

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

*[<sup>F1</sup>Article 1*

This Directive shall apply to the production with a view to marketing, and to the marketing, of cereal seed within the Community.]

**Textual Amendments**

- F1** 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.](#)

*[<sup>F2</sup>Article 1a*

For the purposes of this Directive ‘marketing’ shall mean the sale, holding with a view to sale, offer for sale and any disposal, supply or transfer aimed at commercial exploitation of seed to third parties, whether or not for consideration.

Trade in seed not aimed at commercial exploitation of the variety, such as the following operations, shall not be regarded as marketing:

- the supply of seed to official testing and inspection bodies;
- the supply of seed to providers of services for processing or packaging, provided the provider of services does not acquire title to seed thus supplied.

The supply of seed under certain conditions to providers of services for the production of certain agricultural raw materials, intended for industrial purposes, or seed propagation for that purpose, shall not be regarded as marketing, provided the provider of services does not acquire title to either the seed thus supplied or the product of the harvest. The supplier of seed shall provide the Certification Authority with a copy of the relevant parts of the contract made with the provider of services and this shall include the standards and conditions currently met by the seed provided.

The conditions for the application of this provision shall be determined in accordance with the procedure laid down in Article 21.]

**Textual Amendments**

- F2** 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.](#)

*Article 2*

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

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A. [<sup>F3</sup>Cereals: plants of the following species intended for agricultural or horticultural production other than production for ornamental purposes:]

<sup>F4</sup> <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]
<sup>F5</sup> <i>Hordeum vulgare</i> L.	Barley]
<i>Oryza sativa</i> L.	Rice
<sup>F6</sup> <i>Phalaris canariensis</i> L.	Canary grass]
<i>Secale cereale</i> L.	Rye
<sup>F7</sup> <i>Sorghum bicolor</i> (L.) Moench	Sorghum
<sup>F4</sup> <i>Sorghum sudanense</i> (Piper) Stapf]	Sudan grass]
<sup>F4</sup> <i>xTriticosecale</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> ]
<sup>F5</sup> <sup>F4</sup> <i>Triticum aestivum</i> L.]	Wheat
<i>Triticum durum</i> Desf.	Durum wheat]
<i>Triticum spelta</i> L.	Spelt wheat
<sup>F8</sup> <i>Zea mays</i> L. [ <sup>F9</sup> (partim)]	Maize except popcorn and sweet corn.]

[<sup>F10</sup>This definition shall also cover the following hybrids resulting from the crossing of species referred to above.

<sup>F4</sup> <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> ]
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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 [<sup>F7</sup>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;
- (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;

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- (e) [<sup>X1</sup>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. [<sup>F11</sup>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) [<sup>F12</sup>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. [<sup>F11</sup>[<sup>F13</sup>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) [<sup>F12</sup>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 [<sup>F7</sup>*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;
    - (c) which, subject to the provisions of Article 4, satisfies the conditions laid down in Annexes I and II for basic seed; and
    - (d) [<sup>F12</sup>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).]

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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) [<sup>F12</sup>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, [<sup>X1</sup>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) [<sup>F12</sup>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. [<sup>F11</sup>[<sup>F13</sup>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 triticale): seed]]
- (a) [<sup>F6</sup>which [<sup>X2</sup>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) [<sup>F12</sup>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. [<sup>F11</sup>Certified seed of the first generation (oats, barley, rice, triticale, wheat, durum wheat and spelt wheat, other than hybrids in each case): seed]
- (a) [<sup>F6</sup>which [<sup>X2</sup>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;]
  - (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

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- (d) [<sup>F12</sup>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. [<sup>F11</sup>Certified seed of the second generation (oats, barley, rice, triticale, wheat, durum wheat and spelt wheat, other than hybrids in each case): seed]
- (a) [<sup>F6</sup>which [<sup>X2</sup>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) [<sup>F12</sup>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.
- [<sup>F14</sup>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.]
- [<sup>F11</sup>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.]
- <sup>F15</sup>1d. ....
- [<sup>F16</sup>[ Until [<sup>F11</sup>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:
- in Annex II as regards germination.]
  - [<sup>F17</sup>.....]
- 2 Member States may:
- a include several generations in the basic seed category and subdivide this category by generation;

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- 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;
- [<sup>F6</sup>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);]
- [<sup>F18</sup>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[<sup>F11</sup>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.]
- [<sup>F19</sup>[<sup>F123</sup> 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.
  - (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.
- (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 %.

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- (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.]

[<sup>F20</sup> . . . . .]

#### 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

- F3** 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).
- F4** 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).
- F5** 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).
- F6** 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).
- 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** 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).
- F9** Inserted by Commission Directive of 14 January 1987 amending various Council Directives on the marketing of seeds and propagating materials (87/120/EEC).
- F10** Inserted by Commission Directive of 20 June 1986 amending Council Directive 66/402/EEC on the marketing of cereal seed (86/320/EEC).
- F11** 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



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- 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).
- F12** 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.
- F13** Substituted by Commission Directive 1999/54/EC of 26 May 1999 amending Council Directive 66/402/EEC on the marketing of cereal seed.
- F14** 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.
- F15** 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.
- F16** 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).
- F17** 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).
- F18** 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).
- F19** 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.
- F20** 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.

### Article 3

[<sup>F11</sup> Member States shall provide that cereal seed may not be placed on the market unless it has been officially certified as ‘basic seed’, ‘certified seed’, ‘certified seed, first generation’ or ‘certified seed, second generation’.]

2 The Member States shall, for the purposes of certification[<sup>F15</sup> and marketing], fix the maximum moisture content of basic seed and certified seed of all kinds.

3 The Member States shall ensure that the official examinations of seed are carried out in accordance with current international methods, insofar as such methods exist.

<sup>F15</sup>4 .....

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#### Textual Amendments

- F1** 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** 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.

#### *[<sup>F2</sup>Article 3a*

Notwithstanding Article 3(1), Member States shall provide that:

- bred seed of generations prior to basic seed, and
- seed as grown, marketed for processing, provided that the identity of the seed is ensured,

may be placed on the market.]

#### Textual Amendments

- F2** 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.

#### *Article 4*

- 1 Member States may, however, by way of derogation from the provisions of Article 3:
  - a authorize the official certification and marketing of basic seed which does not satisfy the conditions laid down in Annex II in respect of germination; to this end all necessary measures shall be taken to ensure that the supplier guarantees a specific germination which he shall state for marketing purposes on a special label bearing his name and address and the reference number of the seed lot;
  - b in order to make [<sup>F21</sup>maize] seed rapidly available, notwithstanding the fact that the official examination to check compliance with the conditions laid down in Annex II in respect of germination has not been concluded, authorize the official certification and marketing as far as the first buyer by way of trade of the categories 'basic seed' or 'certified seed'. Certification shall be granted only on presentation of a provisional analytical report on the seed and provided that the name and address of the first recipient are given; all necessary measures shall be taken to ensure that the supplier guarantees the germination ascertained at the provisional analysis; this germination shall be stated for marketing purposes on a special label bearing the name and address of the supplier and the reference number of the lot.

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These provisions shall not apply to seed imported from third countries, save as otherwise provided in Article 15 in respect of multiplication outside the Community.

<sup>F15</sup><sub>2</sub> .....

<sup>F15</sup><sub>3</sub> .....

[<sup>F24</sup> Member States making use of the derogation provided for in either subparagraph 1(a) or 1(b) shall assist each other administratively as regards inspection.]

#### Textual Amendments

**F2** 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.

**F15** 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.

**F21** Deleted by Council Directive of 18 February 1969 amending the Council Directive of 14 June 1966 on the marketing of cereal seed (69/60/EEC).

#### [<sup>F2</sup>Article 4a

1 Notwithstanding Article 3(1), Member States may authorise producers in their own territory to place on the market:

- a small quantities of seed for, scientific purposes or selection work;
- b appropriate quantities of seed for other test or trial purposes, provided it belongs to varieties for which an application for entry in the catalogue has been submitted in the Member State in question.

In the case of genetically modified material, such authorisation may be granted only if all appropriate measures have been taken to avoid adverse effects on human health and the environment. For the environmental risk assessment to be carried out in this respect, the provisions of Article 7(4) of Directive 70/457/EEC shall apply accordingly.

2 The purposes for which the authorities referred to in paragraph 1(b) may be given, the provisions relating to the marking of packages, and the quantities and the conditions under which Member States may grant such authorisation shall be determined in accordance with the procedure laid down in Article 21.

3 Authorisations granted before the date of adoption of this Directive by Member States to producers in their own territory for the purposes set out in paragraph 1 shall remain in force pending determination of the provisions referred to in paragraph 2. Thereafter, all such authorisations shall respect the provisions established in accordance with paragraph 2.]

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#### Textual Amendments

- F2** 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.

#### Article 5

Member States may, as regards the conditions laid down in Annexes I and II, impose additional or more stringent requirements for the certification of seed produced in their own territory.

#### [<sup>F2</sup>Article 5a

Member States may restrict the certification of seed of oats, barley, rice and wheat to that of certified seed of the first generation.]

#### Textual Amendments

- F2** 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.

#### Article 6

[<sup>F22</sup>The Member States shall provide that the description of genealogical components which may be required is, if the breeder so requests, treated as confidential.]

#### Textual Amendments

- F22** 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).

#### Article 7

[<sup>F12</sup> Member States shall require that, for the checking of varieties, and for the examination of seed for certification, samples are drawn officially or under official supervision in accordance with appropriate methods. However, seed sampling with a view to controls pursuant to Article 19 shall be carried out officially.]

[<sup>F23</sup>1a When the seed sampling under official supervision provided for in paragraph 1 is carried out, the following requirements shall be complied with:

- a seed sampling shall be carried out by seed samplers who have been authorised for that purpose by the seed certification authority of the Member State concerned under the conditions set out in (b), (c), and (d);

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

They shall carry out seed sampling in accordance with current international methods;

- c seed samplers shall be:
  - (i) independent natural persons;
  - (ii) persons employed by natural or legal persons whose activities do not involve seed production, seed growing, seed processing or seed trade;or
  - (iii) persons employed by natural or legal persons whose activities involve seed production, seed growing, seed processing or seed trade.

In the case referred to in (iii), a seed sampler may carry out seed sampling only on seed lots produced on behalf of his employer, unless it has been otherwise agreed between his employer, the applicant for certification and the seed certification authority;

- d the performance of the seed samplers shall be subject to appropriate supervision by the seed certification authority. When automatic sampling is in operation appropriate procedures must be adhered to and officially supervised;
- e for the purposes of the supervision referred to in (d) a proportion of the seed lots entered for official certification shall be check-sampled by official seed samplers. 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%. This check sampling does not apply to automatic sampling.

The Member States shall compare the seed samples drawn officially with those of the same seed lot drawn under official supervision;

- 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 samplers 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 sampled is annulled in the event of such contravention unless it can be shown that such seed still meets all relevant requirements.

1b Further measures applicable to the carrying out of seed sampling under official supervision may be adopted in accordance with the procedure laid down in Article 21(2).]

2 For the examination of seed for certification, samples shall be drawn from homogeneous lots; the maximum weight of a lot and the minimum weight of a sample are given in Annex III.

#### **Textual Amendments**

- F12** 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.](#)

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**F23** Inserted 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.

### Article 8

1 The Member States shall require that basic seed and certified seed of all kinds be marketed only in sufficiently homogeneous [<sup>F6</sup>lots] and in sealed [<sup>X1</sup>packages] bearing, as prescribed in Articles 9 and 10, a sealing device and markings.

2 Member States may, for the marketing of small quantities to the final consumer, provide for derogations from the provisions of paragraph 1 in respect of packaging, sealing and marking.

#### 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).

#### Textual Amendments

**F6** 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).

### Article 9

[<sup>F24</sup>1 The Member States shall require that packages of basic seed and certified seed of all categories be sealed officially or under official supervision in such a manner that they cannot be opened without damaging the sealing system or without leaving evidence of tampering on either the official label provided for in Article 10 (1) or the package.

In order to ensure sealing, the sealing system shall comprise at least either the abovementioned label or the affixing of an official seal.

The measures provided for in the second subparagraph above shall not be necessary where a non-reusable sealing system is used.

In accordance with the procedure laid down in Article 21, it may be established whether a particular sealing system complies with the provisions of this paragraph.]

[<sup>F6</sup>2 Packages which have been officially sealed shall not be resealed, whether one or more times, except officially [<sup>F24</sup>or under official] supervision. If packages are resealed, the fact of resealing, the most recent date of resealing and the authority responsible therefor shall be stated on the label required under Article 10 (1).]

[<sup>F25</sup>3 Member States may provide for exceptions to paragraph 1 in the case of small packages [<sup>F2</sup>sealed in their own territory. Conditions relating to these exceptions may be determined in accordance with the procedure laid down in Article 21].]

#### Textual Amendments

**F2** 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

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and fibre plants and vegetable seed and on the common catalogue of varieties of agricultural plant species.

- F6** 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).
- F24** Inserted by Council Directive of 25 July 1978 amending Directives 66/400/EEC, 66/401/EEC, 66/402/EEC, 66/403/EEC, 68/193/EEC, 69/208/EEC and 70/458/EEC on the marketing of beet seed, fodder plant seed, cereal seed, seed potatoes, material for the vegetative propagation of the vine, seed of oil and fibre plants and vegetable seed (78/692/EEC).
- F25** 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).

### <sup>F26</sup> Article 10

- 1 Member States shall require that packages of basic seed and certified seed of all kinds:
- a be labelled on the outside with an official label which has not previously been used, which satisfies the conditions laid down in Annex IV and on which the information is given in one of the official languages of the Community. The colour of the label shall be white for basic seed, blue for certified seed and for certified seed of the first generation and red for certified seed of the second generation. When a label with a string-hole is used, its attachment shall be ensured in all cases with an official seal. If, in cases under Article 4 (1) (a) and (2), the basic seed or maize seed does not satisfy the conditions laid down in Annex II in respect of germination, this fact shall be stated on the label. The use of official adhesive labels shall be authorized. In accordance with the procedure laid down in Article 21, the indelible printing under official supervision of the prescribed information on the package according to the label's model may be authorized;
  - b contain an official document, in the same colour as the label, giving at least the information required under Annex IV (A) (a) (3), (4) and (5). This document shall be drawn up in such a manner that it cannot be confused with the official label referred to under (a). This document is not necessary if the information is printed indelibly on the package or if, in accordance with the provisions under (a), an adhesive label or a label of non-tear material is used.

<sup>F12</sup> Member States may provide for exceptions to paragraph 1 in the case of small packages sealed in their own territory. Conditions relating to these exceptions may be determined in accordance with the procedure laid down in Article 21.]

- 3 In accordance with the procedure laid down in Article 21, Member States may be authorized to retain until 30 June 1980 provisions allowing the marketing of cereal seeds the packaging of which includes the prescribed information but in a different layout from that provided for in the sixth sentence of paragraph 1 (a).]

#### Textual Amendments

- F1** 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.
- F26** Inserted by Council Directive of 19 December 1977 amending Directives 66/400/EEC, 66/401/EEC, 66/402/EEC, 68/193/EEC, 69/208/EEC, 70/458/EEC and 70/457/EEC on the marketing of beet seed, fodder plant seed, cereal seed, material for the vegetative propagation of the vine, seed of oil and fibre

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plants, vegetable seed and on the common catalogue of varieties of agricultural plant species (78/55/EEC).

### *[<sup>F27</sup> Article 10a*

1 Member States may, by way of derogation from Articles 8, 9 and 10, provide a simplification of the provisions relating to the closing device and the marking of packages in the case of marketing of seed of the category ‘certified seed’ in bulk to the final consumer.

2 Conditions for the application of the derogation under paragraph 1 above shall be determined in accordance with the procedure referred to in Article 21(2).

Until such measures are adopted, the conditions set out in Article 2 of Commission Decision 94/650/EC<sup>(1)</sup> shall apply.]

#### **Textual Amendments**

**F27** Inserted by Council Directive 2001/64/EC of 31 August 2001 amending Directive 66/401/EEC on the marketing of fodder plant seed and Directive 66/402/EEC on the marketing of cereal seed.

### *[<sup>F1</sup> Article 11*

1 In accordance with the procedure laid down in Article 21, it may be provided that, in cases other than those already provided for in this Directive, packages of basic or certified seed of any kind shall bear a supplier's label (which may either be a label separate from the official label or take the form of suppliers' information printed on the package itself). The particulars to be provided on any such label shall also be established in accordance with the procedure laid down in Article 21.]

[<sup>F22</sup> This Directive shall not affect the right of Member States to require that seed lots complying with the special conditions concerning the presence of *Avena fatua* laid down in accordance with the procedure provided for in Article 21 shall be accompanied by an official certificate attesting compliance with those conditions.]

#### **Textual Amendments**

**F1** 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.

**F2** 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.

### *[<sup>F2</sup> Article 11a*

In the case of seed of a variety which has been genetically modified, any label or document, official or otherwise, which is affixed to or accompanies the seed lot,



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under the provisions of this Directive, shall clearly indicate that the variety has been genetically modified.]

#### Textual Amendments

- F2** 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.

#### Article 12

The Member States shall require that any chemical treatment of basic seed or certified seed of all [<sup>X1</sup>categories] be noted either on the official label or on the supplier's label and on the [<sup>X1</sup>package] or inside it.

#### 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).

#### Article 13

[<sup>F16</sup>1 Member States [<sup>F1</sup>shall] permit seed of a species of cereal to be marketed in the form of specific mixtures of seeds of various varieties provided that scientific or technical knowledge indicates that these mixtures are such as to be particularly effective against the propagation of certain harmful organisms and provided also that the components of the mixture comply, before mixing, with the marketing rules applicable to them.]

[<sup>F16</sup>2.] Member States [<sup>F1</sup>shall] authorize the marketing of cereal seed in the form of [<sup>X1</sup>mixtures] of various species, provided that the components of the blend complied, before blending, with the marketing rules applicable to them.

[<sup>F2</sup>2a The specific conditions under which such mixtures may be marketed shall be determined in accordance with the procedure laid down in Article 21.]

[<sup>F16</sup>3.] The provisions of Articles 8, 9 and 11 shall apply, as shall also those of Article 10, except that for [<sup>X1</sup>mixtures] the label used shall be green.

#### 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).

#### Textual Amendments

- F1** 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.

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- F2** 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 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).

### *[<sup>F11</sup> Article 13a*

[<sup>F14</sup>For the purpose of seeking improved alternatives to certain provisions set out in this directive, it may be decided to organise temporary experiments under specified conditions at Community level in accordance with the provisions laid down in Article 21.]

In the framework of such experiments, Member States may be released from certain obligations laid down in this Directive. The extent of that release shall be defined with reference to the provisions to which it applies. The duration of an experiment shall not exceed seven years.]

#### **Textual Amendments**

- F11** 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).
- F14** 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.

### *Article 14*

[<sup>F11</sup> Member States shall ensure that seed which is placed on the market under the provisions of this Directive, whether mandatory or discretionary, is not subject to any marketing restrictions as regards its characteristics, examination requirements, marking and sealing other than those laid down in this or any other Directive.]

[<sup>F28</sup>1a The Commission, in accordance with the procedure provided for in Article 21, shall for the marketing of cereal seeds authorize, in respect of the whole or parts of the territory of one or more Member States, provisions which are more strict than those laid down in Annex II concerning the presence of *Avena fatua* in those seeds, if similar provisions are applied to the home production of those seeds and if there is a campaign to eradicate *Avena fatua* from cereals grown in the region in question.]

<sup>F15</sup><sub>2</sub> .....

<sup>F15</sup><sub>3</sub> .....

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### Textual Amendments

- F1** 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** 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.
- F28** Inserted by Act concerning the Conditions of Accession and the Adjustments to the Treaties.

### *F<sup>2</sup>Article 14a*

The conditions under which bred seed of generations prior to basic seed may be placed on the market under the first indent of Article 3a, shall be as follows:

- (a) it must have been officially inspected by the competent certification authority in accordance with the provisions applicable to the certification of basic seed;
- (b) it must be packed in accordance with the provisions of this Directive; and
- (c) the packages must bear an official label giving at least the following particulars:
- certification authority and Member State or their distinguishing abbreviation,
  - lot reference number,
  - month and year of sealing, or
  - month and year of the last official sampling for the purposes of certification,
  - species, indicated at least under its botanical name, which may be given in abridged form and without the authors' names, in Roman characters,
  - variety, indicated at least in Roman characters,
  - the description 'pre-basic seed',
  - number of generations preceding seed of the categories 'certified seed' or 'certified seed of the first generation'.

The label shall be white with a diagonal violet line.]

### Textual Amendments

- F2** 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.

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### *[<sup>F11</sup> Article 15*

- 1 The Member States shall provide that cereal seed
- which has been produced directly from basic seed or certified seed of the first generation officially certified either in one or more Member States or in a third country which has been granted equivalence under Article 16 (1) (b), or which has been produced directly from the crossing of basic seed officially certified in a Member State with basic seed officially certified in such a third country, and
  - which has been harvested in another Member State,

shall, on request and without prejudice to the provisions of Directive 70/457/EEC, be officially certified as certified seed in any Member State if that seed has undergone field inspection satisfying the conditions laid down in Annex I for the relevant category and if official examination has shown that the conditions laid down in Annex II for the same category are satisfied.

Where in such cases the seed has been produced directly from officially certified seed of generations prior to basic seed, Member States may also authorize official certification as basic seed, if the conditions laid down for that category are satisfied.

[<sup>F12</sup> Cereal seed which has been harvested in the Community, and which is intended for certification in accordance with paragraph 1, shall:

- be packed and labelled with an official label satisfying the conditions laid down in Annex V(A) and (B), in accordance with Article 9(1), and
- be accompanied by an official document satisfying the conditions laid down in Annex V(C).

The provisions in the first subparagraph on packing and labelling may be waived if the authorities responsible for field inspection, those drawing up the documents for the certification of seeds which have not been definitively certified and those responsible for certification are the same, or if they agree on exemption.]

[<sup>F123</sup> The Member States shall also provide that cereal seed harvested in a third country shall, on request, be officially certified if:

- a it has been produced directly from:
  - (i) basic seed or certified seed of the first generation officially certified either in one or more Member States or in a third country which has been granted equivalence under Article 16(1)(b);
  - or
  - (ii) the crossing of basic seed officially certified in a Member State with basic seed officially certified in a third country referred to in (i);
- b it has undergone field inspection satisfying the conditions laid down in an equivalence decision made under Article 16(1)(a) for the relevant category;
- c official examination has shown that the conditions laid down in Annex II for the same category are satisfied.]]

#### **Textual Amendments**

- F1** 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](#)

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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.

- F11** 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).
- F12** 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.

### Article 16

1 The Council, acting by a qualified majority on a proposal from the Commission, shall determine whether:

- a in the case provided for in Article 15, the field inspections in the third country satisfy the conditions laid down in Annex I;
- [<sup>F12</sup>b cereal seed harvested in a third country and affording the same assurances as regards its characteristics and the arrangements for its examination, for ensuring identity, for marking and for control is equivalent in these respects to seed harvested within the Community and complying with the provisions of this Directive.]

2 [<sup>F18</sup>Member States may themselves take decisions under paragraph 1 concerning a third country, in so far as the Council has not yet taken a decision with regard to that country within the framework of this Directive. This right shall expire on 1 July 1975.]

[<sup>F29</sup>3 Paragraphs 1 and 2 shall also apply in respect of any new Member State from the date of its accession to the date on which it is to bring into force the laws, regulations or administrative provisions necessary to comply with this Directive.]

[<sup>F30</sup>4 Paragraph 1 shall also apply to the territory of the former German Democratic Republic until 31 December 1991. Detailed rules may be adopted in accordance with the procedure laid down in Article 21.]

#### Textual Amendments

- F12** 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.
- F18** 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).
- F29** Inserted by Council Directive of 20 July 1972 amending the Directives of 14 June 1966 on the marketing of beet seed, fodder plant seed, cereal seed, 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 species (72/274/EEC).
- F30** Inserted by Council Directive of 4 December 1990 on the transitional measures and the adjustments required to the Directives on plant health, seeds, plants and animal feedingstuffs and to the veterinary and zootechnical legislation as a result of German unification (90/654/EEC).

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### [<sup>F1</sup> Article 17

1 In order to remove any temporary difficulties in the general supply of basic or certified seed that occur in the Community and cannot be otherwise overcome, it may be decided in accordance with the procedure laid down in Article 21 that Member States shall permit, for a specified period, the marketing throughout the Community in quantities necessary to resolve the supply difficulties of seed of a category subject to less stringent requirements, or of seed of a variety not included in the *Common Catalogue of Varieties of Agricultural Plant Species* or in the national catalogues of varieties of the Member States.

2 For a category of seed of any given variety, the official label shall be that provided for the corresponding category; for seed of varieties not included in the abovementioned catalogues the colour of the official label shall be brown. The label shall always state that the seed in question is of a category satisfying less stringent requirements.

3 Rules for the application of paragraph 1 may be adopted in accordance with the procedure laid down in Article 21.]

#### Textual Amendments

- F1** 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.](#)

### Article 18

This Directive shall not apply to cereal seed shown to be intended for export to third countries.

### Article 19

[<sup>F11</sup> Member States shall ensure that official inspections are carried out in relation to the marketing, at least by random checks, to verify compliance with the requirements of this Directive.]

[<sup>F12</sup> Without prejudice to the free movement of seed within the Community, Member States shall take all necessary measures to ensure that they are supplied with the following particulars during the marketing of quantities exceeding two kilograms of seed imported from third countries:

- a species;
- b variety;
- c category;
- d country of production and official inspection authority;
- e country of dispatch;
- f importer;
- g quantity of seed.

The manner in which these particulars are to be presented may be determined in accordance with the procedure laid down in Article 21.]

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### Textual Amendments

- F1** 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.

### *[<sup>F31</sup> Article 20*

1 Community comparative tests and trials shall be carried out within the Community for the post-control of samples of cereal seed placed on the market under the provisions of this Directive, whether mandatory or discretionary, and taken during sampling. The comparative tests and trials may include the following:

- seed harvested in third countries,
- seed suitable for organic farming,
- seed marketed in relation to the conservation *in situ* and the sustainable use of plant genetic resources.

2 These comparative tests and trials shall be used to harmonise the technical methods of certification and to check satisfaction of the conditions with which the seed must comply.

3 The Commission, acting in accordance with the procedure referred to in Article 21, shall make the necessary arrangements for the comparative tests and trials to be carried out. The Commission shall inform the Committee referred to in Article 21 about the technical arrangements for holding the tests and trials and the results thereof.

4 The Community may make a financial contribution to the performance of the tests and trials foreseen in paragraphs 1 and 2.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.

5 The tests and trials which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 21.

6 The tests and trials foreseen in paragraphs 1 and 2 may be performed only by State authorities or legal persons acting under the responsibility of the State.]

### Textual Amendments

- F31** Substituted by Council Directive 2003/61/EC of 18 June 2003 amending Directives 66/401/EEC on the marketing of fodder plant seed, 66/402/EEC on the marketing of cereal seed, 68/193/EEC on the marketing of material for the vegetative propagation of the vine, 92/33/EEC on the marketing of vegetable propagating and planting material, other than seed, 92/34/EEC on the marketing of propagating and planting material of fruit plants, 98/56/EC on the marketing of propagating material of ornamental plants, 2002/54/EC on the marketing of beet seed, 2002/55/EC on the marketing of vegetable seed, 2002/56/EC on the marketing of seed potatoes and 2002/57/EC on the marketing of seed of oil and fibre plants as regards Community comparative tests and trials.

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### *[<sup>F32</sup>Article 21*

1 The Commission shall be assisted by the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry established by Article 1 of Decision 66/399/EEC (hereinafter ‘the Committee’).

2 Where reference is made to this paragraph, Articles 4 and 7 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>(2)</sup> shall apply.

The period provided for in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3 The Committee shall adopt its rules of procedures.]

#### **Textual Amendments**

**F32** Substituted by [Council Directive 2001/64/EC of 31 August 2001 amending Directive 66/401/EEC on the marketing of fodder plant seed and Directive 66/402/EEC on the marketing of cereal seed.](#)

### *[<sup>F22</sup>Article 21a*

**[<sup>F18</sup>Amendments to be made to the content of the Annexes in the light of the development of scientific or technical knowledge shall be adopted according to the procedure laid down in Article 21.]**

#### **Textual Amendments**

**F18** 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 \(73/438/EEC\).](#)

**F22** 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 \(71/162/EEC\).](#)

### *[<sup>F11</sup>Article 21b*

Amendments to be made to the content of the Annexes in order to establish the conditions to be satisfied by the crop and the seed of hybrids of oats, barley, rice, wheat, durum wheat, spelt wheat and other species for which hybrids are included in the scope of this Directive pursuant to Article 2 (1b) and the conditions to be satisfied by the crop and the seed of cross-pollinating varieties of triticale shall be adopted according to the procedure laid down in Article 21.]

#### **Textual Amendments**

**F11** 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 \(88/380/EEC\).](#)



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## Article 22

Save as otherwise provided in [F11Annex II (3)] in respect of tolerances for harmful organisms, this Directive shall be without prejudice to the provisions of national laws justified on grounds of the protection of health and life of humans, animals or plants or the protection of industrial and commercial property.

### Textual Amendments

**F11** 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).

## [F2Article 22a

1 Specific conditions may be established in accordance with the procedure laid down in Article 21 to take account of developments in the areas of:

- a conditions under which chemically treated seed may be marketed;
- b conditions under which seed may be marketed in relation to the conservation in situ and the sustainable use of plant genetic resources, including seed mixtures of species which also include species listed in Article 1 of Council Directive 70/457/EEC, and are associated with specific natural and semi-natural habitats and are threatened by genetic erosion;
- c conditions under which seed suitable for organic production may be marketed.

2 The specific conditions referred to in paragraph 1 shall include in particular the following points:

- (i) in the case of (b), the seed of these species shall be of a known provenance approved by the appropriate authority in each Member State for marketing the seed in defined areas;
- (ii) in the case of (b), appropriate quantitative restrictions.]

### Textual Amendments

**F2** 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.

## Article 23

The Member States shall, not later than 1 July 1968, bring into force the laws, regulations or administrative provisions necessary to comply with the provisions of Article 14 (1) and, not later than 1 July 1969, those necessary to comply with the other provisions of this Directive and its Annexes. They shall forthwith inform the Commission thereof.

[F30The Federal Republic of Germany is hereby authorized to comply, in respect of the territory of the former German Democratic Republic, with the following:

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- Article 3 (1), in the case of:
  - seed harvested prior to German unification or after unification insofar as the seed production fields had been sown before that date,
  - other seed if it is certified in accordance with Article 2 (2) (c);
- Article 8 (2), in the case of the restriction to ‘small quantities’;
- Article 13 (1), in the case of seed of ‘*Hordeum vulgare* L.’;
- Article 16, within the limits of the traditional trade flows and in response to the production needs of undertakings in the former German Democratic Republic,

at a date later than referred to above, but not later than 31 December 1992 in respect of the first and fourth indents and not later than 31 December 1994 in respect of the second and third indents.

The Federal Republic of Germany shall ensure that seed in respect of which it applies this authorization, other than seed specified in the second sub-indent of the first indent, is not introduced into parts of the Community other than the territory of the former German Democratic Republic unless it is established that the provisions of this Directive are complied with.]

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**Textual Amendments**

**F30** Inserted by [Council Directive of 4 December 1990 on the transitional measures and the adjustments required to the Directives on plant health, seeds, plants and animal feedingstuffs and to the veterinary and zootechnical legislation as a result of German unification \(90/654/EEC\)](#).

*f<sup>th</sup> Article 23a*

Upon application by a Member State, which will be dealt with as provided in Article 21, that State may be wholly or partially released from the obligation to apply the provisions of this Directive, with the exception of Article 14 (1):

- (a) in respect of the following species:
  - canary grass,
  - sorghum,
  - sudan grass;
- (b) in respect of other species which are not normally reproduced or marketed in its territory.]

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**Textual Amendments**

**F11** 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 \(88/380/EEC\)](#).

*Article 24*

This Directive is addressed to the Member States.

- (1) [<sup>F27</sup>OJ L 252, 28.9.1994, p. 15. Decision as last amended by Commission Decision 2000/441/EC (OJ L 176, 15.7.2000, p. 50).]
- (2) [<sup>F32</sup>OJ L 184, 17.7.1999, p. 23.]

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**Textual Amendments**

- F27** Inserted by Council Directive 2001/64/EC of 31 August 2001 amending Directive 66/401/EEC on the marketing of fodder plant seed and Directive 66/402/EEC on the marketing of cereal seed.
- F32** Substituted by Council Directive 2001/64/EC of 31 August 2001 amending Directive 66/401/EEC on the marketing of fodder plant seed and Directive 66/402/EEC on the marketing of cereal seed.