

COMMISSION DIRECTIVE 2008/124/EC

of 18 December 2008

limiting the marketing of seed of certain species of fodder plants and oil and fibre plants to seed which has been officially certified as 'basic seed' or 'certified seed'

(Codified version)

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed⁽¹⁾, and in particular Article 3(3) thereof,

Having regard to Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants⁽²⁾, and in particular Article 3(3) thereof,

Whereas:

- (1) Commission Directive 86/109/EEC of 27 February 1986 limiting the marketing of seed of certain species of fodder plants and oil and fibre plants to seed which has been officially certified as 'basic seed' or 'certified seed'⁽³⁾ has been substantially amended several times⁽⁴⁾. In the interests of clarity and rationality the said Directive should be codified, together with Commission Directive 75/502/EEC of 25 July 1975 limiting the marketing of seed of smooth-stalk meadow grass (*Poa pratensis* L.) to seed which has been officially certified as 'basic seed' or 'certified seed'⁽⁵⁾, by assembling them in a single text.
- (2) Directive 66/401/EEC allows the marketing of basic seed, certified seed and commercial seed of certain species of fodder plants.
- (3) Directive 2002/57/EC allows the marketing of basic seed, certified seed of all kinds and commercial seed of certain species of oil and fibre plants.
- (4) Both Directives authorise the Commission to prohibit the marketing of seed unless it has been officially certified as 'basic seed' or 'certified seed'.
- (5) Member States are in a position to produce sufficient basic seed and certified seed to satisfy within the Community the demand for seed of some of the species referred to above with seed of those categories.

(6) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry.

(7) This Directive should be without prejudice to the obligations of the Member States relating to the time limits for transposition into national law of the Directives set out in Annex I, Part B,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Member States shall provide that it shall not be permitted to place on the market seed of:

— <i>Poa pratensis</i> L.	smooth-stalk meadowgrass
— <i>Vicia faba</i> L. (partim)	field bean
— <i>Papaver somniferum</i> L.	opium poppy
— <i>Agrostis gigantea</i> Roth	redtop
— <i>Agrostis stolonifera</i> L.	creeping bent grass
— <i>Phleum bertolonii</i> DC	timothy
— <i>Poa palustris</i> L.	swamp meadowgrass
— <i>Poa trivialis</i> L.	rough-stalked meadowgrass
— <i>Lupinus albus</i> L.	white lupin
— <i>Brassica juncea</i> (L.) Czernj. et Cosson	brown mustard
— <i>Agrostis capillaris</i> L.	brown top
— <i>Lotus corniculatus</i> L.	birdsfoot trefoil
— <i>Medicago lupulina</i> L.	black medick
— <i>Trifolium hybridum</i> L.	alsike clover
— <i>Alopecurus pratensis</i> L.	meadow foxtail
— <i>Arrhenatherum elatius</i> (L.) Beauv. ex J. S. et K. B. Presl	tall oatgrass
— <i>Bromus catharticus</i> Vahl	rescu grass
— <i>Bromus sitchensis</i> Trin.	Alaska brome-grass
— <i>Lupinus luteus</i> L.	yellow lupin

⁽¹⁾ OJ L 125, 11.7.1966, p. 2298/66.

⁽²⁾ OJ L 193, 20.7.2002, p. 74.

⁽³⁾ OJ L 93, 8.4.1986, p. 21.

⁽⁴⁾ See Annex I, Part A.

⁽⁵⁾ OJ L 228, 29.8.1975, p. 26.

— <i>Lupinus angustifolius</i> L.	blue lupin	unless it has been officially certified as 'basic seed', 'certified seed, first generation' or 'certified seed, second generation'.
— <i>Poa nemoralis</i> L.	wood meadowgrass	
— <i>Trisetum flavescens</i> (L.) Beauv.	golden oatgrass	<i>Article 2</i>
— <i>Phacelia tanacetifolia</i> Benth.	California bluebell	Directive 75/502/EEC and Directive 86/109/EEC, as amended by the Directives listed in Annex I, Part A, are repealed, without prejudice to the obligations of the Member States relating to the time limits for transposition into national law of the Directives set out in Annex I, Part B.
— <i>Sinapis alba</i> L.	white mustard	
— <i>Agrostis canina</i> L.	velvet bent	
— <i>Festuca ovina</i> L.	sheep's fescue	
— <i>Trifolium alexandrinum</i> L.	Egyptian clover	References to the repealed Directives shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex II.
— <i>Trifolium incarnatum</i> L.	crimson clover	
— <i>Trifolium resupinatum</i> L.	Persian clover	<i>Article 3</i>
— <i>Vicia sativa</i> L.	common vetch	This Directive shall enter into force on the 20th day following its publication in the <i>Official Journal of the European Union</i> .
— <i>Vicia villosa</i> Roth	hairy vetch	

unless it has been officially certified as 'basic seed' or 'certified seed'.

Article 4

This Directive is addressed to the Member States.

2. Member States shall provide that it shall not be permitted to place on the market seed of:

Done at Brussels, 18 December 2008.

— <i>Glycine max</i> (L.) Merr.	soya bean
— <i>Linum usitatissimum</i> L.	linseed

For the Commission
The President
José Manuel BARROSO

ANNEX I

PART A

Repealed Directives with list of the successive amendments

(referred to in Article 2)

Commission Directive 75/502/EEC	(OJ L 228, 29.8.1975, p. 26)
Commission Directive 86/109/EEC	(OJ L 93, 8.4.1986, p. 21)
Commission Directive 89/424/EEC	(OJ L 196, 12.7.1989, p. 50)
Commission Directive 91/376/EEC	(OJ L 203, 26.7.1991, p. 108)

PART B

List of time limits for transposition into national law

(referred to in Article 2)

Directive	Time limit for transposition
75/502/EEC	1 July 1976
86/109/EEC	1 July 1987 (Article 1) 1 July 1989 (Article 2) 1 July 1990 (Article 2a) 1 July 1991 (Articles 3 and 3a)
89/424/EEC	1 July 1990
91/376/EEC	1 July 1991

ANNEX II

Correlation table

Directive 75/502/EEC	Directive 86/109/EEC	This Directive
Article 1	Article 1(1) Article 1(2) Article 2 Article 2a Article 3 Article 3a(1) Article 3a(2) to (6)	Article 1(1) Article 1(2) Article 1(1) Article 1(1) Article 1(1) Article 1(1) —
Article 2	Article 4	—
—	—	Article 2
—	—	Article 3
Article 3	Article 5	Article 4
—	—	Annex I
—	—	Annex II