

COMMISSION

COMMISSION DECISION

of 5 July 2004

on the Community position on the amendment of the Appendices to Annex 6 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products

(2004/660/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community,

Article 1

The Community position to be adopted by the Commission in the Joint Committee for Agriculture set up by Article 6 of the Agreement between the European Community and the Swiss Confederation on trade in agricultural products shall be based on the draft Decision of the Joint Committee for Agriculture annexed to this Decision.

Having regard to Decision 2002/309/EC, Euratom of the Council, and of the Commission as regards the Agreement on Scientific and Technological Cooperation, of 4 April 2002 on the conclusion of seven Agreements with the Swiss Confederation⁽¹⁾, and in particular the second subparagraph of Article 5(2) thereof,

Article 2

In conformity with the rules of procedure of the Joint Committee for Agriculture, this draft Decision shall be signed on behalf of the European Community by:

Whereas:

- (1) The Agreement between the European Community and the Swiss Confederation on trade in agricultural products, hereinafter called the 'Agriculture Agreement', entered into force on 1 June 2002.
- (2) Article 6 of the Agriculture Agreement sets up a Joint Committee for Agriculture responsible for administering the Agriculture Agreement and ensuring that it operates smoothly.
- (3) Article 11 of the Agriculture Agreement provides that the Joint Committee for Agriculture may decide to amend Annexes 1 and 2 and the Appendices to the other Annexes to the Agreement.
- (4) The Community position to be taken by the Commission in the Joint Committee for Agriculture regarding the amendments to the Appendices must be defined.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

— Michael Scannell, acting as head of delegation for the matters of competence of the Directorate-General Health and Consumer Protection;

— Hans-Christian Beaumont, acting as Secretary of the Joint Committee on Agriculture.

Article 3

The Decision of the Joint Committee for Agriculture shall be published in the *Official Journal of the European Union* after adoption.

Done at Brussels, 5 July 2004.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 114, 30.4.2002, p. 1.

ANNEX

DECISION No 4/2004 OF THE JOINT COMMITTEE FOR AGRICULTURE SET UP UNDER THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION ON TRADE IN AGRICULTURAL PRODUCTS

of ...

concerning the amendments to the Appendices to Annex 6

(.../.../...)

THE JOINT COMMITTEE FOR AGRICULTURE,

Having regard to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products, and in particular Article 11 thereof,

Whereas:

- (1) The Agreement entered into force on 1 June 2002.
- (2) Annex 6 concerns seeds and propagating material of agricultural, vegetable, fruit and ornamental plant species and of vines. The said Annex 6 is supplemented by four appendices.
- (3) Appendix 1, section 1, defines the legislation of both parties and recognises that the requirements laid down in those legislations have the same effects.
- (4) Appendix 1, section 2, defines the legislation of both parties and mutually recognises the certificates drawn up in accordance with the legislation of the other by defined bodies.
- (5) Appendix 2 lists the bodies responsible for conformity checks of seeds in the European Community as well as in Switzerland.
- (6) Appendix 3 lists the derogations authorised by the European Community and by Switzerland.
- (7) Appendix 4 lists the third countries recognised by both parties from which the seed may be imported. Furthermore it defines the species concerned and the scope of recognition.
- (8) The above mentioned Appendices should be amended to take account of changes in legislation since the end of negotiations,

HAS DECIDED AS FOLLOWS:

Article 1

The Appendices to Annex 6 to the Agreement are hereby replaced by the appendices to this Decision.

Article 2

This Decision shall enter into force on 1 July 2004.

Done at Brussels, 5 July 2004.

For the European Community

Michael SCANNELL

For the Swiss Confederation

Christian HÄBERLI

*For the Secretariat of the Joint Committee
on Agriculture*

Hans-Christian BEAUMOND

APÉNDICE

'APPENDIX 1

LEGISLATION

Section 1 (recognition of the conformity of legislation)

A. COMMUNITY PROVISIONS

1. *Basic legislation*

Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed (OJ 125, 11.7.1966, p. 2298/66), as last amended by Directive 2003/61/EC (OJ L 165, 3.7.2003, p. 23).

Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed (OJ 125, 11.7.1966, p. 2309/66), as last amended by Directive 2003/61/EC (OJ L 165, 3.7.2003, p. 23).

Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species (OJ L 193, 20.7.2002, p. 1), as last amended by Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Official Journal L 268, 18.10.2003, p. 1).

Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed (OJ L 193, 20.7.2002, p.12), as last amended by Directive 2003/61/EC (OJ L 165, 3.7.2003, p. 23).

Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes (OJ L 193, 20.7.2002, p. 60), as last amended by Directive 2003/61/EC (OJ L 165, 3.7.2003, p. 23).

Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants (OJ L 193, 20.7.2002, p. 74), as last amended by Directive 2003/61/EC (OJ L 165, 3.7.2003, p. 23).

2. *Implementing provisions*

Commission Directive 74/268/EEC of 2 May 1974 laying down special conditions concerning the presence of 'Avena fatua' in fodder plant and cereal seed (OJ L 141, 24.5.1974, p. 19), as last amended by Directive 78/511/EEC (OJ L 157, 15.6.1978, p. 34).

Commission Directive 75/502/EEC of 25 July 1975 limiting the marketing of seed of smooth-stalk meadow grass (*Poa pratensis* L.) to seed which has been officially certified 'basic seed' or 'certified seed' (OJ L 228, 29.8.1975, p. 26)

Commission Decision 80/755/EEC of 17 July 1980 authorising the indelible printing of prescribed information on packages of cereal seed (OJ L 207, 9.8.1980, p. 37), as last amended by Decision 81/109/EEC (OJ L 64, 11.3.1981, p. 13).

Commission Decision 81/675/EEC of 28 July 1981 establishing that particular sealing systems are 'non-reusable systems' within the meaning of Council Directives 66/400/EEC, 66/401/EEC, 66/402/EEC, 69/208/EEC and 70/458/EEC (OJ L 246, 29.8.1981, p. 26), as last amended by Decision 86/563/EEC (OJ L 327, 22.11.1986, p. 50).

Commission Directive 86/109/EEC of 27 February 1986 limiting the marketing of seed of certain species of fodder plants and oil and fibre plants to seed which has been officially certified as 'basic seed' or 'certified seed' (OJ L 93, 8.4.1986, p. 21), as last amended by Directive 91/376/EEC (OJ L 203, 26.7.1991, p. 108).

Commission Directive 93/17/EEC of 30 March 1993 determining Community grades of basic seed potatoes, together with the conditions and designations applicable to such grades (OJ L 106, 30.4.1993, p. 7).

Commission Decision 97/125/EC of 24 January 1997 authorising the indelible printing of prescribed information on packages of seed of oil and fibre plants and amending Decision 87/309/EEC authorising the indelible printing of prescribed information on packages of certain fodder plant species (OJ L 48, 19.2.1997, p. 35).

Council Decision 97/788/EC of 17 November 1997 on the equivalence of checks on practices for the maintenance of varieties carried out in third countries (OJ L 322, 25.11.1997, p. 39), as last amended by Commission Decision 2004/120/EC of 29 January 2004 (OJ L 36, 7.2.2004, p. 57).

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 (OJ L 140, 12.5.1998, p. 14), as last amended by Decision 2002/280/EC (OJ L 99, 16.4.2002, p. 22).

Commission Regulation (EC) No 930/2000 of May 2004 establishing implementing rules as to the suitability of the denominations of varieties of agricultural plant species and vegetable species (OJ L 108, 5.5.2000, p. 3).

Council Decision 2003/17/EC of 16 December 2002 on the equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries (OJ L 8, 14.1.2003, p. 10) as last amended by Council Regulation (EC) No 885/2004 (OJ L 168, 1.5.2004, p. 1).

Commission Directive 2003/90/EC of 6 October 2003 setting out implementing measures for the purposes of Article 7 of Council Directive 2002/53/EC as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of agricultural plant species (OJ L 254, 8.10.2003, p. 7).

Decisión 2004/266/CE de la Comisión, de 17 de marzo de 2004, por la que se autoriza la impresión indeleble de las indicaciones requeridas en los envases de semillas de plantas forrajeras (DO L 83 de 20.3.2004, p. 23).

B. SWISS PROVISIONS⁽¹⁾

Federal Law of 29 April 1998 on agriculture, as last amended on 20 June 2003 (RO 2003 4217).

Ordinance of 7 December 1998 on the production and entry into free circulation of plant propagating material, as last amended on 26 November 2003 (RO 2003 4921).

DFE Ordinance of 7 December 1998 on seeds and seedlings of species of arable crops and fodder plants, as last amended on 8 March 2002 (RO 2002 1489).

OFAG Ordinance of 7 December 1998 on the catalogue of varieties of cereals, potatoes, fodder plants, oil and fibre plants and beet, as last amended on 15 May 2003 (RO 2003 1404).

Section 2 (mutual recognition of certificates)

A. COMMUNITY PROVISIONS

1. Basic legislation

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2. SWISS PROVISIONS

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B. SWISS PROVISIONS

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C. CERTIFICATES REQUIRED FOR IMPORTS

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⁽¹⁾ Local varieties authorised for marketing in Switzerland are not covered.

APPENDIX 2

SEED INSPECTION AND CERTIFICATION BODIES ⁽¹⁾

A. EUROPEAN COMMUNITY

BELGIUM

1. Ministerie van de Vlaamse Gemeenschap
Administratie Kwaliteit Landbouwproductie (AKL)
Dienst Normering en Controle Plantaardige Productie (NCPP)
WTC III — 12de verd.
Simon Bolivarlaan, 30
B-1000 Brussels
2. Ministère de la Région Wallonne
Direction Générale de l'Agriculture
Division de la Recherche, du Développement et de la qualité
Direction de la Qualité des Produits
Bloc B
Rue des Moulins de Meuse 4
B-5000 Beez

CZECH REPUBLIC

Ústřední kontrolní a zkušební ústav zemědělský (Central Institute for Supervising and Testing in Agriculture)
Odbor osiv a sadby (Division of Seed Materials and Planting Stock)
Za Opravnou 4
CZ-150 06 Praha 5 – Motol

DENMARK

Ministeriet for Fødevarer, Landbrug og Fiskeri
Plantedirektoratet
Skovbrynet 20
DK-2800 Kgs. Lyngby

GERMANY

Senatsverwaltung für Wirtschaft, Arbeit und Frauen Fachbereich Landwirtschaft Referat IV B 61 D-10820 Berlin	B
Landwirtschaftskammer Nordrhein-Westfalen Referat 51 — Landbau Anerkennungsstelle NRW Endenicher Allee 60 D-53115 Bonn	BN
Der Senator für Frauen, Gesundheit, Jugend, Soziales und Umweltschutz Referat 33 Große Weidestraße 4—16 D-28195 Bremen	HB
Bayerische Landesanstalt für Landwirtschaft Institut für Pflanzenbau u. Pflanzenzüchtung — Amtliche Saatenanerkennung — Postfach 16 41 D-85316 Freising	FS

⁽¹⁾ Seeds of the species covered by the legislation under Appendix 1, section 1.

Landwirtschaftskammer Hannover — Referat 32.1 — Postfach 2 69 D-30002 Hannover	H
Landesanstalt für Landwirtschaft und Gartenbau Sachsen-Anhalt (LLG) Abt. 6, Dez. 62 Prüf- u. Anerkennungsstelle für Saat- u. Pflanzgut Heinrich-u.-Thomas-Mann-Str. 19 D-06108 Halle	HAL
Freie und Hansestadt Hamburg Behörde für Wirtschaft und Arbeit Amt Wirtschaft u. Landwirtschaft Postfach 11 21 09 D-20421 Hamburg	HH
Landesforschungsanstalt für Landwirtschaft und Fischerei Mecklenburg-Vorpommern Landesanererkennungsstelle f. Saat- u. Pflanzgut Graf-Lippe-Straße 1 D-18059 Rostock	HRO
Thüringer Landesanstalt für Landwirtschaft Referat Saatgut Naumburger Straße 98 D-07743 Jena	J
Landwirtschaftliche Untersuchungs- und Forschungsanstalt Augustenberg Saatgutenerkennungsstelle Postfach 43 02 30 D-76217 Karlsruhe	KA
Landwirtschaftskammer Schleswig-Holstein Abteilung Pflanzenbau Fachbereich Saatgutwesen Am Kamp 9 D-24783 Osterrönfeld	KI
Landwirtschaftskammer Rheinland-Pfalz — Amtliche Saatenanerkennung — Postfach 18 51 D-55508 Bad Kreuznach	KH
Hessisches Dienstleistungszentrum für Landwirtschaft, Gartenbau und Naturschutz Kölnische Straße 48—50 D-34117 Kassel	KS
Sächsische Landesanstalt für Landwirtschaft Fachbereich 4, Ref. 43 Saatgut- und Sortenwesen Waldheimer Str. 219 D-01683 Nossen	MEI
Landwirtschaftskammer Weser-Ems Fachbereich 3.10 Anerkennungsstelle Postfach 25 49 D-26015 Oldenburg	OL
Landwirtschaftskammer für das Saarland Lessingstraße 12 D-66121 Saarbrücken	SB

Landesamt für Verbraucherschutz und Landwirtschaft
Referat 45 — Saatenanerkennung
Verwaltungszentrum — Teilbereich C
Steinplatz 1
D-15838 Wünsdorf

TF

ESTONIA

Taimetoodangu Inspektsioon (Estonian Plant Production Inspectorate (PPI))
Vabaduse plats 4
EE-71020 Viljandi
1. Seed Certification Department (seeds other than potato)
2. Plant Health Department (only potato)

GREECE

Ministry of Rural Development and Food
Directorate General of Plant Production
Directorate of Inputs of Crop Production
2 Acharnon Street
GR-101 76 Athens

SPAIN

Ministerio de Agricultura, Pesca y Alimentación
Oficina española de variedades vegetales Madrid
Generalitat de Catalunya
Dirección General de la Producción Agraria Barcelona
Comunidad Autónoma de País Vasco
Dirección de Agricultura Vitoria-Álava
Junta de Galicia
Dirección General de Producción Agropecuaria Santiago de Compostela
Gobierno de Cantabria
Dirección General de Agricultura Santander
Principado de Asturias
Dirección General de Agroalimentación Oviedo
Junta de Andalucía
Dirección General de la Producción Agraria Sevilla
Comunidad Autónoma de Murcia
Dirección General de Agricultura e Industrias Agrarias Murcia
Diputación General de Aragón
Dirección General de Tecnología Agraria Zaragoza
Junta de Comunidades de Castilla-La Mancha
Dirección General de la Producción Agraria Toledo
Generalitat Valenciana
Dirección General de Innovación Agraria y Ganadería Valencia
Gobierno de La Rioja
Dirección General de Desarrollo Rural Logroño
Junta de Extremadura
Dirección General de Producción, Investigación y Formación Agraria Mérida
Gobierno de Canarias
Dirección General de Desarrollo Agrícola Santa Cruz de Tenerife
Junta de Castilla y León
Dirección General de Producción Agropecuaria Valladolid
Gobierno Balear
Dirección General de Agricultura Palma de Mallorca
Comunidad de Madrid
Dirección General de Agricultura Madrid
Comunidad Foral de Navarra
Dirección General de Agricultura y Ganadería Pamplona

FRANCE

Ministère de l'Agriculture, de l'Alimentation, de la Pêche et des Affaires Rurales
Service Officiel de Contrôle et de Certification (SOC)
Paris

IRELAND

The Department of Agriculture and Food
Agriculture House
Kildare Street
Dublin 2

ITALY

Ente Nazionale Sementi Elette (ENSE)
Milan

CYPRUS

Ministry of Agriculture, Natural Resources and Environment
Department of Agriculture
1412, Nicosia

LATVIA

Valsts Augu Aizsardzības dienests (State Plant Protection Service)
Republikas lauk. 2
LV-1981 Rīga

LITHUANIA

Valstybinė sėklų ir grūdų tarnyba prie Žemės ūkio ministerijos (State Seed and Grain Service under the Ministry of Agriculture)
V. Kudirkos 18
LT-2600 Vilnius

LUXEMBOURG

L'Administration des Services Techniques de l'Agriculture (ASTA)
Service de la Production Végétale
L-1470 Luxembourg

HUNGARY

Országos Mezőgazdasági Minőség Intézet (National Institute for Agricultural Quality Control)
Keleti Károly u. 24.
Pf. 30, 93
H-1525 Budapest 114.

MALTA

Agricultural Services Laboratories,
Agricultural Services & Rural Development Division,
Ministry for Rural Affairs and the Environment
Ghammieri
Marsa

NETHERLANDS

Nederlandse Algemene Keuringsdienst voor zaaizaad en pootgoed van landbouwgewassen (NAK)
Emmeloord

AUSTRIA

Bundesamt für Ernährungssicherheit
Spargelfeldstrasse 191, PO Box 400
A-1226 Vienna

POLAND

Państwowa Inspekcja Ochrony Roślin i Nasiennictwa (State Plant Health and Seed Inspection Service)
Ul. Wspólna 30
PL-00-930 Warszawa

PORTUGAL

Ministério da Agricultura, Desenvolvimento Rural e Pescas
Direcção Geral de Protecção das Culturas
Edifício I
Tapada da Ajuda
P-1349-018 Lisboa

SLOVENIA

Kmetijski inštitut Slovenije (Agricultural institute of Slovenia)
Hacquetova 17
SI-1000 Ljubljana

SLOVAK REPUBLIC

Ústredný kontrolný a skúšobný ústav poľnohospodársky (Central Controlling and Testing Institute in Agriculture)
Odbor osív a sadív (Department of Seeds and Planting Material)
Matúškova 21
SL-833 16 Bratislava

FINLAND

Kasvintuotannon tarkastuskeskus (KTTK)/Kontrollcentralen för växtproduktion
Siementarkastusosasto/Frökontrollavdelningen
BO Box 111
FI-32201 Loimaa

SWEDEN

- (a) Seeds other than seed potatoes
- Statens utsädeskontroll (SUK) (Swedish Seed Testing and Certification Institute)
Svalöv
 - Frökontrollen Mellansverige AB
Örebro
- (b) Seed potatoes
- Statens utsädeskontroll (SUK) (Swedish Seed Testing and Certification Institute)
Svalöv

UNITED KINGDOM**England and Wales**

- (a) Seeds other than seed potatoes
Department for Environment, Food and Rural Affairs
Plant Varieties and Seeds Division
Cambridge
- (b) Seed potatoes
Department for Environment, Food and Rural Affairs
Plant Health Division
York

Scotland

Scottish Executive
Environment and Rural Affairs Department
Edinburgh

Northern Ireland

Department of Agriculture and Rural Development
Environmental Policy
Belfast

B. SWITZERLAND

Office fédéral de l'agriculture
Service des semences et plants
CH-3003 Berne
Tel. (41-31) 322 25 50
Fax (41-31) 322 26 34

APPENDIX 3

DEROGATIONS

Community derogations allowed by Switzerland

- (a) dispensing certain Member States from the obligation to apply Council Directives 66/401/EEC, 66/402/EEC and 2002/57/EC on the marketing of fodder plant, cereal and oil and fibre plant seed to certain species:
- Commission Decision 69/270/EEC (OJ L 220, 1.9.1969, p. 8)
 - Commission Decision 69/271/EEC (OJ L 220, 1.9.1969, p. 9)
 - Commission Decision 69/272/EEC (OJ L 220, 1.9.1969, p. 10)
 - Commission Decision 70/47/EEC (OJ L 13, 19.1.1970, p. 26), as last amended by Decision 80/301/EEC (OJ L 68, 14.3.1980, p. 30)
 - Commission Decision 70/48/EEC (OJ L 13, 19.1.1970, p. 27)
 - Commission Decision 70/49/EEC (OJ L 13, 19.1.1970, p. 28)
 - Commission Decision 70/93/EEC (OJ L 25, 2.2.1970, p. 16)
 - Commission Decision 70/94/EEC (OJ L 25, 2.2.1970, p. 17)
 - Commission Decision 70/481/CEE (OJ L 237, 28.10.1970, p. 29)
 - Commission Decision 73/123/EEC (OJ L 145, 2.6.1973, p. 43)
 - Commission Decision 74/5/EEC (OJ L 12, 15.1.1974, p. 13)
 - Commission Decision 74/360/EEC (OJ L 196, 19.7.1974, p. 18), as last amended by Decision 2003/234/EC (OJ L 86, 3.4.2003, p. 48)
 - Commission Decision 74/361/EEC (OJ L 196, 19.7.1974, p. 19)
 - Commission Decision 74/362/EEC (OJ L 196, 19.7.1974, p. 20)
 - Commission Decision 74/491/EEC (OJ L 267, 3.10.1974, p. 18)
 - Commission Decision 74/532/EEC (OJ L 299, 7.11.1974, p. 14)
 - Commission Decision 80/301/EEC (OJ L 68, 14.3.1980, p. 30)
 - Commission Decision 80/512/EEC (OJ L 126, 21.5.1980, p. 15)
 - Commission Decision 86/153/EEC (OJ L 115, 3.5.1986, p. 26)
 - Commission Decision 89/101/EEC (OJ L 38, 10.2.1989, p. 37);
- (b) authorising certain Member States to restrict the marketing of seed of certain varieties (cf. Common catalogue of varieties of agricultural plant species, 22nd complete edition, column 4 (OJ C 91A, 16.4.2003, p. 1);
- (c) authorising certain Member States to adopt more stringent provisions concerning the presence of *Avena fatua* in cereal seed:
- Commission Decision 74/269/EEC (OJ L 141, 24.5.1974, p. 20), as amended by Decision 78/512/EEC (OJ L 157, 15.6.1978, p. 35)

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- Commission Decision 74/531/EEC (OJ L 299, 7.11.1974, p. 13)
 - Commission Decision 95/75/EC (OJ L 60, 18.3.1995, p. 30)
 - Commission Decision 96/334/EC (OJ L 127, 25.5.1996, p. 39);
- (d) authorising, in respect of the marketing of seed potatoes in all or part of the territory of certain Member States, more stringent measures against certain diseases than are provided for in Annexes I and II to Council Directive 2002/56/EC:
- Commission Decision 2004/3/EC (OJ L 2, 6.1.2004, p. 47);
- (e) authorisation to assess the satisfaction of the varietal purity standards for seed of apomictic uniclinal varieties of *Poa pratensis* also on the basis of the results of seed and seedling testing
- Commission Decision 85/370/EEC (OJ L 209, 6.8.1985, p. 41).
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APPENDIX 4

LIST OF THIRD COUNTRIES ⁽¹⁾

Argentina

Australia

Bulgaria

Canada

Chile

Croatia

Israel

Morocco

New Zealand

Romania

Serbia and Montenegro

South Africa

Turkey

United States of America

Uruguay

⁽¹⁾ Recognition is based on Council Decision 2003/17/EC (OJ L 8, 14.1.2003, p. 10), as last amended by Regulation (EC) No 885/2004 (OJ L 168, 1.5.2004, p. 1) for field inspections of seed-producing crops and seeds produced, and on Council Decision 97/788/EC (OJ L 322, 25.11.1998, p. 39), as last amended by Commission Decision 2004/120/EC of 29 January 2004 (OJ L 36, 7.2.2004, p. 57) for checks on practices for the maintenance of varieties. The Agreement on the European Economic Area applies in the case of Norway.