

THIRD COUNCIL DECISION

of 27 June 1974

on the equivalence of seed produced in third countries

(74/349/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Directive No 66/400/EEC ⁽¹⁾ of 14 June 1966 on the marketing of beet seed, as last amended by Directive No 73/438/EEC ⁽²⁾, and in particular Article 16 (1) (b) thereof;

Having regard to 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, and in particular Article 16 (1) (b) thereof;

Having regard to Council Directive No 66/402/EEC ⁽⁴⁾ of 14 June 1966 on the marketing of cereal seed, as last amended by Directive No 73/438/EEC, and in particular Article 16 (1) (b) thereof;

Having regard to Council Directive No 69/208/EEC ⁽⁵⁾ of 30 June 1969 on the marketing of seed of oil and fibre plants, as last amended by Directive No 73/438/EEC, and in particular Article 15 (1) (b) thereof;

Having regard to the proposal from the Commission;

Whereas there are rules on seed control in Australia, Czechoslovakia, New Zealand, Spain, Switzerland, Yugoslavia and the United States;

Whereas a review of these rules and the manner in which they are applied has demonstrated that the conditions governing seed harvested and controlled in these countries afford the same assurances as

regards the seed's characteristics, identity, examination, marking and control, as do the conditions applicable to seed harvested and controlled within the Community;

Whereas, if it becomes apparent that the conditions on which Community determinations are based are not or are no longer satisfied, this Decision does not prevent these determinations being revoked or an extension of the period of their validity being refused; whereas for this purpose further practical information on seed produced in the abovementioned countries should therefore be obtained by growing and checking samples of such seed in comparative Community tests;

Whereas, on 5 October 1973 the Council of the Organization for Economic Cooperation and Development (OECD) extended the scope of its present scheme for the varietal certification of herbage seed moving in international trade to include certain crucifers and oil plants; whereas since this scheme will henceforth apply to swede fodder kale and fodder radish species and to oil and fibre plants covered by Community Directives, it is appropriate to amend the special conditions laid down by Council Decisions declaring equivalences;

Whereas further amendments are necessary owing to a transfer of powers within the national authorities responsible for official seed control,

HAS ADOPTED THIS DECISION:

Article 1

It is hereby declared that, where the special conditions laid down in the Annex are satisfied, seed harvested in the countries and officially controlled by the authorities listed in the said Annex and belonging to the species and categories specified therein is equivalent to seed of the corresponding categories harvested within the Community and complying with Directive No 66/400/EEC, 66/401/EEC, 66/402/EEC or 69/208/EEC.

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2290/66.

⁽²⁾ OJ No L 356, 27. 12. 1973, p. 79.

⁽³⁾ OJ No L 125, 11. 7. 1966, p. 2298/66.

⁽⁴⁾ OJ No 125, 11. 7. 1966, p. 2309/66.

⁽⁵⁾ OJ No L 169, 10. 7. 1969, p. 3.

Article 2

The Annex to First Council Decision No 72/293/EEC ⁽¹⁾ of 20 July 1972 on the equivalence of seed produced in third countries, shall be amended as follows:

1. Under reference number 20, the following authority shall be inserted in column 3 in respect of beet and legume species:

'Institut za oplemenjivanje i proizvodnju bilja poljoprivrednog fakulteta (University Institute for Plant Improvement and Production), Zagreb.'

2. Under reference numbers 1, 6, 10, 12 and 13, the figures '2' and '1', which appear in column 7 in respect of 'swede cabbage', 'fodder kale' and 'fodder radish' and 'oil and fibre plants', shall be replaced, throughout, by the figures '1' and '5' respectively.

3. Under reference number 7, the entry in column 3 in respect of 'swede cabbage, fodder kale' and 'oil and fibre plants' shall be replaced by:

'Bundesanstalt für Pflanzenbau und Samenprüfung'.

4. Under reference number 10, the entry in column 3 in respect of 'swede cabbage, fodder kale, fodder radish' shall be replaced by:

'— Wojewódskich Inspektoratów Kontroli Materiału Siewnego (WIKMS)

(District Inspection Authorities for Seed Control):

— Bydgoszcz

— Gdąnsk

— Kraków

— Poznań

— Warszawa

— Wrocław

— Instytut Kodowli i Aklimatyzacji Róslin, Zakład Metodyki Oceny Nasion (Seed Testing Station of the Plant Improvement Institute), Sandormiez.'

5. Under reference number 1, the words 'Elite' and 'Original-Hochzucht' and 'Original-Erhaltungszucht', which appear in column 5 in respect

of 'swede cabbage', 'fodder kale' and 'oil and fibre plants', shall be replaced by the words 'Basic seed' and 'Certified seed' respectively.

6. Under reference number 10, the words 'Elita hodowlana' and 'Oryginal', which appear in column 5 in respect of 'swede cabbage', 'fodder kale' and 'fodder radish', shall be replaced by the words 'Basic seed' and 'Certified seed' respectively.

7. Under reference number 12, the words 'Ministerul Agriculturii și Silviculturii, Bucuresti', which appear in column 3, shall be replaced by the words 'Ministerul Agriculturii, Industeriei Alimentare, Silviculturii și Apelor — Inspectoria de stat pentru calitatea semintelor și materialului săditor'.

8. Under reference number 12, in column 5, the words 'Elite' and 'Originale', in respect of 'swede cabbage', 'fodder radish' and 'oil and fibre plants', shall be replaced by the words 'Basic seed' and 'Certified seed' respectively.

9. Under reference number 13, the word 'Foundation' which appears in column 5 in respect of 'fodder radish' and 'oil and fibre plants', shall be replaced by the word 'Basic'.

10. Under reference number 6, the words 'Elit', '1. fokú szaporitas', '2. fokú szaporitas' and '3. fokú szaporitas' which appear in column 5 in respect of 'oil and fibre plants', shall be replaced by the words 'Basic seed', 'Certified seed, 1st generation', 'Certified seed, 2nd generation' and 'Certified seed, 3rd generation' respectively.

11. In point 10 of the 'Special conditions', the words 'or in English' shall be deleted.

Article 3

The Annex to Second Council Decision No 73/87/EEC ⁽²⁾ of 26 March 1973 on the equivalence of seed produced in third countries, shall be amended as follows:

1. Under reference numbers 2, 4 and 7, the figures '2' and '7', which appear in column 7 in respect of 'swede cabbage, fodder kale, fodder radish' and 'oil and fibre plants', shall be replaced by the figures '1' and '5' respectively.

⁽¹⁾ OJ No L 186, 16. 8. 1972, p. 30.

⁽²⁾ OJ No L 106, 20. 4. 1973, p. 21.

2. Under reference number 2, in column 5, the text of the last four indents shall be replaced by the following text:

- Basic seed
- Certified seed
- Basic seed
- Certified seed.'

3. Under reference number 4, the words 'Class B' and 'Class C', which appear in column 5 in respect of 'swede cabbage, fodder kale', and 'oil and fibre plants' shall be replaced by the words 'Basic seed' and 'Certified seed' respectively.

4. Under reference number 7, the words 'Elit' and 'Certificalt Vetömag', which appear in column 5, shall be replaced by the words 'Basic seed' and 'Certified seed' respectively.

Article 4

1. Article 1 shall apply until 30 June 1976:
 - from 1 July 1973, for swede, fodder kale, fodder radish and cereal species;

— from 1 July 1974 for the other species.

2. Article 2, point 7 shall apply from 1 September 1972.

3. Article 2, point 11 shall apply from 1 January 1973.

4. Article 2, points 1 to 6 and 8, 9 and 10, and Article 3 shall apply to seed harvested on and after 1 July 1975. These provisions may also be applied to seed harvested prior to the abovementioned date.

Article 5

This Decision is addressed to the Member States.

Done at Luxembourg, 27 June 1974.

For the Council

The President

K. GSCHIEDLE

ANNEX

Ref. No	Country	Authority	Species	Categories		Special conditions
				in the Country	in the Community	
1	2	3	4	5	6	7
1	Australia	Department of Primary Industries, Canberra	Fodder kale	— Basic seed — Certified seed	— Basic seed — Certified seed	1 or 2 (*); 3; 5 or 7 (*); 8, 9, 10 1 or 2 (*); 3; 5 or 7 (*); 8, 9, 10
2	Yugoslavia	— Institut za poljoprivredna istraživanja (Institute of Agricultural Research), Novi Sad — Institut za oplemenjivanje i proizvodnju bilja poljoprivrednog fakulteta (University Institute for Plant Improvement and Production), Zagreb	— Fodder kale, fodder radish — Oil and fibre plants (swede rape, turnip rape)	— Basic seed — Certified seed — Basic seed — Certified seed, 1st generation	— Basic seed — Certified seed — Basic seed — Certified seed	1 or 2 (*); 3; 5 or 7 (*); 8, 9, 10 1 or 2 (*); 3; 5 or 7 (*); 8, 9, 10 1, 3, 5, 8, 9, 10 1, 3, 5, 8, 9, 10
3	New Zealand	Department of Agriculture	Fodder kale	— Basic seed — Certified seed	— Basic seed — Certified seed	1 or 2 (*); 3; 5 or 7 (*); 8, 9, 10 1 or 2 (*); 3; 5 or 7 (*); 8, 9, 10
4	Switzerland	— Station fédérale de recherches agronomiques, Lausanne — Eidgenössische Landwirtschaftliche Forschungsanstalt, Zürich	Cereals, except canary grass, maize and rice	— Basic seed — Certified seed, 1st generation — Certified seed, 2nd generation (except rye)	— Basic seed — Certified seed; Certified seed, 1st generation — Certified seed, 2nd generation (except rye)	1, 3, 5, 8, 9, 10 1, 3, 5, 8, 9, 10 1, 3, 5, 8, 9, 10
5	Spain	Instituto Nacional de Semillas y Plantas de Vivero, Madrid	— Beet — Cereals, except rye, canary grass, maize and rice	— Certified seed — Basic seed — Certified seed, 1st generation — Certified seed, 2nd generation	— Certified seed — Basic seed — Certified seed; Certified seed, 1st generation — Certified seed, 2nd generation	1, 3, 4, 6, 8, 9, 10 1, 3, 5, 8, 9, 10 1, 3, 5, 8, 9, 10 1, 3, 5, 8, 9, 10

(*) Solely in the case of seed harvested before 1 July 1975.

Ref. No	Country	Authority	Species	Categories		Special conditions
				in the Country	in the Community	
1	2	3	4	5	6	7
5	Spain (cont'd)	Instituto Nacional de Semillas y Plantas de Vivero, Madrid	<ul style="list-style-type: none"> — Swede, fodder kale, fodder radish — Oil and fibre plants (turnip rape, sunflower, soya bean) 	— Basic seed	— Basic seed	1 or 2 (*); 3; 5 or 7 (*); 8, 9, 10
				— Certified seed	— Certified seed	1 or 2 (*); 3; 5 or 7 (*); 8, 9, 10
				— Basic seed	— Basic seed	1, 3, 5, 8, 9, 10
				— Certified seed, 1st generation	— Certified seed; Certified seed, 1st generation	1, 3, 5, 8, 9, 10
6	Czechoslovakia	Ústředni Kontrolni a zkušební ústav zemědělský, Praha	<ul style="list-style-type: none"> — Beet — Grass and legume species subject to national rules on varietal control — Oil and fibre plants (sunflower) 	— Basic seed	— Basic seed	1, 3, 6, 8, 9, 10
				— Certified seed	— Certified seed	1, 3, 6, 8, 9, 10
				— Basic seed	— Basic seed	1, 3, 5, 8, 9, 10
				— Certified seed, 1st generation	— Certified seed, 1st generation	1, 3, 5, 8, 9, 10
				— Certified seed, 2nd generation and later generations	— Certified seed, subsequent generations	1, 3, 5, 8, 9, 10
				— Basic seed	— Basic seed	1, 3, 5, 8, 9, 10
7	United States of America	<ul style="list-style-type: none"> — Alabama Crop Improvement Association Inc. — Alaska Crop Improvement Association — Arizona Crop Improvement Association — Arkansas State Plant Board, Division of Seed Certification — California Crop Improvement Association — Colorado Seed Growers' Association — Delaware Crop Improvement Association — Florida Department of Agriculture 	<ul style="list-style-type: none"> — Sugar beet — Cereals, except canary grass and maize 	— Basic seed	— Basic seed	1, 3, 6, 8, 9, 10
				— Certified seed	— Certified seed	1, 3, 6, 8, 9, 10
				— Basic seed	— Basic seed	1, 3, 5, 8, 9, 10
				— Certified seed, 1st generation	— Certified seed; Certified seed, 1st generation	1, 3, 5, 8, 9, 10
			<ul style="list-style-type: none"> — Swede, fodder kale, fodder radish 	— Certified seed, 2nd generation (except rye)	— Certified seed, 2nd generation (except rye)	1, 3, 5, 8, 9, 10
				— Basic seed	— Basic seed	1 or 2 (*); 3; 5 or 7 (*); 8, 9, 10
			<ul style="list-style-type: none"> — Oil and fibre plants subject to national rules on varietal control 	— Certified seed	— Certified seed	1 or 2 (*); 3; 5 or 7 (*); 8, 9, 10
				— Basic seed	— Basic seed	1, 3, 5, 8, 9, 10
			— Certified seed, 1st generation	— Certified seed; Certified seed, 1st generation	1, 3, 5, 8, 9, 10	

(*) Solely in the case of seed harvested before 1 July 1975.

Ref. No	Country	Authority	Species	Categories		Special conditions					
				in the Country	in the Community						
1	2	3	4	5	6	7					
7	United States of America (<i>cont'd</i>)	— Georgia Crop Improvement Association, Inc.									
		— Idaho Crop Improvement Association, Inc.									
		— Illinois Crop Improvement Association, Inc.									
		— Indiana Crop Improvement Association, Inc.									
		— Iowa Crop Improvement Association									
		— Kansas Crop Improvement Association									
		— Kentucky Seed Improvement Association						— Sugar beet	— Basic seed	— Basic seed	1, 3, 6, 8, 9, 10
									— Certified seed	— Certified seed	1, 3, 6, 8, 9, 10
		— Louisiana Department of Agriculture, Division of Entomology						— Cereals, except canary grass and maize	— Basic seed	— Basic seed	1, 3, 5, 8, 9, 10
									— Certified seed, 1st generation	— Certified seed; Certified seed, 1st generation	1, 3, 5, 8, 9, 10
		— Maine Department of Agriculture, Division of Plant Industry							— Certified seed, 2nd generation (except rye)	— Certified seed, 2nd generation (except rye)	1, 3, 5, 8, 9, 10
		— Maryland State Board of Agriculture, Department of Agronomy						— Swede, fodder kale, fodder radish	— Basic seed	— Basic seed	1 or 2 (*); 3; 5 or 7 (*); 8, 9, 10
									— Certified seed	— Certified seed	1 or 2 (*); 3; 5 or 7 (*); 8, 9, 10
		— Michigan Crop Improvement Association						— Oil and fibre plants subject to national rules on varietal control	— Basic seed	— Basic seed	1, 3, 5, 8, 9, 10
		— Certified seed, 1st generation	— Certified seed; Certified seed, 1st generation	1, 3, 5, 8, 9, 10							
— Minnesota Crop Improvement Association											
— Mississippi Seed Improvement Association											
— Missouri Seed Improvement Association											
— Montana Seed Growers' Association											
— Nebraska Crop Improvement Association											
— Nevada Department of Agriculture, Division of Plant Industry											

(*) Solely in the case of seed harvested before 1 July 1975.

Ref. No	Country	Authority	Species	Categories		Special conditions
				in the Country	in the Community	
1	2	3	4	5	6	7
7	United States of America (cont'd)	<ul style="list-style-type: none"> — New Jersey Department of Agriculture, Division of Plant Industry — New Mexico Crop Improvement Association — New York Seed Improvement Coop., Inc. — North Carolina Crop Improvement Association Inc. — North Dakota State Seed Department — Ohio Seed Improvement Association — Oklahoma Crop Improvement Association — Oregon State University, Extension Service — Pennsylvania State Department of Agriculture, Bureau of Plant Industry — South Carolina Crop Improvement Association — South Dakota Crop Improvement Association — Tennessee Crop Improvement Association — Texas Department of Agriculture — Utah Crop Improvement Association — Utah Agricultural Experiment Station — Vermont Department of Agriculture 	<ul style="list-style-type: none"> — Sugar beet — Cereals, except canary grass and maize — Swede, fodder kale, fodder radish — Oil and fibre plants subject to national rules on varietal control 	<ul style="list-style-type: none"> — Basic seed — Certified seed — Basic seed — Certified seed, 1st generation — Certified seed, 2nd generation (except rye) — Basic seed — Certified seed — Basic seed — Certified seed, 1st generation 	<ul style="list-style-type: none"> — Basic seed — Certified seed — Basic seed — Certified seed; Certified seed, 1st generation — Certified seed, 2nd generation (except rye) — Basic seed — Certified seed — Basic seed — Certified seed; Certified seed, 1st generation 	<ul style="list-style-type: none"> 1, 3, 6, 8, 9, 10 1, 3, 6, 8, 9, 10. 1, 3, 5, 8, 9, 10 1, 3, 5, 8, 9, 10 1, 3, 5, 8, 9, 10 1 or 2 (*); 3; 5 or 7 (*); 8, 9, 10 1 or 2 (*); 3; 5 or 7 (*); 8, 9, 10 1, 3, 5, 8, 9, 10 1, 3, 5, 8, 9, 10

(*) Solely in the case of seed harvested before 1 July 1975.

Ref. No	Country	Authority	Species	Categories		Special conditions
				in the Country	in the Community	
1	2	3	4	5	6	7
7	United States of America (cont'd)	— Virginia Crop Improvement Association	— Sugar beet	— Basic seed	— Basic seed	1, 3, 6, 8, 9, 10
		— Washington State Crop Improvement Association Inc.		— Certified seed	— Certified seed	1, 3, 6, 8, 9, 10
		— Washington State Department of Agriculture, Seed Branch	— Cereals, except canary grass and maize	— Basic seed	— Basic seed	1, 3, 5, 8, 9, 10
				— Certified seed, 1st generation	— Certified seed; Certified seed, 1st generation	1, 3, 5, 8, 9, 10
				— Certified seed, 2nd generation (except rye)	— Certified seed, 2nd generation (except rye)	1, 3, 5, 8, 9, 10
		— West Virginia Associated Growers' Association	— Swede, fodder kale, fodder radish	— Basic seed	— Basic seed	1 or 2 (*); 3; 5 or 7 (*); 8, 9, 10
		— Wisconsin Crop Improvement Association		— Certified seed	— Certified seed	1 or 2 (*); 3; 5 or 7 (*); 8, 9, 10
		— Wyoming Seed Certification Service	— Oil and fibre plants subject to national rules on varietal control	— Basic seed	— Basic seed	1, 3, 5, 8, 9, 10
				— Certified seed, 1st generation	— Certified seed; Certified seed, 1st generation	1, 3, 5, 8, 9, 10

(*) Solely in the case of seed harvested before 1 July 1975.

Special conditions

1. Seed shall be officially certified and its packages officially sealed and marked in accordance with the scheme for the varietal certification of seed moving in international trade of the Organization for Economic Cooperation and Development (OECD). The quality of the seed shall meet the requirements of Community rules.
2. Seed shall be officially certified and its packages officially sealed and marked in accordance with national provisions. The quality of the seed shall meet the requirements of Community rules.
3. Field inspection shall be carried out by State authorities or by any legal person, whether governed by public or by private law, acting under the responsibility of such authorities, provided that such person derives no private gain from the result of the inspection.
4. Basic seed shall have been officially certified within the Community.

5. The official label shall give the following additional information:

- (a) date of official sealing,
- (b) a statement that the seed complies with EEC rules and standards.

This information may also appear on another official label which, in addition, shall give the name of the authority and of the country.

6. The official label shall give the following additional information:

- (a) date of official sealing,
- (b) if 4 is applicable, a statement that the basic seed has been certified within the Community.

This information may also appear on another official label which, in addition, shall give the name of the authority and of the country.

7. The official label shall give the following minimum information:

- (a) certification authority and country,
- (b) a statement that the seed complies with EEC rules and standards,
- (c) reference number of the lot,
- (d) species,
- (e) variety or, in the case of hybrids, inbred line,
- (f) category (basic seed or certified seed),
- (g) country of production,
- (h) declared net or gross weight,
- (i) date of official sealing,
- (j) in the case of certified seed of the second and subsequent generations, number of generations from basic seed,
- (k) in the case of hybrid varieties:
 - the word 'hybrid',
 - in the case of seed of the category 'certified seed' which has not been certified within the Community, a statement that the basic seed has been officially examined.

The colour of the label shall be:

- white for basic seed,
- blue for certified seed and certified seed of the first generation,
- red for certified seed of subsequent generations.

8. Any chemical treatment of the seed shall be noted either on the official label or on a special label and on the package or inside it.

9. An official notice placed inside the package shall give at least the reference number of the lot, the species and the variety; in the case of beet seed it shall also be stated, where appropriate, whether the seed is monogerm or precision seed.

This notice is not necessary if the minimum information is printed indelibly on the package.

10. All information required for official labels, official notices and packages shall be given in at least one of the official languages of the European Communities.
