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FIRST COMMISSION DIRECTIVE

of 18 April 1978

amending the Annexes to Directive 66/401/EEC on the marketing of fodder plant seed

(78/386/EEC)

(OJ L 113, 25.4.1978, p. 1)

Amended by:

<u>▶</u>B

		C	Official Jour	mal
		No	page	date
<u>M1</u>	Commission Directive of 16 February 1981	L 67	36	12.3.1981

FIRST COMMISSION DIRECTIVE

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(78/386/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES.

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed (¹), as last amended by Directive 78/55/EEC (²), and in particular Article 21a thereof,

Whereas, in the light of the development of scientific and technical knowledge, Annexes I, II and III to the Directive should be amended for the set reasons out below;

Whereas, in order to improve the genetic value of seeds, provision should be made for varietal purity standards which the crop must satisfy in the case of certain spiecies;

Whereas in this respect, in the case of self-fertilized species and of apomictic uniclonal varieties of Poa spp., provision should be made for varietal purity standards which the seeds must satisfy;

Whereas provision should be made for conditions to be satisfied by the crop as regards the presence of harmful organisms which reduce the usefulness of the seed;

Whereas special standards should be set in respect of the maximum content of further undesiderable or noxious seeds as Agropyron repens, Avena ludoviciana, Avena sterilis, Melilotus spp., Sinapis arvensis, Raphanus raphanistrum or Rumex species other than Rumex acetosella, Rumex crispus and Rumex obtusifolius;

Whereas standards in respect of minimum germination capacity and of minimum analytical purity should be adapted in the light of the development of the seed quality normally achieved;

Whereas, in order to satisfy the conditions for official examination of seed carried out in accordance with current international methods, it is necessary to revise certain provisions;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 66/401/EEC is hereby amended as follows:

1. Annex I shall read as follows:

'ANNEX I

CONDITIONS TO BE SATISFIED BY THE CROP

1. The previous cropping of the field shall not have been incompatible with the production of seeds of the species and variety of

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2298/66.

⁽²⁾ OJ No L 16, 20. 1. 1978, p. 23.

the crop, and the field shall be sufficiently free from such plants which are volunteers from previous cropping.

2. The crop shall conform to the following standards as regards distances from neighbouring sources of pollen which may result in undesiderable foreign pollination:

Crop	Minimum distance
1	2
Brassica spp.:	
— for the production of basic seed	400 m
— for the production of certified seed	200 m
Species or varieties other than Brassica spp., Pisum arvense, apomictic uni-clonal varieties of Poa spp.:	
— for the production of seed intended for multiplication, fields up to two hectares	200 m
 for the production of seed intended for multipli- cation, fields over two hectares 	100 m
— for the production of seed intended for the production of fodder plants, fields up to two hectares	100 m
— for the production of seed intended for the production of fodder plants, fields over two hectares	50 m

These distances can be disregarded if there is sufficient protection from any undesiderable foreign pollination.

Plants of other species, the seeds of which are difficult to distinguish from the crop seeds in a laboratory test, shall be at a low level.

In particular, crops of lolium species shall conform to the following conditions: the number of plants of a lolium species other than the crop species shall not exceed:

- one per 50 m² for the production of basic seed,
- one per 10 m² for the production of certified seed.
- 4. The crop shall have sufficient varietal identity and varietal purity. In particular, crops of the species or varieties other than Pisum arvense or apomictic uni-clonal varieties of Poa spp. shall conform to the following standards: the number of plants of the crop species which are recognizable as obviously not being true to the variety shall not exceed:
 - one per 30 m² for the production of basic seed,
 - one per 10 m² for the production of certified seed.
- 5. Harmful organisms which reduce the usefulness of the seed shall be at the lowest possible level.
- The satisfaction of the abovementioned standards or other conditions shall be examined in official field inspections.

These field inspections shall be carried out in accordance with the following conditions:

- A. The condition and the stage of development of the crop shall permit an adequate examination.
- B. There shall be at least one field inspection.
- C. The size, the number and the distribution of the portions of the field to be inspected in order to examine the satisfaction of the provisions of this Annex shall be determined in accordance with appropriate methods.'

2. Annex II shall read as follows:

'ANNEX II

CONDITIONS TO BE SATISFIED BY THE SEED

I. CERTIFIED SEED

1. The seed shall have sufficient varietal identity and purity. In particular, the seed of Pisum arvense and of apomictic uni-clonal varieties of Poa spp. shall conform to the following standards or other conditions: the minimum varietal purity shall be of 98%.

The minimum varietal purity shall be examined mainly in field inspections carried out in accordance with the conditions laid down in Annex I.

2. The seed shall conform to the following standards or other conditions as regards germination, analytical purity and content of seeds of other plant species, including Lupin seeds of another colour and of bitter Lupin seeds:

A. Table:

	Germination	ation				Analytical purity	purity					Maximum conter	Maximum content of seeds of other plant species in a	nt species in a	Conditions
Spaciae	Minimum	Maximum	Minimum		Maxin	um content	Maximum content of seeds of other plant species (% by weight)	ther plant sp	ecies			sample of the w	sample of the weight specified in column 4 of Annex III (total per column)	ın 4 of Annex	as regards content of Lupin seeds
	germination (% of pure seed)	content of hard seed (% of pure seed)	analytical purity (% by weight)	Total	A single species	Agropyron		Alopecurus M myosuroides	Melilotus spp. r.	Raphanus raphanistrum	Sinapis arvensis	Avena fatua, Avena ludo- viciana, Avena sterilis	Cuscuta spp.	Rumex spp. other than Rumex acet- osella	of another colour and of bitter Lupin seeds
1	2	3	4	5	9	7		8	6	10	11	12	13	14	15
GRAMINEAE				_											
Agrostis canina ssp.	75 (a)		06	2.0	1.0	0.3	0	0.3				0	0 (j)(k)	2	
Agrostis gigantea	80 (a)		06	2.0	1.0	0.3	0	0.3				0	0 (j)(k)	2	
Agrostis stolonifera	75 (a)		06	2.0	1.0	0.3	0	0.3				0	0 (j)(k)	2	
Agrostis tenuis	75 (a)		06	2.0	1.0	0.3	0	0.3				0	0 (j)(k)	2	
Alopecurus pratensis	70 (a)		75	2.5	1.0	0.3	0	0.3				0	0 (j)(k)	10	
Arrhenatherum elatius	75 (a)		06	3.0	1.0	(f) 0·5	0	0.3				(g) 0	0 (j)(k)	20	
Dactylis glomerata	80 (a)		06	1.5	1.0	0.3	0	0.3				0	0 (j)(k)	10	
Festuca arundinacea			95	1.5	1.0	0.5	0	0.3				0	0 (j)(k)	20	
Festuca ovina	75 (a)		85	2.0	1.0	0.5	0	0.3				0		10	
Festuca pratensis	80 (a)		95	1.5	1.0	0.5	0	0.3				0	0 (j)(k)	20	
Festuca rubra	75 (a)		06	1.5	1.0	0.5	0	0.3				0	0 (j)(k)	10	
Lolium multiflorum	75 (a)		96	1.5	1.0	0.5	0	0.3				0	0 (j)(k)	20	
Lolium perenne	80 (a)		96	1.5	1.0	0.5	0	0.3				0	0 (j)(k)	20	
Lolium X hybridum	75 (a)		96	1.5	1.0	0.5	0	0.3				0	0 (j)(k)	20	
Phleum bertolonii	80 (a)		96	1.5	1.0	0.3	0	0.3				0	0 (k)	5	
Phleum pratense	80 (a)		96	1.5	1.0	0.3	0	0.3				0	0 (k)	5	
Poa annua	75 (a)		85	2·0 (c)	1.0 (c)	0.3	0	0.3				0	0 (j)(k)	5	
Poa nemoralis	75 (a)		85	2·0 (c)	1.0 (c)	0.3	0	0.3				0	0 (j)(k)	2	
Poa palustris	75 (a)		85	2·0 (c)	1.0 (c)	0.3	0	0.3				0	0 (j)(k)	2	
Poa pratensis	75 (a)		85	2·0 (c)	1.0 (c)	0.3	0	0.3				0	0 (j)(k)	2	
Poa trivialis	75 (a)		85	2·0 (c)	1.0 (c)	0.3	0	0.3				0	0 (j)(k)	2	
Trisetum flavescens	70 (a)		75	3.0	1.0	(f) 0·3	0	0.3				(h) 0	0 (j)(k)	2	
LEGUMINOSAE															
Hedysarum coro- narium	75 (a) (b)	30	95	2.5	1.0				0.3		_	0	0 (k)	20	
orniculatus	75 (a) (b)	40	95	1·8 (d)	1·0 (d)				0.3			0	(I) (m)	10	

- B. Standards or other conditions applicable where reference is made to them in the table under Section I (2) (A) of this Annex:
 - (a) All fresh and healthy seeds which do not germinate after pre-treatment shall be regarded as seeds which have germinated.
 - (b) Up to the maximum quantity indicated, hard seed present shall be regarded as seed capable of germination.
 - (c) A maximum total of 0.8% by weight of seeds of other Poa species shall not be regarded as an impurity.
 - (d) A maximum of 1% by weight of seeds of Trifolium pratense shall not be regarded as an impurity.
 - (e) A maximum total of 0.5% by weight of seeds of Lupinus albus, Lupinus angustifolius, Lupinus luteus, Pisum arvense, Vicia faba spp., Vicia pannonica, Vicia sativa, Vicia villosa in an other relevant species shall not be regarded as an impurity.
 - (f) The prescribed maximum percentage by weight of seeds of a single species shall not apply to seeds of Poa spp.
 - (g) A maximum total of two seeds of Avena fatua, Avena ludoviciana, Avena sterilis in a sample of the prescribed weight shall not be regarded as an impurity where a second sample of the same weight is free from any seeds of these species.
 - (h) The presence of one seed of Avena fatua, Avena ludoviciana, Avena sterilis in a sample of the prescribed weight shall not be regarded as an impurity where a second sample of twice the prescribed weight is free from any seeds of these species.
 - (i) The determination of seeds of Avena fatua, Avena ludoviciana, Avena sterilis by number need not be carried out unless there is doubt whether the conditions laid down in column 12 have been satisfied.
 - (j) The determination of seeds of Cuscuta spp. by number need not be carried out unless there is doubt whether the conditions laid down in column 13 have been satisfied.
 - (k) The presence of one seed of Cuscuta spp. in a sample of the prescribed weight shall not be regarded as an impurity where a second sample of the same weight is free from any seeds of Cuscuta spp.
 - (l) The weight of the sample for the determination of seeds of Cuscuta spp. by number shall be twice the weight specified in column 4 of Annex III for the relevant species.
 - (m) The presence of one seed of Cuscuta spp. in a sample of the prescribed weight shall not be regarded as an impurity where a second sample of twice the prescribed weight is free from any seeds of Cuscuta spp.
 - (n) The determination of seeds of Rumex spp. other than Rumex acetosella by number need not be carried out unless there is doubt whether the conditions laid down in column 14 have been satisfied.
 - (o) The percentage by number of Lupin seeds of another colour shall not exceed:
 - in bitter Lupin, 2%,
 - in Lupins other than bitter Lupin, 1%.
 - (p) The percentage by number of bitter Lupin seeds in varieties other than bitter Lupin shall not exceed:

 for certified seed of first generation, after basic seed,

3%,

 for certified seed of subsequent generations, after basic seed,

5%.

3. Harmful organisms which reduce the usefulness of the seed shall be at the lowest possible level.

II. BASIC SEED

Subject to the provisions below, the conditions laid down in Section I of this Annex shall apply to basic seed:

1. The seed of Pisum arvense and of apomictic uni-clonal varieties of Poa spp. shall conform to the following standards or other conditions: the minimum varietal purity shall be of 99·7%.

The minimum varietal purity shall be examined mainly in field inspections carried out in accordance with the conditions laid down in Annex I.

2. The seed shall satisfy the following standards or other conditions:

A. Table:

			Maximum content of seed of other plant species	d of other plant species			
Species	Total		Content by number in a sam	uple of the weight specific (total per column)	Content by number in a sample of the weight specified in column 4 of Annex III (total per column)		Other standards or conditions
	(% by weight)	A single species	Rumex spp. other than Rumex acetosella	Agropyron repens	Alopecurus myosur- oides	Melilotus spp.	
_	2	3	4	5	9	7	∞
GRAMINEAE							
Agrostis canina ssp. canina	0.3	20	-	1	1		(j)
Agrostis gigantea	0.3	20	-	1	1		(j)
Agrostis stolonifera	0.3	20	-	-	1		(j)
Agrostis tenuis	0.3	20	-	1	1		(j)
Alopecurus pratensis	0.3	20 (a)	5	5	S		(j)
Arrhenatherum elatius	0.3	20 (a)	5	5	S		(j) (j)
Dactylis glomerata	0.3	20 (a)	5	5	S		(j)
Festuca arundinacea	0.3	20 (a)	5	5	S		(j)
Festuca ovina	0.3	20 (a)	5	5	S		(j)
Festuca pratensis	0.3	20 (a)	5	5	S		(j)
Festuca rubra	0.3	20 (a)	5	5	S		(j)
Lolium multiflorum	0.3	20 (a)	5	5	S		(j)
Lolium perenne	0.3	20 (a)	5	5	S		(j)
Lolium X hybridum	0.3	20 (a)	5	5	S		(j)
Phleum bertolonii	0.3	20	2	1	1		(j)
Phleum pratense	0.3	20	2		1		(f)
Poa annua	0.3	20 (b)	П	1	1		(f) (j)
Poa nemoralis	0.3	20 (b)	_		1		(f) (j)
Poa palustris	0.3	20 (b)	П	1	1		(f) (j)
Poa pratensis	0.3	20 (b)	1	1	1		(f) (j)
Poa trivialis	0.3	20 (b)	П	1	1		(f) (j)
Trisetum flavescens	0.3	20 (c)	1	1	1		(i) (j)

			Maximum content of seed of other plant species	d of other plant species				
Species	Total		Content by number in a sample of the weight specified in column 4 of Annex III (total per column)	ple of the weight specifie (total per column)	d in column 4 of Annex II		Other standards or conditions	ondi-
	(% by weight)	A single species	Rumex spp. other than Rumex acetosella	Agropyron repens	Alopecurus myosur- oides	Melilotus spp.		
_	2	3	4	5	9	7	∞	
LEGUMINOSAE								
Hedysarum coronarium	0.3	20	5			(e) 0	9	(j)
Lotus corniculatus	0.3	20	5			(e) 0	(g)	(j)
Lupinus albus	0.3	20	5			(p) 0	(h)	(k)
Lupinus angustifolius	0.3	20	5			(b) 0	(h)	(k)
Lupinus luteus	0.3	20	S			(p) 0	(h)	(k)
Medicago Iupulina	0.3	20	5			(e) 0	9	(j)
Medicago sativa	0.3	20	S			(e) 0	9	(j)
Medicago varia	0.3	20	5			(e) 0	9	(j)
Onobrychis sativa	0.3	20	5			(b) 0		
Pisum arvense	0.3	20	5			(b) 0		
Trifolium alexandrinum	0.3	20	5			(e) 0	9	(j)
Trifolium hybridum	0.3	20	5			(e) 0	9	<u> </u>
Trifolium incarnatum	0.3	20	5			(e) 0	9	(
Trifolium pratense	0.3	20	5			(e) 0	9	(j)
Trifolium repens	0.3	20	5			(e) 0	9	(
Trifolium resupinatum	0.3	20	5			(e) 0	9	(j)
Trigonella foenumgraecum	0.3	20	5			(b) 0		
Vicia faba ssp. var. equina	0.3	20	5			(b) 0		
Vicia faba var. minor	0.3	20	5			(b) 0		
Vicia pannonica	0.3	20	5			(b) 0	(h)	
Vicia sativa	0.3	20	5			(b) 0	(h)	
Vicia villosa	0.3	20	5			(p) 0	(h)	

			Maximum content of seed of other plant species	d of other plant species			
Species	Total)	Content by number in a sample of the weight specified in column 4 of Annex III (total per column)	iple of the weight specifie (total per column)	d in column 4 of Annex II	1	Other standards or conditions
	(% by weight)	A single species	Rumex spp. other than Rumex acetosella	Agropyron repens	Alopecurus myosur- oides	Melilotus spp.	
1	2	3	4	5	9	7	8
OTHER SPECIES							
Brassica napus var. napobrassica	0.3	20	5				(j)
Brassica oleracea convar. acephala	0.3	20	5				(j)
Raphanus sativus ssp. oleifera	0.3	20	5				

- B. Standard or other conditions applicable where reference is made to them in the table under Section II (2) (A) of this Annex:
 - (a) A maximum total of 80 seeds of Poa spp. shall not be regarded as an impurity.
 - (b) The condition laid down in column 3 is not applicable to the seeds of Poa spp. The maximum total content of seeds of Poa spp. other than the species to be examined shall not exceed one in a sample of 500 seeds.
 - (c) A maximum total of 20 seeds of Poa spp. shall not be regarded as an impurity.
 - (d) The determination of seeds of Melilotus spp. by number need not be carried out unless there is doubt whether the conditions laid down in column 7 have been satisfied.
 - (e) The presence of one seed of Melilotus spp. in a sample of the prescribed weight shall not be regarded as an impurity where a second sample of twice the prescribed weight is free from any seeds of Melilotus spp.
 - (f) The condition (c) laid down in Section I (2) of this Annex is not applicable.
 - (g) The condition (d) laid down in Section I (2) of this Annex is not applicable.
 - (h) The condition (e) laid down in Section I (2) of this Annex is not applicable.
 - (i) The condition (f) laid down in Section I (2) of this Annex is not applicable.
 - (j) The conditions (k) and (m) laid down in Section I (2) of this Annex are not applicable.
 - (k) The percentage by number of bitter Lupin seeds in varieties other than bitter Lupin shall not exceed 1%.

III. COMMERCIAL SEED

Subject to the provisions below, the conditions laid down in Section I (2) and (3) of this Annex shall apply to commercial seed:

- 1. The percentages by weight laid down in columns 5 and 6 of the table under Section I (2) (A) of this Annex are increased by 1%.
- 2. In Poa annua a maximum total of 10% by weight of seeds of other Poa species shall not be regarded as an impurity.
- In Poa spp. other than Poa annua a maximum total of 3% by weight of seeds of other Poa species shall not be regarded as an impurity.
- 4. In Hedisarum coronarium a maximum total of 1% by weight of seeds of Melilotus spp. shall not be regarded as an impurity.
- 5. The condition (d) laid down in Section I (2) of this Annex for Lotus corniculatus is not applicable.
- 6. In Lupin species:
 - (a) the minimum analytical purity shall be 97% by weight;
 - (b) the percentage by number of Lupin seeds of another colour shall not exceed:

5%.

- in bitter Lupin, 4%,
- in Lupins other than bitter Lupin, 2%;
- (c) the percentage by number of bitter Lupin seeds in Lupin other than bitter Lupin shall not exceed

- 7. In Vicia spp. a maximum total of 6 % by weight of seeds of Vicia pannonica, Vicia villiosa or related cultivated species in another relevant species shall be not regarded as an impurity.
- 8. In Vicia pannonica, Vicia sativa, Vicia villosa the minimum analytical purity shall be 97% by the weight.'
- 3. Annex III shall read as follows:

'ANNEX III

LOT AND SAMPLE WEIGHTS

Species	Maximum weight of a lot (tonnes)	Minimum weight of a sample to be drawn from a lot (grams)	Weight of the sample for the determinations by number provided for in columns 12 to 14 of Annex II (I) (2)(A) and columns 3 to 7 of Annex II (II) (2) (A) (grams)
1	2	3	4
GRAMINEAE			
Agrostis canina ssp.	10	50	5
Agrostis gigantea	10	50	5
Agrostis stolonifera	10	50	5
Agrostis tenuis	10	50	5
Alopecurus pratensis	10	100	30
Arrhenatherum elatius	10	200	80
Dactylis glomerata	10	100	30
Festuca arundinacea	10	100	50
Festuca ovina	10	100	30
Festuca pratensis	10	100	50
Festuca rubra	10	100	30
Lolium multiflorum	10	200	60
Lolium perenne	10	200	60
Lolium X hybridum	10	200	60
Phleum bertolonii	10	50	10
Phleum pratense	10	50	10
Poa annua	10	50	10
Poa nemoralis	10	50	5
Poa palustris	10	50	5
Poa pratensis	10	50	5
Poa trivialis	10	50	5
Trisetum flavescens	10	50	5
LEGUMINOSAE			
Hedysarum coronarium			
— fruit	10	1 000	300
— seed	10	400	120
Lotus corniculatus	10	200	30
Lupinus albus	20	1 000	1 000
Lupinus angustifolius	20	1 000	1 000
Lupinus luteus	20	1 000	1 000
Medicago lupulina	10	300	50
Medicago sativa	10	300	50
Medicago varia	10	300	50
Onobrychis sativa			
— fruit	10	600	600

Species	Maximum weight of a lot (tonnes)	Minimum weight of a sample to be drawn from a lot (grams)	Weight of the sample for the determinations by number provided for in columns 12 to 14 of Annex II (I) (2)(A) and columns 3 to 7 of Annex II (II) (2) (A) (grams)
1	2	3	4
— seed	10	400	400
Pisum arvense	20	1 000	1 000
Trifolium alexandrinum	10	400	60
Trifolium hybridum	10	200	20
Trifolium incarnatum	10	500	80
Trifolium pratense	10	300	50
Trifolium repens	10	200	20
Trifolium resupinatum	10	200	20
Trigonella foenumgraecum	10	500	450
Vicia faba ssp. var. equina	20	1 000	1 000
Vicia faba var. minor	20	1 000	1 000
Vicia pannonica	20	1 000	1 000
Vicia sativa	20	1 000	1 000
Vicia villosa	20	1 000	1 000
OTHER SPECIES			
Brassica napus var. napo- brassica	10	200	100
Brassica oleracea convar. acephala	10	200	100
Raphanus sativus ssp. olei- fera	10	300	300'

Article 2

1. Member States shall bring into force the laws, regulations or administrative provisions necessary to comply with:

▼M1

- the provisions of Article 1 (1) in respect of Annex I (3) and (4) on 1 January 1981;
- the provisions of Article 1 (2) in respect of Annex II (I) (1) and Annex II (II) (1) on 1 January 1982;

▼<u>B</u>

- the other provisions of this Directive, not later than 1 July 1980.
- 2. Member States shall ensure that fodder plant seed is subject to no marketing restrictions due to the different dates of implementation of this Directive, in accordance with the second indent of paragraph 1.

Article 3

This Directive is addressed to the Member States.