on the common catalogue of varieties of agricultural plant species**

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 [1],

Having regard to the opinion of the European Parliament [2],

Having regard to the opinion of the Economic and Social Committee [3],

Whereas, for the reasons given below, the following Directives on the marketing of seed and propagating material should be amended:

— Council Directive 66/400/EEC of 14 June 1966 on the marketing of beet seed [4],

— Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed [5],

— Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed [6],

— Council Directive 66/403/EEC of 14 June 1966 on the marketing of seed potatoes [7],

— Council Directive 69/208/EEC of 30 June 1969 on the marketing of seed of oil and fibre plants [8],

— Council Directive 70/457/EEC of 29 September 1970 on the common catalogue of varieties of agricultural plant species [9], and

— Council Directive 70/458/EEC of 29 September 1970 on the marketing of vegetable seed [10];

Whereas Commission Decision 89/540/EEC of 22 September 1989 on the organisation of a temporary experiment on the marketing of seeds and propagating material [11], organised a temporary experiment under specified conditions, with the aim of assessing whether unofficial field inspections could ensure simplification of the procedures for official seed certification required under Directives 66/400/EEC, 66/401/EEC, 66/402/EEC and 69/208/EEC without a significant decrease in the quality of the seed;

Whereas the results of the experiment have shown that, for certain purposes, there could be a simplification of the procedures for official seed certification of 'certified seed' of all categories, if inspections

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(1) OJ C 289, 24.9.1997, p. 6.
(2) OJ C 167, 29.6.1998, p. 302.
(3) OJ C 73, 9.3.1998, p. 45.
(4) OJ 125, 11.7.1966, p. 2290/66. Directive as last amended by Directive 98/95/EC (See page 1 of this Official Journal).
(5) OJ 125, 11.7.1966, p. 2298/66. Directive as last amended by Directive 98/95/EC.
(6) OJ 125, 11.7.1966, p. 2309/66. Directive as last amended by Directive 98/95/EC.
(7) OJ 125, 11.7.1966, p. 2320/66. Directive as last amended by Directive 98/95/EC.
(8) OJ L 169, 10.7.1969, p. 3. Directive as last amended by Directive 98/95/EC.
(9) OJ L 225, 12.10.1970, p. 1. Directive as last amended by Directive 98/95/EC.
(10) OJ L 225, 12.10.1970, p. 7. Directive as last amended by Directive 98/95/EC.
(11) OJ L 286, 4.10.1989, p. 24. Decision as last amended by Commission Decision 96/336/EC (OJ L 128, 29.5.1996, p. 23).

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were allowed to be carried out by inspectors other than those charged with official examination by the seed certification authority;

Whereas administrative developments have taken place in the Member States;

Whereas Directives 66/400/EEC, 66/401/EEC, 66/402/EEC and 69/208/EEC should be amended accordingly;

Whereas Directives 66/401/EEC, 66/402/EEC, 69/208/EEC and 70/458/EEC provide for amendments to be made to the lists of species referred to therein in the light of the development of scientific or technical knowledge concerning the names and hybrids resulting from the crossing of species covered by those Directives, in accordance with the Standing Committee procedure;

Whereas it is desirable to facilitate the addition of new species to the list of species in the said directives;

Whereas those directives should be amended accordingly;

Whereas Directives 66/400/EEC, 66/401/EEC, 66/402/EEC, 69/208/EEC and 70/458/EEC provide for the organisation of temporary experiments for the purpose of seeking improved alternatives to certain elements of the certification schemes adopted thereunder;

Whereas, in the light of experience, it is desirable to extend the scope of the organization of such experiments for the purpose of seeking improved alternatives to certain provisions set out in the said directives;

Whereas it is desirable to provide a legal base in Directive 66/403/EEC for the organization of temporary experiments for the purpose of seeking improved alternatives to certain provisions set out in that directive;

Whereas it is desirable to provide in Directives 70/457/EEC and 70/458/EEC for rules in relation to the suitability of varietal denominations,

HAS ADOPTED THIS DIRECTIVE:

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*Article 2*

Directive 66/401/EEC is hereby amended as follows:

1. Article 2(1)(C)(d) shall be replaced by the following:

   ‘(d) (i) which has been found by official examination to satisfy the abovementioned conditions, or

   (ii) in the case of the conditions laid down in Annex I, has been found to satisfy those conditions either by official examination or by examination carried out under official supervision’;

2. Article 2(1a) shall be replaced by the following:

   ‘1a. Amendments to be made to the list of species referred to in paragraph 1(A) shall be adopted in accordance with the procedure laid down in Article 21.’;

3. in Article 2 the following paragraphs shall be added:

   ‘3. When the examination under official supervision referred to in paragraph 1(C)(d)(ii) above is carried out, the following requirements shall be complied with:

   (i) the inspectors shall:

   (a) have the necessary technical qualifications;

   (b) derive no private gain in connection with the carrying out of the inspections;