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**COUNCIL DIRECTIVE**

**of 11 December 1973**

**amending the Directives of 14 June 1966 on the marketing of beet seed, fodder plant seed, cereal seed and seed potatoes; the Directive of 30 June 1969 on the marketing of 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**

(73/438/EEC)

(OJ L 356, 27.12.1973, p. 79)

Amended by:

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

Corrected by:

- **C1** Corrigendum, OJ L 138, 21.5.1974, p. 27 (73/438/EEC)

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**COUNCIL DIRECTIVE**  
**of 11 December 1973**

**amending the Directives of 14 June 1966 on the marketing of beet seed, fodder plant seed, cereal seed and seed potatoes; the Directive of 30 June 1969 on the marketing of 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**

(73/438/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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 <sup>(1)</sup>;

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

Whereas, for the reasons given hereafter, amendments should be made to certain provisions of the Directives listed below, which were last amended by the Directive of 6 December 1972 <sup>(2)</sup>: the Council Directives of 14 June 1966 on, respectively, the marketing of beet seed <sup>(3)</sup>, the marketing of fodder plant seed <sup>(4)</sup>, the marketing of cereal seed <sup>(5)</sup>, the marketing of seed potatoes <sup>(6)</sup>; the Council Directive of 30 June 1969 <sup>(7)</sup> on the marketing of seed of oil and fibre plants; the Council Directives of 29 September 1970 on the marketing of vegetable seed <sup>(8)</sup> and on the common catalogue of varieties of agricultural plant species <sup>(9)</sup>;

Whereas in the case of fodder plant seed and cereal seed provision should be made for the possibility of special marking concerning the presence of *Avena fatua*;

Whereas the maximum content of hard seed should be increased in the case of the species *Trifolium repens*; whereas, moreover, the species *Phleum Bertolinii* should be brought within the field of application of the Directive concerned;

Whereas it is appropriate that to a certain extent the minimum conditions for cereal species should be reinforced; whereas on the other hand less strict requirements for the official inspection of autogamous species should, be authorized for a transitional period;

Whereas experience of supplying flax seed makes it necessary to admit for four further years the category 'Certified seed, third generation';

Whereas mixtures of standard seed of several varieties should be authorized for a transitional period in the case of certain vegetable species in small packages; whereas it is also necessary to modify the minimum weights of samples and to introduce a transitional clause concerning the germination of vegetable seed;

Whereas an addition should be made to the Directive on the common catalogue of varieties of agricultural plant species as regards those varieties which, it has been established, cannot be grown in any part of the territory of a Member State;

<sup>(1)</sup> OJ No C 62, 31. 7. 1973, p. 37.

<sup>(2)</sup> OJ No L 287, 26. 12. 1972, p. 22.

<sup>(3)</sup> OJ No 125, 11. 7. 1966, p. 2290/66.

<sup>(4)</sup> OJ No 125, 11. 7. 1966, p. 2298/66.

<sup>(5)</sup> OJ No 125, 11. 7. 1966, p. 2309/66.

<sup>(6)</sup> OJ No 125, 11. 7. 1966, p. 2320/66.

<sup>(7)</sup> OJ No L 169, 10. 7. 1966, p. 3.

<sup>(8)</sup> OJ No L 225, 12. 10. 1970, p. 7.

<sup>(9)</sup> OJ No L 225, 12. 10. 1970, p. 1.

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Whereas certain of the abovementioned Directives provide that from 1 July 1973 the equivalent of seed and plants harvested in other countries, particularly in third countries, can no longer be established nationally by Member States; whereas, however, since it has not been possible to carry out the Community examination in all cases, the abovementioned period should be extended in order to avoid disturbing current commercial relations;

Whereas provision should be made for the simplification of the procedure for the amendment of Annexes where implementing measures of a technical nature are concerned, by the application of the procedure of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry in the event of amendments being necessitated by the development of scientific or technical knowledge;

Whereas, finally, a number of drafting corrections should be made to several of the abovementioned Directives,

HAS ADOPTED THIS DIRECTIVE:

**▼M2****▼B***Article 2*

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

1. In the Dutch text of Article 2, (1), point A (a) the words ‘gebruikt raaigras’ shall be replaced by the words ‘gekruist raaigras’.
2. In Article 2 (1) point A (a), the words: ‘*Phleum Bertolinii* DC. ►C1 Timothy ◄.’ shall be added after the words: ‘*Lolium x hybridum* Hausskn. ryegrasses.Hybrid’
3. In Article 11, the following text shall be added: ‘or that seed lots complying with the special conditions concerning the presence of *Avena fatua* laid down according to the procedure provided for in Article 21, must be accompanied by an official certificate attesting compliance with these conditions.’
4. The following shall be substituted for Article 16 (2):  
‘Member States may themselves take decisions under paragraph 1 concerning a third country, in so far as the Council has not yet taken a decision with regard to that country within the framework of this Directive. This right shall expire on 1 July 1975.’
5. The following shall be substituted for Article 21a:  
‘Amendments to be made to the content of the Annexes in the light of the development of scientific or technical knowledge shall be adopted according to the procedure laid down in Article 21.’
6. In Annex II, Part I, point (3), paragraph A, the figure ‘20’ which appears in column 5 for the species *Trifolium repens* L. shall be replaced by the figure ‘40’.

*Article 3*

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

1. In Article 2 (2) the following subparagraph shall be added:  
‘(d) be authorized, on request and according to the procedure laid down in Article 21, to officially certify seed of autogamous species of the categories “certified seed, first generation” or “certified seed, second generation” until 31 December 1978 at the latest:  
— when, instead of the official field inspection prescribed in Annex I, a field inspection, officially controlled by spot-

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checks on at least 20 % of the crops of each species, is carried out;

- provided that, in addition to the basic seed, at least the two generations of pre-basic seed immediately preceding that category, have been found by an official examination carried out in Member State concerned, to satisfy the conditions laid down in Annexes I and II as to the varietal identity and varietal purity of basic seed.'

2. In Article 11 the following text shall be added: 'or that seed lots complying with the special conditions concerning the presence of *Avena fatua* laid down according to the procedure provided for in Article 21, shall be accompanied by an official certificate attesting compliance with these conditions.'

3. The following shall be substituted for Article 16 (2):

'Member States may themselves take decisions under paragraph 1 concerning a third country, in so far as the Council has not yet taken a decision with regard to that country within the framework of this Directive. This right shall expire on 1 July 1975.'

4. The following shall be substituted for the text of Article 21a:

'Amendments to be made to the content of the Annexes in the light of the development of scientific or technical knowledge shall be adopted according to the procedure laid down in Article 21.'

5. In Annex II, point (3), paragraph A (a) (aa), the figure '98' which appears in column 5 for basic seed of oats, barley, wheat and spelt, shall be replaced by the figure '99'.

6. In Annex II, point (3), the following subparagraph shall be added:

'D. Special conditions in respect of the maximum content of seeds of other cereal species:

Where the maximum content is fixed in subparagraph A at one seed, a second seed shall not be regarded as impurity if a second 500 g sample is free from seeds of other cereal species.'

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**▼B***Article 8*

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

- (a) by 1 July 1973 with Article 1, point (1), Article 2, point (4), Article 3, point (3), Article 4, point (1), and Article 5, point (3);
- (b) by 1 January 1974 at the latest with Article 1, point (2), Article 2, points (3) and (5), Article 3, points (2) and (4), Article 4 point (2), Article 5, point (4) and Article, 6 point (4);
- (c) by 1 July 1974 at the latest, with the other provisions of this Directive.

*Article 9*

This Directive is addressed to the Member States.