ANNEX

PART A

Annexes II and III to Directive 66/401/EEC are replaced by the following:

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 seeds of the species listed below shall conform to the following standards or other conditions. The minimum varietal purity shall be:

— *Poa pratensis*, varieties referred to in the second part of the third sentence of paragraph 4 of Annex I, *Brassica napus* var. *napobrassica* and *Brassica oleracea* convar. *acephala*: 98 %,

— *Pisum sativum, Vicia faba*:
  — certified seed, 1st generation: 99 %,
  — certified seed, 2nd generation: 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 the presence of bitter seed in sweet varieties of *Lupinus* spp.:

A. Table:

| **Species** | **Germination** | | **Analytical purity** | | | | | | | | | **Maximum content of seeds of other plant species in a sample of the weight specified in column 4 of Annex III(total per column)** | | | **Conditions as regards content of seeds of *Lupinus* spp. of another colour and of bitter lupin seeds** |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **Minimum germination of pure seed)** | **Maximum content of hard seed(% of pure seed)** | **Minimum purity (% by weight)** | **Maximum content of seeds of other plant species(% by weight)** | | | | | | | | ***Avena fatua*, *Avena sterilis*** | ***Cuscuta* spp.** | ***Rumex* spp. other than *Rumex acetosella* and *Rumex maritimus*** | |
| | | | | **Total** | **A single species** | ***Elytrigia repens*** | ***Lolium* spp.** | ***Melilotus* spp.** | ***Raphanus raphanistrum*** | ***Sinapis arvensis*** | | | | | |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| *Poaceae (Gramineae)* | | | | | | | | | | | | | | |
| *Agrostis canina* | 75 (a) | | 90 | 2,0 | 1,0 | 0,3 | 0,3 | | | | 0 | 0 (j) (k) | 2 (n) | |
| *Agrostis capillaris* | 75 (a) | | 90 | 2,0 | 1,0 | 0,3 | 0,3 | | | | 0 | 0 (j) (k) | 2 (n) | |
| *Agrostis gigantea* | 80 (a) | | 90 | 2,0 | 1,0 | 0,3 | 0,3 | | | | 0 | 0 (j) (k) | 2 (n) | |
| *Agrostis stolonifera* | 75 (a) | | 90 | 2,0 | 1,0 | 0,3 | 0,3 | | | | 0 | 0 (j) (k) | 2 (n) | |
| *Alopecurus pratensis* | 70 (a) | | 75 | 2,5 | 1,0 (f) | 0,3 | 0,3 | | | | 0 | 0 (j) (k) | 5 (n) | |
| *Arrhenatherum elatius* | 75 (a) | | 90 | 3,0 | 1,0 (f) | 0,5 | 0,3 | | | | 0 (g) | 0 (j) (k) | 5 (n) | |
| *Bromus catharticus* | 75 (a) | | 97 | 1,5 | 1,0 | 0,5 | 0,3 | | | | 0 (g) | 0 (j) (k) | 10 (n) | |
| *Bromus sitchensis* | 75 (a) | | 97 | 1,5 | 1,0 | 0,5 | 0,3 | | | | 0 (g) | 0 (j) (k) | 10 (n) | |
| *Cynodon dactylon* | 70 (a) | | 90 | 2,0 | 1,0 | 0,3 | 0,3 | | | | 0 | 0 (j) (k) | 2 | |
| *Dactylis glomerata* | 80 (a) | | 90 | 1,5 | 1,0 | 0,3 | 0,3 | | | | 0 | 0 (j) (k) | 5 (n) | |
| *Festuca arundinacea* | 80 (a) | | 95 | 1,5 | 1,0 | 0,5 | 0,3 | | | | 0 | 0 (j) (k) | 5 (n) | |
| *Festuca filiformis* | 75 (a) | | 85 | 2,0 | 1,0 | 0,5 | 0,3 | | | | 0 | 0 (j) (k) | 5 (n) | |
| *Festuca ovina* | 75 (a) | | 85 | 2,0 | 1,0 | 0,5 | 0,3 | | | | 0 | 0 (j) (k) | 5 (n) | |
| *Festuca pratensis* | 80 (a) | | 95 | 1,5 | 1,0 | 0,5 | 0,3 | | | | 0 | 0 (j) (k) | 5 (n) | |

| | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| *Festuca rubra* | 75 (a) | | 90 | 1,5 | 1,0 | 0,5 | 0,3 | | | | 0 | 0 (j) (k) | 5 (n) | |
| *Festuca trachyphylla* | 75 (a) | | 85 | 2,0 | 1,0 | 0,5 | 0,3 | | | | 0 | 0 (j) (k) | 5 (n) | |
| ×*Festulolium* | 75 (a) | | 96 | 1,5 | 1,0 | 0,5 | 0,3 | | | | 0 | 0 (j) (k) | 5 (n) | |
| *Lolium multiflorum* | 75 (a) | | 96 | 1,5 | 1,0 | 0,5 | 0,3 | | | | 0 | 0 (j) (k) | 5 (n) | |
| *Lolium perenne* | 80 (a) | | 96 | 1,5 | 1,0 | 0,5 | 0,3 | | | | 0 | 0 (j) (k) | 5 (n) | |
| *Lolium* × *boucheanum* | 75 (a) | | 96 | 1,5 | 1,0 | 0,5 | 0,3 | | | | 0 | 0 (j) (k) | 5 (n) | |
| *Phalaris aquatica* | 75 (a) | | 96 | 1,5 | 1,0 | 0,3 | 0,3 | | | | 0 | 0 (j) (k) | 5 | |
| *Phleum nodosum* | 80 (a) | | 96 | 1,5 | 1,0 | 0,3 | 0,3 | | | | 0 | 0 (k) | 5 | |
| *Phleum pratense* | 80 (a) | | 96 | 1,5 | 1,0 | 0,3 | 0,3 | | | | 0 | 0 (k) | 5 | |
| *Poa annua* | 75 (a) | | 85 | 2,0 (c) | 1,0 (c) | 0,3 | 0,3 | | | | 0 | 0 (j) (k) | 5 (n) | |
| *Poa nemoralis* | 75 (a) | | 85 | 2,0 (c) | 1,0 (c) | 0,3 | 0,3 | | | | 0 | 0 (j) (k) | 2 (n) | |
| *Poa palustris* | 75 (a) | | 85 | 2,0 (c) | 1,0 (c) | 0,3 | 0,3 | | | | 0 | 0 (j) (k) | 2 (n) | |
| *Poa pratensis* | 75 (a) | | 85 | 2,0 (c) | 1,0 (c) | 0,3 | 0,3 | | | | 0 | 0 (j) (k) | 2 (n) | |
| *Poa trivialis* | 75 (a) | | 85 | 2,0 (c) | 1,0 (c) | 0,3 | 0,3 | | | | 0 | 0 (j) (k) | 2 (n) | |
| *Trisetum flavescens* | 70 (a) | | 75 | 3,0 | 1,0 (f) | 0,3 | 0,3 | | | | 0 (h) | 0 (j) (k) | 2 (n) | |
| *Fabaceae (Leguminosae)* | | | | | | | | | | | | | | |

| | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| *Galega orientalis* | 60 (a) (b) | 40 | 97 | 2,0 | 1,5 | | | 0,3 | | | 0 | 0 (l) (m) | 10 (n) | |
| *Hedysarum coronarium* | 75 (a) (b) | 30 | 95 | 2,5 | 1,0 | | | 0,3 | | | 0 | 0 (k) | 5 | |
| *Lotus corniculatus* | 75 (a) (b) | 40 | 95 | 1,8 (d) | 1,0 (d) | | | 0,3 | | | 0 | 0 (l) (m) | 10 | |
| *Lupinus albus* | 80 (a) (b) | 20 | 98 | 0,5 (e) | 0,3 (e) | | | 0,3 | | | 0 (i) | 0 (j) | 5 (n) | (o) (p) |
| *Lupinus angustifolius* | 75 (a) (b) | 20 | 98 | 0,5 (e) | 0,3 (e) | | | 0,3 | | | 0 (i) | 0 (j) | 5 (n) | (o) (p) |
| *Lupinus luteus* | 80 (a) (b) | 20 | 98 | 0,5 (e) | 0,3 (e) | | | 0,3 | | | 0 (i) | 0 (j) | 5 (n) | (o) (p) |
| *Medicago lupulina* | 80 (a) (b) | 20 | 97 | 1,5 | 1,0 | | | 0,3 | | | 0 | 0 (l) (m) | 10 | |
| *Medicago sativa* | 80 (a) (b) | 40 | 97 | 1,5 | 1,0 | | | 0,3 | | | 0 | 0 (l) (m) | 10 | |
| *Medicago × varia* | 80 (a) (b) | 40 | 97 | 1,5 | 1,0 | | | 0,3 | | | 0 | 0 (l) (m) | 10 | |
| *Onobrychis viciifolia* | 75 (a) (b) | 20 | 95 | 2,5 | 1,0 | | | 0,3 | | | 0 | 0 (j) | 5 | |
| *Pisum sativum* | 80 (a) | | 98 | 0,5 | 0,3 | | | 0,3 | | | 0 | 0 (j) | 5 (n) | |
| *Trifolium alexandrinum* | 80 (a) (b) | 20 | 97 | 1,5 | 1,0 | | | 0,3 | | | 0 | 0 (l) (m) | 10 | |
| *Trifolium hybridum* | 80 (a) (b) | 20 | 97 | 1,5 | 1,0 | | | 0,3 | | | 0 | 0 (l) (m) | 10 | |
| *Trifolium incarnatum* | 75 (a) (b) | 20 | 97 | 1,5 | 1,0 | | | 0,3 | | | 0 | 0 (l) (m) | 10 | |
| *Trifolium pratense* | 80 (a) (b) | 20 | 97 | 1,5 | 1,0 | | | 0,3 | | | 0 | 0 (l) (m) | 10 | |

| | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| *Trifolium repens* | 80 (a) (b) | 40 | 97 | 1,5 | 1,0 | | | 0,3 | | | 0 | 0 (l) (m) | 10 | |
| *Trifolium resupinatum* | 80 (a) (b) | 20 | 97 | 1,5 | 1,0 | | | 0,3 | | | 0 | 0 (l) (m) | 10 | |
| *Trigonella foenum-graecum* | 80 (a) | | 95 | 1,0 | 0,5 | | | 0,3 | | | 0 | 0 (j) | 5 | |
| *Vicia faba* | 80 (a) (b) | 5 | 98 | 0,5 | 0,3 | | | 0,3 | | | 0 | 0 (j) | 5 (n) | |
| *Vicia pannonica* | 85 (a) (b) | 20 | 98 | 1,0 (e) | 0,5 (e) | | | 0,3 | | | 0 (i) | 0 (j) | 5 (n) | |
| *Vicia sativa* | 85 (a) (b) | 20 | 98 | 1,0 (e) | 0,5 (e) | | | 0,3 | | | 0 (i) | 0 (j) | 5 (n) | |
| *Vicia villosa* | 85 (a) (b) | 20 | 98 | 1,0 (e) | 0,5 (e) | | | 0,3 | | | 0 (i) | 0 (j) | 5 (n) | |
| Other species | | | | | | | | | | | | | | |
| *Brassica napus* var. *napobrassica* | 80 (a) | | 98 | 1,0 | 0,5 | | | | 0,3 | 0,3 | 0 | 0 (j) (k) | 5 | |
| *Brassica oleracea* convar. *acephala* (*acephala* var. *medullosa* + var. *viridis*) | 75 (a) | | 98 | 1,0 | 0,5 | | | | 0,3 | 0,3 | 0 | 0 (j) (k) | 10 | |
| *Phacelia tanacetifolia* | 80 (a) | | 96 | 1,0 | 0,5 | | | | | | 0 | 0 (j) (k) | | |
| *Raphanus sativus* var. *oleiformis* | 80 (a) | | 97 | 1,0 | 0,5 | | | | 0,3 | 0,3 | 0 | 0 (j) | 5 | |

B. Other standards or 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 sativum, Vicia faba, Vicia pannonica, Vicia sativa, Vicia villosa* in another 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*, and *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*, and *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*, and *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* and *Rumex maritimus* 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 seeds of *Lupinus* spp. of another colour shall not exceed:

| | |
|---|---|
| — in | 2 % |

| | |
|---|---|
| bitter lupin, — in *Lupinus* spp. other than bitter lupin, | 1 % |

(p) the percentage by number of bitter seeds in varieties of *Lupinus* spp. shall not exceed 2,5 %.

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 sativum, Brassica napus* var. *napobrassica, Brassica oleracea* convar. *acephala, Vicia faba* and of varieties of *Poa pratensis* referred to in the second part of the third sentence of paragraph 4 of Annex I shall conform to the following standards or other conditions: the minimum varietal purity shall be 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 other standards or conditions:

   A. Table:

| **Species** | **Maximum content of seeds of other plant species** | | | | | | **Other standards or conditions** |
|---|---|---|---|---|---|---|---|
| | **Total(% by weight)** | **Content by number in a sample of the weight specified in column 4 of Annex III(total per column)** | | | | | |
| | | **A single species** | ***Rumex* spp. other than *Rumex acetosella* and *Rumex maritimus*** | ***Elytrigia repens*** | ***Alopecurus myosuroides*** | ***Melilotus* spp.** | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| *Poaceae (Gramineae)* | | | | | | | |
| *Agrostis canina* | 0,3 | 20 | 1 | 1 | 1 | | (j) |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| *Agrostis capillaris* | 0,3 | 20 | 1 | 1 | 1 | | (j) |
| *Agrostis gigantea* | 0,3 | 20 | 1 | 1 | 1 | | (j) |
| *Agrostis stolonifera* | 0,3 | 20 | 1 | 1 | 1 | | (j) |
| *Alopecurus pratensis* | 0,3 | 20 (a) | 2 | 5 | 5 | | (j) |
| *Arrhenatherum elatius* | 0,3 | 20 (a) | 2 | 5 | 5 | | (i) (j) |
| *Bromus catharticus* | 0,4 | 20 | 5 | 5 | 5 | | (j) |
| *Bromus sitchensis* | 0,4 | 20 | 5 | 5 | 5 | | (j) |
| *Cynodon dactylon* | 0,3 | 20 (a) | 1 | 1 | 1 | | (j) |
| *Dactylis glomerata* | 0,3 | 20 (a) | 2 | 5 | 5 | | (j) |
| *Festuca arundinacea* | 0,3 | 20 (a) | 2 | 5 | 5 | | (j) |
| *Festuca filiformis* | 0,3 | 20 (a) | 2 | 5 | 5 | | (j) |
| *Festuca ovina* | 0,3 | 20 (a) | 2 | 5 | 5 | | (j) |
| *Festuca pratensis* | 0,3 | 20 (a) | 2 | 5 | 5 | | (j) |
| *Festuca rubra* | 0,3 | 20 (a) | 2 | 5 | 5 | | (j) |
| *Festuca trachyphylla* | 0,3 | 20 (a) | 2 | 5 | 5 | | (j) |
| *×Festulolium* | 0,3 | 20 (a) | 2 | 5 | 5 | | (j) |
| *Lolium multiflorum* | 0,3 | 20 (a) | 2 | 5 | 5 | | (j) |
| *Lolium perenne* | 0,3 | 20 (a) | 2 | 5 | 5 | | (j) |
| *Lolium × boucheanum* | 0,3 | 20 (a) | 2 | 5 | 5 | | (j) |
| *Phalaris aquatica* | 0,3 | 20 | 2 | 5 | 5 | | (j) |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| *Phleum nodosum* | 0,3 | 20 | 2 | 1 | 1 | | (j) |
| *Phleum pratense* | 0,3 | 20 | 2 | 1 | 1 | | (j) |
| *Poa annua* | 0,3 | 20 (b) | 1 | 1 | 1 | | (f) (j) |
| *Poa nemoralis* | 0,3 | 20 (b) | 1 | 1 | 1 | | (f) (j) |
| *Poa palustris* | 0,3 | 20 (b) | 1 | 1 | 1 | | (f) (j) |
| *Poa pratensis* | 0,3 | 20 (b) | 1 | 1 | 1 | | (f) (j) |
| *Poa trivialis* | 0,3 | 20 (b) | 1 | 1 | 1 | | (f) (j) |
| *Trisetum flavescens* | 0,3 | 20 (c) | 1 | 1 | 1 | | (i) (j) |
| *Fabaceae (Leguminosae)* | | | | | | | |
| *Galega orientalis* | 0,3 | 20 | 2 | | | 0 (e) | (j) |
| *Hedysarum coronarium* | 0,3 | 20 | 2 | | | 0 (e) | (j) |
| *Lotus corniculatus* | 0,3 | 20 | 3 | | | 0 (e) | (g) (j) |
| *Lupinus albus* | 0,3 | 20 | 2 | | | 0 (d) | (h) (k) |
| *Lupinus angustifolius* | 0,3 | 20 | 2 | | | 0 (d) | (h) (k) |
| *Lupinus luteus* | 0,3 | 20 | 2 | | | 0 (d) | (h) (k) |
| *Medicago lupulina* | 0,3 | 20 | 5 | | | 0 (e) | (j) |
| *Medicago sativa* | 0,3 | 20 | 3 | | | 0 (e) | (j) |
| *Medicago × varia* | 0,3 | 20 | 3 | | | 0 (e) | (j) |
| *Onobrychis viciifolia* | 0,3 | 20 | 2 | | | 0 (d) | |
| *Pisum sativum* | 0,3 | 20 | 2 | | | 0 (d) | |
| *Trifolium alexandrinum* | 0,3 | 20 | 3 | | | 0 (e) | (j) |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| *Trifolium hybridum* | 0,3 | 20 | 3 | | | 0 (e) | (j) |
| *Trifolium incarnatum* | 0,3 | 20 | 3 | | | 0 (e) | (j) |
| *Trifolium pratense* | 0,3 | 20 | 5 | | | 0 (e) | (j) |
| *Trifolium repens* | 0,3 | 20 | 5 | | | 0 (e) | (j) |
| *Trifolium resupinatum* | 0,3 | 20 | 3 | | | 0 (e) | (j) |
| *Trigonella foenum-graecum* | 0,3 | 20 | 2 | | | 0 (d) | |
| *Vicia faba* | 0,3 | 20 | 2 | | | 0 (d) | |
| *Vicia pannonica* | 0,3 | 20 | 2 | | | 0 (d) | (h) |
| *Vicia sativa* | 0,3 | 20 | 2 | | | 0 (d) | (h) |
| *Vicia villosa* | 0,3 | 20 | 2 | | | 0 (d) | (h) |
| Other species | | | | | | | |
| *Brassica napus* var. *napobrassica* | 0,3 | 20 | 2 | | | | (j) |
| *Brassica oleracea* convar. *acephala* (*acephala* var. *medullosa* + var. *viridis*) | 0,3 | 20 | 3 | | | | (j) |
| *Phacelia tanacetifolia* | 0,3 | 20 | | | | | |
| *Raphanus sativus* var. *oleiformis* | 0,3 | 20 | 2 | | | | |

B. Other standards or 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 seeds in varieties of *Lupinus* spp. 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.

3. 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 *Hedysarum 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 is not applicable to *Lotus corniculatus*.

6. In *Lupinus* spp.:

   (a) the minimum analytical purity shall be 97 % by weight;

   (b) the percentage by number of seeds of *Lupinus* spp. of another colour shall not exceed:

| | |
|---|---|
| — in bitter lupin | 4 % |
| — in *Lupinus* spp. other than bitter lupin | 2 % |

7. In *Vicia* spp. a maximum total of 6 % by weight of seeds of *Vicia pannonica, Vicia villosa* or related cultivated species in another relevant species shall not be regarded as an impurity.

8. In *Vicia pannonica, Vicia sativa, Vicia villosa* the minimum analytical purity shall be 97 % by the weight.

## 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 |
| *Poaceae (Gramineae)* | | | |
| *Agrostis canina* | 10 | 50 | 5 |
| *Agrostis capillaris* | 10 | 50 | 5 |
| *Agrostis gigantea* | 10 | 50 | 5 |
| *Agrostis stolonifera* | 10 | 50 | 5 |
| *Alopecurus pratensis* | 10 | 100 | 30 |

| | | | |
|---|---|---|---|
| *Arrhenatherum elatius* | 10 | 200 | 80 |
| *Bromus catharticus* | 10 | 200 | 200 |
| *Bromus sitchensis* | 10 | 200 | 200 |
| *Cynodon dactylon* | 10 | 50 | 5 |
| *Dactylis glomerata* | 10 | 100 | 30 |
| *Festuca arundinacea* | 10 | 100 | 50 |
| *Festuca filiformis* | 10 | 100 | 30 |
| *Festuca ovina* | 10 | 100 | 30 |
| *Festuca pratensis* | 10 | 100 | 50 |
| *Festuca rubra* | 10 | 100 | 30 |
| *Festuca trachyphylla* | 10 | 100 | 30 |
| *×Festulolium* | 10 | 200 | 60 |
| *Lolium multiflorum* | 10 | 200 | 60 |
| *Lolium perenne* | 10 | 200 | 60 |
| *Lolium × boucheanum* | 10 | 200 | 60 |
| *Phalaris aquatica* | 10 | 100 | 50 |
| *Phleum nodosum* | 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 |
| *Fabaceae (Leguminosae)* | | | |
| *Galega orientalis* | 10 | 250 | 200 |
| ***Hedysarum coronarium*** | | | |
| — fruit | 10 | 1 000 | 300 |
| — seed | 10 | 400 | 120 |
| *Lotus corniculatus* | 10 | 200 | 30 |
| *Lupinus albus* | 30 | 1 000 | 1 000 |

| | | | |
|---|---|---|---|
| *Lupinus angustifolius* | 30 | 1 000 | 1 000 |
| *Lupinus luteus* | 30 | 1 000 | 1 000 |
| *Medicago lupulina* | 10 | 300 | 50 |
| *Medicago sativa* | 10 | 300 | 50 |
| *Medicago × varia* | 10 | 300 | 50 |
| ***Onobrychis viciifolia*:** | | | |
| — fruit | 10 | 600 | 600 |
| — seed | 10 | 400 | 400 |
| *Pisum sativum* | 30 | 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 foenum-graecum* | 10 | 500 | 450 |
| *Vicia faba* | 30 | 1 000 | 1 000 |
| *Vicia pannonica* | 30 | 1 000 | 1 000 |
| *Vicia sativa* | 30 | 1 000 | 1 000 |
| *Vicia villosa* | 30 | 1 000 | 1 000 |
| Other species | | | |
| *Brassica napus* var. *napobrassica* | 10 | 200 | 100 |
| *Brassica oleracea* convar. *acephala* | 10 | 200 | 100 |
| *Phacelia tanacetifolia* | 10 | 300 | 40 |
| *Raphanus sativus* var. *oleiformis* | 10 | 300 | 300 |

The maximum lot weight shall not be exceeded by more than 5 %..

PART B

Annexes I, II and III to Directive 66/402/EEC are replaced by the following:

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 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 undesirable foreign pollination and in particular, in the case of *Sorghum* spp., from sources of *Sorghum halepense*:

| **Crop** | **Minimum distance** |
|---|---|
| ***Phalaris canariensis, Secale cereale* other than hybrids:** | |
| — for the production of basic seed, | 300 m |
| — for the production of certified seed, | 250 m |
| *Sorghum* spp. | 300 m |
| ***xTriticosecale*, self-pollinating varieties** | |
| — for the production of basic seed, | 50 m |
| — for the production of certified seed, | 20 m |
| *Zea mays* | 200 m |

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

3. The crop shall have sufficient varietal identity and varietal purity or, in the case of a crop of an inbred line, sufficient identity and purity as regards its characteristics. For the production of seed of hybrid varieties, the abovementioned provisions shall also apply to the characteristics of the components, including male sterility or fertility restoration

In particular, crops of *Oryza sativa, Phalaris canariensis, Secale cereale* other than hybrids, *Sorghum* spp. and *Zea mays* shall conform to the following other standards or conditions:

A. ***Oryza sativa***:

The number of plants which are recognisable as obviously being wild plants or red-grain plants shall not exceed:

— 0 for the production of basic seed,

— 1 per 50 m2 for the production of certified seed,

B. ***Phalaris canariensis, Secale cereale*other than hybrids:**

The number of plant of the crop species, which are recognisable 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,

C. ***Sorghum* spp.**

(a) The percentage by number of plants of a *Sorghum* species other than the crop species or plants which are recognisable as obviously not being true to the inbred line or to the component shall not exceed:

(aa) for the production of basic seed

(i) at flowering: 0,1 %;

(ii) at maturity: 0,1 %;

(bb) for the production of certified seed

(i) plants of the male component which have shed pollen when the plants of the female component have receptive stigmas: 0,1 %;

(ii) plants of the female component
— at flowering: 0,3 %;
— at maturity: 0,1 %;

(b) The following other standards or conditions shall be satisfied for the production of certified seed of hybrid varieties:

(aa) sufficient pollen shall be shed by the plants of the male component while the plants of the female component have receptive stigmas;

(bb) where plants of the female component have receptive stigmas, the percentage of plants of that component which have shed pollen or are shedding pollen shall not exceed 0,1 %;

(c) Crops of open pollinated varieties or synthetic varieties of *Sorghum* spp. shall conform to the following standards: the number of plants of the crop species, which are recognisable as obviously not being true to the variety shall not exceed:
— one per 30 $m^2$ for the production of basic seed,
— one per 10 $m^2$ for the production of certified seed,

D. ***Zea mays***:

(a) The percentage by number of plants which are recognisable as obviously not being true to the variety, to the inbred line, or to the component shall not exceed:

(aa) for the production of basic seed:

(i) inbred lines, 0,1 %;

(ii) simple hybrid, each component, 0,1 %;

(iii) open-pollinated varieties, 0,5 %;

(bb) for the production of certified seed:

(i) hybrid varieties component:
— inbred lines, 0,2 %;
— simple hybrid, 0,2 %;

— open-pollinated variety, 1,0 %;

(ii) open-pollinated varieties, 1,0 %;

(b) The following other standards or conditions shall be satisfied for the production of seed of hybrid varieties:

(aa) a sufficient pollen shall be shed by the plants of the male component while the plants of the female component are in flower;

(bb) where appropriate, emasculation shall be carried out;

(cc) where 5 % or more of the female component plants have receptive stigmas, the percentage of female component which have shed pollen or are shedding pollen shall not exceed:

— 1 % at any official field inspection, and,

— 2 % at the total of the official field inspections,

Plants are considered as having shed pollen or shedding pollen where, on 50 mm or more of the central axis or laterals of a panicle, the anthers have emerged from their glumes and have shed or are shedding pollen.

4. Hybrids of *Secale cereale*

(a) The crop shall conform to the following standards as regards distances from neighbouring sources of pollen which may result in undesirable foreign pollination.

| **Crop** | **Minimum distance** |
|---|---|
| — for the production of basic seed, | |
| — where male sterility is used, | 1 000 m |
| — where male sterility is not used, | 600 m |
| — for the production of certified seed, | 500 m |

(b) The crop shall have sufficient identity and purity as regards the characteristics of the components, including male sterility.

In particular, the crop shall conform to the following other standards or conditions:

(i) the number of plants of the crop species, which are recognisable as obviously not being true to the component shall not exceed,

— one per 30 $m^2$ for the production of basic seed,

— one per 10 $m^2$ for the production of certified seed, this standard to apply in official field inspections to the female component only;

(ii) in the case of basic seed, where male sterility is used, the level of sterility of the male-sterile component shall be at least 98 %.

(c) Where appropriate, certified seed shall be produced in mixed cultivation of a female male-sterile component with a male component which restores male fertility.

5. Crops to produce certified seed of hybrids of *Avena nuda, Avena sativa, Avena strigosa, Hordeum vulgare, Oryza sativa, Triticum aestivum, Triticum durum, Triticum spelta* and self-pollinating *xTriticosecale*

(a) The crop shall conform to the following standards as regards distances from neighbouring sources of pollen which may result in undesirable foreign pollination:

— the minimum distance of the female component shall be 25 m from any other variety of the same species except from a crop of the male component,

— this distance can be disregarded if there is sufficient protection from any undesirable foreign pollination;

(b) The crop shall have sufficient identity and purity as regards the characteristics of the components.

Where seed is produced by use of a chemical hybridisation agent, the crop shall conform to the following other standards or conditions:

(i) the minimum varietal purity of each component shall be:

— *Avena nuda, Avena sativa, Avena strigosa, Hordeum vulgare, Oryza sativa, Triticum aestivum, Triticum durum and Triticum spelta*: 99,7 %,

— self-pollinating *xTriticosecale*: 99,0 %;

(ii) the minimum hybridity must be 95 %. The percentage hybridity shall be assessed in accordance with current international methods, in so far as such methods exist. In cases where the hybridity is determined during seed testing prior to certification, the determination of the hybridity during field inspection need not be done.

6. Harmful organisms which reduce the usefulness of the seed, in particular *Ustilaginaceae*, shall be at the lowest possible level.

7. The satisfaction of the abovementioned other standards or conditions shall, in the case of basic seed, be examined in official field inspections and, in the case of certified seed, be examined either in official field inspections or in inspections carried out under official supervision.

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. The number of field inspections shall be at least:

(a) for *Avena nuda, Avena sativa, Avena strigosa, Hordeum vulgare, Oryza sativa, Phalaris canariensis, xTriticosecale, Triticum aestivum, Triticum durum, Triticum spelta, Secale cereale*: one;

(b) for *Sorghum* spp. and *Zea mays* during the flowering season:

(aa) open-pollinated varieties: one,

(bb) inbred lines or hybrids: three.

When the crop follows a *Sorghum* spp. and *Zea mays* crop in either the preceding year or current year, at least one special field inspection shall be made to check the satisfaction of the provisions laid down in point 1 of this Annex.

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.

## ANNEX II

## CONDITIONS TO BE SATISFIED BY THE SEED

1. The seed shall have sufficient varietal identity and varietal purity or, in the case of seed of an inbred line, sufficient identity and purity as regards its characteristics. For the seed of hybrid varieties, the abovementioned provisions shall also apply to the characteristics of the components.

In particular, the seed of the species listed below shall conform to the following other standards or conditions:

A. ***Avena nuda, Avena sativa, Avena strigosa, Hordeum vulgare, Oryza sativa, Triticum aestivum, Triticum durum, Triticum spelta*** **other than hybrids in each case:**

| **Category** | **Minimum varietal purity(%)** |
|---|---|
| Basic seed | 99,9 |
| Certified seed, 1st generation | 99,7 |
| Certified seed, 2nd generation | 99,0 |

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

B. **Self-pollinating varieties of *xTriticosecale* other than hybrids**

| **Category** | **Minimum varietal purity(%)** |
|---|---|
| Basic seed | 99,7 |
| Certified seed, 1st generation | 99,0 |
| Certified seed, 2nd generation | 98,0 |

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

C. **Hybrids of *Avena nuda, Avena sativa, Avena strigosa, Hordeum vulgare, Oryza sativa, Triticum aestivum, Triticum durum, Triticum spelta,* and self-pollinating *xTriticosecale*.**

The minimum varietal purity of the seed of the category certified seed shall be 90 %. It shall be examined in official post control tests on an appropriate proportion of samples.

D. ***Sorghum*** **spp. and *Zea mays*:**

Where for the production of certified seed of hybrid varieties a female male-sterile component and a male component which does not restore male fertility have been used, the seed shall be produced:

— either by blending seed lots in a proportion appropriate to the variety where, on the one hand, a female male-sterile component has been used and, on the other, a female male-fertile component has been used,

— or by growing the female male-sterile component and the female male-fertile component in a proportion appropriate to the variety. The proportion of these components shall be examined in field inspections carried out in accordance with the conditions laid down in Annex I.

E. **Hybrids of *Secale cereale***

Seed shall not be certified as certified seed unless due account has been taken of the results of an official post-control test, on samples of basic seed taken officially and carried out during the growing season of the seed entered for certification as certified seed to ascertain whether the basic seed met the requirements for basic seed laid down in this Directive in respect of identity and purity as regards the characteristics of the components, including male sterility.

2. The seed shall conform to the following other standards or conditions as regards germination, analytical purity and content of seeds of other plants species::

A. Table:

| **Species and category** | **Minimum germination capacity (% of pure seed)** | **Minimum analytical purity (% by weight)** | **Maximum content by number of seeds of other plant species including red seeds of *Oryza sativa* in a sample of the weight specified in column 4 of Annex III(total per column)** | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | | **Other plant species (a)** | **Red seeds of *Oryza sativa*** | **Other cereal species** | **Plant species other than cereals** | ***Avena fatua, Avena sterilis, Lolium temulentum*** | ***Raphanus raphanistrum, Agrostemma githago*** | ***Panicum spp.*** |
| **1** | **2** | **3** | **4** | **5** | **6** | **7** | **8** | **9** | **10** |
| *Avena sativa, Avena strigosa, Hordeum vulgare, Triticum aestivum, Triticum durum, Triticum spelta*: | | | | | | | | | |
| — | 85 basic seed, | 99 | 4 | | 1 (b) | 3 | 0 (c) | 1 | |
| — | 85 (d) certified seed, 1st and | 98 | 10 | | 7 | 7 | 0 (c) | 3 | |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 2nd generation, | | | | | | | | |
| *Avena nuda:* | | | | | | | | | |
| — | 75 basic seed, | 99 | 4 | | 1 (b) | 3 | 0 (c) | 1 | |
| — | 75 (d) certified seed, 1st and 2nd generation, | 98 | 10 | | 7 | 7 | 0 (c) | 3 | |
| *Oryza sativa*: | | | | | | | | | |
| — | 80 basic seed, | 98 | 4 | 1 | | | | | 1 |
| — | 80 certified seed, 1st generation, | 98 | 10 | 3 | | | | | 3 |
| — | 80 certified seed, 2nd generation, | 98 | 15 | 5 | | | | | 3 |
| *Secale cereale*: | | | | | | | | | |
| — | 85 basic seed, | 98 | 4 | | 1 (b) | 3 | 0 (c) | 1 | |
| — | 85 certified seed, | 98 | 10 | | 7 | 7 | 0 (c) | 3 | |
| *Phalaris canariensis*: | | | | | | | | | |
| — | 75 basic seed, | 98 | 4 | | 1 (b) | | 0 (c) | | |
| — | 75 certified seed, | 98 | 10 | | 5 | | 0 (c) | | |
| *Sorghum* spp. | 80 | 98 | 0 | | | | | | |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| *xTriticosecale:* | | | | | | | | | |
| — | 80 basic seed, | 98 | 4 | | 1 (b) | 3 | 0 (c) | 1 | |
| — | 80 certified seed, 1st and 2nd generation, | 98 | 10 | | 7 | 7 | 0 (c) | 3 | |
| *Zea mays* | 90 | 98 | 0 | | | | | | |

B. Other standards or conditions applicable where reference is made to them in the table under Section 2 (A) of this Annex:

(a) the maximum contents of seeds laid down in column 4 include also the seeds of the species in columns 5 to 10;

(b) a second seed shall not be regarded as an impurity if a second sample of same weight is free from any seeds of other cereals species;

(c) the presence of one seed of *Avena fatua, Avena sterilis* or *Lolium temulentum* 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;

(d) in the case of varieties of *Hordeum vulgare* (naked barley) the required minimum germination capacity is reduced to 75 % of pure seed. The official label shall include the words ‘Minimum germination capacity 75 %’.

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

In particular, the seed shall conform to the following standards in respect of *Claviceps purpurea* (maximum number of sclerotia or fragments of sclerotia in a sample of the weight specified in column 3 of Annex III).

| **Category** | ***Claviceps purpurea*** |
|---|---|
| Cereals other than hybrids of *Secale cereale*: | |
| — basic seed, | 1 |
| — certified seed, | 3 |
| Hybrids of *Secale cereale*: | |
| — basic seed, | 1 |

**a** The presence of five sclerotia or fragments of sclerotia in a sample of the prescribed weight shall be deemed to be in conformity with the standards, where a second sample of the same weight contains not more than four sclerotia or fragments of sclerotia.

| | |
|---|---|
| — certified seed, | 4[a] |

**a** The presence of five sclerotia or fragments of sclerotia in a sample of the prescribed weight shall be deemed to be in conformity with the standards, where a second sample of the same weight contains not more than four sclerotia or fragments of sclerotia.

## 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 determinations by number provided for in columns 4 to 10 of Annex II (2) (A) and Annex II (3)(grams)** |
|---|---|---|---|
| **1** | **2** | **3** | **4** |
| *Avena nuda, Avena sativa, Avena strigosa, Hordeum vulgare, Triticum aestivum, Triticum durum, Triticum spelta, Secale cereale, xTriticosecale* | 30 | 1 000 | 500 |
| *Phalaris canariensis* | 10 | 400 | 200 |
| *Oryza sativa* | 30 | 500 | 500 |
| *Sorghum bicolor, Sorghum bicolor* x *Sorghum sudanense* | 30 | 1 000 | 900 |
| *Sorghum sudanense* | 10 | 1 000 | 900 |
| *Zea mays*, basic seed of inbred lines | 40 | 250 | 250 |
| *Zea mays*, basic seed other than of inbred lines; certified seed | 40 | 1 000 | 1 000 |

The maximum lot weight shall not be exceeded by more than 5 %..

## PART C

Annexes II and III to Directive 2002/55/EC are amended as follows:

(1) In point 3 of Annex II, the following point is added:

(c) Other standards or conditions applicable where reference is made to them in the table under point (a):

In the case of varieties of *Zea mays* (Sweet corn – super-sweet types) the required minimum germination capacity is reduced to 80 % of pure seed. The official label or the supplier's label, where appropriate, shall include the words "Minimum germination capacity 80 %".

(2) In point 1 of Annex III, points (a) and (b) are replaced by the following:

(a) seeds of *Phaseolus coccineus, Phaseolus vulgaris, Pisum sativum* and *Vicia faba* – 30 tonnes;

(b) seeds of a size not less than a grain of wheat, other than *Phaseolus coccineus, Phaseolus vulgaris, Pisum sativum* and *Vicia faba* – 20 tonnes.

PART D

Annexes I, II and III to Directive 2002/57/EC are replaced by the following:

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

In the case of hybrids of *Brassica napus*, the crop shall be raised in a production ground where five years have elapsed since plants of *Brassicaceae* (*Cruciferae*) were last grown.

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

| **Crop** | **Minimum distance** |
|---|---|
| **[**[X1]*Brassica* spp. other than *Brassica napus, Cannabis sativa* other than monoecious *Cannabis sativa, Carthamus tinctorius, Carum carvi, Sinapis alba*:**]** | |
| — for the production of basic seed, | 400 m |
| — for the production of certified seed, | 200 m |
| *Brassica napus*: | |
| — for the production of basic seed of varieties other than hybrids, | 200 m |
| — for the production of basic seed of hybrids, | 500 m |

| | |
|---|---|
| — for the production of certified seed of varieties other than hybrids, | 100 m |
| — for the production of certified seed of hybrids, | 300 m |
| *Cannabis sativa*, monoecious *Cannabis sativa*: | |
| — for the production of basic seed, | 5 000 m |
| — for the production of certified seed, | 1 000 m |
| *Helianthus annuus*: | |
| — for the production of basic seed of hybrids, | 1 500 m |
| — for the production of basic seed of varieties other than hybrids, | 750 m |
| — for the production of certified seed, | 500 m |
| *Gossypium hirsutum* and/or *Gossypium barbadense*: | |
| **[**[X1]— for the production of basic seed of *Gossypium hirsutum*,**]** | 100 m |
| **[**[X1]— for the production of basic seed of *Gossypium barbadense*,**]** | 200 m |
| — for the production of certified seed of non-hybrid varieties and intraspecific hybrids of *Gossypium hirsutum* produced without Cytoplasmic Male Sterility (CMS), | 30 m |
| — for the production of certified seed of intraspecific hybrids of *Gossypium hirsutum* produced with CMS, | 800 m |
| — for the production of certified seed of non-hybrid varieties and intraspecific hybrids of *Gossypium barbadense* produced without CMS, | 150 m |
| — for the production of certified seed of intraspecific hybrids of | 800 m |

| | | |
|---|---|---|
| | *Gossypium barbadense* produced with CMS, | |
| — | for the production of basic seed of fixed interspecific hybrids of *Gossypium hirsutum* and *Gossypium barbadense*, | 200 m |
| — | for the production of certified seed of fixed interspecific hybrids of *Gossypium hirsutum* and *Gossypium barbadense* and hybrids produced without CMS, | 150 m |
| — | for the production of certified seed of hybrids of *Gossypium hirsutum* and *Gossypium barbadense* produced with CMS, | 800 m |

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

3. The crop shall have sufficient varietal identity and varietal purity or, in the case of a crop of an inbred line, sufficient identity and purity as regards its characteristics.

For the production of seed of hybrid varieties, the abovementioned provisions shall also apply to the characteristics of the components, including male sterility or restoration of fertility.

In particular, crops of *Brassica juncea, Brassica nigra, Cannabis sativa, Carthamus tinctorius, Carum carvi, Gossypium* spp. and hybrids of *Helianthus annuus* and *Brassica napus* shall conform to the following other standards or conditions:

A. *Brassica juncea, Brassica nigra, Cannabis sativa, Carthamus tinctorius, Carum carvi* and *Gossypium* spp. other than hybrids:

the number of plants of the crop species which are recognisable as obviously not being true to the variety shall not exceed:

— one per 30 $m^2$ for the production of basic seed,

— one per 10 $m^2$ for the production of certified seed,

B. Hybrids of *Helianthus annuus*:

(a) the percentage by number of plants which are recognisable as obviously not being true to the inbred line or to the component shall not exceed:

| | | |
|---|---|---|
| (aa) | for the production of basic seed: | |
| (i) | inbred lines | 0,2 % |
| (ii) | simple hybrids: | |

| | | |
|---|---|---|
| — | male parent, plants which have shed pollen while 2 % or more of the female plants have receptive flowers, | 0,2 % |
| — | female parent, | 0,5 % |
| (bb) | for the production of certified seed: | |
| — | male component, plants which have shed pollen while 5 % or more of the female plants have receptive flowers, | 0,5 % |
| — | female component, | 1,0 % |

(b) The following other standards or conditions shall be satisfied for the production of seed of hybrid varieties:

(aa) sufficient pollen shall be shed by the plants of the male component while the plants of the female component are in flower;

(bb) where the female component plants have receptive stigmas, the percentage by number of female component plants which have shed pollen or are shedding pollen shall not exceed 0,5 %;

(cc) for the production of basic seed the total percentage by number of plants of the female component which are recognisable as obviously not being true to the component and which have shed pollen or are shedding pollen shall not exceed 0,5 %;

(dd) where the condition laid down in Annex II(I)(2) cannot be satisfied, the following conditions shall be satisfied: a male-sterile component shall be used to produce certified seed by using a male component which contains a specific restorer line or lines so that at least one third of the plants grown from the resulting hybrid will produce pollen which appears normal in all respects;

C. Hybrids of *Brassica napus*, produced using the male sterility:

(a) the percentage by number of plants which are recognisable as obviously not being true to the inbred line or to the component shall not exceed:

| | | |
|---|---|---|
| **(aa) for the production of basic seed** | | |
| (i) | inbred lines | 0,1 % |
| **(ii) simple hybrids** | | |

| | |
|---|---|
| — male component, | 0,1 % |
| — female component, | 0,2 % |
| **(bb) for the production of certified seed** | |
| — male component, | 0,3 % |
| — female component, | 1,0 % |

(b) Male sterility shall be at least 99 % for the production of basic seed and 98 % for the production of certified seed. The level of male sterility shall be assessed by examining flowers for the absence of fertile anthers;

D. Hybrids of *Gossypium hirsutum* and *Gossypium barbadense*:

(a) in crops to produce basic seed of parental lines of *Gossypium hirsutum* and *Gossypium barbadense*, the minimum varietal purity of both the female and male parental lines shall be 99,8 % when 5 % or more of seed-bearing plants have pollen receptive flowers. The level of male sterility of the seed-bearing parent line shall be assessed by examining the flowers for the presence of sterile anthers and shall not be less than 99,9 %

(b) in crops to produce certified seed of hybrid varieties of *Gossypium hirsutum* and/or *Gossypium barbadense*, the minimum varietal purity of both the seed-bearing parent and the pollen parent line shall be 99,5 % when 5 % or more of seed-bearing plants have pollen receptive flowers. The level of male sterility of the seed-bearing parent line shall be assessed by examining the flowers for the presence of sterile anthers and shall not be less than 99,7 %.

4. Harmful organisms which reduce the usefulness of the seed shall be at the lowest possible level. In the case of *Glycine max* this condition is applicable in particular to the organisms *Pseudomonas syringae* pv. *glycinea, Diaporthe phaseolorum* var. *caulivora* and var. *sojae, Phialophora gregata* and *Phytophthora megasperma* f.sp. *glycinea*.

5. The satisfaction of the abovementioned other standards or conditions shall, in the case of basic seed, be examined in official field inspections and, in the case of certified seed, be examined either in official field inspections or in inspections carried out under official supervision. 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. In cases other than crops of hybrids of *Helianthus annuus, Brassica napus, Gossypium hirsutum* and *Gossypium barbadense*, there shall be at least one inspection.

In the case of hybrids of *Helianthus annuus* there shall be at least two inspections.

In the case of hybrids of *Brassica napus* there shall be at least three inspections: the first shall be made before the flowering stage, the second at the early flowering stage and the third at the end of the flowering stage.

In the case of hybrids of *Gossypium hirsutum* and/or *Gossypium barbadense* there shall be at least three inspections: the first shall be made at the early flowering stage, the second before the end of the flowering stage and the third at the end of the flowering stage after removal, where appropriate, of the pollen parent plants.

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.

## ANNEX II

## CONDITIONS TO BE SATISFIED BY THE SEED

### I.BASIC AND CERTIFIED SEED

1. The seed shall have sufficient varietal identity and varietal purity. In particular, seeds of the species listed below shall conform to the following other standards or conditions:

| **Species and category** | **Minimum varietal purity(%)** |
|---|---|
| *Arachis hypogaea:* | |
| — basic seed, | 99,7 |
| — certified seed, | 99,5 |
| *Brassica napus* other than hybrids, other than varieties to be used solely for fodder purposes, *Brassica rapa*, other than varieties to be used solely for fodder purposes | |
| — basic seed, | 99,9 |
| — certified seed, | 99,7 |
| *Brassica napus* spp. other than hybrids, varieties to be used solely for fodder purposes, *Brassica rapa*, varieties to be used solely for fodder purposes, *Helianthus annuus*, other than hybrid varieties including their components, *Sinapis alba*: | |
| — basic seed, | 99,7 |
| — certified seed, | 99,0 |
| *Glycine max*: | |
| — basic seed, | 99,5 |
| — certified seed, | 99,0 |

| | |
|---|---|
| *Linum usitatissimum*: | |
| — basic seed, | 99,7 |
| — certified seed, 1st generation, | 98,0 |
| — certified seed, 2nd and 3rd generations, | 97,5 |
| *Papaver somniferum*: | |
| — basic seed, | 99,0 |
| — certified seed, | 98,0 |

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

2. In the case of hybrids of *Brassica napus* produced using male sterility the seed shall conform with the conditions and standards set out in points (a) to (d).

(a) The seed shall have sufficient identity and purity as regards the varietal characteristics of its components, including male sterility or restoration of fertility;

(b) The minimum varietal purity of the seed shall be:

— basic seed, female component, 99,0 %

— basic seed, male component, 99,9 %

— certified seed, 90,0 %

(c) Seed shall not be certified as certified seed unless due account has been taken of the results of official post-control plot tests on samples of basic seed taken officially and carried out during the growing season of the seed entered for certification as certified seed to ascertain whether the basic seed has met the requirements for basic seed laid down in respect of identity as regards the characteristics of the components, including male sterility, and the standards for basic seed laid down in respect of the minimum varietal purity laid down in point (b).

In the case of basic seed of hybrids, the varietal purity may be assessed by appropriate biochemical methods;

(d) The compliance with the standards of the minimum varietal purity laid down in point (b) in respect of certified seed of hybrids shall be monitored by official post-control

tests on an appropriate proportion of samples taken officially. Appropriate biochemical methods may be utilised.

3. Where the condition laid down in Annex I(3)(B)(b)(dd) cannot be satisfied, the following condition shall be met: where for the production of certified seed of hybrids of *Helianthus annuus* a female male-sterile component and a male component which does not restore male fertility have been used, the seed produced by the male-sterile parent shall be blended with seed produced by the fully fertile seed parent. The ratio of male-sterile parent seed to male-fertile parent shall not exceed two to one.

4. The seed shall conform to the following other standards or conditions as regards germination, analytical purity and content of seeds of other plant species including *Orobanche* spp.:

A. Table:

| **Species and category** | **Minimum germination (% of pure seed)** | **Analytical purity (%** | | **Maximum content by number of seeds of other plant species in a sample of the weight specified in column 4 of Annex III(total per column)** | | | | | | | **Conditions as regards content of *Orobanche* seeds** |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | **Minimum analytical purity (% by weight)** | **Maximum content of seeds of other plant species (% by weight)** | **Other plant species (a)** | ***Avena fatua*, *Avena sterilis*** | ***Cuscuta* spp.** | ***Raphanus raphanistrum*** | ***Rumex* spp. other than *Rumex acetosella*** | ***Alopecurus myosuroides*** | ***Lolium* spp.** | |
| **1** | **2** | **3** | **4** | **5** | **6** | **7** | **8** | **9** | **10** | **11** | **12** |
| *Arachis hypogaea* | 70 | 99 | — | 5 | 0 | 0 (c) | | | | | |
| ***Brassica* spp.** | | | | | | | | | | | |
| — | 85 basic seed, | 98 | 0,3 | — | 0 | 0 (c) (d) | 10 | 2 | | | |
| — | 85 certified seed, | 98 | 0,3 | — | 0 | 0 (c) (d) | 10 | 5 | | | |
| *Cannabis sativa* | 75 | 98 | — | 30 (b) | 0 | 0 (c) | | | | | (e) |
| *Carthamus tinctorius* | 75 | 98 | — | 5 | 0 | 0 (c) | | | | | (e) |
| *Carum carvi* | 70 | 97 | — | 25 (b) | 0 | 0 (c) (d) | 10 | | 3 | | |
| *Glycine max* | 80 | 98 | — | 5 | 0 | 0 (c) | | | | | |

| | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| *Gossypium* spp. | 80 | 98 | — | 15 | 0 | 0 (c) | | | | | |
| *Helianthus annuus* | 85 | 98 | — | 5 | 0 | 0 (c) | | | | | |
| ***Linum usitatissimum*:** | | | | | | | | | | | |
| — | 92 | flax, 99 | — | 15 | 0 | 0 (c) (d) | | | 4 | 2 | |
| — | 85 | linseed, 99 | — | 15 | 0 | 0 (c) (d) | | | 4 | 2 | |
| *Papaver somniferum* | 80 | 98 | — | 25 (b) | 0 | 0 (c) (d) | | | | | |
| ***Sinapis alba*:** | | | | | | | | | | | |
| — | 85 | basic seed, 98 | 0,3 | — | 0 | 0 (c) (d) | 10 | 2 | | | |
| — | 85 | certified seed, 98 | 0,3 | — | 0 | 0 (c) (d) | 10 | 5 | | | |

B. Other standards or conditions applicable where reference is made to them in the table under Section I(4)(A) of this Annex:

(a) the maximum contents of seeds laid down in column 5 include also the seeds of the species in columns 6 to 11;

(b) the determination of total content of seeds of other plant species by number need not be carried out unless there is doubt whether the conditions laid down in column 5 have been satisfied;

(c) 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 7 have been satisfied;

(d) 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.;

(e) the seed shall be free from *Orobanche* spp.; however the presence of one seed of *Orobanche* spp. in a sample of 100 grams shall not be regarded as an impurity where a second sample of 200 grams is free from any seeds of *Orobanche* spp.

5. Harmful organisms which reduce the usefulness of the seed shall be at the lowest possible level. In particular, the seed shall conform to the following other standards or conditions:

A. Table:

| **Species** | **Harmful organisms** |
|---|---|

| | **Maximum percentage by number of seeds contaminated by harmful organisms(total per column)** | | | ***Sclerotinia sclerotiorum*** **(maximum number of sclerotia or fragments of sclerotia in a sample of the weight specified in column 4 of Annex III)** |
|---|---|---|---|---|
| | ***Botrytis*** **spp.** | ***Alternaria linicola, Phoma exigua*** **var.** ***linicola, Colletotrichum linicola, Fusarium*** **spp.** | ***Platyedra gossypiella*** | |
| **1** | **2** | **3** | **4** | **5** |
| *Brassica napus* | | | | 10 (b) |
| *Brassica rapa* | | | | 5 (b) |
| *Cannabis sativa* | 5 | | | |
| *Gossypium* spp. | | | 1 | |
| *Helianthus annuus* | 5 | | | 10 (b) |
| *Linum usitatissimum* | 5 | 5 (a) | | |
| *Sinapis alba* | | | | 5 (b) |

B. Other standards or conditions applicable where reference is made to them in the table under Section I(5)(A) of this Annex:

(a) in *Linum usitatissimum* – flax, the maximum percentage by number of seeds contaminated by *Phoma exigua* var. *linicola* shall not exceed one;

(b) the determination of sclerotia or fragments of sclerotia of *Sclerotinia sclerotiorum* by number need not be carried out unless there is doubt whether the conditions laid down in column 5 of this table have been satisfied.

C. Particular standards or other conditions applicable to *Glycine max*:

(a) in respect of *Pseudomonas syringae* pv. *glycinea* the maximum number of sub-samples within a sample of 5 000 seeds minimum per lot subdivided into 5 sub-samples which have been found to be contaminated by the said organism shall not exceed 4;

where suspect colonies are identified in all five sub-samples, appropriate biochemical tests on the suspect colonies isolated on a preferential medium for each subsample may be used to confirm the above standards or conditions;

(b) in respect of *Diaporthe phaseolorum* var. *phaseolorum* the maximum number of seeds contaminated shall not exceed 15 %;

(c) the percentage by weight of inert matter, as defined in accordance with current international testing methods, shall not exceed 0.3.

In accordance with the procedure referred to in Article 25(2), Member States may be authorised not to carry out the examination in respect of the above particular standards or other conditions unless, on the basis of previous experience, there is doubt whether those standards or conditions have been satisfied.

II. COMMERCIAL SEED

With the exception of Section 1, the conditions referred to in Annex II(I) shall apply to commercial seed.

## 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 5 to 11 of Annex II(I)(4)(A) and in column 5 of Annex II(I)(5)(A)(grams)** |
|---|---|---|---|
| **1** | **2** | **3** | **4** |
| *Arachis hypogaea* | 30 | 1 000 | 1 000 |
| *Brassica juncea* | 10 | 100 | 40 |
| *Brassica napus* | 10 | 200 | 100 |
| *Brassica nigra* | 10 | 100 | 40 |
| *Brassica rapa* | 10 | 200 | 70 |
| *Cannabis sativa* | 10 | 600 | 600 |
| *Carthamus tinctorius* | 25 | 900 | 900 |
| *Carum carvi* | 10 | 200 | 80 |
| *Glycine max* | 30 | 1 000 | 1 000 |
| *Gossypium* spp. | 25 | 1 000 | 1 000 |
| *Helianthus annuus* | 25 | 1 000 | 1 000 |
| *Linum usitatissimum* | 10 | 300 | 150 |
| *Papaver somniferum* | 10 | 50 | 10 |
| *Sinapis alba* | 10 | 400 | 200 |

The maximum lot weight shall not be exceeded by more than 5 %..

**Editorial Information**

**X1** Substituted by Corrigendum to 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 (Official Journal of the European Union L 166 of 27 June 2009).