

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)

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(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed⁽¹⁾, and in particular Articles 2(1a) and 21a thereof,

Having regard to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed⁽²⁾, and in particular Articles 2(1a) and 21a thereof,

Having regard to Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed⁽³⁾, and in particular Article 45 thereof,

Having regard to Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants⁽⁴⁾, and in particular Articles 2(2) and 24 thereof,

Whereas:

- (1) In the light of the development of scientific knowledge, the International Code of Botanical Nomenclature (ICBN) has been revised with respect to certain botanical names of cultivated species and of weeds. Similarly, international practice as regards the scientific names of certain organisms has evolved. In order to reflect those scientific developments, Directives 66/401/EEC, 66/402/EEC and 2002/57/EC should be adapted as regards the botanical names of the cultivated species set out in Article 1(2) of this Directive, Article 2(2) thereof and Article 4(2) thereof and of the weeds, *Agropyron repens* (L.) Desv. ex Nevski and *Avena ludoviciana* (Durieu) Nyman and the scientific names: *Alternaria* spp., *Ascochyta linicola*, *Phoma linicola*. Moreover some taxonomic groups of plants formerly considered as subspecies of a given species have been identified as independent species. Directives 66/401/EEC and 66/402/EEC should be amended in order to take into account those new classifications.
- (2) The conditions for seed production, field inspection, sampling and testing provided for in Directives 66/401/EEC, 66/402/EEC, 2002/55/EC and 2002/57/EC are based

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on internationally accepted standards, as established by the International Seed Testing Association (ISTA) and the Organisation for Economic Cooperation and Development (OECD).

- (3) The ISTA has revised its standards in respect of the maximum weights of seed lots of *Arachis hypogaea* L., *Glycine max* (L.) Merr., *Lupinus albus* L., *Lupinus angustifolius* L., *Lupinus luteus* L., *Phaseolus coccineus* L., *Phaseolus vulgaris* L., *Pisum sativum* L., *Sorghum bicolor* (L.) Moench, *Sorghum bicolor* (L.) Moench x *S. sudanense* (Piper) Stapf, *Vicia faba* L., *Vicia pannonica* Crantz, *Vicia sativa* L., *Vicia villosa* Roth. Consequently, it is appropriate to align the maximum weights of seed lots, as laid down for those species in Directives 66/401/EEC, 66/402/EEC, 2002/55/EC and 2002/57/EC, with those international standards.
- (4) The maximum content of seed of *Raphanus raphanistrum* L. and *Sinapis arvensis* L. in seed of *Galega orientalis* Lam., as laid down in Directive 66/401/EEC, should be adapted in accordance with the relevant standards established by the OECD.
- (5) The OECD revised its standards in respect of the isolation distances for cotton seed crops. Consequently, it is appropriate to align the isolation distances for cotton seed crops, as laid down in Directive 2002/57/EC, with those international standards.
- (6) The experience gained, in particular, in the context of the application of Commission Regulation (EC) No 217/2006 of 8 February 2006 laying down rules for the application of Council Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC and 2002/57/EC as regards the authorisation of Member States to permit temporarily the marketing of seed not satisfying the requirements in respect of minimum germination⁽⁵⁾, has shown that the minimum germination percentages of pure seed required by Directives 66/402/EEC and 2002/55/EC as regards *Avena nuda* L., *Zea mays* L., as super-sweet corn and *Hordeum vulgare* L., as naked barley do not allow a sufficient availability of seed of those species. In the light of technical knowledge, it is therefore appropriate to reduce the minimum germination requirements of Directives 66/402/EEC and 2002/55/EC.
- (7) Considering the numerous changes required in Annexes II and III to Directive 66/401/EEC, Annexes I, II and III to Directive 66/402/EEC, Annexes II and III to Directive 2002/55/EC and Annexes I, II and III to Directive 2002/57/EC as a result of these amendments, it is appropriate to replace those Annexes.
- (8) Directives 66/401/EEC, 66/402/EEC, 2002/55/EC and 2002/57/EC should therefore be amended accordingly.
- (9) 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:

- (1) OJ 125, 11.7.1966, p. 2298/66.
- (2) OJ 125, 11.7.1966, p. 2309/66.
- (3) OJ L 193, 20.7.2002, p. 33.
- (4) OJ L 193, 20.7.2002, p. 74.
- (5) OJ L 38, 9.2.2006, p. 17.