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COUNCIL DIRECTIVE

of 24 July 1979

amending Directives 66/401/EEC, 66/402/EEC, 70/458/EEC and 70/457/EEC on the marketing of fodder plant seed, cereal seed and vegetable seed and on the common catalogue of varieties of agricultural plant species

(79/692/EEC)

(OJ L 205, 13.8.1979, p. 1)

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 2002/55/EC of 13 June 2002	L 193	33	20.7.2002



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(79/692/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⁽¹⁾,

Having regard to the opinion of the European Parliament⁽²⁾,

Having regard to the opinion of the Economic and Social Committee⁽³⁾,

Whereas, for the reasons given below, certain Directives on the marketing of seeds and propagating material should be amended;

Whereas, in the case of fodder plant seed, certain conditions concerning seed testing should be relaxed for those regions of the Community in which very favourable ecological conditions ensure compliance with the relevant Community standards laid down;

Whereas, in the case of seed of rye used for fodder purposes, a temporary relaxation of the Community standards applicable to rye seed should be permitted in order to overcome the temporary difficulties which exist in certain Community regions for these products;

Whereas, in the case of cereal seed, recently experimented methods for reducing the effects of attack by certain harmful organisms appear to justify the acceptance of mixtures of seed of different varieties of cereals, provided that precautions are taken to guarantee that the quality of the seed or of the final product is not affected;

Whereas, in order to improve the functioning of the systems of the common catalogue of varieties of agricultural plant species, certain provisions relating to the acceptance of varieties at national level, to the names of varieties, and to the exchange of information between the Member States should be adapted to internationally established rules and the rules concerning the free marketing, as regards variety, of seeds belonging to the varieties accepted in the various Member States should be strengthened, in the case of certain species at least;

Whereas the provisions on the marketing of vegetable seed and the provisions on the common catalogue of varieties of agricultural plant species provide that, after 1 July 1977, the equivalence of measures taken in third countries concerning varieties can no longer be established at national level; whereas certain equivalence decisions taken at Community level only took effect as from 1 July 1978; whereas the period provided for the establishment of equivalence at national level should therefore be extended by one year in order to cover traditional trade patterns which were maintained after 1 July 1977 pending Community decisions,

⁽¹⁾ OJ No C 174, 21. 7. 1978, p. 8.

⁽²⁾ OJ No C 239, 9. 10. 1978, p. 54.

⁽³⁾ OJ No C 114, 7. 4. 1979, p. 26.

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HAS ADOPTED THIS DIRECTIVE:

Article 1

The following paragraph shall be added to Article 2 of Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed⁽¹⁾, as last amended by Directive 79/641/EEC⁽²⁾:

‘1c. Member States may be authorized, in accordance with the procedure laid down in Article 21, not to apply in respect of the production of a given Member State the condition contained in Annex II, section I, point 2, paragraph B (1) for one or more of the species concerned, if it can be assumed from ecological conditions and previous experience that the standards laid down in Annex II, section I, point 2, column 13 of the table are being complied with.’

Article 2

Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed⁽³⁾, as last amended by Directive 79/641/EEC is hereby amended as follows:

1. The following paragraph shall be added to Article 2:

‘1c. Until 30 June 1982, Member States may be authorized, in accordance with the procedure laid down in Article 21, to permit the marketing of seed of specific varieties of rye, chiefly intended for use as fodder, which do not satisfy the conditions laid down:

- in Annex II as regards germination,
- and in Annex II (2), table A, column 6, as regards basic seed.’

2. The following first paragraph shall be added to Article 13:

‘1. Member States may permit seed of a species of cereal to be marketed in the form of specific mixtures of seeds of various varieties provided that scientific or technical knowledge indicates that these mixtures are such as to be particularly effective against the propagation of certain harmful organisms and provided also that the components of the mixture comply, before mixing, with the marketing rules applicable to them.’

3. In Article 13, paragraph 1 shall become paragraph 2 and paragraph 2 shall become paragraph 3.

4. The following number shall be added to Annex IV, A (b):

‘8. “Marketing permitted exclusively in ...” (Member State concerned).’

▼M1**▼M2****▼B***Article 5*

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

- with Articles 1 and 2 with effect from 1 January 1980,
- with Articles 3 (9) and 4 with effect from 1 July 1977,
- with the other provisions of this Directive on 1 July 1982.

Article 6

This Directive is addressed to the Member States.

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2298/66.

⁽²⁾ OJ No L 183, 19. 7. 1979, p. 13.

⁽³⁾ OJ No 125, 11. 7. 1966, p. 2309/66.