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►B

COUNCIL DIRECTIVE

of 14 June 1966

on the marketing of fodder plant seed

(66/401/EEC)

(OJ 125, 11.7.1966, p. 2298)

Amended by:

		Official Journal		
		No	page	date
►M1	Council Directive 69/63/EEC of 18 February 1969	L 48	8	26.2.1969
►M2	Council Directive 71/162/EEC of 30 March 1971	L 87	24	17.4.1971
►M3	Council Directive 72/274/EEC of 20 July 1972	L 171	37	29.7.1972
►M4	Council Directive 72/418/EEC of 6 December 1972	L 287	22	26.12.1972
►M5	Council Directive 73/438/EEC of 11 December 1973	L 356	79	27.12.1973
►M6	Council Directive 75/444/EEC of 26 June 1975	L 196	6	26.7.1975
►M7	Council Directive 78/55/EEC of 19 December 1977	L 16	23	20.1.1978
►M8	First Commission Directive 78/386/EEC of 18 April 1978	L 113	1	25.4.1978
►M9	Council Directive 78/692/EEC of 25 July 1978	L 236	13	26.8.1978
►M10	Council Directive 78/1020/EEC of 5 December 1978	L 350	27	14.12.1978
►M11	Commission Directive 79/641/EEC of 27 June 1979	L 183	13	19.7.1979
►M12	Council Directive 79/692/EEC of 24 July 1979	L 205	1	13.8.1979
►M13	Commission Directive 80/754/EEC of 17 July 1980	L 207	36	9.8.1980
►M14	Commission Directive 81/126/EEC of 16 February 1981	L 67	36	12.3.1981
►M15	Commission Directive 82/287/EEC of 13 April 1982	L 131	24	13.5.1982
►M16	Commission Directive 85/38/EEC of 14 December 1984	L 16	41	19.1.1985
►M17	Council Regulation (EEC) No 3768/85 of 20 December 1985	L 362	8	31.12.1985
►M18	Council Directive 86/155/EEC of 22 April 1986	L 118	23	7.5.1986
►M19	Commission Directive 87/120/EEC of 14 January 1987	L 49	39	18.2.1987
►M20	Commission Directive 87/480/EEC of 9 September 1987	L 273	43	26.9.1987
►M21	Council Directive 88/332/EEC of 13 June 1988	L 151	82	17.6.1988
►M22	Council Directive 88/380/EEC of 13 June 1988	L 187	31	16.7.1988
►M23	Commission Directive 89/100/EEC of 20 January 1989	L 38	36	10.2.1989
►M24	Council Directive 90/654/EEC of 4 December 1990	L 353	48	17.12.1990
►M25	Commission Directive 92/19/EEC of 23 March 1992	L 104	61	22.4.1992
►M26	Commission Directive 96/18/EC of 19 March 1996	L 76	21	26.3.1996
►M27	Council Directive 96/72/EC of 18 November 1996	L 304	10	27.11.1996
►M28	Council Directive 98/95/EC of 14 December 1998	L 25	1	1.2.1999
►M29	Council Directive 98/96/EC of 14 December 1998	L 25	27	1.2.1999
►M30	Council Directive 2001/64/EC of 31 August 2001	L 234	60	1.9.2001

►**M31**	Council Directive 2003/61/EC of 18 June 2003	L 165	23	3.7.2003
►**M32**	Commission Directive 2004/55/EC of 20 April 2004	L 114	18	21.4.2004
►**M33**	Council Directive 2004/117/EC of 22 December 2004	L 14	18	18.1.2005
►**M34**	Commission Directive 2007/72/EC of 13 December 2007	L 329	37	14.12.2007
►**M35**	Commission Directive 2009/74/EC of 26 June 2009	L 166	40	27.6.2009
►**M36**	Commission Implementing Directive 2012/37/EU of 22 November 2012	L 325	13	23.11.2012
►**M37**	Commission Implementing Directive (EU) 2016/317 of 3 March 2016	L 60	72	5.3.2016
►**M38**	Commission Implementing Directive (EU) 2016/2109 of 1 December 2016	L 327	59	2.12.2016
►**M39**	amended by Commission Implementing Directive (EU) 2018/1028 of 19 July 2018	L 184	7	20.7.2018
►**M40**	Commission Implementing Directive (EU) 2020/177 of 11 February 2020	L 41	1	13.2.2020
►**M41**	Commission Implementing Directive (EU) 2021/415 of 8 March 2021	L 81	65	9.3.2021
►**M42**	Commission Implementing Directive (EU) 2021/971 of 16 June 2021	L 214	62	17.6.2021

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
►**A2**	Act of Accession of Greece	L 291	17	19.11.1979
►**A3**	Act Act of Accession of Austria, Sweden and Finland (94/C 241/08)	C 241	21	29.8.1994
	(adapted by Council Decision 95/1/EC, Euratom, ECSC)	L 1	1	1.1.1995

Corrected by:

►**C1** Consolidated text of corrigenda to instruments published in Special Editions 1952-72, p. 16 (66/401/EEC)
►**C2** Consolidated text of corrigenda to instruments published in Special Editions 1952-72, p. 30 (69/63/EEC)
►**C3** Consolidated text of corrigenda to instruments published in Special Editions 1952-72, p. 87 (71/162/EEC)
►**C4** Consolidated text of corrigenda to instruments published in Special Editions 1952-72, p. 106 (72/418/EEC)
►**C5** Corrigendum, OJ L 138, 21.5.1974, p. 27 (73/438/EEC)
►**C6** Corrigendum, OJ L 128, 21.5.1997, p. 16 (92/19/EEC)
►**C7** Corrigendum, OJ L 298, 1.11.1997, p. 70 (66/401/EEC)
►**C8** Corrigendum, OJ L 161, 16.6.2001, p. 47 (98/95/EC)
►**C9** Corrigendum, OJ L 161, 16.6.2001, p. 48 (98/96/EC)
►**C10** Corrigendum, OJ L 338, 17.12.2008, p. 79 (2007/72/EC)

▼B

COUNCIL DIRECTIVE

of 14 June 1966

on the marketing of fodder plant seed

(66/401/EEC)

▼M28

Article 1

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

Article 1a

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

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

— the supply of seed to official testing and inspection bodies,

— the supply of seed to providers of services for processing or packaging, provided the provider of services does not acquire title to seed thus supplied.

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

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

▼B

Article 2

►M1 1. ◄ For the purposes of this Directive, the following definitions shall apply:

A. Fodder plants: plants of the following genera and species:

(a)	►M35 *Poaceae* (*Gramineae*) ◄	*Grasses*

▼M11

Agrostis canina L.	Velvet bent

▼M2

►M35 *Agrostis gigantea* Roth ◄	Roth Redtop
Agrostis stolonifera L.	Creeping bent grass

▼M2

►M19 *Agrostis capillaris* L. ◄	Brown top

▼B

Alopecurus pratensis L.	Meadow foxtail

▼M11

►M35 *Arrhenatherum elatius* (L.) P. Beauv. ex J. Presl & C. Presl ◄	Tall oatgrass

▼M22

Bromus catharticus Vahl	Rescue grass
Bromus sitchensis Trin.	Alaska brome-grass

▼M18

Cynodon dactylon (L.) Pers.	Bermuda grass

▼B

Dactylis glomerata L.	Cocksfoot
►M19 *Festuca arundinacea* Schreber ◄	Tall fescue

▼M35

Festuca filiformis Pourr	Fine leaved sheep’s fescue

▼B

Festuca ovina L.	Sheep's fescue
►M35 *Festuca pratensis* Huds. ◄	Meadow fescue
Festuca rubra L.	Red fescue

▼M41

Festuca trachyphylla (Hack.) Hack.	Hrapavolisna vlasulja

▼M2

Lolium multiflorum Lam.	Italian ryegrass (including Westerwold ryegrass)
Lolium perenne L.	Perennial ryegrass
►M38 *Lolium x hybridum* Hausskn ◄	Hybrid ryegrass

▼M18

Phalaris aquatica L.	Harding grass, Phalaris

▼M11

►M35 *Phleum nodosum* L. ◄	►M35 Small timothy ◄

▼B

Phleum pratense L.	Timothy

▼M2

Poa annua L.	Annual meadowgrass
Poa nemoralis L.	Wood meadowgrass

▼M2

Poa palustris L.	Swamp meadowgrass
Poa pratensis L.	Smooth-stalk meadowgrass
Poa trivialis L.	Rough-stalk meadowgrass

▼M11

►M19 *Trisetum flavescens* (L.) P. Beauv. ◄	Golden oatgrass

▼M25

This definition shall also cover the following hybrid resulting from the crossing of species referred to above.

▼M32

►M35 *xFestulolium* Asch. & Graebn. ◄	►M35 Hybrids resulting from the crossing of a species of the genus *Festuca* with a species of the genus *Lolium* ◄

▼M38

(b)	*Fabaceae* (*Leguminosae*)	Legumes
	Biserrula pelecinus L.	Biserrula
	Galega orientalis Lam.	Fodder galega
	Hedysarum coronarium L.	Sulla
	Lathyrus cicera L.	Chickling vetch/Dwarf chickling vetch
	Lotus corniculatus L.	Birdsfoot trefoil
	Lupinus albus L.	White lupin
	Lupinus angustifolius L.	Narrow-leaved lupin
	Lupinus luteus L.	Yellow lupin
	Medicago doliata Carmign.	Straight-spined medic
	Medicago italica (Mill.) Fiori	Disc medic
	Medicago littoralis Rohde ex Loisel.	Shore medic/Strand medic
	Medicago lupulina L.	Trefoil
	Medicago murex Willd.	Sphere medic
	Medicago polymorpha L.	Bur medic
	Medicago rugosa Desr.	Wrinkled medic/Gama medic
	Medicago sativa L.	Lucerne
	Medicago scutellata (L.) Mill.	Snail medic/Shield medic
	Medicago truncatula Gaertn.	Barrel medic
	Medicago × *varia* T. Martyn Sand	Sand lucerne
	Onobrychis viciifolia Scop.	Sainfoin
	Ornithopus compressus L.	Yellow serradella
	Ornithopus sativus Brot.	Serradella

▼M38

Pisum sativum L. (partim)	Field pea
Trifolium alexandrinum L.	Berseem, Egyptian clover
Trifolium fragiferum L.	Strawberry clover
Trifolium glanduliferum Boiss.	Glandular clover
Trifolium hirtum All.	Rose clover
Trifolium hybridum L.	Alsike clover
Trifolium incarnatum L.	Crimson clover
Trifolium isthmocarpum Brot.	Moroccan clover
Trifolium michelianum Savi	Balansa clover
Trifolium pratense L.	Red clover
Trifolium repens L.	White clover
Trifolium resupinatum L.	Persian clover
Trifolium squarrosum L.	Squarrose clover
Trifolium subterraneum L.	Subterranean clover
Trifolium vesiculosum Savi	Arrow-leaf clover
Trigonella foenum-graecum L.	Fenugreek
Vicia benghalensis L.	Purple vetch
Vicia faba L.	Field bean
Vicia pannonica Crantz	Hungarian vetch
Vicia sativa L.	Common vetch
Vicia villosa Roth	Hairy vetch

▼M1

(c) Other species

►M19 *Brassica napus* L. var. *napobrassica* (L.) Rchb. ◄	►C2 Swede ◄
►M19 *Brassica oleracea* L. convar. *acephala* (DC.) Alef. var. *medullosa* Thell. + var. *varidis* L. ◄	►C2 Fodder kale ◄

▼M22

Phacelia tanacetifolia Benth.	California bluebell

▼M38

Plantago lanceolata L.	Ribwort plantain

▼M1

►M19 *Raphanus sativus* L. var. *oleiformis* Pers. ◄	Fodder radish.

▼B

B. Basic Seed:

1. Seed of bred varieties: seed

(a) which has been produced under the responsibility of the breeder according to accepted practices for the maintenance of the variety;

(b) which is intended for the production of seed of the category ‘certified seed’;

(c) which, subject to the provisions of Article 4, satisfies the conditions laid down in Annexes I and II for basic seed; and

▼M33

(d) which has been found by official examination or, in the case of the conditions laid down in Annex II, either by official examination or by examination carried out under official supervision, to satisfy the conditions set out in (a), (b) and (c).

▼B

2. Seed of local varieties: seed

(a) which has been produced under official control from material officially accepted as being of the local variety on one or more holdings situated within a clearly demarcated region of origin;

(b) which is intended for the production of seed of the category ‘certified seed’;

(c) which, subject to the provisions of Article 4, satisfies the conditions laid down in Annexes I and II for basic seed; and

▼M33

(d) which has been found by official examination or, in the case of the conditions laid down in Annex II, either by official examination or by examination carried out under official supervision, to satisfy the conditions set out in (a), (b) and (c).

▼M28

C. Certified seed: seed of all the species listed under A other than *Lupinus* spp., *Pisum sativum, Vicia* spp. and *Medicago sativa:*

(a) which has been produced directly from basic seed or, if the breeder so requests, from seed of a generation prior to basic seed which has been found by official examination to satisfy the conditions laid down in Annexes I and II for basic seed;

(b) which is intended for purposes other than the production of seed;

(c) which, subject to of Article 4(b), satisfies the conditions laid down in Annexes I and II for certified seed; and

▼M33

(d) which has been found by official examination or by examination carried out under official supervision to satisfy the conditions set out in (a), (b) and (c).

▼M28

Ca. Certified seed, first generation (*Lupinus* spp., *Pisum sativum, Vicia* spp. and *Medicago sativa*) seed:

(a) which has been produced directly from basic seed or, if the breeder so requests, from seed of a generation prior to basic seed which can satisfy and has been found by official examination to satisfy the conditions laid down in Annexes I and II for basic seed;

(b) which is intended either for the production of seed of the category 'certified seed, second generation' or for purposes other than the production of seed of fodder plants;

(c) which, subject to Article 4(b), satisfies the conditions laid down in Annexes I and II for certified seed; and

▼M33

(d) which has been found by official examination or by examination carried out under official supervision to satisfy the conditions set out in (a), (b) and (c).

▼M28

Cb. Certified seed, second generation (*Lupinus* spp., *Pisum sativum, Vicia* spp. and *Medicago sativa*) seed:

(a) which has been produced directly from basic seed, from certified seed of the first generation or, if the breeder so requests, from seed of a generation prior to basic seed which can satisfy and has been found by official examination to satisfy the conditions laid down in Annexes I and II for basic seed;

(b) which is intended for purposes other than the production of seed of fodder plants;

(c) which, subject to Article 4(b), satisfies the conditions laid down in Annexes I and II, for certified seed; and

▼M33

(d) which has been found by official examination or by examination carried out under official supervision to satisfy the conditions set out in (a), (b) and (c).

▼B

D. Commercial seed: seed

(a) Which is identifiable as belonging to a species;

(b) which, subject to the provisions of Article 4 (b), satisfies the conditions laid down in Annex II for commercial seed; and

▼M33

(c) which has been found by official examination or by examination carried out under official supervision to satisfy the conditions set out in (a) and (b).

▼B

E. Official measures: measures taken

(a) by State authorities, or

(b) by any legal person whether governed by public or by private law, acting under the responsibility of the State, or

(c) in the case of ancillary activities which are also subject to State control, by any natural person duly sworn for that purpose,

▼B

provided that the persons mentioned under (b) and (c) derive no private gain from such measures.

▼M6

F. Small ►M27 EC ◄ A packages: packages containing a mixture of seeds not intended for the production of fodder plants, with a net weight not exceeding 2 kg excluding, where appropriate, granulated pesticides, pelleting substances or other solid additives.

G. Small ►M27 EC ◄ B packages: packages containing ►M28 basic seed, ◄ certified seed, commercial seed or — if the packages concerned are not small ►M27 EC ◄ A packages — a mixture of seeds with a net weight not exceeding 10 kg excluding, where appropriate, granulated pesticides, pelleting substances or other solid additives.

▼M29

1a. Amendments to be made to the list of species referred to in paragraph 1(A) shall be adopted in accordance with the procedure laid down in Article 21.

▼M22

1b. The different types of varieties, including the components, eligible for certification under this Directive may be specified and defined in accordance with the procedure laid down in Article 21.

▼M28

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▼M12

►M22 1d. ◄ Member States may be authorized, in accordance with the procedure laid down in Article 21, not to apply in respect of the production of a given Member State the condition contained in Annex II, section I, point 2, paragraph B (1) for one or more of the species concerned, if it can be assumed from ecological conditions and previous experience that the standards laid down in Annex II, section I, point 2, column 13 of the table are being complied with.

▼M1

2. Member States may, during a transitional period of not more than four years after the entry into force of the laws, regulations or administrative provisions necessary to comply with this Directive, and by way of derogation from paragraph 1 (C), certify as certified seed seed ►C2 produced directly ◄ from seed officially controlled in a Member State under the scheme in operation at that time and which affords the same assurances as seed certified as basic seed or certified seed in accordance with the principles of this Directive.

▼M4

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▼M33

3. When the examination under official supervision set out in paragraphs (1)(B)(1)(d), (1)(B)(2)(d), (1)(C)(d), (1)(Ca)(d), (1)(Cb)(d) and (1)(D)(c) is carried out, the following requirements shall be complied with:

▼M33

A. Field inspection

(a) The inspectors shall:

(i) have the necessary technical qualifications;

(ii) derive no private gain in connection with the carrying out of the inspections;

(iii) have been officially licensed by the seed certification authority of the Member State concerned and this licensing shall include either the swearing-in of inspectors or the signature by inspectors of a written statement of commitment to the rules governing official examinations;

(iv) carry out inspections under official supervision in accordance with the rules applicable to official inspections.

(b) The seed crop to be inspected shall be grown from seed, which has undergone official post-control, the results of which have been satisfactory.

(c) A proportion of the seed crops shall be checked by official inspectors. That proportion shall be at least 5 %.

(d) A proportion of samples from the seed lots harvested from the seed crops shall be drawn for official post control and, where appropriate, for official laboratory seed testing in respect of varietal identity and purity.

(e) The Member States shall lay down the rules on penalties applicable to infringements of the national provisions governing examination under official supervision, adopted pursuant to this Directive. The penalties provided for must be effective, proportionate and dissuasive. Penalties may include the withdrawal of the licence provided for in (a)(iii) from officially licensed inspectors who are found guilty of deliberately or negligently contravening the rules governing official examinations. The Member States shall ensure that any certification of the seed examined is annulled in the event of such contravention unless it can be shown that such seed still meets all relevant requirements.

B. Seed testing

(a) Seed testing shall be carried out by seed-testing laboratories which have been authorised for that purpose by the seed certification authority of the Member State concerned under the conditions set out in (b) to (d).

(b) The seed-testing laboratory shall have a seed analyst-in-charge who has direct responsibility for the technical operations of the laboratory and has the necessary qualifications for technical management of a seed-testing laboratory.

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

▼M33

The laboratory shall be maintained in premises and with equipment officially considered by the seed certification authority to be satisfactory for the purpose of seed testing, within the scope of the authorisation.

It shall carry out seed testing in accordance with current international methods.

(c) The seed-testing laboratory shall be:

(i) an independent laboratory;

or

(ii) a laboratory belonging to a seed company.

In the case referred to in (ii), the laboratory may carry out seed testing only on seed lots produced on behalf of the seed company to which it belongs, unless it has been otherwise agreed between that seed company, the applicant for certification and the seed certification authority.

(d) The seed-testing laboratory's performance of seed testing shall be subject to appropriate supervision by the seed certification authority.

(e) For the purposes of the supervision referred to in (d) a proportion of the seed lots entered for the official certification shall be check-tested by official seed testing. That proportion shall in principle be as evenly spread as possible over natural and legal persons entering seed for certification, and the species entered, but may also be oriented to eliminate specific doubts. That proportion shall be at least 5 %.

(f) The Member States shall lay down the rules on penalties applicable to infringements of the national provisions governing examination under official supervision, adopted pursuant to this Directive. The penalties provided for must be effective, proportionate and dissuasive. Penalties may include the withdrawal of the authorisation provided for in (a), from officially authorised seed-testing laboratories which are found guilty of deliberately or negligently contravening the rules governing official examinations. The Member States shall ensure that any certification of the seed examined is annulled in the event of such contravention unless it can be shown that such seed still meets all relevant requirements.

▼M29

4. Further measures applicable to the carrying out of examinations under official supervision may be adopted in accordance with the procedure laid down in Article 21.

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▼B

Article 3

▼M1

1. The Member States shall provide that seed of:

▼M19

Brassica napus L. var. *napobrassica* (L.) Rchb.

Brassica oleracea L. convar. *acephala* (DC.) Alef. var. *medullosa* Thell. + var. *viridis* L.

▼M1

Dactylis glomerata L.

▼M19

Festuca arundinacea Schreber

Festuca pratensis Hudson

▼M1

Festuca rubra L. ►M25 × *Festulolium* ◄

▼M34

Galega orientalis Lam.*fodder galega*

▼M2

Lolium multiflorum Lam.

Lolium perenne L.

▼M38

Lolium x hybridum Hausskn

▼M1

Phleum pratense L.

Medicago sativa L.

▼M19

Medicago × *varia* T. Martyn

▼M11

Pisum sativum L.

▼M19

Raphanus sativus L. var. *oleiformis* Pers.

▼M1

Trifolium repens L.

and, as from 1 July 1971, seed of *Trifolium pratense* L.

may not be placed on the market unless it has been officially certified as ‘basic seed’ or ‘certified seed’ ►M28 ——————— ◄.

▼M18

1a. Until 31 December 1989 the Kingdom of Spain may be authorized, in accordance with the procedure laid down in Article 21, to provide for exceptions to paragraph 1 in the case of seed of *Medicago sativa, Brassica oleracea* convar. *acephala* and *Raphanus sativus*.

▼B

2. The Member States shall provide that fodder plant seed of genera and species other than those listed in paragraph 1 may not be placed on the market unless the seed has been officially certified as ‘basic seed’ or ‘certified seed’, or is commercial seed ►M28 ——————— ◄.

▼B

3. The Commission may, in accordance with the procedure laid down in Article 21, provide that after specified dates seed of genera and species of fodder plant other than those listed in paragraph 1 may not be placed on the market unless it has been officially certified as ‘basic seed’ or ‘certified seed’.

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

▼M28

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Article 3a

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

— bred seed of generations prior to basic seed, and

— seed as grown, marketed for processing, provided that the identity of the seed is ensured,

may be placed on the market.

▼B

Article 4

Member States may, however, by way of derogation from the provisions of Article 3:

(a) authorize the official certification and marketing of basic seed which does not satisfy the conditions laid down in Annex II in respect of germination; a similar derogation may also be granted in respect of certified seed of *Trifolium pratense* where such seed is intended for the further production ►C1 of other certified seed ◄.

In the cases given above, all necessary measures shall be taken to ensure that the supplier guarantees a specific germination which he shall state for marketing purposes on a special label bearing his name and address and the reference number of the seed lot;

(b) in order to make seed rapidly available, notwithstanding the fact that official examination to check compliance with the conditions laid down in Annex II in respect of germination has not been concluded, authorize the official certification or approval and marketing as far as the first buyer by way of trade of seed of the categories ‘basic seed’, ‘certified seed’ or ‘commercial seed’. Certification or approval shall be granted only on presentation of a provisional analytical report on the seed and provided that the name and address of the first recipient are given; all necessary measures shall be taken to ensure that the supplier guarantees the germination ascertained at the provisional analysis; this germination shall be stated for marketing purposes on a special label bearing the name and address of the supplier and the reference number of the lot.

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

▼M28

Member States making use of the derogation provided for in either subparagraph (a) or (b) shall assist each other administratively as regards inspection.

▼M28

Article 4a

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

(a) small quantities of seed for scientific purposes or selection work;

(b) appropriate quantities of seed for other test or trial purposes, provided it belongs to varieties for which an application for entry in the catalogue has been submitted in the Member State in question.

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

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

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

▼C7

Article 5

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

▼M28

Article 5a

Member States may restrict the certification of seed of *Lupinus* spp., *Pisum sativum, Vicia* spp. and *Medicago sativa* to certified seed of the first generation.

▼B

Article 6

▼M2

The Member States shall provide that the description of the genealogical components which may be required is, if the breeder so requests, treated as confidential.

▼B

Article 7

▼M33

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

1a. When the seed sampling under official supervision provided for in paragraph 1 is carried out, the following requirements shall be complied with:

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

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

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

(c) seed samplers shall be:

(i) independent natural persons;

(ii) persons employed by natural or legal persons whose activities do not involve seed production, seed growing, seed processing or seed trade;

or

(iii) persons employed by natural or legal persons whose activities involve seed production, seed growing, seed processing or seed trade.

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

(d) the performance of the seed samplers shall be subject to proper supervision by the seed certification authority. When automatic sampling is in operation appropriate procedures must be adhered to and officially supervised;

(e) for the purposes of the supervision referred to in (d) a proportion of the seed lots entered for official certification shall be check-sampled by official seed samplers. That proportion shall in principle be as evenly spread as possible over natural and legal persons entering seed for certification, and the species entered, but may also be oriented to eliminate specific doubts. That proportion shall be at least 5 %. This check sampling does not apply to automatic sampling.

▼M33

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

(f) the Member States shall lay down the rules on penalties applicable to infringements of the national provisions governing examination under official supervision, adopted pursuant to this Directive. The penalties provided for must be effective, proportionate and dissuasive. Penalties may include the withdrawal of the authorisation provided for in (a), from officially authorised seed samplers who are found guilty of deliberately or negligently contravening the rules governing official examinations. The Member States shall ensure that any certification of the seed sampled is annulled in the event of such contravention unless it can be shown that such seed still meets all relevant requirements.

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

▼B

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

Article 8

1. The Member States shall require that basic seed, certified seed and commercial seed be marketed only in sufficiently homogeneous lots and in sealed ►C1 packages ◄ bearing, as prescribed ►M6 in Article 9, 10 or 10a, whichever is appropriate ◄, a sealing device and markings.

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

▼M6

Article 9

▼M9

1. Member States shall require that packages of basic seed, certified seed and commercial seed, except where seed of the two latter categories takes the form of small ►M27 EC ◄ B packages, be sealed officially or under official supervision in such a manner that they cannot be opened without damaging the sealing system or leaving evidence of tampering on either the official label provided for in Article 10 (1) or the package.

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

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

▼M9

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

▼M6

2. Member States shall require that, except in the case of small ►M27 EC ◄ B packages, packages shall not be resealed on one or more occasions unless this is done officially ►M9 or under official supervision ◄. If packages are resealed, the fact of resealing, the date of resealing and the authority responsible therefor shall be stated on the label required under Article 10 (1).

▼M9

3. The Member States shall require that small ►M27 EC ◄ B packages be sealed in such a manner that they cannot be opened without damaging the sealing system or leaving evidence of tampering on the label or package. In accordance with the procedure laid down in Article 21, it may be established whether a particular sealing system complies with the provisions of this paragraph. Packages shall not be resealed on one or more occasions except under official supervision.

▼M28

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▼M7

Article 10

1. Member States shall require that packages of basic seed, certified seed and commercial seed, except where seed of the last two categories takes the form of small ►M27 EC ◄ B packages:

(a) be labelled on the outside with an official label which has not previously been used, which satisfies the conditions laid down in Annex IV (A) and on which the information is given in one of the official languages of the Community. The colour of the label shall be white for basic seed, blue for certified seed of the first generation after basic seed, red for certified seed of subsequent generations and brown for commercial seed. When a label with a string-hole is used, its attachment shall be ensured in all cases with an official seal. If, in cases under Article 4 (a), the basic seed or certified seed does not satisfy the conditions laid down in Annex II in respect of germination, this fact shall be stated on the label. The use of official adhesive labels shall be authorized. In accordance with the procedure laid down in Article 21, the indelible printing under official supervision of the prescribed information on the package according to the label's model may be authorized;

(b) contain an official document, in the same colour as the label, giving at least the infomation required under Annex IV (A) (I) (a) (3), (4) and (5) and, in the case of commercial seed, under (b) (2), (4) and (5). This document shall be drawn up in such a manner that it cannot be confused with the official label referred to under (a). This document is not necessary if the information is printed indelibly on the container or if, in accordance with the provisions under (a), an adhesive label or a label of non-tear material is used.

▼M28

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▼M6

Article 10a

1. Member States shall require that small ►M27 EC ◄ B packages:

(a) bear on the outside in accordance with Annex IV (B) a supplier's label, a printed notice or stamp in one of the official languages of the Community; in the case of transparent packages this label may be placed inside, provided it can be read through the package; as regards the colour of the label, Article 10 (1) (a) shall apply;

(b) bear on the outside or on the supplier's label provided for in sub-paragraph (a) an officially assigned serial number; should an official adhesive label be used, Article 10 (1) (a) shall apply as regards its colour; the methods of attaching the said serial number may be fixed in accordance with the procedure laid down under Article 21.

2. Member States may require that an official adhesive label containing part of the information prescribed in Annex IV (B) is used for the marking of small ►M27 EC ◄ B packages packed in their territory; insofar as the information is given on such label, the marking provided for in paragraph 1 (a) shall not be required.

▼M28

Article 10b

Member States may provide that, on request, small EC B packages of seed shall be sealed and marked officially or under official supervision in accordance with Article 9(1) and Article 10.

▼M6

Article 10c

The Member States shall take all measures necessary to ensure that, in the case of small packages of seed, the identity of the seed can be checked, in particular at the time when seed lots are divided up. To this end they may require that small packages divided up in their territory shall be sealed officially or under official supervision.

▼M30

Article 10d

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

▼M30

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

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

▼M28

Article 11

1. In accordance with the procedure laid down in Article 21 it may be provided that Member States may require that, in cases other than those provided for in this Directive, packages of basic seed, certified seed or commercial seed shall bear a supplier's label (which may either be a label separate from the official label or take the form of suppliers' information printed on the package itself) or that seed lots complying with the special conditions concerning the presence of *Avena fatua*, laid down in accordance with the procedure provided for in Article 21, should be accompanied by an official certificate attesting compliance with those conditions.

2. The particulars to be provided on any such label shall also be established in accordance with the procedure laid down in Article 21.

Article 11a

In the case of seed of a variety which has been genetically modified, any label or document, official or otherwise, which is affixed to or accompanies the seed lot, under the provisions of this Directive, shall clearly indicate that the variety has been genetically modified.

▼B

Article 12

The Member States shall require that any chemical treatment of basic seed, certified seed or commercial seed be noted either on the official label or on the supplier's label and on the ►C1 package ◄ or inside it.

▼M6

Article 13

▼M28

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1. Member States shall specify that seed in mixtures of various genera, species or varieties may be placed on the market:

— if it is not intended for use as fodder plants, in which case the mixtures may contain seeds of fodder plants and seeds of plants which are not fodder plants within the meaning of this Directive;

([1]) OJ L 252, 28.9.1994, p. 15. Decision as last amended by Commission Decision 2000/441/EC (OJ L 176, 15.7.2000, p. 50).

▼M28

— if it is intended for use as fodder plants, in which case the mixture may contain seeds of plant species listed in Directives 66/401/EEC, 66/402/EEC, 69/208/EEC or 70/458/EEC, with the exception of the varieties mentioned in Article 4(2)(a) of Directive 70/457/EEC;

— if it is intended for use in the preservation of the natural environment in the context of the conservation of genetic resources referred to in Article 22a(b), in which case the mixtures may contain seeds of fodder plants and seeds of plants which are not fodder plants within the meaning of the Directive.

In the cases provided for in the first and second indents, the various components of the mixtures must, in so far as they belong to one of the plant species listed in Directives 66/401/EEC, 66/402/EEC, 69/208/EEC and 70/458/EEC, comply, before mixing, with the marketing regulations applicable to them.

Other conditions, including labelling the technical approval of firms producing seed mixtures, the inspection of the production of mixtures, and the sampling of primary ingredient lots and of finished mixtures, shall be determined in accordance with the procedure laid down in Article 21.

In the case of the third indent, the conditions under which such mixtures may be marketed shall be determined in accordance with the procedure laid down in Article 21.

▼M6

►M28 2. ◄ Articles 8, 9, 10b, 11 and 12 shall apply, and, providing, however, the label is green in colour, Articles 10 and 10a. For this purpose, small ►M27 EC ◄ A packages shall be considered small ►M27 EC ◄ B packages.

However, for small ►M27 EC ◄ A packages, the officially assigned serial number provided for in paragraph 1 (b) of Article 10 (a) shall not be required.

▼M28

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▼M22

Article 13a

▼M29

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

▼M22

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

▼B

Article 14

▼M28

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

▼A1

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

▼M28

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Article 14a

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

(a) it must have been officially inspected by the competent certification authority in accordance with the provisions applicable to the certification of basic seed;

(b) it must be packed in accordance with this Directive; and

(c) the packages must bear an official label giving at least the following particulars:

— certification authority and Member State or their distinguishing abbreviation,

— lot reference number,

— month and year of sealing, or

— month and year of the last official sampling for the purposes of certification,

— species, indicated at least under its botanical name, which may be given in abridged form and without the authors' names, in Roman characters,

▼M28

— variety, indicated at least in Roman characters,

— the description ‘pre-basic seed’,

— number of generations preceding seed of the category ‘certified seed’, or ‘certified seed of the first generation’.

The label shall be white with a diagonal violet line.

▼M22

Article 15

1. The Member States shall provide that fodder plant seed

— which has been produced directly from basic seed or certified seed officially certified either in one or more Member States or in a third country which has been granted equivalence under Article 16 (1) (b), or which has been produced directly from the crossing of basic seed officially certified in a Member State with basic seed officially certified in such a third country, and

— which has been harvested in another Member State,

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

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

▼M28

2. Fodder plant seed which has been harvested in the Community and which is intended for certification in accordance with paragraph 1 shall:

— be packed and labelled with an official label satisfying the conditions laid down in Annex V(A) and (B), in accordance with Article 9(1); and

— be accompanied by an official document satisfying the conditions laid down in Annex V(C).

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

clearly indicate that the variety has been genetically modified.

▼M33

3. The Member States shall also provide that fodder plant seed harvested in a third country shall, on request, be officially certified if:

(a) it has been produced directly from:

(i) basic seed or certified seed officially certified either in one or more Member States or in a third country which has been granted equivalence under Article 16(1)(b);

or

(ii) the crossing of basic seed officially certified in a Member State with basic seed officially certified in a third country referred to in (i);

(b) it has undergone field inspection satisfying the conditions laid down in an equivalence decision made under Article 16(1)(a) for the relevant category;

(c) official examination has shown that the conditions laid down in Annex II for the same category are satisfied.

▼B

Article 16

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

(a) in the case provided for in Article 15, the field inspections in the third country satisfy the conditions laid down in Annex I;

▼M33

(b) fodder plant seed harvested in a third country and affording the same assurances as regards its characteristics and the arrangements for its examination, for ensuring identity, for marking and for control is equivalent in these respects to seed harvested within the Community and complying with the provisions of this Directive.

▼B

2. ►M5 Member States may themselves take decisions under paragraph 1 concerning a third country, in so far as the Council has not yet taken any decision with regard to that country within the framework of this Directive. This right shall expire on ►M10 1 July 1978. ◄ ◄

▼M3

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

▼M24

4. Paragraph 1 shall also apply to the territory of the former German Democratic Republic until 31 December 1991. Detailed rules for application may be adopted in accordance with the procedure laid down in Article 21.

▼M28

Article 17

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

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

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

▼B

Article 18

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

Article 19

▼M28

1. Member States shall ensure that official inspections are carried out in relation to the marketing of fodder plant seed, at least by random checks, to verify compliance with the requirements and conditions of this Directive.

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

(a) species;

(b) variety;

(c) category;

(d) country of production and official inspection authority;

(e) country of dispatch;

▼M28

(f) importer;

(g) quantity of seed.

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

▼M31

Article 20

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

— seed harvested in third countries,

— seed suitable for organic farming,

— seed marketed in relation to the conservation *in situ* and the sustainable use of plant genetic resources.

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

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

4. The Community may make a financial contribution to the performance of the tests and trials foreseen in paragraphs 1 and 2. The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.

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

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

▼M30

Article 21

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

▼M30

2. Where reference is made to this paragraph, Articles 4 and 7 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ([1]) shall apply.

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

3. The Committee shall adopt its rules of procedures.

▼M2

Article 21a

▼M5

Amendments to be made to the content of the Annexes in the light of the development of scientific or technical knowledge shall be adopted according to the procedure laid down in Article 21.

▼B

Article 22

This Directive shall be without prejudice to the provisions of national laws justified on grounds of the protection of health and life of humans, animals or plants or the protection of industrial and commercial property.

▼M28

Article 22a

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

(a) conditions under which chemically treated seed may be marketed;

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

(c) conditions under which seed suitable for organic production may be marketed.

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

(i) in the case of (b), the seed of these species shall be of a known provenance approved by the appropriate Authority in each Member State for marketing the seed in defined areas;

(ii) in the case of (b), appropriate quantitative restrictions.

([1]) OJ L 184, 17.7.1999, p. 23.

▼B

Article 23

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

▼M24

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

— Article 3 (1), in the case of:

  — seed harvested prior to German unification or after unification insofar as the seed production fields had been sown before that date,

  — other seed if it is certified in accordance with Article 2 (2),

— Article 8 (2), in the case of the restriction to ‘small quantities’ for seed of *Pisum sativum* L. (partim) and *Vicia faba* L. (partim);

— Article 16, within the limits of the traditional trade flows and in response to the production needs of undertakings in the former German Democratic Republic,

at a date later than that referred to above, but not later than 31 December 1992 in respect of the third indent and not later than 31 December 1994 in respect of the other indents.

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

▼M1

Article 23a

Upon application by a Member State, which will be dealt with as provided in Article 21, that State may be wholly or partially released from the obligation to apply this Directive in respect of certain species if seed of those species is not normally reproduced or marketed in its territory.

▼B

Article 24

This Directive is addressed to the Member States.

▼M8

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:

Crop	Minimum distance
1	2
Brassica spp., ►M22 *Phacelia tanacetifolia* ◄*:*	
— for the production of basic seed	400 m
— for the production of certified seed	200 m
Species or varieties other than *Brassica* spp., ►M22 *Phacelia tanacetifolia* ◄, ►M11 *Pisum sativum* ◄, ►M16 varieties of *Poa pratensis* referred to in the second part of the third sentence of paragraph 4: ◄	
— for the production of seed intended for multiplication, fields up to two hectares	200 m
— for the production of seed intended for multiplication, 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 undesirable foreign pollination.

3. 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 ►M25 or × *Festulolium* ◄ shall conform to the following conditions: the number of plants of a *lolium* species ►M25 or × *Festulolium* ◄ other than the crop species shall not exceed:

— one per 50 m^2 for the production of basic seed,

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

4. The crop shall have sufficient varietal identity and varietal purity. In particular, crops ►M14 other than those of the species *Pisum sativum*, ►M15 *Vicia faba* ◄, *Brassica napus* var. *napobrassica*, *Brassica oleracea* convar. *acephala*, ►M15 ———— ◄►M16 or of *Poa pratensis* ◄ ◄ 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 m^2 for the production of basic seed,

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

▼M16

In the case of *Poa pratensis*, the number of plants of the crop species which are recognizable as obviously not being true to the variety shall not exceed:

— one per 20 m^2 for the production of basic seed,

— four per 10 m^2 for the production of certified seed;

however, in the case of varieties which are officially classified as 'apomictic uni-clonal varieties' under agreed procedures, a number of plants recognizable as not being true to the variety, which does not exceed six per 10 m^2, may be regarded as satisfying the beforementioned standards for the production of certified seed. Upon application, a Member State may be authorized, in accordance with the procedure laid down in Article 21, to assess the satisfaction of the varietal purity standards in the case of crops of *Poa pratensis* belonging to such varieties not only on the basis of the results of the field inspection carried out in accordance with paragraph 6 of Annex I, where there is evidence that compliance with the varietal purity standards set up in Annex II is ensured by appropriate seed testing or other appropriate means.

▼M14

In the case of the species *Pisum sativum*, ►M15 *Vicia faba* ◄, *Brassica napus* var. *napobrassica*, *Brassica oleracea* convar. *acephala* ►M15 ———— ◄ ►M16 ———— ◄ only the first sentence is applicable.

▼M8

5. ►M40 The crop shall be practically free from any pests which reduce the usefulness and quality of the seed.

The crop shall also comply with the requirements concerning Union quarantine pests, protected zone quarantine pests and regulated non-quarantine pests ('RNQPs') provided for in implementing acts adopted pursuant to Regulation (EU) 2016/2031 ([1]) as well as the measures adopted pursuant to Article 30(1) of that Regulation;

The presence of RNQPs on the crop and the respective categories shall comply with the following requirements as set out in the table:

RNQPs or symptoms caused by RNQPs	Plants for planting (genus or species)	Thresholds for the production of pre-basic seed	Thresholds for the production of basic seed	Thresholds for the production of certified seed
Clavibacter michiganensis ssp. *insidiosus* (McCulloch 1925) Davis *et al.* [CORBIN]	*Medicago sativa* L.	0 %	0 %	0 %
Ditylenchus dipsaci (Kuehn) Filipjev [DITYDI]	*Medicago sativa* L.	0 %	0 %	0 % ◄

▼M29

6. The satisfaction of the abovementioned standards or other 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.

([1]) Regulation (EU) 2016/2031 of the European Parliament of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC (OJ L 317, 23.11.2016, p. 4).

▼M8

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.

▼M42

7. In the case where, following the implementation of points 4 and 6, there is still doubt as to the varietal identity of the seed, the certification authority may use, for the examination of that identity, an internationally recognised and reproducible biochemical or molecular technique, in accordance with the applicable international standards.

▼M35

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 %,

▼M38

   — *Trifolium subterraneum, Medicago* spp., except *M. lupulina*, *M. sativa*, *M. x varia*:

      — for the production of basic seed: 99,5 %,

      — for the production of certified seed for further multiplication: 98 %,

      — for the production of certified seed: 95 %.

▼M35

   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:

▼M38

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 analytical 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	►M41 *Elymus repens* ◄	*Alopecurus myosuroides*	*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)	

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1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
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 × *hybridum*	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)														
Biserrula pelecinus	70		98	0,5							0 (i)	0 (j) (k)	10	
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	
Lathyrus cicera	80		95	1	0,5			0,3			0 (i)	0 (j) (k)	20	
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)

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1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
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 doliata	70		98	2							0 (i)	0 (j) (k)	10	
Medicago italica	70 (b)	20	98	2							0 (i)	0 (j) (k)	10	
Medicago littoralis	70		98	2							0 (i)	0 (j) (k)	10	
Medicago lupulina	80 (a) (b)	20	97	1,5	1,0			0,3			0	0 (l) (m)	10	
Medicago murex	70 (b)	30	98	2							0 (i)	0 (j) (k)	10	
Medicago polymorpha	70 (b)	30	98	2							0 (i)	0 (j) (k)	10	
Medicago rugosa	70 (b)	20	98	2							0 (i)	0 (j) (k)	10	
Medicago sativa	80 (a) (b)	40	97	1,5	1,0			0,3			0	0 (l) (m)	10	
Medicago scutellata	70		98	2							0 (i)	0 (j)(k)	10	
Medicago truncatula	70 (b)	20	98	2							0 (i)	0 (j) (k)	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	
Ornithopus compressus	75		90	1							0 (i)	0 (j) (k)	10	
Ornithopus sativus	75		90	1							0 (i)	0 (j) (k)	10	
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 fragiferum	70		98	1							0 (i)	0 (j) (k)	10	
Trifolium glanduliferum	70 (b)	30	98	1							0 (i)	0 (j) (k)	10	
Trifolium hirtum	70		98	1							0 (i)	0 (j) (k)	10	

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1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
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 isthmocarpum	70		98	1							0 (i)	0 (j) (k)	10	
Trifolium michelianum	75 (b)	30	98	1							0 (i)	0 (j) (k)	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	
Trifolium squarrosum	75 (b)	20	97	1,5				0,3			0	0 (l) (m)	10	
Trifolium subterraneum	80 (b)	40	97	0,5							0 (i)	0 (j) (k)	10	
Trifolium vesiculosum	70		98	1							0 (i)	0 (j) (k)	10	
Trigonella foenum-graecum	80 (a)		95	1,0	0,5			0,3			0	0 (j)	5	
Vicia benghalensis	80 (b)	20	97 (e)	1							0 (i)	0 (j) (k)	10	
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)		
Plantago lanceolata	75		85	1,5							0 (i)	0 (j) (k)	10	
Raphanus sativus var. *oleiformis*	80 (a)		97	1,0	0,5				0,3	0,3	0	0 (j)	5	

▼M35

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;

▼M38

(e) a maximum total of 0,5 % by weight of seeds of *Lupinus albus*, *Lupinus angustifolius*, *Lupinus luteus*, *Pisum sativum*, *Vicia faba*, *Vicia* spp. in another relevant species shall not be regarded as an impurity;

▼M35

(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 bitter lupin, 2 %

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

▼M35

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

3. ►M40 The seed shall be practically free from any pests which reduce the usefulness and quality of the seed.

The seed shall also comply with the requirements concerning Union quarantine pests, protected zone quarantine pests and RNQPs provided for in implementing acts adopted pursuant to Regulation (EU) 2016/2031, as well as the measures adopted pursuant to Article 30(1) of that Regulation.

The presence of RNQPs on the seeds and the respective categories shall comply with the following requirements as set out in the table:

RNQPs or symptoms caused by RNQPs	Plants for planting (genus or species)	Thresholds for pre-basic seed	Thresholds for basic seed	Thresholds certified seed
Clavibacter michiganensis ssp. *Insidiosus* (McCulloch 1925) Davis *et al.* [CORBIN]	*Medicago sativa* L.	0 %	0 %	0 %
Ditylenchus dipsaci (Kuehn) Filipjev [DITYDI]	*Medicago sativa* L.	0 %	0 %	0 % ◄

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:

▼M38

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*	►M41 *Elymus 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)

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1	2	3	4	5	6	7	8
Lolium perenne	0,3	20 (a)	2	5	5		(j)
Lolium × hybridum	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)							
Biserrula pelecinus	0,3	20	5				
Galega orientalis	0,3	20	2			0 (e)	(j)
Hedysarum coronarium	0,3	20	2			0 (e)	(j)
Lathyrus cicera	0,3	20	5	—	—	0 (d)	
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 doliata	0,3	20	5	—	—	0 (e)	
Medicago italica	0,3	20	5	—	—	0 (e)	

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1	2	3	4	5	6	7	8
Medicago littoralis	0,3	20	5	—	—	0 (e)	
Medicago lupulina	0,3	20	5	—	—	0 (e)	(j)
Medicago murex	0,3	20	5	—	—	0 (e)	
Medicago polymorpha	0,3	20	5	—	—	—	
Medicago rugosa	0,3	20	5	—	—	—	
Medicago sativa	0,3	20	3			0 (e)	(j)
Medicago scutellata	0,3	20	5				
Medicago truncatula	0,3	20	5				
Medicago × varia	0,3	20	3			0 (e)	(j)
Onobrychis viciifolia	0,3	20	2			0 (d)	
Ornithopus compressus	0,3	20	5				
Ornithopus sativus	0,3	20	5				
Pisum sativum	0,3	20	2			0 (d)	
Trifolium alexandrinum	0,3	20	3			0 (e)	(j)
Trifolium fragiferum	0,3	20	5				
Trifolium glanduliferum	0,3	20	5				
Trifolium hirtum	0,3	20	5				
Trifolium hybridum	0,3	20	3			0 (e)	(j)
Trifolium incarnatum	0,3	20	3			0 (e)	(j)
Trifolium isthmocarpum	0,3	20	5	—	—	—	(j)
Trifolium michelianum	0,3	20	5	—	—	—	—
Trifolium pratense	0,3	20	5			0 (e)	(j)
Trifolium repens	0,3	20	5			0 (e)	(j)

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1	2	3	4	5	6	7	8
Trifolium resupinatum	0,3	20	3			0 (e)	(j)
Trifolium squarrosum	0,3	20	5	—	—	—	—
Trifolium subterraneum	0,3	20	5	—	—	—	(j)
Trifolium vesiculosum	0,3	20	5	—	—	—	(j)
Trigonella foenum-graecum	0,3	20	2			0 (d)	
Vicia benghalensis	0,3	20	5	—	—	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					
Plantago lanceolata	0,3	20	3				
Raphanus sativus var. *oleiformis*	0,3	20	2				

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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;

▼**M35**

(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 %

▼**M38**

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

8. In *Vicia pannonica, Vicia sativa, Vicia villosa*, *Vicia benghalensis* the minimum analytical purity shall be 97,0 % by the weight.

9. For *Lathyrus cicera* the minimum analytical purity shall be 90 % by the weight. A maximum total of 5 % by the weight of seeds of similar cultivated species shall not be regarded as an impurity.

▼M38

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 determination 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
▼M39 ***Poaceae (Gramineae)*** [1]			
▼M38 *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	100	60
Lolium multiflorum	10	200	60
Lolium perenne	10	200	60
Lolium × *hybridum*	10	200	60

▼**M38**

1	2	3	4
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)			
Biserrula pelecinus	10	30	3
Galega orientalis	10	250	200
Hedysarum coronarium			
— fruit	10	1 000	300
— seed	10	400	120
Lathyrus cicera	25	1 000	140
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 doliata	10	100	10
Medicago italica	10	100	10
Medicago littoralis	10	70	7
Medicago lupulina	10	300	50
Medicago murex	10	50	5
Medicago polymorpha	10	70	7
Medicago rugosa	10	180	18
Medicago sativa	10	300	50
Medicago scutellata	10	400	40

▼**M38**

1	2	3	4
Medicago truncatula	10	100	10
Medicago × varia	10	300	50
Onobrychis viciifolia:			
— fruit	10	600	600
— seed	10	400	400
Ornithopus compressus	10	120	12
Ornithopus sativus	10	90	9
Pisum sativum	30	1 000	1 000
Trifolium alexandrinum	10	400	60
Trifolium fragiferum	10	40	4
Trifolium glanduliferum	10	20	2
Trifolium hirtum	10	70	7
Trifolium hybridum	10	200	20
Trifolium incarnatum	10	500	80
Trifolium isthmocarpum	10	100	3
Trifolium michelianum	10	25	2
Trifolium pratense	10	300	50
Trifolium repens	10	200	20
Trifolium resupinatum	10	200	20
Trifolium squarrosum	10	150	15
Trifolium subterraneum	10	250	25
Trifolium vesiculosum	10	100	3
Trigonella foenum-graecum	10	500	450
Vicia benghalensis	20	1 000	120
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

▼M38

1	2	3	4
Brassica oleracea convar. *acephala*	10	200	100
Phacelia tanacetifolia	10	300	40
Plantago lanceolata	5	20	2
Raphanus sativus var. *oleiformis*	10	300	300

▼M39

(1) The maximum lot weight may be increased to 25 tonnes if the supplier has been authorised for this purpose by the competent authority.

▼M38

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

▼M6

ANNEX IV

MARKING

A. **Official label**

I. *Information required*

(a) For basic seed and certified seed:

1. '►M27 EC ◄ rules and standards',

2. Certification authority and Member State or their initials,

▼M37

2a. Officially assigned serial number,

▼M6

3. Reference number of lot,

▼M9

3a. Month and year of sealing expressed thus: 'sealed …' (month and year),

or

month and year of the last official sampling for the purposes of certification expressed thus: 'sampled …' (month and year),

▼M6

4. Species, ►M22 indicated at least under its botanical name, which may be given in abridged form and without the authorities' names, in roman characters. ◄

▼M32

In the case of x *Festulolium* the names of the species within the genus *Festuca* and *Lolium* shall be indicated

▼M6

5. Variety ►M22 indicated at least in roman characters. ◄

6. Category,

7. Country of production,

8. Declared net or gross weight or declared number of pure seeds,

9. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of pure seeds and the total weight,

10. For certified seed of the second generation and subsequent generations after basic seed: number of generations after basic seed,

11. For seed of grass varieties which have not been subjected to tests for their cropping value and use in accordance with Article 4 (2) (a) of Council Directive No 70/457/EEC [1] of 29 September 1970 concerning the common catalogue of species of agricultural plants: 'Not intended for the production of fodder plants',

▼M7

12. Where at least germination has been retested, the words 'retested … (month and year)' and the service responsible for such retesting may be indicated. Such information may be given on an official sticker attached to the official label.

[1] OJ No L 225, 12. 10. 1970, p. 1.

▼M22

In accordance with the procedure laid down in Article 21, Member States may be released from the requirement to indicate the botanical name in respect of individual species and, where appropriate, for limited periods where it has been established that the disadvantages of its implementation outweigh the advantages expected for the marketing of seed.

▼M6

(b) For commercial seed:

1. '►M27 EC ◄ rules and standards',

2. 'Commercial seed (not certified as to variety)',

3. Supervising authority and Member State or their initials,

▼M37

3a. Officially assigned serial number,

▼M6

4. Reference number of lot,

▼M9

4a. Month and year of sealing expressed thus: 'sealed …' (month and year),

or

month and year of the last official sampling for the purposes of certification expressed thus: 'sampled …' (month and year),

▼M6

5. Species [1] ►M22 indicated at least under its botanical name, which may be given in abridged form and without the authorities' names, in roman characters. ◄

6. Area of production,

7. Declared net or gross weight or declared number of pure seeds,

8. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of pure seed and the total weight,

▼M7

9. Where at least germination has been retested, the words 'retested … (month and year)'; and the service responsible for such retesting may be indicated. Such information may be given on an official sticker attached to the official label.

▼M22

In accordance with the procedure laid down in Article 21, Member States may be released from the requirement to indicate the botanical name in respect of individual species and, where appropriate, for limited periods where it has been established that the disadvantages of its implementation outweigh the advantages expected for the marketing of seed.

▼M6

(c) For mixtures of seed:

1. 'Mixture of seed for …' (intended use),

2. Authority responsible for sealing and Member State or their initials,

[1] For lupins, it should he specified whether they are bitter or sweet lupins.

▼M37

2a. Officially assigned serial number,

▼M6

3. Reference number of lot,

▼M9

3a. Month and year of sealing expressed thus: 'sealed …' (month and year),

▼M6

4. Percentage by weight of the various components shown by species and, where appropriate, by variety ►M22 both indicated at least in roman characters ◄; it is sufficient to give the name of the mixture if the percentage by weight has been notified in writing to the purchaser and officially recorded,

▼M32

In the case of x *Festulolium* the names of the species within the genus *Festuca* and *Lolium* shall be indicated,

▼M6

5. Declared net or gross weight or declared number of pure seeds,

6. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of pure seed and the total weight,

▼M7

7. Where at least germination of all the components of the mixture has been retested, the words 'retested … (month and year)' and the service responsible for such retesting may be indicated. Such information may be given on an official sticker attached to the official label.

▼M6

II. *Minimum dimensions*

110 × 67 mm.

B. **Supplier's label or information on the packaging (small ►M27 EC ◄ package)**

Information required

(a) Certified seed:

1. 'Small ►M27 EC ◄ B package',

2. Name and address of the supplier responsible for marking or his identification mark,

3. Officially assigned serial number,

4. Service which assigned the serial number and name of Member State or their initials,

5. Reference number if the official serial number does not enable the certified seed lot to be identified,

6. Species ►M22 indicated at least in roman characters, ◄

7. Variety ►M22 indicated at least in roman characters, ◄

8. ►M28 'Category' ◄,

9. Net or gross weight or number of pure seeds,

10. Where weight is indicated and granulated pesticides, pelleting substances, or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of pure seed and the total weight,

▼**M6**

11. For seed of grass varieties which have not been subjected to tests for their cropping value and use in accordance with Article 4 (2) (a) of Council Directive No 70/457/EEC of 29 September 1970 concerning the common catalogue of species of agricultural plants: ‘not intended for the production of fodder plants’.

(b) Commercial seed:

1. ‘Small ►**M27** EC ◄ B package’,

2. Name and address of the supplier responsible for marking or his identification mark,

3. Officially assigned serial number,

4. Service which assigned the serial number and name of Member State or their initials,

5. Reference number if the official serial number does not enable the admitted seed lot to be identified,

6. Species ([1]) ►**M22** indicated at least in roman characters, ◄

7. ‘Commercial seed’

8. Net weight or gross weight or number of pure seeds,

9. Where weight is indicated and granulated pesticides, pelleting substances, or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of pure seeds and the total weight.

(c) Seed mixtures:

1. ‘Small ►**M27** EC ◄ A package’ or ‘small ►**M27** EC ◄ B package’,

2. Name and address of the supplier responsible for marking or his identification mark,

3. Small ►**M27** EC ◄ B package: officially assigned serial number,

4. Small ►**M27** EC ◄ B package: service which assigned the serial number and name of Member State or their initials,

5. Small ►**M27** EC ◄ B package: reference number if the official serial number does not enable the used seed lots to be identified,

6. Small ►**M27** EC ◄ A package: reference number enabling the used seed lots to be identified,

7. Small ►**M27** EC ◄ A package: Member State or its initials,

8. ‘Seed-mixture for … (intended use)’,

9. Net weight or gross weight or number of pure seeds,

([1]) For lupins, it should be specified whether they are bitter or sweet lupins.

▼**M6**

10. Where weight is indicated and granulated pesticides, pelleting substances, or other solid additives are used, the nature of the additives and also the approximate ratio between the weight of pure seed and the total weight,

11. Percentage by weight of the various components shown by species and, where appropriate, by variety ►**M22** both indicated at least in roman characters ◄; it is sufficient to give part of this information, as Member States may prescribe for small packages produced in their territory, and a reference to the kind of mixture if the proportion by weight can be communicated to the purchaser on request and has been officially recorded.

▼M22

ANNEX V

Label and document provided in the case of seed not finally certified, harvested in another Member State

A. *Information required for the label*

— authority responsible for field inspection and Member States or their initials,

▼M37

— officially assigned serial number,

▼M22

— species, indicated at least under its botanical name, which may be given in abridged form and without the authorities' names, in roman characters,

— variety, indicated at least in roman characters,

— category,

— field or lot reference number,

— declared net or gross weight,

— the words ‘seed not finally certified’.

In accordance with the procedure laid down in Article 21, Member States may be released from the requirement to indicate the botanical name in respect of individual species and, where appropriate, for limited periods where it has been established that the disadvantages of its implementation outweigh the advantages expected for the marketing of seed.

B. *Colour of the label*

The label shall be grey.

C. *Information required for the document*

— authority issuing the document,

▼M37

— officially assigned serial number,

▼M22

— species, indicated at least under its botanical name, which may be given in abridged form and without the authorities' names, in roman characters,

— variety, indicated at least in roman characters,

— category,

— reference number of the seed used to sow the field and name of the country or countries which certified that seed,

— field or lot reference number,

— area cultivated for the production of the lot covered by the document,

— quantity of seed harvested and number of packages,

— number of generations after basic seed, in the case of certified seed,

— attestation that the conditions to be satisfied by the crop from which the seed comes have been fulfilled,

— where appropriate, results of a preliminary seed analysis.