This document is meant purely as a documentation tool and the institutions do not assume any liability for its contents

►**B**

COUNCIL DIRECTIVE

of 26 June 1975

amending Directives No 66/400/EEC, No 66/401/EEC, No 66/402/EEC, No 66/403/EEC and No 69/208/EEC on the marketing of beet seed, fodder plant seed, cereal seed, seed potatoes, and seed of oil and fibre plants

(75/444/EEC)

(OJ L 196, 26.7.1975, p. 6)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Council Directive 2002/54/EC of 13 June 2002	L 193	12	20.7.2002
►**M2**	Council Directive 2002/56/EC of 13 June 2002	L 193	60	20.7.2002
►**M3**	Council Directive 2002/57/EC of 13 June 2002	L 193	74	20.7.2002

▼B

COUNCIL DIRECTIVE

of 26 June 1975

amending Directives No 66/400/EEC, No 66/401/EEC, No 66/402/EEC, No 66/403/EEC and No 69/208/EEC on the marketing of beet seed, fodder plant seed, cereal seed, seed potatoes, and seed of oil and fibre plants

(75/444/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 should be amended;

Whereas it has become apparent, in the course of applying the Directives, that small packages of beet seed and fodder plant seed form an item of trade within the Community;

Whereas it accordingly seems appropriate to harmonize this sector which has hitherto been covered by national legislation;

Whereas in this connection it seems advisable, on the one hand, to facilitate the marking and sealing of such small packages, and on the other hand to make adequate control compulsory for identifying the seed;

Whereas certain of the abovementioned Directives provide that from 1 July 1975 the equivalance of seed harvested in other countries, particularly in third countries, can no longer be established nationally by Member States; whereas, however, since it has not been possible to carry out Community examination for seed of fodder, oil and fibre plants in all cases, the abovementioned period should be extended for these seeds in order to avoid disturbing current commercial relations;

Whereas it is advisable to authorize Member States to introduce provisions facilitating the sealing of small packages containing cereal seed, seed potatoes and seed of oil and fibre plants;

Whereas it is also necessary to make certain corrections to the way in which the quantities of seed are specified;

HAS ADOPTED THIS DIRECTIVE:

▼M1

▼B

Article 2

Council Directive No 66/401/EEC [3] of 14 June 1966 on the marketing of fodder plant seed, as last amended by Directive No 73/438/EEC, shall be amended as follows:

1. The following subparagraphs shall be added to Article 2 (1):

   ‘F. Small EEC A packages: packages containing a mixture of seeds not intended for the production of fodder plants, with a net weight not exceeding 2 kg excluding, where appropriate,

---

(1) OJ No C 62, 31. 7. 1973, p. 37.
(2) OJ No C 8, 31. 1. 1974, p. 19.
(3) OJ No 125, 11. 7. 1966, p. 2298/66.

▼B

granulated pesticides, pelleting substances or other solid additives.

G. Small EEC B packages: packages containing certified seed, commercial seed or — if the packages concerned are not small EEC A packages — a mixture of seeds with a net weight not exceeding 10 kg excluding, where appropriate, granulated pesticides, pelleting substances or other solid additives.'

2. In Article 8 (1) the words 'in Article 9, 10 or 10a, whichever is appropriate', shall be substituted for the words 'in Articles 9 and 10'.

3. The text of Article 9 shall be replaced by the following:

'Article 9

1. Member States shall require that packages of basic seed, certified and commercial seed, except where seed of the last two categories takes the form of small EEC B packages, be officially sealed in such a manner that when the package is opened, the seal is damaged and cannot be reattached.

2. Member States shall require that, except in the case of small EEC B packages, packages shall not be resealed on one or more occaisions unless this is done officially. If packages are resealed, the fact of resealing, the date of resealing and the authority responsible therefor shall be stated on the label required under Article 10 (1).

3. Member States shall require that small EEC B packages be sealed in such a manner that when the package is opened the seal is damaged and cannot be reattached. Packages shall not be resealed on one or more occasions unless this is done under official supervision.

4. Member States may provide for exceptions to paragraphs 1 and 2 in the case of small packages of basic seed.'

4. The following shall be substituted for the introductory section of Article 10 (1):

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

5. The following shall be substituted for Article 10 (2) (b):

'(b) provide for exceptions to paragraph 1 in the case of small packages of basic seed where they are marked: "Passed for marketing in … (Member State concerned) only".'

6. The following Articles shall be added to Article 10:

'Article 10a

1. Member States shall require that small EEC B packages:

(a) bear on the outside in accordance with Annex IV (B) a supplier's label, a printed notice or stamp in one of the official languages of the Community; in the case of transparent packages this label may be placed inside, provided it can be read through the package; as regards the colour of the label, Article 10 (1) (a) shall apply;

(b) bear on the outside or on the supplier's label provided for in subparagraph (a) an officially assigned serial number; should an official adhesive label be used, Article 10 (1) (a) shall apply as regards its colour; the methods of attaching the said serial number may be fixed in accordance with the procedure laid down under Article 21.

2. Member States may require than an official adhesive label containing part of the information prescribed in Annex IV (B) is used for the marking of small EEC B packages packed in their territory; in so far as the information is given on such label, the marking provided for in paragraph 1 (a) shall not be required.

▼B

Article 10b

Member States may provide that, on request, small EEC B packages of certified seed and commercial seed are officially sealed and marked according to Articles 9 (1) and 10.

Article 10c

The Member States shall take all measures necessary to ensure that, in the case of small packages of seed, the identity of the seed can be checked, in particular at the time when seed lots are divided up. To this end they may require that small packages divided up in their territory shall be sealed officially or under official supervision.'

7. In Article 11 the words 'by this Directive' shall be substituted for the words 'in Article 4'.

8. The following Article shall be substituted for Article 13:

'Article 13

1. Member States shall require that fodder plant seed in the form of mixtures of seed of various genera, species or varieties or of mixtures containing seed of plants which are not fodder plants within the meaning of this Directive may only be marketed if they are not intended for the production of fodder plants and if the various components of the mixture complied, before mixing, with the marketing regulations applicable to them.

2. Notwithstanding paragraph 1, Member States may also authorize the marketing of fodder plant seed in the form of mixtures:

— if such mixtures are intended for the production of fodder plants, or

— if these mixtures contain seed of plant species for which Community provisions do not provide that they may be mixed with seed of fodder plants.

3. Articles 8, 9, 10b, 11 and 12 shall apply, and, providing, however, the label is green in colour, Articles 10 and 10a. For this purpose, small EEC A packages shall be considered small EEC B packages.

However, for small EEC A packages, the officially assigned serial number provided for in paragraph 1 (b) of Article 10 (a) shall not be required.

In applying paragraph 2, Member States may authorize derogations from this Directive for small packages as regards maximum quantities and the information to be provided when marking, if such packages are marked: "Passed for marketing in … (Member State concerned) only".'

9. The following paragraph shall be substituted for Article 14 (1):

'1. Member States shall ensure that:

— basic seed and certified seed which has been officially certified and the packaging of which has been officially marked and sealed, pursuant to this Directive,

— commercial seed which has been officially tested and the packaging of which has been officially marked and sealed, pursuant to this Directive,

— certified seed which has been officially certified and officially tested commercial seed which take the form of small EEC B packages which have been marked and sealed pursuant to this Directive,

— seed in the form of mixtures, produced in accordance with this Directive and not intended for the production of fodder plants, whose packaging has been marked and sealed pursuant to this Directive,

is not subject to any marketing restrictions as regards its characteristics, examination requirements, marking and sealing other than those laid down in this Directive.'