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COUNCIL DIRECTIVE

of 19 December 1977

amending Directives 66/400/EEC, 66/401/EEC, 66/402/EEC, 68/193/EEC, 69/208/EEC, 70/458/EEC and 70/457/EEC on the marketing of beet seed, fodder plant seed, cereal seed, material for the vegetative propagation of the vine, seed of oil and fibre plants, vegetable seed and on the common catalogue of varieties of agricultural plant species

(78/55/EEC)

(OJ L 16, 20.1.1978, p. 23)

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 2002/57/EC of 13 June 2002	L 193	74	20.7.2002

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(78/55/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 100 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament [1],

Having regard to the opinion of the Economic and Social Committee [2],

Whereas, for the reasons given below, certain Directives on the marketing of seeds and propagating material should be amended;

Whereas the present provisions of those Directives relating to the marking of seeds and propagating material do not take into account technical progress in respect of methods of labelling; whereas they should therefore be amended;

Whereas in the case of certain Directives an accelerated procedure should be provided for amending the list of species with regard to descriptions and hybrids resulting from the crossing of species;

Whereas, in principle, seed which is intended for certification as 'certified seed' must have been produced from basic seed; whereas, however, by way of derogation, the said Directives permit, in the case of seed of certain species, certification as 'certified seed' where the seed has been poduced from pre-basic seed which has been subject to official examination; whereas this latter facility is not sufficient for some species, particularly as regards the species for which certification as 'certified seed of the second generation' is permitted; whereas, therefore, this facility should be extended provided that sufficient guarantees are laid down;

Whereas experience with regard to supplies of fibre flax seed shows that it is necessary to retain the category of 'certified seeds of the third generation' for a further four years; whereas this extension should also allow Member States to take all necessary steps to ensure in the near future adequate supplies of fibre flax seed of the categories 'certified seed of the first generation' and 'certified seed of the second generation';

Whereas Council Directive 70/457/EEC of 29 September 1970 on the common catalogue of varieties of agricultural plant species [3], as last amended by Directive 73/438/EEC [4], and Council Directive 70/458/EEC of 29 September 1970 on the marketing of vegetable seed [5], as last amended by Directive 76/307/EEC [6], provide that from 1 July 1977 the equivalence of the official examination of varieties and the checks on practices for the maintenance of varieties carried out in third countries can no longer be established nationally by Member States; whereas Directive 70/458/EEC provides that from 1 July 1977 the

(1) OJ No L 183, 1. 8. 1977, p. 64.
(2) OJ No C 180, 28. 7. 1977, p. 29.
(3) OJ No L 225, 12. 10. 1970, p. 1.
(4) OJ No L 356, 27. 12. 1973, p. 79.
(5) OJ No L 225, 12. 10. 1970, p. 7.
(6) OJ No L 72, 18. 3. 1976, p. 16.

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equivalence of seeds harvested in third countries can no longer be established nationally by Member States;

Whereas, however, it is likely that examinations concerning the granting of these equivalences on a Community basis will not be completed within the abovementioned periods in all those cases where national equivalences have been granted; whereas it should therefore be possible to decide by an accelerated procedure on a possible extension of these periods in certain cases in order to avoid disturbing traditional trade patterns,

HAS ADOPTED THIS DIRECTIVE:

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Article 2

Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed [1], as last amended by Directive 75/444/EEC [2], shall be amended as follows:

1. In Article 2, the following paragraphs shall be added:

'1a. Amendments to be made to the list of species referred to in paragraph 1 (A) in the light of the development of scientific or technical knowledge concerning the descriptions and hybrids resulting from the crossing of species covered by this Directive shall be adopted in accordance with the procedure laid down in Article 21.

1b. Member States may be authorized in accordance with the procedure laid down in Article 21 to permit, by way of derogation from paragraph 1 (C) (a), to be certified as certified seed seeds of self-pollinating or apomictic species which have been entered for certification as basic seed and which have been produced directly from a generation prior to basic seed but which has not been officially examined. This provision shall not apply to hybrid seeds. Certification as certified seed may only occur if this is requested by the applicant for certification with the agreement of the breeder and if an official post-control test based on samples taken officially and carried out at the latest during the growing season of the entered seeds shows that the seeds from the previous generation have met the requirements for basic seed in respect of varietal identity and purity. In this case the breeder shall, when the samples are taken, state the total area which has been under production of seed of the previous generation. These conditions may be amended in the light of development of scientific or technical knowledge in accordance with the procedure laid down in Article 21.

Member States shall require that the official labels for seeds marketed in accordance with the authorization referred to in the first subparagraph be marked: "passed for marketing in … (Member State concerned) only"; in addition Member States may require in this case that the official labels also be marked: "intended for further multiplication only".'

2. The following shall be substituted for Article 10:

'Article 10

1. Member States shall require that packages of basic seed, certified seed and commercial seed, except where seed of the last two categories takes the form of small EEC B packages:

(a) be labelled on the outside with an official label which has not previously been used, which satisfies the conditions laid down in Annex IV (A) and on which the information is given in one of the official languages of the Community. The colour of the label shall be white for basic seed, blue for certified seed of the first

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[1] OJ No 125, 11. 7. 1966, p. 2298/66.
[2] OJ No L 196, 26. 7. 1975, p. 6.