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COUNCIL DIRECTIVE

of 6 December 1972

amending the Directives of 14 June 1966 on the marketing of beet seed, of ► C1 fodder-crop plant ◀, of cereal seed, of seed potatoes, the Directive of 30 June 1969 on the marketing of ► C1 seed of oil and fibre plants ◀, and the Directives of 29 September 1970 on the marketing of vegetable seed and on the Common Catalogue of Varieties of Agricultural Plant Species

(72/418/EEC)

(OJ L 287, 26.12.1972, p. 22)

Amended by:

	Official Journal		
	No	page	date
► <u>M1</u> Council Directive 2002/53/EC of 13 June 2002	L 193	1	20.7.2002
► <u>M2</u> Council Directive 2002/54/EC of 13 June 2002	L 193	12	20.7.2002
► <u>M3</u> Council Directive 2002/55/EC of 13 June 2002	L 193	33	20.7.2002
► <u>M4</u> Council Directive 2002/56/EC of 13 June 2002	L 193	60	20.7.2002
► <u>M5</u> Council Directive 2002/57/EC of 13 June 2002	L 193	74	20.7.2002

Corrected by:

- C1 Consolidated text of corrigenda to instruments published in Special Editions 1952-72, p. 106 (72/418/EEC)
- C2 Corrigendum, OJ L 232, 23.8.1997, p. 24 (72/418/EEC)

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COUNCIL DIRECTIVE
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amending the Directives of 14 June 1966 on the marketing of beet seed, of ►C1 fodder-crop plant ◀, of cereal seed, of seed potatoes, the Directive of 30 June 1969 on the marketing of ►C1 seed of oil and fibre plants ◀, and the Directives of 29 September 1970 on the marketing of vegetable seed and on the Common Catalogue of Varieties of Agricultural Plant Species

(72/418/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and particularly Articles 43 and 100 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Having regard to the Opinion of the Economic and Social Committee;

Whereas, for the reasons set out hereunder, certain provisions of the Directives referred to below and last amended by the Directive of 20 July 1972⁽¹⁾ should be amended: Council Directives of 14 June 1966 on the marketing of, respectively, beet seed,⁽²⁾ fodder-crop seed,⁽³⁾ cereal seed,⁽⁴⁾ seed potatoes⁽⁵⁾; Council Directive of 30 June 1969 on the marketing of oleaginous and fibrous plant seed⁽⁶⁾; Council Directives of 29 September 1970 on the marketing of vegetable seed⁽⁷⁾ and on the Common Catalogue of Varieties of Agricultural Plant Species⁽⁸⁾;

Whereas it is necessary to provide that, in certain circumstances, bred seed of generations prior to basic seed and plants, admitted for marketing in the different Member States and in accordance with the aforesaid Directives, should no longer be subject to marketing restrictions between the Member States;

Whereas the application of the procedure provided for in the aforesaid Directives in order to remove temporary difficulties in the supply of basic seeds and plants or of certified seeds and plants has shown that these difficulties could be more easily overcome by admitting not only seeds and plants of an inferior quality, but also seeds and plants of varieties not included in the Common Catalogue of Varieties or in the national Catalogue of Varieties;

Whereas the application of the aforesaid Directives has given rise to difficulties during the importation of seeds and plants in the various Member States, because in each of them the descriptions required from the importer differ, whereas these descriptions should therefore be harmonised;

Whereas the particulars, in particular of quantities, which must appear on the label of certain seed species listed in the aforesaid Directives should be amended, and instead of a document inside the container, the use of an adhesive label for all species should be adopted;

Whereas seed intended for the production of plants for ornamental use should be excluded from the application of the Directive on the marketing of cereal seed, as in the case of the other similar Directives;

Whereas in the Directive on the marketing of seed potatoes the provisions on packing and grading require certain adjustments; whereas the

⁽¹⁾ OJ No L 171, 29.7.1972, p. 37.

⁽²⁾ OJ No 125, 11.7.1966, p. 2290/66.

⁽³⁾ OJ No 125, 11.7.1966, p. 2298/66.

⁽⁴⁾ OJ No 125, 11.7.1966, p. 2309/66.

⁽⁵⁾ OJ No 125, 11.7.1966, p. 2320/66.

⁽⁶⁾ OJ No L 169, 10.7.1969, p. 3.

⁽⁷⁾ OJ No L 225, 12.10.1970, p. 7.

⁽⁸⁾ OJ No L 225, 12.10.1970, p. 1.

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prescribed examinations should be extended to certain harmful and dangerous organisms;

Whereas it has become necessary to allow at national level during a transitional period to expire in 1975, standard vegetable seed varieties which are not officially accepted either nationally or in the Community; whereas, moreover, it should be possible from 1977 to make all acceptance of varieties subject to the findings of official examinations;

Whereas seed of certain species subject to the provisions of the Directive on the marketing of vegetable seed have no significance for certain Member States, although they are produced or at least marketed in them in insignificant quantities; whereas therefore certain species should be excluded from the application of the Directive and the Member States should be released from the obligation to apply the Directive to seed of other species;

Whereas it is necessary, for all the varieties accepted before 1 July 1972 according to principles other than those laid down in the Directive on the Common Catalogue of Varieties of Agricultural Plant Species, to allow a period sufficiently long to enable seed and plants of these varieties to be marketed;

HAS ADOPTED THIS DIRECTIVE:

▼M2**▼B***Article 2*

The Directive of 14 June 1966 on the marketing of ►**C1** fodder-plant ◀ seed shall be amended as follows:

1. Article 2 (3) shall be deleted.
2. The following shall be substituted for the second part of the sentence in Article 10 (1) (b):

‘This document is not necessary if the information is printed indelibly on the ►**C1** package ◀ or if an adhesive label is used in accordance with the provisions laid down under (a).’

3. The following paragraph shall be added to Article 14:

‘3. Those Member States which have provided for exemptions in accordance with the provisions of Article 3 (5) (a) shall ensure that bred seed of generations prior to basic seed are subject to no marketing restrictions on account of their ►**C1** characteristics ◀, examination arrangements, marking and sealing,

- (a) if it has been officially ►**C1** controlled ◀ by the competent certification authority, in accordance with the provisions applicable for the certification of basic seed,
- (b) if it is packed in accordance with the provisions of this directive, and
- (c) if its ►**C1** packages ◀ bear an official label giving at least the following particulars:
 - certification authority and Member State or their distinguishing abbreviation
 - ►**C1** lot ◀ reference number
 - species
 - variety
 - the description “pre-basic seed”
 - ►**C1** number of generations preceding seed of the category “certified seed” of the first generation ◀.

The label shall be white with a diagonal ►**C1** violet ◀ line.’

4. The following shall be substituted for the text of Article 17 (1):

‘1. In order to remove any temporary difficulties in the general supply of basic seed, certified seed or commercial seed that occur

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in one or more Member States and cannot be overcome within the Community, one or more Member States may be authorised, according to the procedure laid down in Article 21, to permit, for a specified period, the marketing of seed of a category subject to less stringent requirements, or of seed of varieties not included in the “Common Catalogue of Varieties of Agricultural Plant Species” or in their national Catalogues of Varieties.’

5. Article 19 shall be renumbered Article 19 (1).

6. The following paragraph shall be added to Article 19:

‘2. The Member States shall take all necessary measures to ensure that the following particulars are presented during the marketing of quantities exceeding 2 kg of seed coming from another Member State or from a third country:

- (a) species
- (b) variety
- (c) category
- (d) country of production and official control authority
- (e) country of dispatch
- (f) importer
- (g) quantity of seed.

The manner in which these particulars must be presented may be determined in accordance with the procedure laid down in Article 21.’

Article 3

The Directive of 14 June 1966 on the marketing of cereal seed shall be amended as follows:

1. The following shall be substituted for the introductory text of Article 2 (1) A:

‘A. Cereals: plants of the following species intended for agricultural or horticultural production other than production for ornamental purposes.’

2. The following shall be substituted for the second part of the sentence in Article 10 (1) (b):

‘This document is not necessary if the information is printed indelibly on the ►C1 package ◀ or if an adhesive label is used in accordance with the provisions laid down under (a).’

3. The following paragraph shall be added to Article 14:

‘3. Those Member States which have provided for exemptions in accordance with the provisions of Article 3 (4) (a) shall ensure that bred seed of generations prior to basic seed are subject to no marketing restrictions on account of their ►C1 characteristics ◀, examination arrangements, marking and sealing,

- (a) if it has been officially ►C1 controlled ◀ by the competent certification authority in accordance with the provisions applicable for the certification of basic seed,
- (b) if it is packed in accordance with the provisions of this Directive, and
- (c) if its ►C1 packages ◀ bear an official label giving at least the following particulars:
 - certification authority and Member State or their distinguishing abbreviation
 - consignment reference number
 - species
 - variety
 - the description “pre-basic seed”

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- ► **C1** number of generations preceding seed of the categories “certified seed” or “certified seed of the first generation” ◀.

The label shall be white with a diagonal ► **C1** violet ◀ line.’

4. The following shall be substituted for the text of Article 17 (1):

‘1. In order to remove any temporary difficulties in the general supply of basic seed or certified seed of any kind that occur in one or more Member States and cannot be overcome within the Community, one or more Member States may be authorised, in accordance with the procedure laid down in Article 21, to permit, for a specified period, the marketing of seed of a category subject to less stringent requirements, or of seed varieties not included in the “Common Catalogue of Varieties of Agricultural Plant Species” or in their national Catalogues of Varieties.’

5. Article 19 shall be renumbered Article 19 (1).

6. The following paragraph shall be added to Article 19:

‘2. The Member States shall take all necessary measures to ensure that the following particulars are presented during the marketing of quantities exceeding 2 kg of seed coming from another Member State or from a third country:

- (a) species
- (b) variety
- (c) category
- (d) country of production and official control authority
- (e) country of dispatch
- (f) importer
- (g) quantity of seed.

The manner in which these particulars must be presented may be determined in accordance with the procedure laid down in Article 21.’

7. The following shall be substituted for the text of Annex IV Section A (a) point 8:

‘8. Declared net or gross weight or declared number of ► **C1** seeds ◀’.

8. The following shall be substituted for the text of Annex IV Section A (b) point 5:

‘5. Declared net or gross weight or declared number of ► **C1** seeds ◀’.

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▼B*Article 8*

The Member States shall bring into force the laws, regulations or administrative provisions necessary to comply:

- (a) by 1 July 1972 at the latest, with the provisions of Article 6, excepting points 13 and 18, and with those of Article 7;
- (b) by 1 July 1973 at the latest, with the other provisions of this Directive.

Article 9

This Directive is addressed to the Member States.