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COUNCIL DIRECTIVE

of 22 April 1986

amending, on account of the accession of Spain and Portugal, certain Directives concerning the marketing of seeds and plants

(86/155/EEC)

(OJ L 118, 7.5.1986, p. 23)

Amended by:

| | Official Journal | | |
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| ► <u>M1</u> Council Directive 88/380/EEC of 13 June 1988 | L 187 | 31 | 16.7.1988 |
| ► <u>M2</u> Council Directive 2002/53/EC of 13 June 2002 | L 193 | 1 | 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 2002/57/EC of 13 June 2002 | L 193 | 74 | 20.7.2002 |



COUNCIL DIRECTIVE

of 22 April 1986

**amending, on account of the accession of Spain and Portugal,
certain Directives concerning the marketing of seeds and plants**

(86/155/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas the Council has established, by means of various Directives, a regime applicable to the marketing of seeds and propagating material;

Whereas, in respect of Portugal, a transitional regime applicable in this field has been specified in the Act of Accession of Spain and Portugal;

Whereas, in respect of Spain, adaptations should be made to the following Directives in accordance with the guidelines arrived at during the accession negotiations:

- Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed ⁽²⁾, as last amended by Regulation (EEC) No 3768/85 ⁽³⁾,
- Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed ⁽⁴⁾, as last amended by Regulation (EEC) No 3768/85,
- Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine ⁽⁵⁾, as last amended by Regulation (EEC) No 3768/85,
- Council Directive 69/208/EEC of 30 June 1969 on the marketing of seed of oil and fibre plants ⁽⁶⁾, as last amended by Regulation (EEC) No 3768/85,
- Council Directive 70/457/EEC of 29 September 1970 on the common catalogue of varieties of agricultural plant species ⁽⁷⁾, as last amended by Regulation (EEC) No 3768/85,
- Council Directive 70/458/EEC of 29 September 1970 on the marketing of vegetable seed ⁽⁸⁾, as last amended by Regulation (EEC) No 3768/85;

Whereas Bermuda grass, Harding grass (*Phalaris*), sorghum, Sudan grass, safflower, gourd and cardoon are important species for the production of agricultural or vegetable plants in the enlarged Community and should therefore be included in the scope of the said Directives;

Whereas, in order to make it possible to take measures necessary to introduce a system of compulsory varietal certification for seed of lucerne, fodder kale and fodder radish, the Kingdom of Spain should be authorized, in respect of such seed, to postpone application of the obligation imposed by Directive 66/401/EEC to market exclusively seed which has been officially certified as 'basic seed' or 'certified seed';

Whereas the demand for cotton seed in the enlarged Community is such that Directive 69/208/EEC should be amended to allow the marketing of certified cotton seed of the second generation;

⁽¹⁾ OJ No C 68, 24. 3. 1986.

⁽²⁾ OJ No 125, 11. 7. 1966, p. 2298/66.

⁽³⁾ OJ No L 362, 31. 12. 1985, p. 8.

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

⁽⁵⁾ OJ No L 93, 17. 4. 1968, p. 15.

⁽⁶⁾ OJ No L 169, 10. 7. 1969, p. 3.

⁽⁷⁾ OJ No L 225, 12. 10. 1970, p. 1.

⁽⁸⁾ OJ No L 225, 12. 10. 1970, p. 7.

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Whereas, in order to enable the Kingdom of Spain to take the measures necessary to adapt its seed and propagating material production and marketing to the requirements of the catalogue of varieties set up in the Community system, that Member State should be authorized to postpone the application of certain provisions relating to the national catalogue of vine varieties, the Common Catalogue of Varieties of Agricultural Plant Species and the Common Catalogue of Varieties of Vegetable Species, either entirely or in respect of certain species,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 66/401/EEC is hereby amended as follows:

1. In Article 2 (1) (A) (a):

- the words ‘Cynodon dactylon (L.) Pers. Bermuda grass’ shall be inserted after ‘Arrhenatherum elatius (L.) Beauv. ex. J. et K. Presl. Tall oatgrass,’,
- the words ‘Phalaris aquatica L. Harding grass, Phalaris’ shall be inserted after ‘Lolium × hybridum Hausskn Hybrid ryegrass’.

2. The following paragraph shall be inserted in Article 3:

‘1a. Until 31 December 1989 the Kingdom of Spain may be authorized, in accordance with the procedure laid down in Article 21, to provide for exceptions to paragraph 1 in the case of seed of *Medicago sativa*, *Brassica oleracea* convar. *acephala* and *Raphanus sativus*.’

3. In Annex II (I) (2) (A) the following lines shall be inserted after the lines *Arrhenatherum elatius* and *Lolium × hybridum* respectively:

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
|-----------------------|---|--------|---|----|-----|-----|-----|-----|---|----|----|----|-----------|----|----|
| ‘Cynodon dactylon | | 70 (a) | | 90 | 2,0 | 1,0 | 0,3 | 0,3 | | | | 0 | 0 (j) (k) | 2 | ’ |
| and | | | | | | | | | | | | | | | |
| ‘Phalaris aquatica L. | | 75 (a) | | 96 | 1,5 | 1,0 | 0,3 | 0,3 | | | | 0 | 0 (j) (k) | 20 | ’. |

4. In Annex II (II) (2) (A) the following lines shall be inserted after the lines *Arrhenatherum elatius* and *Lolium × hybridum* respectively:

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----------------------|---|-----|--------|---|---|---|---|-------|
| ‘Cynodon dactylon | | 0,3 | 20 (a) | 1 | 1 | 1 | | (j)' |
| and | | | | | | | | |
| ‘Phalaris aquatica L. | | 0,3 | 20 | 5 | 5 | 5 | | (j)'. |

5. In Annex III the following lines shall be inserted after the lines *Arrhenatherum elatius* and *Lolium × hybridum* respectively:

| | 1 | 2 | 3 | 4 |
|-----------------------|---|----|-----|------|
| ‘Cynodon dactylon | | 10 | 50 | 5' |
| and | | | | |
| ‘Phalaris aquatica L. | | 10 | 100 | 50'. |

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Article 2

Directive 66/402/EEC is hereby amended as follows:

1. In Article 2 (1) (A) the words

| | |
|---------------------------------|--------------|
| ‘Sorghum bicolor (L.) Moench | Sorghum |
| Sorghum sudanense (Piper) Stapf | Sudan grass’ |

shall be inserted after

| | |
|--------------------|-------|
| ‘Secale cereale L. | Rye’. |
|--------------------|-------|
2. In Article 2 (1) (B) the words ‘and Sorghum spp.’ shall be inserted after ‘maize’.
3. In Article 2 (1) (D) the words ‘Sorghum spp.’ shall be inserted after ‘maize’.
4. In Article 2 (2) (E) the words ‘Sorghum spp.’ shall be inserted after ‘canary grass’.
5. In Annex I (2) the following words shall be inserted before the table: ‘and in particular, in the case of sorghum, from sources of Sorghum halepense’.
6. In the table in Annex I (2) the following shall be inserted before the line *Zea mays*:

| | |
|---------------|---------|
| ‘Sorghum spp. | 300 m’. |
|---------------|---------|
7. In the first and second paragraphs of Annex I (3), and in the introductory wording of the third paragraph the words ‘Sorghum spp. and’ shall be inserted in each case before ‘*Zea mays*’.
8. In the third paragraph of Annex I (3), the following shall be added:

‘C. Sorghum spp.

 - (a) the percentage by number of plants of a Sorghum species other than the crop species or plants which are recognizable as obviously not being true to the inbred line or to the component shall not exceed:
 - (aa) for the production of basic seed
 - (i) at flowering: 0,1 %,
 - (ii) at maturity: 0,1 %;
 - (bb) for the production of certified seed
 - (i) plants of the male component which have shed pollen when the plants of the female component have receptive stigmas: 0,1 %;
 - (ii) plants of the female component
 - at flowering: 0,3 %,
 - at maturity: 0,1 %;
 - (b) the following standards or other conditions shall be satisfied for the production of certified seed:
 - (aa) sufficient pollen shall be shed by the plants of the male component while the plants of the female component have receptive stigmas;
 - (bb) where plants of the female component have receptive stigmas, the percentage of plants of that component which have shed pollen or are shedding pollen shall not exceed 0,1 %’.
9. In Annex I (5) (B) (b) the words ‘Sorghum spp. and’ shall be inserted in each case before ‘*Zea mays*’.
10. In the first and second sentences of Annex II (I), the words ‘Sorghum spp. and’ shall be inserted in each case before ‘*Zea mays*’.

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11. In Annex II (1) (B) the words ‘Sorghum spp. and’ shall be inserted before ‘Zea mays’.
12. In Annex II (2) (A) the following shall be inserted after the line *Secale cereale*:

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
|---------------|----|----|---|---|---|---|---|---|----|
| ‘Sorghum spp. | 80 | 98 | 0 | | | | | | ’ |

13. In Annex III the following shall be inserted after the line *Oryza sativa*:

| 1 | 2 | 3 | 4 |
|---------------|----|-------|-------|
| ‘Sorghum spp. | 10 | 1 000 | 900’. |

14. In Annex IV (A) (a) (5) the words ‘and Sorghum spp.’ shall be added.
15. In Annex IV (A) (a) (9) the words ‘of maize’ shall be deleted.

Article 3

In Directive 68/193/EEC the following sentence shall be added to Article 5:

‘With regard to the Kingdom of Spain, the date 31 December 1971 referred to above shall be replaced by 28 February 1986.’

▼M4

▼M2

▼M3

▼B*Article 7*

Member States shall take the measures necessary to comply with:

- Article 1 (2), Article 3, Article 4 (3), (4) and (5), Article 5 and Article 6 (3) to (8), with effect from 1 March 1986,
- the other provisions of the Directive not later than ►**M1** 31 December 1988 ◀.

They shall inform the Commission thereof forthwith.

Article 8

This Directive is addressed to the Member States.