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► **B** **REGULATION (EEC) No 2358/71 OF THE COUNCIL**
of 26 October 1971
on the common organisation of the market in seeds

(OJ L 246, 5.11.1971, p. 1)

Amended by:

	Official Journal		
	No	page	date
► M1 Regulation (EEC) No 597/73 of the Council of 26 February 1973	L 57	3	2.3.1973
► M2 Regulation (EEC) No 1014/73 of the Council of 27 March 1973	L 106	1	20.4.1973
► M3 Regulation (EEC) No 1707/73 of the Council of 26 June 1973	L 175	5	29.6.1973
► M4 Regulation (EEC) No 1119/74 of the Council of 29 April 1974	L 128	3	10.5.1974
► M5 Regulation (EEC) No 671/75 of the Council of 4 March 1975	L 72	21	20.3.1975
► M6 Council Regulation (EEC) No 1167/77 of 17 May 1977	L 137	1	3.6.1977
► M7 Council Regulation (EEC) No 1346/78 of 19 June 1978	L 165	1	22.6.1978
► M8 Council Regulation (EEC) No 234/79 of 5 February 1979	L 34	2	9.2.1979
► M9 Council Regulation (EEC) No 2878/79 of 17 December 1979	L 325	1	21.12.1979
► M10 Council Regulation (EEC) No 1968/80 of 22 July 1980	L 192	1	26.7.1980
► M11 Council Regulation (EEC) No 3808/81 of 21 December 1981	L 382	37	31.12.1981
► M12 Council Regulation (EEC) No 1581/83 of 14 June 1983	L 163	23	22.6.1983
► M13 Council Regulation (EEC) No 3768/85 of 20 December 1985	L 362	8	31.12.1985
► M14 Council Regulation (EEC) No 1355/86 of 24 March 1986	L 118	1	7.5.1986
► M15 Commission Regulation (EEC) No 3997/87 of 23 December 1987	L 377	37	31.12.1987
► M16 Council Regulation (EEC) No 1239/89 of 3 May 1989	L 128	35	11.5.1989
► M17 Council Regulation (EEC) No 1740/91 of 13 June 1991	L 163	39	26.6.1991
► M18 Commission Regulation (EEC) No 3695/92 of 21 December 1992	L 374	40	22.12.1992
► M19 Commission Regulation (EC) No 3375/93 of 9 December 1993	L 303	9	10.12.1993
► M20 Council Regulation (EC) No 3290/94 of 22 December 1994	L 349	105	31.12.1994
► M21 Council Regulation (EC) No 192/98 of 20 January 1998	L 20	16	27.1.1998
► M22 Council Regulation (EC) No 1405/1999 of 24 June 1999	L 164	17	30.6.1999

Amended by:

► A1 Act of Accession of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland	L 73	14	27.3.1972
(adapted by Council Decision of 1 January 1973)	L 2	1	1.1.1973
► A2 Act of Accession of Greece	L 291	17	19.11.1979
► A3 Act of Accession of Austria, Sweden and Finland	C 241	21	29.8.1994
(adapted by Council Decision 95/1/EC, Euratom, ECSC)	L 1	1	1.1.1995

Corrected by:

► C1 Corrigendum, OJ L 229, 18.8.1988, p. 46 (3997/87)

NB: This consolidated version contains references to the European unit of account and/or the ecu, which from 1 January 1999 should be understood as references to the euro — Council Regulation (EEC) No 3308/80 (OJ L 345, 20.12.1980, p. 1) and Council Regulation (EC) No 1103/97 (OJ L 162, 19.6.1997, p. 1).

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REGULATION (EEC) No 2358/71 OF THE COUNCIL
of 26 October 1971
on the common organisation of the market in seeds

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament ⁽¹⁾;

Having regard to the Opinion of the Economic and Social Committee ⁽²⁾;

Whereas the operation and development of the common market in agricultural products must be accompanied by the establishment of a common agricultural policy to include in particular a common organisation of agricultural markets, which may take various forms, depending on the product concerned;

Whereas the situation of the market in seeds is characterised by the need to keep prices competitive with world prices for these products; whereas appropriate measures should therefore be taken to stabilise the market and to ensure a fair income to the producers concerned;

Whereas provision should therefore be made for granting a production aid for certain seeds; whereas, in view of the way in which they are produced, provision should be made for a system fixing a standard rate of aid per quintal of seeds produced;

Whereas the common organisation of the market in seeds involves the introduction of a single trading system at the external frontiers of the Community; whereas the Common Customs Tariff automatically applies from 1 January 1970 in pursuance of the Treaty, and this system makes it possible to dispense with all other protective measures; whereas, however, the Community should be enabled to take all necessary measures without delay so as not to leave the Community market without defence against disturbances which may arise due to imports or exports;

Whereas the competent authorities must be in a position constantly to follow trade movements in order to assess market trends and to apply the measures laid down in this Regulation as necessary; whereas, to that end, provision should be made for the issue of import and export licences accompanied by the lodging of a deposit guaranteeing that the transactions for which such licences are requested are effected; whereas, however, imports following duly registered growing contracts should be exempt from this deposit;

Whereas, in respect of hybrid maize for sowing, it is necessary to avoid disturbances on the Community market caused by offers made on the world market at abnormally low prices; whereas to this end reference prices should be fixed for this product and a countervailing charge should be added to the customs duties when free-at-frontier offer prices plus customs duties are lower than the reference prices;

Whereas in the internal trade of the Community the levying of any customs duty or any charge having equivalent effect and the application of any quantitative restriction or any measure having equivalent effect are automatically prohibited from January 1970 under the provisions of the Treaty;

Whereas the provisions of the Treaty which allow the assessment of aids granted by Member States and the prohibition of those which are incompatible with the common market should be made to apply to seeds;

⁽¹⁾ OJ No C 11, 5. 2. 1971, p. 30.

⁽²⁾ OJ No C 36, 19. 4. 1971, p. 38.

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Whereas, in order to facilitate implementation of the proposed measures, a procedure should be provided for establishing close co-operation between Member States and the Commission within a Management Committee;

Whereas the transition from the system in force in the Member States to that established by this Regulation should be effected as smoothly as possible; whereas, therefore, transitional measures may prove to be necessary;

HAS ADOPTED THIS REGULATION:

▼M15*Article 1*

A common organization of the market in seeds shall be established and shall cover the following products:

CN code	Description
0712 90 11	Hybrid sweet corn for sowing
▼M18 0713 10 10	Peas (<i>Pisum sativum</i>) for sowing
▼M15 0713 20 10	Chickpeas (garbanzos) for sowing
0713 31 10	Beans of the species <i>Vigna mungo</i> (L.) Hepper or <i>Vigna radiata</i> (L.) Wilczek for sowing
0713 32 10	Small red (Adzuki) beans (<i>Phaseolus</i> or <i>Vigna angularis</i>) for sowing
0713 33 10	Kidney beans, including white pea beans (<i>Phaseolus vulgaris</i>), for sowing
0713 39 10	Other beans for sowing
0713 40 10	Lentils for sowing
0713 50 10	Broad beans (<i>Vicia faba</i> var. <i>major</i>) and horse beans (<i>Vicia faba</i> var. <i>equina</i> , <i>Vicia faba</i> var. <i>minor</i>) for sowing
0713 90 10	Other dried leguminous vegetables, for sowing
1001 90 10	Spelt for sowing
ex 1005 10	Hybrid maize for sowing
1006 10 10	Rice in the husk (paddy or rough) for sowing
1007 00 10	Hybrid grain sorghum for sowing
1201 00 10	Soya beans, whether or not broken, for sowing
1202 10 10	Ground-nuts, not roasted or otherwise cooked, in shell, for sowing
1204 00 10	Linseed, whether or not broken, for sowing
1205 00 10	Rape or colza seeds, whether or not broken, for sowing
1206 00 10	Sunflower seeds, whether or not broken, for sowing
ex 1207	Other oil seeds and oleaginous fruits, whether or not broken, for sowing
1209	Seeds, fruit and spores, of a kind used for sowing

▼B*Article 2*

The marketing year for seeds shall begin on 1 July of each year and end on 30 June of the following year.

Article 3

1. Where the situation on the Community market for one or more of the products listed in the Annex and its foreseeable development do not

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ensure producers a fair income, aid may be granted for the production of basic seed or certified seed.

▼M7

This aid, which shall be uniform throughout the Community for each species or group of varieties, shall be fixed every two years before 1 August for the marketing year beginning in the following year and for the subsequent marketing year. However, the aid for the 1978/79 and 1979/80 marketing years shall be fixed before 1 July 1978. If, for the two-year period for which aid has been fixed, the stability of the market in the Community appears to be seriously threatened, the Council, acting by a qualified majority on a proposal from the Commission, may order the aid for the second year of the period in question to be modified. ►**M9** This modification must be made before the start of the marketing year concerned and in good time to allow action as regards production. ◀

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2. The amount of aid shall be fixed per quintal of seeds produced, taking into account:
 - (a) the need to ensure a balance between the volume of production required in the Community and the amount that can be marketed;
 - (b) prices for these products on third-country markets.
3. The amount of aid shall be fixed in accordance with the procedure laid down in Article 43/2 of the Treaty.
4. The Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, shall adopt general rules for the granting of aid and decide, where appropriate, on amendments to the Annex.

▼M21

4a. The maximum quantity of rice seed on which the aid is payable in the Community shall be fixed in accordance with the procedure referred to in paragraph 5. That quantity shall be apportioned among the producer Member States.

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5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 11.

▼M22

6. The varieties of *Cannabis sativa* L. on which the aid provided for in this Articles is payable shall be determined in accordance with the procedure laid down in Article 11.

▼B*Article 3a*

1. For certain species, with effect from 1 February 1979 all seed multiplication contracts concluded between a seed undertaking or grower in the Community and a seed producer established in a third country may be made subject to compulsory registration with the bodies appointed for that purpose by each Member State.
2. Member States shall communicate periodically to the Commission statistical data concerning the registration of multiplication contracts.
3. The data relating to the registration of multiplication contracts may be utilized only for the purposes of application of this Regulation.
4. The detailed rules of application for this Article, and in particular the definition of the seed multiplication contract and the list of species referred to in paragraph 1, shall be adopted in accordance with the procedure laid down in Article 11

Article 4

1. Imports into the Community of any of the products listed in Article 1 may be made conditional on the submission of an import licence

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issued by Member States to any applicant irrespective of the place of his establishment in the Community.

This licence shall be valid for imports effected within the Community.

With the exception of imports effected under duly registered contracts for growing in third countries, the issue of such licences shall be conditional on the lodging of a deposit guaranteeing that importation is effected during the period of validity of the licence; the deposit shall be forfeited in whole or in part if the transaction is not effected, or is only partially effected, within that period.

2. The list of products for which import licences are required shall be determined in accordance with the procedure laid down in Article 11.

The period of validity of licences and other detailed rules for the application of this Article shall be determined in accordance with the same procedure.

▼M20*Article 5*

1. Unless this Regulation provides otherwise, the rates of duty in the Common Customs Tariff shall apply to the products listed in Article 1.

2. The general rules for the interpretation of the combined nomenclature and the special rules for its application shall apply to the classification of products covered by this Regulation; the tariff nomenclature resulting from the application of this Regulation shall be incorporated in the Common Customs Tariff.

Article 6

Save as otherwise provided for in this Regulation or in provisions adopted pursuant thereto, the following shall be prohibited in trade with third countries:

- the levying of any charge having equivalent effect to a customs duty,
- the application of any quantitative restriction or measure having equivalent effect.

Article 7

1. If, by reason of imports or exports, the Community market in one or more of the products listed in Article 1 is affected by, or is threatened with, serious disturbance likely to jeopardize the achievement of the objectives set out in Article 39 of the Treaty, appropriate measures may be applied in trade with third countries until such disturbance or threat of disturbance has ceased.

The Council, acting on a proposal from the Commission in accordance with the voting procedure laid down in Article 43 (2) of the Treaty, shall adopt the general rules for the application of this paragraph and shall define in what cases and within what limits Member States may take protective measures.

2. If the situation referred to in paragraph 1 arises, the Commission shall, at the request of a Member State or on its own initiative, decide upon the necessary measures; the Member States shall be notified of such measures, which shall be immediately applicable. If the Commission receives a request from a Member State, it shall take a decision thereon within three working days following receipt of the request.

3. Measures decided upon by the Commission may be referred to the Council by any Member State within three working days of the day on which they were notified. The Council shall meet without delay. It may, acting by a qualified majority, amend or annul the measure in question.

4. This Article shall be applied having regard to the obligations arising from agreements concluded in accordance with Article 228 (2) of the Treaty.

▼B*Article 8*

Save as otherwise provided in this Regulation, Articles 92, 93 and 94 of the Treaty shall apply to the production of and trade in the products referred to in Article 1.

However, subject to authorization by the Commission, Finland may grant aid respectively:

- for certain quantities of seeds
- for certain quantities of cereal seed

produced solely in this country, because of its specific climatic conditions.

Within a period of three years as from accession, the Commission shall, on the basis of information supplied in good time by the two abovementioned Member State, forward to the Council a report on the results of the aid authorized, accompanied, where appropriate, by any necessary proposals. The Council shall act in accordance with the procedure referred to in Article 3 (4).

▼M20**▼B***Article 9*

Member States and the Commission shall communicate to each other the information necessary for implementing this Regulation. Rules for the communication and distribution of such information shall be adopted in accordance with the procedure laid down in Article 11.

Article 10

1. A Management Committee for Seeds (hereinafter called the 'Committee') shall be established, consisting of representatives of Member States with a representative of the Commission as Chairman.
2. Within the Committee the votes of Member States shall be weighted in accordance with Article 148 (2) of the Treaty. The Chairman shall not vote.

Article 11

1. Where the procedure laid down in this Article is to be followed, the Chairman shall refer the matter to the Committee either on his own initiative or at the request of the representative of a Member State.
2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the Chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The Chairman shall not vote.
3. The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the Opinion of the Committee, they shall forthwith be communicated by the Commission to the Council. In that event the Commission may defer application of the measures which it has adopted for not more than one month from the date of such communication.

The Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty, may take a different decision within one month.

▼B*Article 12*

The Committee may consider any other question referred to it by its Chairman either on his own initiative or at the request of the representative of a Member State.

Article 13

This Regulation shall be so applied that appropriate account is taken, at the same time, of the objectives set out in Articles 39 and 110 of the Treaty.

Article 14

The provisions governing the financing of the common agricultural policy shall apply to the market in the products listed in Article 1 from the date on which this Regulation enters into force.

Article 15

In Article 1 (a) of Regulation No 120/67/EEC, ⁽¹⁾ the heading '10.05 B: Maize, other than hybrid maize for sowing' shall be substituted for the heading '10.05: Maize'.

Article 16

Should transitional measures be necessary to facilitate the transition from the system in force in Member States or, in respect of hybrid maize for sowing, from the system introduced by Regulation No 120/67/EEC to that established by this Regulation, in particular if the introduction of that system gives rise to substantial difficulties for some products, such measures shall be adopted in accordance with the procedure laid down in Article 11. They shall be applicable until 30 June 1973 at the latest.

Article 17

This Regulation shall enter into force on 1 May 1972.

It shall apply from 1 July 1972.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

⁽¹⁾ OJ No 117, 19. 6. 1967, p. 2269/67.

▼ M22

ANNEX

CN code	Description
	1. CERES
1001 90 10	<i>Triticum spelta</i> L.
1006 10 10	<i>Oryza sativa</i> L. (1) — long-grain varieties the grains of which are of a length exceeding 6,0 millimetres and of a length/width ratio of more than or equal to 3 — other varieties the grains of which are of a length exceeding or not exceeding 6,0 millimetres and of a length/width ratio of less than 3
	2. OLEAGINEAE
ex 1204 00 10	<i>Linum usitatissimum</i> L. (fibre flax)
ex 1204 00 10	<i>Linum usitatissimum</i> L. (linseed)
ex 1207 99 10	<i>Cannabis sativa</i> L. (2) (varieties with a tetrahydrocannabinol content not exceeding 0,3 % for the 2000/2001 marketing year and 0,2 % for subsequent marketing years)
	3. GRAMINEAE
ex 1209 29 10	<i>Agrostis canina</i> L.
ex 1209 29 10	<i>Agrostis gigantea</i> Roth.
ex 1209 29 10	<i>Agrostis stolonifera</i> L.
ex 1209 29 10	<i>Agrostis capillaris</i> L.
ex 1209 29 80	<i>Arrhenatherum elatius</i> (L.) P. Beauv. ex J.S. and K.B. Prest.
ex 1209 29 10	<i>Dactylis glomerata</i> L.
ex 1209 23 80	<i>Festuca arundinacea</i> Schreb.
ex 1209 23 80	<i>Festuca ovina</i> L.
1209 23 11	<i>Festuca pratensis</i> Huds.
1209 23 15	<i>Festuca rubra</i> L.
ex 1209 29 80	<i>Festulolium</i>
1209 25 10	<i>Lolium multiflorum</i> Lam.
1209 25 90	<i>Lolium perenne</i> L. (3)
ex 1209 29 80	<i>Lolium x boucheanum</i> Kunth
ex 1209 29 80	<i>Phleum Bertolinii</i> (DC)
1209 26 00	<i>Phleum pratense</i> L.
ex 1209 29 80	<i>Poa nemoralis</i> L.
1209 24 00	<i>Poa pratensis</i> L.
ex 1209 29 10	<i>Poa palustris</i> and <i>Poa trivialis</i> L.
	4. LEGUMINOSAE
ex 1209 29 80	<i>Hedysarum coronarium</i> L.
ex 1209 29 80	<i>Medicago lupulina</i> L.
ex 1209 21 00	<i>Medicago sativa</i> L. (ecotypes)
ex 1209 21 00	<i>Medicago sativa</i> L. (varieties)
ex 1209 29 80	<i>Onobrichis viciifolia</i> Scop.
ex 0713 10 10	<i>Pisum sativum</i> L. (partim) (field peas)
ex 1209 22 80	<i>Trifolium alexandrinum</i> L.
ex 1209 22 80	<i>Trifolium hybridum</i> L.
ex 1209 22 80	<i>Trifolium incarnatum</i> L.

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CN code	Description
1209 22 10	<i>Trifolium pratense</i> L.
ex 1209 22 80	<i>Trifolium repens</i> L.
ex 1209 22 80	<i>Trifolium repens</i> L. var. <i>giganteum</i>
ex 1209 22 80	<i>Trifolium resupinatum</i> L.
ex 0713 50 10	<i>Vicia faba</i> L. (partim) (field beans)
ex 1209 29 10	<i>Vicia sativa</i> L.
ex 1209 29 10	<i>Vicia villosa</i> Roth.

- (¹) Grain measurements are taken on wholly milled rice by the following method:
- (i) take a sample representative of the batch;
 - (ii) sieve the sample so as to retain only whole grains, including immature grains;
 - (iii) carry out two measurements of 100 grains each and work out the average;
 - (iv) express the results in millimetres, rounded off to one decimal place.
- (²) The tetrahydrocannabinol (THC) content of a variety is determined by analysing a sample maintained at constant weight. The weight of THC in relation to the weight of the sample must — for the purposes of granting the aid for the 1998/99 to 2000/01 marketing years — not be greater than 0,3 % and — for the purposes of granting the aid for subsequent marketing years — not be greater than 0,2 %. The sample is to consist of the upper third of a representative number of plants selected at random at the end of their flowering period and with stalks and seeds removed.
- (³) The aid for *Lolium perenne* for the 2000/2001 and 2001/2002 marketing years is set on a transitional basis for the following three groups of varieties:
- of high persistence, late or medium late,
 - new varieties and others,
 - of low persistence, medium late, medium early or early.