

Council Directive 2004/117/EC of 22 December 2004 amending Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC and 2002/57/EC as regards examinations carried out under official supervision and equivalence of seed produced in third countries

COUNCIL DIRECTIVE 2004/117/EC

of 22 December 2004

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

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

Having regard to the opinion of the European Economic and Social Committee⁽²⁾,

Whereas:

- (1) Pursuant to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed⁽³⁾, Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed⁽⁴⁾, Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed⁽⁵⁾, Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed⁽⁶⁾ and Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants⁽⁷⁾, seed can be officially certified only where the conditions to be satisfied by the seed have been established in official seed testing on samples of seed drawn officially for the purpose of seed testing.
- (2) Commission Decision 98/320/EC of 27 April 1998 on the organisation of a temporary experiment on seed sampling and seed testing pursuant to Council Directives 66/400/EEC, 66/401/EEC, 66/402/EEC and 69/208/EEC⁽⁸⁾, provides for the organisation at Community level of a temporary experiment, with the aim of assessing whether seed sampling and seed testing under official supervision may constitute improved alternatives to the procedures for official seed certification, without a significant decline in the quality of the seed.
- (3) The results of the experiment have shown that under specified conditions the procedures for official seed certification could be simplified without any significant decline in the quality of the seed compared with that achieved under the system of official seed sampling and seed testing. It is therefore appropriate to provide that those simplified procedures should apply on a long-term basis and should be extended to vegetable crops.

*Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After
IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.*

- (4) Council Directive 98/96/EC⁽⁹⁾, amending, *inter alia*, as regards unofficial field inspections Directives 66/400/EEC, 66/401/EEC, 66/402/EEC and 69/208/EEC lays down rules on certification procedures for field inspections under official supervision. A detailed evaluation of those procedures has shown that the field inspections under official supervision should be extended to all the crops for the production of certified seed. The evaluation has also shown that the proportion of the areas entered for official certification to be checked and inspected by official inspectors should be reduced.
- (5) It is appropriate to align Directive 2002/54/EC to the other seeds Directives in relation to the possibility to grant derogations to Member States in which the growing of beet and the marketing of beet seed are of minimum economic importance.
- (6) The scope of the Community seed equivalence in respect of seed harvested in third countries is currently restricted to certain categories of seed. In view in particular of developments at international level, the equivalence regime should be extended to all the various kinds of seed meeting the characteristics, the examination requirements, the marking and sealing conditions laid down in Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC and 2002/57/EC.
- (7) Decision 98/320/EC expires on 27 April 2005. It is therefore appropriate to keep the Community conditions concerning the marketing of seed produced pursuant to that Decision, pending the application of the new provisions.
- (8) Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC and 2002/57/EC should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

- (1) Opinion of 17 November 2004 (not yet published in the Official Journal).
- (2) Opinion of 15 September 2004 (not yet published in the Official Journal).
- (3) [OJ L 125, 11.7.1966, p. 2298/66](#). Directive as last amended by Commission Directive 2004/55/EC ([OJ L 114, 21.4.2004, p. 18](#)).
- (4) [OJ L 125, 11.7.1966, p. 2309/66](#). Directive as last amended by Directive 2003/61/EC ([OJ L 165, 3.7.2003, p. 23](#)).
- (5) [OJ L 193, 20.7.2002, p. 12](#). Directive as last amended by Directive 2003/61/EC.
- (6) [OJ L 193, 20.7.2002, p. 33](#). Directive as last amended by Regulation (EC) No 1829/2003 of the European Parliament and of the Council ([OJ L 268, 18.10.2003, p. 1](#)).
- (7) [OJ L 193, 20.7.2002, p. 74](#). Directive as last amended by Directive 2003/61/EC.
- (8) [OJ L 140, 12.5.1998, p. 14](#). Decision as amended by Decision 2004/626/EC ([OJ L 283, 2.9.2004, p. 16](#)).
- (9) [OJ L 25, 1.2.1999, p. 27](#).