Council Directive of 14 June 1966 on the marketing of cereal seed (66/402/EEC)

COUNCIL DIRECTIVE

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on the marketing of cereal seed

(66/402/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 cereal production occupies an important place in the agriculture of the European Economic Community;

Whereas satisfactory results in cereal cultivation depend to a large extent on the use of appropriate seed; whereas to this end certain Member States have for some time restricted the marketing of cereal seed to high-quality seed; 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 cereal varieties which, by reason of their characters, promise to be of great value for the purposes in view;

Whereas greater productivity will be obtained in Community cereal cultivation if for the choice of the varieties permitted to be marketed the Member States apply uniform rules which are as strict as possible;

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

Whereas such schemes already exist at international level; whereas the Food and Agriculture Organisation of the United Nations has recommended minimum standards for the certification of maize seed in European and Mediterranean countries; whereas, furthermore, the Organisation for Economic Co-operation and Development has established a scheme for the varietal certification of herbage seed moving in international trade;

Whereas it is desirable to establish a uniform certification scheme for the Community based on the experience gained in the application of those schemes;

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

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

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

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

Whereas, in order to improve not only the genetic quality of Community cereal seed but also its external characters, certain conditions must be laid down as to analytical purity, germination and health status;

Whereas, in order to ensure the identity of the seed, Community rules on packaging, sampling, 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 farmer and should clearly show the Community nature of the certification;

Whereas certain Member States need blends of cereal seed of various species for special uses; whereas, in order to take these needs into account, Member States should be authorised to approve such blends subject to certain conditions;

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

Whereas seed 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 harmful organisms;

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 certified seed to those varieties which are of value for cropping and use in their own territory;

Whereas, subject to certain conditions, seed multiplied in another country from basic seed certified in a Member State should be recognised as equivalent to seed multiplied in that Member State;

Whereas, on the other hand, provision should be made for authorising the marketing within the Community of cereal seed harvested in third countries only if such seed affords the same assurances as seed officially certified in the Community and complying with Community rules;

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

Whereas, in order to harmonise the technical methods of certification used in the various Member States and to enable comparisons to be made in the future between seed certified within the Community and that coming from third countries, Community test fields should be established in Member States to permit annual post-control of seed of the various categories of 'certified seed';

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:

[F1 Article 1

This Directive shall apply to the production with a view to marketing, and to the marketing, of cereal seed within the Community.**]**

Textual Amendments

F1 Substituted by Council Directive 98/95/EC of 14 December 1998 amending, in respect of the consolidation of the internal market, genetically modified plant varieties and plant genetic resources, 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.

[F2 Article 1a

For the purposes of this Directive 'marketing' shall mean the sale, holding with a view to sale, offer for sale and any disposal, supply or transfer aimed at commercial exploitation of seed to third parties, whether or not for consideration.

Trade in seed not aimed at commercial exploitation of the variety, such as the following operations, shall not be regarded as marketing:

— the supply of seed to official testing and inspection bodies;

— the supply of seed to providers of services for processing or packaging, provided the provider of services does not acquire title to seed thus supplied.

The supply of seed under certain conditions to providers of services for the production of certain agricultural raw materials, intended for industrial purposes, or seed propagation for that purpose, shall not be regarded as marketing, provided the provider of services does not acquire title to either the seed thus supplied or the product of the harvest. The supplier of seed shall provide the Certification Authority with a copy of the relevant parts of the contract made with the provider of services and this shall include the standards and conditions currently met by the seed provided.

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The conditions for the application of this provision shall be determined in accordance with the procedure laid down in Article 21.**]**

Textual Amendments

F2 Inserted by Council Directive 98/95/EC of 14 December 1998 amending, in respect of the consolidation of the internal market, genetically modified plant varieties and plant genetic resources, 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.

Article 2

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

A. **[**F3Cereals: plants of the following species intended for agricultural or horticultural production other than production for ornamental purposes:**]**

*[*F4*Avena nuda* L.	Small naked oat, Hulless oat
Avena sativa L. (includes *A. byzantina* K. Koch)	Oats and Red oat
Avena strigosa Schreb.	Black oat, Bristle oat**]**
*[*F5*Hordeum vulgare* L.	Barley**]**
Oryza sativa L.	Rice
*[*F6*Phalaris canariensis* L.	Canary grass**]**
Secale cereale L.	Rye
*[*F7*Sorghum bicolor* (L.) Moench	Sorghum
*[*F4*Sorghum sudanense* (Piper) Stapf**]**	Sudan grass**]**
*[*F4*xTriticosecale* Wittm. ex A. Camus	hybrids resulting from the crossing of a species of the genus *Triticum* and a species of the genus *Secale**]***
*[*F5*[*F4*Triticum aestivum* L.**]**	Wheat
Triticum durum Desf.	Durum wheat**]**
Triticum spelta L.	Spelt wheat
*[*F8*Zea mays* L. **[**F9(partim)**]**	Maize except popcorn and sweet corn.**]**

[F10This definition shall also cover the following hybrids resulting from the crossing of species referred to above.

*[*F4*Sorghum bicolor* (L.) Moench × *Sorghum sudanense* (Piper) Stapf.	Hybrids resulting from the crossing of *Sorghum bicolor* and *Sorghum sudanense**]***

Unless otherwise specified, seed of the aforementioned hybrids shall be subject to the standards or other conditions applicable to seed of each of the species from which they are derived.**]**

B. Varieties, hybrids and inbred lines of maize **[**F7and *Sorghum* spp.**]**:

(a) Open-pollinated variety: a sufficiently uniform and stable variety;

(b) Inbred line: a sufficiently uniform and stable line, obtained either by artificial self-fertilization accompanied by selection over several successive generations or by equivalent operations;

(c) Simple hybrid: the first generation of a cross, defined by the breeder, between two inbred lines;

(d) Double hybrid: the first generation of a cross, defined by the breeder, between two simple hybrids;

(e) **[**X1Triple-cross**]** hybrid: the first generation of a cross, defined by the breeder, between an inbred line and a simple hybrid;

(f) Top Cross hybrid: the first generation of a cross, defined by the breeder, between an inbred line or a simple hybrid and an open-pollinated variety;

(g) Intervarietal hybrid: the first generation of a cross, defined by the breeder, between plants grown from basic seed of two open-pollinated varieties.

C. **[**F11Basic seed (oats, barley, rice, canary grass, rye triticale, wheat, durum wheat and spelt wheat, other than hybrids in each case): seed**]**

(a) which has been produced under the responsibility of the breeder according to accepted practices for the maintenance of the variety;

(b) which is intended for the production of seed either of the category ‘certified seed’ or of the categories ‘certified seed, first generation’ or ‘certified seed, second generation’;

(c) which, subject to the provisions of Article 4 (1) (a), satisfies the conditions laid down in Annexes I and II for basic seed; and

(d) **[**F12which has been found by official examination or in the case of the conditions laid down in Annex II, either by official examination or by examination carried out under official supervision to satisfy the conditions set out in (a), (b) and (c).**]**

Ca. **[**F11**[**F13Basic seed (hybrids of oats, barley, rice, rye, wheat, durum wheat, spelt wheat and self-pollinating triticale)**]**

(a) which is intended for the production of hybrids;

(b) which, subject to the provisions of Article 4, satisfies the conditions laid down in Annexes I and II for basic seed; and

(c) **[**F12which has been found by official examination or, in the case of the conditions laid down in Annex II, either by official examination or by examination carried out under official supervision to satisfy the conditions set out in (a) and (b).**]]**