

Council Directive of 14 June 1966 on the marketing of cereal seed (66/402/EEC)

Article 2

1 For the purposes of this Directive, the following definitions shall apply:

A. [^{F1}Cereals: plants of the following species intended for agricultural or horticultural production other than production for ornamental purposes:]

^{F2} <i>Avena nuda</i> L.	Small naked oat, Hulless oat
<i>Avena sativa</i> L. (includes <i>A. byzantina</i> K. Koch)	Oats and Red oat
<i>Avena strigosa</i> Schreb.	Black oat, Bristle oat]
^{F3} <i>Hordeum vulgare</i> L.	Barley]
<i>Oryza sativa</i> L.	Rice
^{F4} <i>Phalaris canariensis</i> L.	Canary grass]
<i>Secale cereale</i> L.	Rye
^{F5} <i>Sorghum bicolor</i> (L.) Moench	Sorghum
^{F2} <i>Sorghum sudanense</i> (Piper) Stapf]	Sudan grass]
^{F2} x <i>Triticosecale</i> Wittm. ex A. Camus	hybrids resulting from the crossing of a species of the genus <i>Triticum</i> and a species of the genus <i>Secale</i>]
^{F3} [^{F2} <i>Triticum aestivum</i> L.]	Wheat
<i>Triticum durum</i> Desf.	Durum wheat]
<i>Triticum spelta</i> L.	Spelt wheat
^{F6} <i>Zea mays</i> L. [^{F7} (partim)]	Maize except popcorn and sweet corn.]

[^{F8}This definition shall also cover the following hybrids resulting from the crossing of species referred to above.

^{F2} <i>Sorghum bicolor</i> (L.) Moench × <i>Sorghum sudanense</i> (Piper) Stapf.	Hybrids resulting from the crossing of <i>Sorghum bicolor</i> and <i>Sorghum sudanense</i>]
--	--

Unless otherwise specified, seed of the aforementioned hybrids shall be subject to the standards or other conditions applicable to seed of each of the species from which they are derived.]

B. Varieties, hybrids and inbred lines of maize [^{F5}and *Sorghum* spp.]:

- (a) Open-pollinated variety: a sufficiently uniform and stable variety;
- (b) Inbred line: a sufficiently uniform and stable line, obtained either by artificial self-fertilization accompanied by selection over several successive generations or by equivalent operations;

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.

- (c) Simple hybrid: the first generation of a cross, defined by the breeder, between two inbred lines;
 - (d) Double hybrid: the first generation of a cross, defined by the breeder, between two simple hybrids;
 - (e) [^{X1}Triple-cross] hybrid: the first generation of a cross, defined by the breeder, between an inbred line and a simple hybrid;
 - (f) Top Cross hybrid: the first generation of a cross, defined by the breeder, between an inbred line or a simple hybrid and an open-pollinated variety;
 - (g) Intervarietal hybrid: the first generation of a cross, defined by the breeder, between plants grown from basic seed of two open-pollinated varieties.
- C. [^{F9}Basic seed (oats, barley, rice, canary grass, rye triticale, wheat, durum wheat and spelt wheat, other than hybrids in each case): 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 either of the category ‘certified seed’ or of the categories ‘certified seed, first generation’ or ‘certified seed, second generation’;
 - (c) which, subject to the provisions of Article 4 (1) (a), satisfies the conditions laid down in Annexes I and II for basic seed; and
 - (d) [^{F10}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).]
- Ca. [^{F9}[^{F11}Basic seed (hybrids of oats, barley, rice, rye, wheat, durum wheat, spelt wheat and self-pollinating triticale)]
- (a) which is intended for the production of hybrids;
 - (b) which, subject to the provisions of Article 4, satisfies the conditions laid down in Annexes I and II for basic seed; and
 - (c) [^{F10}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) and (b).]]
- D. Basic seed maize [^{F5}*Sorghum* spp.]:
- 1. Basic seed of open-pollinated 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 this variety of the category ‘certified seed’ or of Top Cross hybrids or of intervarietal hybrids;

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.

- (c) which, subject to the provisions of Article 4, satisfies the conditions laid down in Annexes I and II for basic seed; and
 - (d) [^{F10}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. Basic seed of inbred lines: seed
 - (a) which, subject to the provisions of Article 4, satisfies the conditions laid down in Annexes I and II for basic seed; and
 - (b) [^{F10}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).]
 - 3. Basic seed of simple hybrids: seed
 - (a) which is intended for the production of double hybrids, [^{X1}triple-cross] hybrids or Top Cross hybrids;
 - (b) which, subject to the provisions of Article 4, satisfies the conditions laid down in Annexes I and II for basic seed; and
 - (c) [^{F10}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) and (b).]
- E. [^{F9}[^{F11}Certified seed (canary grass, other than hybrids, rye, sorghum, sudan grass, maize and hybrids of oats, barley, rice, wheat, durum wheat, spelt wheat and self pollinating triticales): seed]]
 - (a) [^{F4}which [^{X2}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 for purposes other than the production of cereal seed;
 - (c) which, subject to the provisions of Article 4 (1) (b) and (2), satisfies the conditions laid down in Annexes I and II for certified seed; and
 - (d) [^{F10}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).]
- F. [^{F9}Certified seed of the first generation (oats, barley, rice, triticales, wheat, durum wheat and spelt wheat, other than hybrids in each case): seed]
 - (a) [^{F4}which [^{X2}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 by official examination to satisfy the conditions laid down in Annexes I and II for basic seed;]

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.

- (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 cereal seed;
 - (c) which satisfies the conditions laid down in Annexes I and II for certified seed of the first generation; and
 - (d) [^{F10}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).]
- G. [^{F9}Certified seed of the second generation (oats, barley, rice, triticale, wheat, durum wheat and spelt wheat, other than hybrids in each case): seed]
- (a) [^{F4}which [^{X2}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 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 cereal seed;
 - (c) which satisfies the conditions laid down in Annexes I and II for certified seed of the second generation; and
 - (d) [^{F10}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).]
- H. 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.

[^{F12}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.]

[^{F9}1b Amendments to be made to paragraph 1 (C) (Ca), (E), (F) and (G) for the purpose of including hybrids of canary grass, rye and triticale in the scope of this Directive shall be adopted in accordance with the procedure laid down in Article 21.

1c The different types of varieties, including the components, eligible for certification under the provisions of this Directive, may be specified and defined in accordance with the procedure laid down in Article 21. In accordance with the same procedure the definitions in paragraph 1 (B) shall be adapted accordingly.]

[^{F13}1d.]

[^{F14}1e Until [^{F9}30 June 1987], Member States may be authorized, in accordance with the procedure laid down in Article 21, to permit the marketing of seed of specific varieties of rye, chiefly intended for use as fodder, which do not satisfy the conditions laid down:

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.

- in Annex II as regards germination.]
 - [^{F15}]
 - 2 Member States may:
 - a include several generations in the basic seed category and subdivide this category by generation;
 - b provide that official examinations in respect of germination and analytical purity not be carried out on all lots during certification unless there is doubt whether the conditions laid down in Annex II in these respects have been satisfied;
 - [^{F4} c during a transitional period of not more than three 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 (E), (F) and (G), certify as certified seed seed which is of direct descent from seed officially controlled in a Member State under the scheme in operation at that time and which affords the same assurances as basic seed certified in accordance with the principles of this Directive; this provision shall apply correspondingly to the certified seed of the first generation referred to in paragraph 1 (G).]
 - [^{F16} d be authorized, on request and according to the procedure laid down in Article 21, to officially certify seed of autogamous species of the categories ‘certified seed, first generation’ or ‘certified seed, second generation’ until [^{F9}30 June 1989] at the latest:
 - when, instead of the official field inspection prescribed in Annex I, a field inspection, officially controlled by spot-checks on at least 20 % of the crops of each species, is carried out;
 - provided that, in addition to the basic seed, at least the two generations of pre-basic seed immediately preceding that category, have been found by an official examination carried out in Member State concerned, to satisfy the conditions laid down in Annexes I and II as to the varietal identity and varietal purity of basic seed.]
- [^{F17} [^{F103} When the examination under official supervision set out in paragraphs (1)(C)(d), (1)(Ca)(c), (1)(D)(1)(d), (1)(D)(2)(b), (1)(D)(3)(c), (1)(E)(d), (1)(F)(d) and (1)(G)(d) is carried out, the following requirements shall be complied with:
- A. Field inspection
 - (a) The inspectors shall:
 - (i) have the necessary technical qualifications;
 - (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.

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.

- (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:
 - (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 competent seed certification authority.

- (d) The seed-testing laboratory's performance of seed testing shall be subject to appropriate supervision by the seed certification authority.

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) 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.]

[^{F18}]

Editorial Information

- X1 Substituted by [Directive No 66/402/EEC of 14 June 1966 on the marketing of cereal seed \(Official Journal of the European Communities, No 125, p. 2309/66\)](#).
- X2 Substituted by [Council Directive No 69/60/EEC of 18 February 1969 amending the Council Directive of 14 June 1966 on the marketing of cereal seed \(Official Journal of the European Communities, No L 48, p. 1\)](#).

Textual Amendments

- F1 Inserted 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 \(72/418/EEC\)](#).
- 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 \(79/641/EEC\)](#).
- F4 Inserted by [Council Directive of 18 February 1969 amending the Council Directive of 14 June 1966 on the marketing of cereal seed \(69/60/EEC\)](#).
- F5 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 \(86/155/EEC\)](#).
- F6 Substituted 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 \(71/162/EEC\)](#).

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.

- F7** Inserted by Commission Directive of 14 January 1987 amending various Council Directives on the marketing of seeds and propagating materials (87/120/EEC).
- F8** Inserted by Commission Directive of 20 June 1986 amending Council Directive 66/402/EEC on the marketing of cereal seed (86/320/EEC).
- F9** 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).
- F10** 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.
- F11** Substituted by Commission Directive 1999/54/EC of 26 May 1999 amending Council Directive 66/402/EEC on the marketing of cereal seed.
- F12** 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.
- F13** 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.
- F14** 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).
- F15** Deleted 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).
- F16** Inserted by Council Directive of 11 December 1973 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 Directives of 29 September 1970 on the marketing of vegetable seed and on the common catalogue of varieties of agricultural plant species (73/438/EEC).
- F17** 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.
- F18** 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.