2320/66 OFFICIAL JOURNAL OF THE EUROPEAN COMMUNITIES 11.7.66

COUNCIL DIRECTIVE

of 14 June 1966

on the marketing of seed potatoes

(66/403/EEC)

THE COUNCIL OF THE EUROPEAN ECONOMIC COMMUNITY,

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;

Whereas potato production occupies an important place in the agriculture of the European Economic Community;

Whereas satisfactory results in potato cultivation depend to a large extent on the use of appropriate seed potatoes; whereas to this end certain Member States have for some time restricted the marketing of seed potatoes to high-quality seed potatoes; whereas they have been able to take advantage of the systematic plant selection work carried out over several decades which has resulted in the development of sufficiently stable and uniform potato varieties which, by reason of their characters, promise to be of great value for the purposes in view;

Whereas greater productivity will be achieved in Community potato cultivation if for the choice of the varieties permitted to be marketed the Member States apply uniform rules which are as strict as possible, in particular as regards health status;

Whereas it is, however, justifiable to restrict marketing to certain varieties only if the user can be sure of actually obtaining seed potatoes of those varieties;

Whereas certain Member States have for this purpose been applying certification schemes which are intended by official control to ensure identity and varietal purity and health status;

Whereas recommendations have been made within the framework of the Economic Commission for Europe concerning standardisation of the commercial quality of seed potatoes moving in international trade; whereas these recommendations relate in particular to the health of the progeny; whereas they may, consequently, constitute one of the bases for a uniform Community certification scheme;

Whereas such scheme should apply to marketing both in other Member States and on domestic markets;

Whereas, as a general rule, seed potatoes should be allowed to be marketed only if they have been officially examined and certified, in accordance with the rules for certification, as basic seed potatoes or certified seed potatoes; whereas the choice of the technical terms 'basic seed potatoes' and 'certified seed potatoes' is based on already existing international terminology;

Whereas seed potatoes which are not placed on the market should not, in view of their minor economic importance, be subject to Community rules; whereas Member States must retain the right to make such seed potatoes subject to special provisions;

Whereas Community rules should not apply to seed potatoes shown to be intended for export to third countries;

Whereas, in order to improve not only the genetic value and health status of Community seed potatoes but also their external characters, provision should be

[1] OJ No 109, 9.7.1964, p. 1770/64.

made for tolerances in respect of impurities, blemishes and diseases in seed potatoes;

Whereas, in order to ensure the identity of the seed potatoes, Community rules on packaging, sealing and marking must be established; whereas to this end the labels should give the particulars needed both for official control and for the information of the user and should clearly show the Community nature of the certification;

Whereas, in order to ensure that both the requirements as to the quality of the seed potatoes and the provisions for ensuring their identity are complied with during marketing, the Member States must make provision for appropriate control arrangements;

Whereas seed potatoes satisfying these requirements should, without prejudice to Article 36 of the Treaty, be subject to no marketing restrictions other than those provided for in Community rules, except in those cases where Community rules provide for tolerances in respect of diseases, harmful organisms or their vectors;

Whereas, during a first stage, until a common catalogue of varieties has been established, the restrictions allowed should include in particular the right of Member States to restrict the marketing of seed potatoes to those varieties which are of value for cropping and use in their own territory;

Whereas provision should be made for authorising the marketing within the Community of seed potatoes harvested in third countries only if they afford the same assurances as seed potatoes officially certified within the Community and complying with Community rules;

Whereas, during periods in which there are difficulties in obtaining supplies of certified seed potatoes of the various categories, seed potatoes satisfying less stringent requirements should temporarily be permitted to be marketed;

Whereas, in order to ensure that seed potatoes certified in the Member States satisfy the requirements laid down and to enable comparisons to be made in the future between such seed potatoes and those coming from third countries, Community test fields should be established in Member States to permit annual post-control of the various categories of certified seed potatoes; whereas the Member States should be authorised to prohibit the marketing of all or certain varieties of seed potatoes coming from other Member States if the comparative tests have given unsatisfactory results over a period of several years;

Whereas the Commission should be entrusted with the task of adopting certain measures for the application of this Directive; whereas, in order to facilitate implementation of the proposed measures, a procedure should be provided for establishing close co-operation between Member States and the Commission within a Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry;

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive shall apply to seed potatoes marketed within the Community.

Article 2

For the purposes of this Directive, the following definitions shall apply:

A. Basic seed potatoes: potato tubers

(a) which have been produced according to accepted practices for the maintenance of the variety and of health;

(b) which are intended mainly for the production of certified seed potatoes;

(c) which satisfy the minimum conditions laid down in Annexes I and II for basic seed potatoes; and

(d) which have been found by official examination to satisfy the minimum conditions laid down above.

B. Certified seed potatoes: potato tubers

(a) which are of direct descent from basic seed potatoes or certified seed potatoes of a given variety;

(b) which are intended mainly for the production of potatoes other than seed potatoes;

(c) which satisfy the minimum conditions laid down in Annexes I and II for certified seed potatoes; and

(d) which have been found by official examination to satisfy the above-mentioned minimum conditions.

C. Official measures: measures taken

(a) by State authorities, or

(b) by any legal person whether governed by public or by private law, acting under the responsibility of the State, or

(c) in the case of ancillary activities which are also subject to State control, by any natural person duly sworn for that purpose,

provided that the persons mentioned under (b) and (c) derive no private gain from such measures.

Article 3

1. The Member States shall provide that seed potatoes may not be placed on the market unless they have been officially certified as 'basic seed potatoes' or 'certified seed potatoes' and unless they satisfy the minimum conditions laid down in Annexes I and II. The Member States shall provide that seed potatoes which do not during marketing satisfy the minimum conditions laid down in Annex II may be sorted. The tubers which are not rejected shall then undergo a further official examination.

2. Member States may:

A. subdivide the categories of seed potatoes provided for in Article 2 into grades satisfying different requirements;

B. provide for derogations from the provisions of the first sentence of paragraph 1:

(a) for seed potatoes of generations prior to basic seed potatoes,

(b) for tests or for scientific purposes,

(c) for selection work.

Article 4

Member States may, as regards the minimum conditions laid down in Annexes I and II, impose additional or more stringent requirements for the certification of seed potatoes produced in their own territory.

Article 5

1. Each Member State shall establish a list of the varieties of potato officially accepted for certification in its territory; the list shall give the main morphological or physiological characters by which the varieties can be distinguished one from another.

2. The varieties accepted shall be officially checked. If any of the conditions for acceptance for certification is no longer satisfied, acceptance shall be revoked and the variety deleted from the list.

3. These lists and any alterations made to them shall be sent forthwith to the Commission, which shall communicate them to the other Member States.

Article 6

The Member States shall provide that seed potatoes may not be placed on the market if they have been treated with sprout inhibitors.

Article 7

1. The Member States shall provide that seed potatoes may not be placed on the market unless they have a minimum size such that they do not pass through a square mesh of 28 × 28 mm; for varieties having, on an average, a length of at least twice the greatest width, the square mesh must not be less than 25 × 25 mm. In the case of tubers which are too large to pass through a square mesh of 35 × 35 mm, the dimensions of the two square meshes used for sizing a consignment shall be divisible by 5. The maximum variation in size between tubers in consignment shall be such that the difference between the dimensions of the two square meshes used does not exceed 20 mm.

2. A consignment shall not contain more than 3% by weight of tubers smaller than the minimum size indicated or more than 3% by weight of tubers larger than the maximum size indicated.

3. Member States may, in respect of seed potatoes produced in their own territory, further reduce the permitted variation in size between tubers in a consignment.

Article 8

1. The Member States shall require that basic seed potatoes and certified seed potatoes be marketed only in sufficiently homogeneous consignments and in unused closed containers bearing, as prescribed in Articles 9 and 10, a sealing device and markings.

2. Member States may, for the marketing of small quantities to the final consumer, provide for derogations from the provisions of paragraph 1 in respect of packaging, sealing and marking.

Article 9

1. The Member States shall require that packages of basic seed potatoes and certified seed potatoes be officially sealed in such a manner that when the container is opened the seal is damaged and cannot be reattached.