

Council Directive of 14 June 1966 on the marketing of fodder plant seed (66/401/EEC)

Article 2

[^{F1}1.] For the purposes of this Directive, the following definitions shall apply:

A. Fodder plants: plants of the following genera and species:

(a)	[^{F2} Poaceae (Gramineae)]	Grasses
[^{F3}	<i>Agrostis canina</i> L.	Velvet bent]
[^{F4}	[^{F2} <i>Agrostis gigantea</i> Roth]	Roth Redtop
	<i>Agrostis stolonifera</i> L.	Creeping bent grass
	[^{F5} <i>Agrostis capillaris</i> L.]	Brown top]
	<i>Alopecurus pratensis</i> L.	Meadow foxtail
[^{F3}	[^{F2} <i>Arrhenatherum elatius</i> (L.) P. Beauv. ex J. Presl & C. Presl]	Tall oatgrass]
[^{F6}	<i>Bromus catharticus</i> Vahl	Rescue grass
	<i>Bromus sitchensis</i> Trin.	Alaska brome-grass]
[^{F7}	<i>Cynodon dactylon</i> (L.) Pers.	Bermuda grass]
	<i>Dactylis glomerata</i> L.	Cocksfoot
	[^{F5} <i>Festuca arundinacea</i> Schreber]	Tall fescue
[^{F8}	<i>Festuca filiformis</i> Pourr	Fine leaved sheep's fescue]
	<i>Festuca ovina</i> L.	Sheep's fescue
	[^{F2} <i>Festuca pratensis</i> Huds.]	Meadow fescue
	<i>Festuca rubra</i> L.	Red fescue
[^{F8}	<i>Festuca trachyphylla</i> (Hack.) Krajina	Hard fescue]
[^{F4}	<i>Lolium multiflorum</i> Lam.	Italian ryegrass (including Westerwold ryegrass)
	<i>Lolium perenne</i> L.	Perennial ryegrass
	[^{F9} <i>Lolium x hybridum</i> Hausskn]	Hybrid ryegrass]
[^{F7}	<i>Phalaris aquatica</i> L.	Harding grass, Phalaris]
	[^{F2} <i>Phleum nodosum</i> L.]	[^{F2} Small timothy]

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.

	<i>Phleum pratense</i> L.	Timothy
[^{F4}	<i>Poa annua</i> L.	Annual meadowgrass
	<i>Poa nemoralis</i> L.	Wood meadowgrass
	<i>Poa palustris</i> L.	Swamp meadowgrass
	<i>Poa pratensis</i> L.	Smooth-stalk meadowgrass
	<i>Poa trivialis</i> L.	Rough-stalk meadowgrass]
[^{F3}	[^{F5} <i>Trisetum flavescens</i> (L.) P. Beauv.]	Golden oatgrass]
[^{F10}	This definition shall also cover the following hybrid resulting from the crossing of species referred to above.	
[^{F11}	[^{F2} <i>xFestulolium</i> Asch. & Graebn.]	[^{F2} Hybrids resulting from the crossing of a species of the genus <i>Festuca</i> with a species of the genus <i>Lolium</i>]]]
[^{F9} (b)	<i>Fabaceae (Leguminosae)</i>	Legumes
	<i>Biserrula pelecinus</i> L.	Biserrula
	<i>Galega orientalis</i> Lam.	Fodder galega
	<i>Hedysarum coronarium</i> L.	Sulla
	<i>Lathyrus cicera</i> L.	Chickling vetch/Dwarf chickling vetch
	<i>Lotus corniculatus</i> L.	Birdsfoot trefoil
	<i>Lupinus albus</i> L.	White lupin
	<i>Lupinus angustifolius</i> L.	Narrow-leaved lupin
	<i>Lupinus luteus</i> L.	Yellow lupin
	<i>Medicago doliata</i> Carmign.	Straight-spined medic
	<i>Medicago italica</i> (Mill.) Fiori	Disc medic
	<i>Medicago littoralis</i> Rohde ex Loisel.	Shore medic/Strand medic
	<i>Medicago lupulina</i> L.	Trefoil
	<i>Medicago murex</i> Willd.	Sphere medic
	<i>Medicago polymorpha</i> L.	Bur medic
	<i>Medicago rugosa</i> Desr.	Wrinkled medic/Gama medic

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.

	<i>Medicago sativa</i> L.	Lucerne
	<i>Medicago scutellata</i> (L.) Mill.	Snail medic/Shield medic
	<i>Medicago truncatula</i> Gaertn.	Barrel medic
	<i>Medicago</i> × <i>varia</i> T. Martyn Sand	Sand lucerne
	<i>Onobrychis viciifolia</i> Scop.	Sainfoin
	<i>Ornithopus compressus</i> L.	Yellow serradella
	<i>Ornithopus sativus</i> Brot.	Serradella
	<i>Pisum sativum</i> L. (partim)	Field pea
	<i>Trifolium alexandrinum</i> L.	Berseem, Egyptian clover
	<i>Trifolium fragiferum</i> L.	Strawberry clover
	<i>Trifolium glanduliferum</i> Boiss.	Glandular clover
	<i>Trifolium hirtum</i> All.	Rose clover
	<i>Trifolium hybridum</i> L.	Alsike clover
	<i>Trifolium incarnatum</i> L.	Crimson clover
	<i>Trifolium isthmocarpum</i> Brot.	Moroccan clover
	<i>Trifolium michelianum</i> Savi	Balansa clover
	<i>Trifolium pratense</i> L.	Red clover
	<i>Trifolium repens</i> L.	White clover
	<i>Trifolium resupinatum</i> L.	Persian clover
	<i>Trifolium squarrosum</i> L.	Squarrose clover
	<i>Trifolium subterraneum</i> L.	Subterranean clover
	<i>Trifolium vesiculosum</i> Savi	Arrow-leaf clover
	<i>Trigonella foenum-graecum</i> L.	Fenugreek
	<i>Vicia benghalensis</i> L.	Purple vetch
	<i>Vicia faba</i> L.	Field bean
	<i>Vicia pannonica</i> Crantz	Hungarian vetch
	<i>Vicia sativa</i> L.	Common vetch
	<i>Vicia villosa</i> Roth	Hairy vetch]

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.

[^{F1} (c)]	<i>Other species</i>	
	[^{F5} <i>Brassica napus</i> L. var. <i>napobrassica</i> (L.) Rchb.]	[^{X1} Swede]
	[^{F5} <i>Brassica oleracea</i> L. convar. <i>acephala</i> (DC.) Alef. var. <i>medullosa</i> Thell. + var. <i>varidis</i> L.]	[^{X1} Fodder kale]
[^{F6}	<i>Phacelia tanacetifolia</i> Benth.	California bluebell]
[^{F12}	<i>Plantago lanceolata</i> L.	Ribwort plantain]
[^{F1}	[^{F5} <i>Raphanus sativus</i> L. var. <i>oleiformis</i> Pers.]	Fodder radish.]

B. Basic Seed:

1. Seed of bred varieties: seed

- (a) which has been produced under the responsibility of the breeder according to accepted practices for the maintenance of the variety;
- (b) which is intended for the production of seed of the category 'certified seed';
- (c) which, subject to the provisions of Article 4, satisfies the conditions laid down in Annexes I and II for basic seed; and
- (d) [^{F13}which has been found by official examination or, in the case of the conditions laid down in Annex II, either by official examination or by examination carried out under official supervision, to satisfy the conditions set out in (a), (b) and (c).]

2. Seed of local varieties: seed

- (a) which has been produced under official control from material officially accepted as being of the local variety on one or more holdings situated within a clearly demarcated region of origin;
- (b) which is intended for the production of seed of the category 'certified seed';
- (c) which, subject to the provisions of Article 4, satisfies the conditions laid down in Annexes I and II for basic seed; and
- (d) [^{F13}which has been found by official examination or, in the case of the conditions laid down in Annex II, either by official examination or by examination carried out under official supervision, to satisfy the conditions set out in (a), (b) and (c).]

C. [^{F14}Certified seed: seed of all the species listed under A other than *Lupinus* spp., *Pisum sativum*, *Vicia* spp. and *Medicago sativa*:

- (a) which has been produced directly from basic seed or, if the breeder so requests, from seed of a generation prior to basic seed which has been found

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.

- by official examination to satisfy the conditions laid down in Annexes I and II for basic seed;
- (b) which is intended for purposes other than the production of seed;
 - (c) which, subject to of Article 4(b), satisfies the conditions laid down in Annexes I and II for certified seed; and
 - (d) [^{F13}which has been found by official examination or by examination carried out under official supervision to satisfy the conditions set out in (a), (b) and (c).]
- Ca. [^{F15}Certified seed, first generation (*Lupinus* spp., *Pisum sativum*, *Vicia* spp. and *Medicago sativa*) seed:
- (a) which has been produced directly from basic seed or, if the breeder so requests, from seed of a generation prior to basic seed which can satisfy and has been found by official examination to satisfy the conditions laid down in Annexes I and II for basic seed;
 - (b) which is intended either for the production of seed of the category ‘certified seed, second generation’ or for purposes other than the production of seed of fodder plants;
 - (c) which, subject to Article 4(b), satisfies the conditions laid down in Annexes I and II for certified seed; and
 - (d) [^{F13}which has been found by official examination or by examination carried out under official supervision to satisfy the conditions set out in (a), (b) and (c).]
- Cb. Certified seed, second generation (*Lupinus* spp., *Pisum sativum*, *Vicia* spp. and *Medicago sativa*) seed:
- (a) which has been produced directly from basic seed, from certified seed of the first generation or, if the breeder so requests, from seed of a generation prior to basic seed which can satisfy and has been found by official examination to satisfy the conditions laid down in Annexes I and II for basic seed;
 - (b) which is intended for purposes other than the production of seed of fodder plants;
 - (c) which, subject to Article 4(b), satisfies the conditions laid down in Annexes I and II, for certified seed; and
 - (d) [^{F13}which has been found by official examination or by examination carried out under official supervision to satisfy the conditions set out in (a), (b) and (c).]
- D. Commercial seed: seed
- (a) Which is identifiable as belonging to a species;
 - (b) which, subject to the provisions of Article 4 (b), satisfies the conditions laid down in Annex II for commercial seed; and
 - (c) [^{F13}which has been found by official examination or by examination carried out under official supervision to satisfy the conditions set out in (a) and (b).]

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.

- E. Official measures: measures taken
 - (a) by State authorities, or
 - (b) by any legal person whether governed by public or by private law, acting under the responsibility of the State, or
 - (c) in the case of ancillary activities which are also subject to State control, by any natural person duly sworn for that purpose,

provided that the persons mentioned under (b) and (c) derive no private gain from such measures.

- F. ^[F16]Small ^[F17]EC A packages: packages containing a mixture of seeds not intended for the production of fodder plants, with a net weight not exceeding 2 kg excluding, where appropriate, granulated pesticides, pelleting substances or other solid additives.
- G. Small ^[F17]EC B packages: packages containing ^[F15]basic seed,] certified seed, commercial seed or — if the packages concerned are not small EC] A packages — a mixture of seeds with a net weight not exceeding 10 kg excluding, where appropriate, granulated pesticides, pelleting substances or other solid additives.]

^[F18]1a Amendments to be made to the list of species referred to in paragraph 1(A) shall be adopted in accordance with the procedure laid down in Article 21.]

^[F6]1b The different types of varieties, including the components, eligible for certification under this Directive may be specified and defined in accordance with the procedure laid down in Article 21.]

^{F19}1c.

^[F20] ~~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.]

^[F12] Member States may, during a transitional period of not more than four years after the entry into force of the laws, regulations or administrative provisions necessary to comply with this Directive, and by way of derogation from paragraph 1 (C), certify as certified seed seed ^[X1]produced directly] from seed officially controlled in a Member State under the scheme in operation at that time and which affords the same assurances as seed certified as basic seed or certified seed in accordance with the principles of this Directive.]

^[F21]]

^[F22]^[F13]3 When the examination under official supervision set out in paragraphs (1)(B)(1) (d), (1)(B)(2)(d), (1)(C)(d), (1)(Ca)(d), (1)(Cb)(d) and (1)(D)(c) is carried out, the following requirements shall be complied with:

- A. Field inspection
 - (a) The inspectors shall:
 - (i) have the necessary technical qualifications;

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.

- (ii) derive no private gain in connection with the carrying out of the inspections;
 - (iii) have been officially licensed by the seed certification authority of the Member State concerned and this licensing shall include either the swearing-in of inspectors or the signature by inspectors of a written statement of commitment to the rules governing official examinations;
 - (iv) carry out inspections under official supervision in accordance with the rules applicable to official inspections.
- (b) The seed crop to be inspected shall be grown from seed, which has undergone official post-control, the results of which have been satisfactory.
 - (c) A proportion of the seed crops shall be checked by official inspectors. That proportion shall be at least 5 %.
 - (d) A proportion of samples from the seed lots harvested from the seed crops shall be drawn for official post control and, where appropriate, for official laboratory seed testing in respect of varietal identity and purity.
 - (e) The Member States shall lay down the rules on penalties applicable to infringements of the national provisions governing examination under official supervision, adopted pursuant to this Directive. The penalties provided for must be effective, proportionate and dissuasive. Penalties may include the withdrawal of the licence provided for in (a)(iii) from officially licensed inspectors who are found guilty of deliberately or negligently contravening the rules governing official examinations. The Member States shall ensure that any certification of the seed examined is annulled in the event of such contravention unless it can be shown that such seed still meets all relevant requirements.

B. Seed testing

- (a) Seed testing shall be carried out by seed-testing laboratories which have been authorised for that purpose by the seed certification authority of the Member State concerned under the conditions set out in (b) to (d).
- (b) The seed-testing laboratory shall have a seed analyst-in-charge who has direct responsibility for the technical operations of the laboratory and has the necessary qualifications for technical management of a seed-testing laboratory.

Its seed analysts shall have the necessary technical qualifications obtained in training courses organised under conditions applicable to official seed analysts and confirmed by official examinations.

The laboratory shall be maintained in premises and with equipment officially considered by the seed certification authority to be satisfactory for the purpose of seed testing, within the scope of the authorisation.

It shall carry out seed testing in accordance with current international methods.

- (c) The seed-testing laboratory shall be:

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.

- (i) an independent laboratory;
- or
- (ii) a laboratory belonging to a seed company.

In the case referred to in (ii), the laboratory may carry out seed testing only on seed lots produced on behalf of the seed company to which it belongs, unless it has been otherwise agreed between that seed company, the applicant for certification and the seed certification authority.

- (d) The seed-testing laboratory's performance of seed testing shall be subject to appropriate supervision by the seed certification authority.
- (e) For the purposes of the supervision referred to in (d) a proportion of the seed lots entered for the official certification shall be check-tested by official seed testing. That proportion shall in principle be as evenly spread as possible over natural and legal persons entering seed for certification, and the species entered, but may also be oriented to eliminate specific doubts. That proportion shall be at least 5 %.
- (f) The Member States shall lay down the rules on penalties applicable to infringements of the national provisions governing examination under official supervision, adopted pursuant to this Directive. The penalties provided for must be effective, proportionate and dissuasive. Penalties may include the withdrawal of the authorisation provided for in (a), from officially authorised seed-testing laboratories which are found guilty of deliberately or negligently contravening the rules governing official examinations. The Member States shall ensure that any certification of the seed examined is annulled in the event of such contravention unless it can be shown that such seed still meets all relevant requirements.]

4 Further measures applicable to the carrying out of examinations under official supervision may be adopted in accordance with the procedure laid down in Article 21.]

[^{F23}]

Editorial Information

- X1** Substituted by [Council Directive No 69/63/EEC of 18 February 1969 amending the Council Directive of 14 June 1966 on the marketing of fodder plant seed \(Official Journal of the European Communities, No L 48, p. 8\).](#)

Textual Amendments

- F1** Inserted by [Council Directive of 18 February 1969 amending the Council Directive of 14 June 1966 on the marketing of fodder plant seed \(69/63/EEC\).](#)
- F2** Substituted by [Commission Directive 2009/74/EC of 26 June 2009 amending Council Directives 66/401/EEC, 66/402/EEC, 2002/55/EC and 2002/57/EC as regards the botanical names of plants, the scientific names of other organisms and certain Annexes to Directives 66/401/EEC, 66/402/EEC and 2002/57/EC in the light of developments of scientific and technical knowledge \(Text with EEA relevance\).](#)
- F3** Inserted by [Commission Directive of 27 June 1979 amending Council Directives 66/401/EEC, 66/402/EEC, 69/208/EEC and 70/458/EEC on the marketing of fodder plant seed, cereal seed, seed of oil and fibre plants and vegetable seed \(79/641/EEC\).](#)

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.

- F4** Inserted by Council Directive of 30 March 1971 amending the Directives of 14 June 1966 on the marketing of beet seed, fodder plant seed, cereal seed and seed potatoes, the Directive of 30 June 1969 on the marketing of seed of oil and fibre plants and the Directive of 29 September 1970 on the marketing of vegetable seed (71/162/EEC).
- F5** Inserted by Commission Directive of 14 January 1987 amending various Council Directives on the marketing of seeds and propagating materials (87/120/EEC).
- F6** Inserted by Council Directive of 13 June 1988 amending Directives 66/400/EEC, 66/401/EEC, 66/402/EEC, 66/403/EEC, 69/208/EEC, 70/457/EEC and 70/458/EEC on the marketing of beet seed, fodder plant seed, cereal seed, seed potatoes, seed of oil and fibre plants and vegetable seed and on the common catalogue of varieties of agricultural plant species (88/380/EEC).
- F7** Inserted by 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).
- F8** Inserted by Commission Directive 2009/74/EC of 26 June 2009 amending Council Directives 66/401/EEC, 66/402/EEC, 2002/55/EC and 2002/57/EC as regards the botanical names of plants, the scientific names of other organisms and certain Annexes to Directives 66/401/EEC, 66/402/EEC and 2002/57/EC in the light of developments of scientific and technical knowledge (Text with EEA relevance).
- F9** Substituted by Commission Implementing Directive (EU) 2016/2109 of 1 December 2016 amending Council Directive 66/401/EEC as regards the inclusion of new species and the botanical name of the species *Lolium x boucheanum* Kunth (Text with EEA relevance).
- F10** Inserted by Commission Directive 92/19/EEC of 23 March 1992 amending Directive 66/401/EEC on the marketing of fodder plant seed.
- F11** Substituted by Commission Directive 2004/55/EC of 20 April 2004 amending Council Directive 66/401/EEC on the marketing of fodder plant seed (Text with EEA relevance).
- F12** Inserted by Commission Implementing Directive (EU) 2016/2109 of 1 December 2016 amending Council Directive 66/401/EEC as regards the inclusion of new species and the botanical name of the species *Lolium x boucheanum* Kunth (Text with EEA relevance).
- F13** Substituted by 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.
- F14** Substituted by Council Directive 98/95/EC of 14 December 1998 amending, in respect of the consolidation of the internal market, genetically modified plant varieties and plant genetic resources, Directives 66/400/EEC, 66/401/EEC, 66/402/EEC, 66/403/EEC, 69/208/EEC, 70/457/EEC and 70/458/EEC on the marketing of beet seed, fodder plant seed, cereal seed, seed potatoes, seed of oil and fibre plants and vegetable seed and on the common catalogue of varieties of agricultural plant species.
- F15** Inserted by Council Directive 98/95/EC of 14 December 1998 amending, in respect of the consolidation of the internal market, genetically modified plant varieties and plant genetic resources, Directives 66/400/EEC, 66/401/EEC, 66/402/EEC, 66/403/EEC, 69/208/EEC, 70/457/EEC and 70/458/EEC on the marketing of beet seed, fodder plant seed, cereal seed, seed potatoes, seed of oil and fibre plants and vegetable seed and on the common catalogue of varieties of agricultural plant species.
- F16** Inserted by Council Directive of 26 June 1975 amending Directives No 66/400/EEC, No 66/401/EEC, No 66/402/EEC, No 66/403/EEC and No 69/208/EEC on the marketing of beet seed, fodder plant seed, cereal seed, seed potatoes, and seed of oil and fibre plants (75/444/EEC).
- F17** Substituted by Council Directive 96/72/EC of 18 November 1996 amending Directives 66/400/EEC, 66/401/EEC, 66/402/EEC, 66/403/EEC, 69/208/EEC and 70/458/EEC on the marketing of beet seed, fodder plant seed, cereal seed, seed potatoes, seed of oil and fibre plants and vegetable seed.
- F18** Substituted by Council Directive 98/96/EC of 14 December 1998 amending, inter alia, as regards unofficial field inspections under Directives 66/400/EEC, 66/401/EEC, 66/402/EEC, 66/403/EEC, 69/208/EEC, 70/457/EEC and 70/458/EEC on the marketing of beet seed, fodder plant seed, cereal seed, seed potatoes, seed of oil and fibre plants and vegetable seed and on the common catalogue of varieties of agricultural plant species.

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.

- F19** Deleted by Council Directive 98/95/EC of 14 December 1998 amending, in respect of the consolidation of the internal market, genetically modified plant varieties and plant genetic resources, Directives 66/400/EEC, 66/401/EEC, 66/402/EEC, 66/403/EEC, 69/208/EEC, 70/457/EEC and 70/458/EEC on the marketing of beet seed, fodder plant seed, cereal seed, seed potatoes, seed of oil and fibre plants and vegetable seed and on the common catalogue of varieties of agricultural plant species.
- F20** Inserted by 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).
- F21** Deleted by Council Directive of 6 December 1972 amending the Directives of 14 June 1966 on the marketing of beet seed, of fodder-crop plant, of cereal seed, of seed potatoes, the Directive of 30 June 1969 on the marketing of seed of oil and fibre plants, and the Directives of 29 September 1970 on the marketing of vegetable seed and on the Common Catalogue of Varieties of Agricultural Plant Species (72/418/EEC).
- F22** Inserted by Council Directive 98/96/EC of 14 December 1998 amending, inter alia, as regards unofficial field inspections under Directives 66/400/EEC, 66/401/EEC, 66/402/EEC, 66/403/EEC, 69/208/EEC, 70/457/EEC and 70/458/EEC on the marketing of beet seed, fodder plant seed, cereal seed, seed potatoes, seed of oil and fibre plants and vegetable seed and on the common catalogue of varieties of agricultural plant species.
- F23** Deleted by 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.