COMMISSION DIRECTIVE

of 25 June 1991

amending Directive 86/109/EEC limiting the marketing of seed of certain species of fodder plants and oil and fibre plants which has been officially certified as 'basic seed' or 'certified seed'

(91/376/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Directive 66/401/EEC of the Council of 14 June 1966 on the marketing of fodder plant seed [1], as last amended by Directive 90/654/EEC [2], and in particular Article 3 (3) thereof,

Having regard to Commission Directive 86/109/EEC [3], as amended by Directive 89/424/EEC [4], and in particular Article 3 thereof,

Whereas Directive 66/401/EEC allows the marketing of basic seed, certified seed and commercial seed of certain species of fodder plants;

Whereas Article 3 (3) of Directive 66/401/EEC authorizes the Commission to prohibit the marketing of seed unless it has been officially certified as 'basic seed' or 'certified seed';

Whereas, accordingly, Directive 86/109/EEC [3], *inter alia*, limits the marketing of seed of particular species of fodder plants to seed which has been officially certified as 'basic seed' or 'certified seed';

Whereas for some of the species referred to in Directive 86/109/EEC this marketing restriction applies as from 1 July 1991; whereas it now appears that, for a number of these species, Member States will not be in a position, at that date, to produce sufficient basic seed and certified seed to satisfy the demand for seed within the Community;

Whereas, nevertheless, Member States which have officially accepted varieties of the relevant species should encourage the production of seed thereof for official certification as 'basic seed' or 'certified seed';

Whereas the Commission will explore appropriate means to encourage the marketing of the seed so produced;

Whereas it is therefore appropriate to provide for certain transitional arrangements until sufficient basic seed and certified seed of these species can be produced;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 86/109/EEC is hereby amended as follows:

1. Article 3 is replaced by the following:

'*Article 3*

Member States shall provide that from 1 July 1991 it shall not be permitted to place on the market seed of:

— *Alopecurus pratensis L.*	— meadow foxtail
— *Arrhenatherum elatius (L.) Beauv. ex J.S. and K.B. Presl*	— tall oatgrass
— *Bromus catharticus Vahl*	— rescu grass
— *Bromus sitchensis Trin.*	— Alaska brome-grass
— *Lupinus luteus*	— yellow lupin, varieties other than bitter
— *Lupinus angustifolius L.*	— blue lupin
— *Poa nemoralis L.*	— wood meadowgrass
— *Trisetum flavescens (L.) Beauv.*	— golden oatgrass
— *Phacelia tanacetifolia Benth.*	— California bluebell
— *Sinapis alba L.*	— white mustard

unless it has been officially certified as "basic seed" or "certified seed".'

(1) OJ No 125, 11. 7. 1966, p. 2298/66.
(2) OJ No L 353, 17. 12. 1990, p. 48.
(3) OJ No L 93, 8. 4. 1986, p. 21.
(4) OJ No L 196, 12. 7. 1989, p. 50.