Council Directive of 14 June 1966 on the marketing of fodder plant seed (66/401/EEC)

COUNCIL DIRECTIVE

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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 fodder plant production occupies an important place in the agriculture of the European Economic Community;

Whereas satisfactory results in fodder plant 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 fodder plant 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 fodder plant 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 fodder plant 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 user 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 a scheme already exists at international level; whereas 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 that scheme and of national schemes for this product;

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

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Whereas, as a general rule, fodder plant seed, for whatever use it is intended as grown, 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 or if, in the case of certain genera and species, it has been officially examined and approved as commercial seed; whereas the choice of the technical terms ‘basic seed’ and ‘certified seed’ is based on already existing international terminology;

Whereas there should be approval for commercial seed in order to take into account the fact that not all genera and species of fodder plant of importance for cropping have as yet produced either the desired varieties or sufficient quantities of seed of the existing varieties to meet all the needs of the Community; whereas it is therefore necessary, in the case of certain, genera and species, to approve fodder plant seed which is not of a named variety, but which satisfies the regulations in all other respects;

Whereas fodder plant 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 fodder plant seed but also its external characters, certain requirements should be laid down as to analytical purity and germination;

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 user and should clearly show the Community nature of the certification of the certified seed of the various categories;

Whereas certain Member States need blends of fodder plant seed of several genera and 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;

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;

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Whereas, on the other hand, provision should be made for authorising the marketing within the Community of fodder plant seed harvested in third countries only if such seed affords the same assurances as seed officially certified, or officially approved as commercial seed, within 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 or of commercial seed, 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 fodder plant 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

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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.

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

[F3 1.**]** For the purposes of this Directive, the following definitions shall apply:

A. Fodder plants: plants of the following genera and species:

(a)	**[**F4 *Poaceae* (*Gramineae*)**]**	*Grasses*
[F5	*Agrostis canina* L.	Velvet bent**]**
[F6	**[**F4 *Agrostis gigantea* Roth**]**	Roth Redtop
	Agrostis stolonifera L.	Creeping bent grass
	[F7 *Agrostis capillaris* L.**]**	Brown top**]**
	Alopecurus pratensis L.	Meadow foxtail
[F5	**[**F4 *Arrhenatherum elatius* (L.) P. Beauv. ex J. Presl & C. Presl**]**	Tall oatgrass**]**
[F8	*Bromus catharticus* Vahl	Rescue grass
	Bromus sitchensis Trin.	Alaska brome-grass**]**
[F9	*Cynodon dactylon* (L.) Pers.	Bermuda grass**]**
	Dactylis glomerata L.	Cocksfoot
	[F7 *Festuca arundinacea* Schreber**]**	Tall fescue
[F10	*Festuca filiformis* Pourr	Fine leaved sheep’s fescue**]**
	Festuca ovina L.	Sheep's fescue
	[F4 *Festuca pratensis* Huds.**]**	Meadow fescue
	Festuca rubra L.	Red fescue

[F10	*Festuca trachyphylla* (Hack.) Krajina	Hard fescue]
[F6	*Lolium multiflorum* Lam.	Italian ryegrass (including Westerwold ryegrass)
	Lolium perenne L.	Perennial ryegrass
	[F11*Lolium x hybridum* Hausskn]	Hybrid ryegrass]
[F9	*Phalaris aquatica* L.	Harding grass, Phalaris]
	[F4*Phleum nodosum* L.]	[F4Small timothy]
	Phleum pratense L.	Timothy
[F6	*Poa annua* L.	Annual meadowgrass
	Poa nemoralis L.	Wood meadowgrass
	Poa palustris L.	Swamp meadowgrass
	Poa pratensis L.	Smooth-stalk meadowgrass
	Poa trivialis L.	Rough-stalk meadowgrass]
[F5	[F7*Trisetum flavescens* (L.) P. Beauv.]	Golden oatgrass]
[F12	This definition shall also cover the following hybrid resulting from the crossing of species referred to above.	
[F13	[F4*xFestulolium* Asch. & Graebn.]	[F4Hybrids resulting from the crossing of a species of the genus *Festuca* with a species of the genus *Lolium*]]]
[F11(b)	*Fabaceae* (*Leguminosae*)	Legumes
	Biserrula pelecinus L.	Biserrula
	Galega orientalis Lam.	Fodder galega
	Hedysarum coronarium L.	Sulla
	Lathyrus cicera L.	Chickling vetch/Dwarf chickling vetch
	Lotus corniculatus L.	Birdsfoot trefoil
	Lupinus albus L.	White lupin
	Lupinus angustifolius L.	Narrow-leaved lupin
	Lupinus luteus L.	Yellow lupin
	Medicago doliata Carmign.	Straight-spined medic