

II

(Acts whose publication is not obligatory)

COUNCIL

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;

Whereas, in order to enable the Kingdom of Spain to take the measures necessary to adapt its seed and propagating

⁽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.

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

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*'.
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.'

Article 4

Directive 69/208/EEC is hereby amended as follows:

- In Article 2 (1) (A) the words
 'Carthamus tinctorius L. Safflower'
 shall be inserted after
 'Cannabis sativa L. Hemp'.
- In Article 2 (1) (C) the word 'safflower' shall be inserted after 'dioecious hemp'.
- In Article 2 (1) (C) the word 'cotton' shall be deleted.
- In Article 2 (1) (D) the word 'cotton' shall be inserted after 'soya'.
- In Article 2 (1) (E) the word 'cotton' shall be inserted after 'soya'.
- In Article 3 (1) the words 'Carthamus tinctorius L.' shall be inserted after 'Cannabis sativa L.'.
- In column 1 of the table in Annex I (2) the words 'Carthamus tinctorius' shall be inserted after 'Cannabis sativa other than monoecious hemp'.
- In Annex I (3) the words 'Carthamus tinctorius' shall be inserted after 'Cannabis sativa'.
- In Annex II (I) (2) (A) the following line shall be inserted after the line Cannabis sativa:

1	2	3	4	5	6	7	8	9	10	11	12
'Carthamus tinctorius	75	98	—	5	0	0 (c)					(e)'

- In Annex III the following line shall be inserted after the line Cannabis sativa:

1	2	3	4
'Carthamus tinctorius	10	900	900'

Article 5

Raphanus sativus ssp. oleifera and
 Arachis hypogaea'.

Directive 70/457/EEC is hereby amended as follows:

- The following sentence shall be added to Article 3 (3):

'With regard to the Kingdom of Spain, the dates 1 July 1972 and 30 June 1980 referred to in the first sentence shall be replaced by the dates 1 March 1986 and 31 December 1990 respectively in respect of the following species:

- Agrostis stolonifera
- Agrostis tenuis
- Phleum pratense
- Poa Pratensis
- Hedysarum coronarium
- Lotus corniculatus
- Lupinus angustifolium
- Lupinus luteus
- Onobrychis viciifolia
- Trifolium alexandrinum
- Trifolium pratense
- Vicia villosa
- Brassica napus var. napobrassica
- Brassica oleracea convar. acephala

- The following sentence shall be added to Article 15 (1):

'With regard to the Kingdom of Spain, the date 1 July 1972 referred to in the first sentence shall be replaced by the date 1 March 1986 in respect of varieties other than those which are officially included in the catalogue of that Member State on 1 March 1986 and which are also included on that date in the catalogue of one or more of the Member States of the Community of Ten, without prejudice to the particular provisions applicable to certain species referred to in the second and third sentences of paragraph 5.

- The following sentence shall be added to Article 16:

'With regard to the Kingdom of Spain, the 1 July 1972 referred to in the first sentence shall be replaced by the date 1 March 1986.'

- The following sentence shall be added to Article 17:

'With regard to the Kingdom of Spain, the date 1 July 1972 referred to in the first sentence shall be replaced by the date 1 March 1986.'

Article 6

Directive 70/458/EEC is hereby amended as follows :

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

'Cucurbita maxima Duchesne	Gourd'
shall be inserted after	
'Cucumis sativus L.	Cucumber,
	gherkin'

and the words

'Cynara cardunculus L.	Cardoon'
shall be inserted after	
'Cucurbita pepo L.	Marrow'.

2. In Article 2 (1) (F) (b) the word 'gourd' shall be inserted after 'water melon'.

3. The following sentence shall be added to Article 9 (1):

'With regard to the Kingdom of Spain the dates 1 July 1972 and 30 June 1975 referred to in the first sentence shall be replaced by the dates 1 March 1986 and 31 december 1988 respectively in respect of the following species :

Apium graveolens
Beta vulgaris var. esculenta
Brassica oleracea
Cichorium endivia
Cucurbita pepo
Petroselinum endivia crispum
Phaseolus coccineus
Raphanus sativus
Scorzonera hispanica'.

4. The following sentence shall be added to Article 9 (2):

'With regard to the Kingdom of Spain, the dates 1 July 1972 and 30 June 1980 referred to in the first sentence shall be replaced by the dates 1 March 1986 and 31 December 1993 respectively in respect of the species referred to in the last sentence of paragraph 1.'

5. The following sentence shall be added to Article 9 (3):

'With regard to the Kingdom of Spain, the dates 30 June 1975 and 1 July 1972 referred to above shall be replaced by the dates 31 December 1988 and 1 March 1986 respectively in respect of the species referred to in the last sentence of paragraph 1.'

6. The following sentence shall be added to Article 12 (1):

'With regard to the Kingdom of Spain, the date 1 July 1970 referred to in the second sentence shall be replaced by the date 1 March 1986.'

7. The following sentence shall be added to Article 16 (4):

'With regard to the Kingdom of Spain, the date 1 July 1972 referred to in the first sentence shall be replaced by the date 1 March 1986.'

8. The following sentence shall be added to Article 26 (2):

'With regard to the Kingdom of Spain, the date 1 July 1970 referred to in the first sentence shall be replaced by the date 1 March 1986.'

9. In Annex II (3) (a) the following shall be inserted after the lines Cucumis sativus and Cucurbita pepo respectively :

'Cucurbita maxima	98	0,1	80'
and			
'Cynara cardunculus	96	0,5	65'.

10. In Annex III (2) the following lines shall be inserted after the lines Cucumis sativus and Cucurbita pepo respectively :

'Cucurbita maxima	250'
and	
'Cynara cardunculus	50'.

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 1 July 1987.

They shall inform the Commission thereof forthwith.

Article 8

This Directive is addressed to the Member States.

Done at Luxembourg, 22 April 1986.

For the Council

The President

H. van den BROEK