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COUNCIL DIRECTIVE

of 13 June 1988

amending 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

(88/380/EEC)

(OJ L 187, 16.7.1988, p. 31)

Amended by:

		Official Journal		
		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 234, 26.8.1997, p. 27 (88/380/EEC)

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COUNCIL DIRECTIVE

of 13 June 1988

amending 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

(88/380/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES

Having regard to the Treaty establishing the European Economic 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],

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 [3], as last amended by Directive 88/95/EEC [4],

— Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed [5], as last amended by Directive 87/480/EEC [6],

— Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed [7], as last amended by Directive 87/120/EEC [8],

— Council Directive 66/403/EEC of 14 June 1966 on the marketing of seed potatoes [9], as last amended by Directive 87/374/EEC [10],

— Council Directive 69/208/EEC of 30 June 1969 on the marketing of seed of oil and fibre plants [11], as last amended by Directive 87/480/EEC,

— Council Directive 70/457/EEC of 29 September 1970 on the common catalogue of varieties of agricultural plant species [12], as last amended by Directive 86/155/EEC [13],

— Council Directive 70/458/EEC of 29 September 1970 on the marketing of vegetable seed [14], as last amended by Directive 87/481/EEC [15];

Whereas, owing to their increased importance in the Community, rescue grass, Alaska brome-grass, California bluebell, triticale, Chinese cabbage and industrial chicory should be included in the scope of the Directives; whereas, for the same reason, hybrid varieties of certain additional cereal species and sunflower should also be included in the scope of the Directives; whereas the conditions to be satisfied by the crop and by the seed of those species and variety types should be in conformity with the schemes for seed moving in international trade laid down by the Organization for Economic Cooperation and Development (OECD), except for cross-pollinating varieties of triticale and hybrid varieties of certain additional cereal species, where the OECD has not yet adopted such conditions;

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(1) OJ No C 356, 31. 12. 1985, p. 37.
(2) OJ No C 68, 24. 3. 1986, p. 155.
(3) OJ No 125, 11. 7. 1966, p. 2290/66.
(4) OJ No L 56, 2. 3. 1988, p. 42.
(5) OJ No 125, 11. 7. 1966, p. 2298/66.
(6) OJ No L 273, 26. 9. 1987, p. 43.
(7) OJ No 125, 11. 7. 1966, p. 2309/66.
(8) OJ No L 49, 18. 2. 1987, p. 39.
(9) OJ No 125, 11. 7. 1966, p. 2320/66.
(10) OJ No L 197, 18. 7. 1987, p. 36.
(11) OJ No L 169, 10. 7. 1969, p. 3.
(12) OJ No L 225, 12. 10. 1970, p. 1.
(13) OJ No L 118, 7. 5. 1986, p. 23.
(14) OJ No L 225, 12. 10. 1970, p. 7.
(15) OJ No L 273, 26. 9. 1987, p. 45.

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Whereas it seems advisable, on the one hand, to revise certain provisions in order to facilitate the reproduction of seed in Member States other than that of origin and, on the other hand, to provide for Community measures to ensure the identity of that seed marketed as grown for processing;

Whereas it seems advisable that additional periods should be granted to Member States to allow seed of self-pollinating cereal species which has not been the subject of an official field inspection to be certified officially under certain conditions and to permit the marketing of specific varieties of rye not satisfying certain conditions laid down in Annex II to Directive 66/402/EEC, in order that the necessary experience for a more general and definitive solution may be acquired, in particular, with regard to rye, in the light of information to be supplied by the United Kingdom;

Whereas it seems advisable that, for the purpose of seeking improved alternative solutions to certain elements of the certification schemes adopted under the Directives, temporary experiments under specific conditions should be organized; whereas, therefore, a legal basis to that effect should be introduced;

Whereas the provisions on the information required for the official label in respect of species and variety names should be improved with the aim of providing better information for seed users and facilitating intra-Community trade;

Whereas it should be ensured that the suppliers' labels required under national provisions are drawn up in such a way that they cannot be confused with the official labels;

Whereas it is desirable to make it easier for Member States to exclude seed of cereal species or oil and fibre plant species of low economic importance from the scope of Directives 66/402/EEC and 69/208/EEC;

Whereas, in the case of Directive 70/458/EEC, certain provisions on varieties of vegetable species should be adapted in such a manner as to permit current developments to be taken into account in the process of renewal of the official acceptance of certain varieties;

Whereas, as a general rule, the conditions in respect of the value of a variety for cultivation or use should not be required for the acceptance of varieties (inbred lines, hybrids) which are intended solely as components for hybrid varieties;

Whereas it should be possible to require the suitability for specific purposes of varieties of grasses not intended for the production of fodder plants to be shown;

Whereas applications by the Hellenic Republic to be authorized to prohibit the marketing in all or part of its territory of seed or propagating material of certain varieties listed in the Common Catalogue of Varieties of Agricultural Plant Species or the Common Catalogue of Varieties of Vegetable Species should be taken into consideration in order to permit the Hellenic Republic to complete the adaptation of its seed and propagating material production and marketing to the Community requirements relating to the common catalogues;

Whereas it is useful to clarify certain provisions of the abovementioned Directives;

Whereas it is appropriate to postpone the date of implementation of the amendments already made to the abovementioned Directives by Council Directive 86/155/EEC and Commission Directive 86/320/EEC so as to bring the date into conformity with the main date of implementation of this Directive,

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HAS ADOPTED THIS DIRECTIVE:

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Article 2

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

1. in Article 2 (1) (A) (a),

'*Bromus catharticus* Vahl	Rescue grass
'*Bromus sitchensis* Trin.	Alaska brome-grass'

is inserted after

'*Arrhenatherum elatius* (L.) P. Beau. ex J. S. and K. B. Presl.	Tall oatgrass'

and in Article 2 (1) (A) (c),

'*Phacelia tanacetifolia* Benth.	California bluebell'

is inserted after

'*Brassica oleracea* L. convar. *acephala* (DC) Alef. var. *medullosa* Thell + var. *viridis* L.	Fodder kale';

2. in Article 2 (1a) of the English version, 'descriptions' is replaced by 'names';

3. former Article 2 (1b) and (1c) become 2 (1c) and (1d) respectively;

4. the following paragraph is inserted in Article 2:

   '1b. The different types of varieties, including the components, eligible for certification under this Directive may be specified and defined in accordance with the procedure laid down in Article 21.';

5. former Article 11 becomes Article 11 (1);

6. the following paragraph is added in Article 11:

   '2. The label referred to in paragraph 1 shall be drawn up in such a manner that it cannot be confused with the official label referred to in Article 10 (1).';

7. the following Article 13a is inserted:

   'Article 13a

   For the purpose of seeking improved alternatives to certain elements of the certification scheme adopted under this Directive, it may be decided to organize temporary experiments under specified conditions at Community level in accordance with the procedure laid down in Article 21.

   In the framework of such experiments, Member States may be released from certain obligations laid down in this Directive. The extent of that release shall be defined with reference to the provisions to which it applies. The duration of an experiment shall not exceed seven years.';

8. the fifth and sixth indents of Article 14 (3) (c) are replaced by the following:

   '— species, indicated at least under its botanical name, which may be given in abridged form and without the authorities' names, in roman characters,

   — variety, indicated at least in roman characters,';

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9. the following sentence is added to Article 14 (3):

‘In accordance with the procedure laid down in Article 21, Member States may be released from the requirement to indicate the botanical name in respect of individual species and, where appropriate, for limited periods where it has been established that the disadvantages of its implementation outweigh the advantages expected for the marketing of seed.’;

10. Article 15 is replaced by the following:

‘Article 15

1. The Member States shall provide that fodder plant seed

— which has been produced directly from basic seed or certified seed officially certified either in one or more Member States or in a third country which has been granted equivalence under Article 16 (1) (b), or which has been produced directly from the crossing of basic seed officially certified in a Member State with basic seed officially certified in such a third country, and

— which has been harvested in another Member State,

shall, on request and without prejudice to the provisions of Directive 70/457/EEC, be officially certified as certified seed in any Member State if that seed has undergone field inspection satisfying the conditions laid down in Annex I for the relevant category and if official examination has shown that the conditions laid down in Annex II for the same category are satisfied.

Where in such cases the seed has been produced directly from officially certified seed of generations prior to basic seed, Member States may also authorize official certification as basic seed, if the conditions laid down for that category are satisfied.

2. Fodder plant seed which has been harvested in another Member State, and which is intended for certification in accordance with the provisions laid down in paragraph 1, shall:

— be packed and labelled with an official label satisfying the conditions laid down in Annex V (A) and (B), in acordance with the provisions laid down in Article 9 (1), and

— be accompanied by an official document satisfying the conditions laid down in Annex V (C).

3. The Member States shall also provide that fodder plant seed

— which has been produced directly from basic seed or certified seed officially certified either in one or more Member States or in a third country which has been granted equivalence under Article 16 (1) (b), or which has been produced directly from the crossing of basic seed officially certified in a Member State with basic seed officially certified in such a third country, and

— which has been harvested in a third country,

shall, on request, be officially certified as certified seed in any of those Member States where the basic seed or certified seed referred to above was either produced or officially certified, if the seed has undergone field inspection satisfying the conditions laid down in an equivalence decision made under Article 16 (1) (a) for the relevant category, and if official examination has shown that the conditions laid down in Annex II for the same category are satisfied. Other Member States may also authorize official certification of such seed.’;

11. in Annex I (2) in the first column of the table, *‘Phacelia tanacetifolia’* is inserted each time after ‘*Brassica* spp.’;

12. in the second sentence of the French version of Annex I (3) ‘la variété’ is replaced by ‘l'espèce’;

13. in the heading of column 4 of the French version of Annex II (I) (2) (A), ‘animale’ is replaced by ‘minimale’;