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COMMISSION DIRECTIVE

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'

(86/109/EEC)

(OJ L 93, 8.4.1986, p. 21)

Amended by:

	Official Journal		
	No	page	date
► <u>M1</u> Commission Directive 89/424/EEC of 30 June 1989	L 196	50	12.7.1989
► <u>M2</u> Commission Directive 91/376/EEC of 25 June 1991	L 203	108	26.7.1991

Corrected by:

► **C1** Corrigendum, OJ L 130, 16.5.1986, p. 59 (86/109/EEC)

▼B**COMMISSION DIRECTIVE****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'**

(86/109/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed⁽¹⁾, as last amended by Commission Directive 85/38/EEC⁽²⁾, and in particular Article 3 (3) thereof,Having regard to Council Directive 69/208/EEC of 30 June 1969 on marketing the seed of oil and fibre plants⁽³⁾, as last amended by Commission Directive 82/859/EEC⁽⁴⁾, and in particular Article 3 (3) thereof,

Whereas Directive 66/401/EEC allows the marketing of basic seed, certified seed and commercial seed of certain species of fodder plants;

Whereas Directive 69/208/EEC allows the marketing of basic seed, certified seed of all kinds and commercial seed of certain species of oil and fibre plants;

Whereas Article 3 (3) of each of the aforementioned Directives authorizes the Commission to prohibit the marketing of seed unless it has been officially certified as 'basic seed' or 'certified seed';

Whereas it has been established, on the basis of the information available at present, that Member States will be 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 as from 1 July 1987 in the case of certain species, 1 July 1989 in the case of certain other species and 1 July 1991 in the case of certain further species;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Member States shall provide that from 1 July 1987 it shall not be permitted to place on the market seed of:

- | | |
|---------------------------------|---------------|
| — <i>Vicia faba</i> L. (partim) | — Field bean |
| — <i>Papaver somniferum</i> L. | — Opium poppy |

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

2. Member States shall provide that from 1 July 1987 it shall not be permitted to place on the market seed of:

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|---------------------------------|-------------|
| — <i>Glycine max</i> (L.) Merr. | — Soya bean |
| — <i>Linum usitatissimum</i> L. | — Linseed |

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2298/66.⁽²⁾ OJ No L 16, 19. 1. 1985, p. 41.⁽³⁾ OJ No L 169, 10. 7. 1969, p. 3.⁽⁴⁾ OJ No L 357, 18. 12. 1982, p. 31.

▼ C1

unless it has been officially certified as 'basic seed', 'certified seed, first generation' or 'certified seed, second generation'.

▼ M1*Article 2*

Member States shall provide that from 1 July 1989 it shall not be permitted to place on the market seed of:

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|---|--|
| — <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, varieties other than bitter |
| — <i>Brassica juncea</i> (L.) Czernj. et Cosson | — brown mustard |

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

Article 2a

Member States shall provide that from 1 July 1990 it shall not be permitted to place on the market seed of:

- | | |
|---------------------------------|---------------------|
| — <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 |

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

▼ M2*Article 3*

Member States shall provide that from 1 July 1991 it shall not be permitted to place on the market seed of:

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|---|---|
| — <i>Alopecurus pratensis</i> L. | — meadow foxtail |
| — <i>Arrhenatherum elatius</i> (L.) Beauv. ex J.S. and K.B. Presl | — tall oatgrass |
| — <i>Bromus catharticus</i> Vahl | — rescu grass |
| — <i>Bromus sitchensis</i> Trin. | — Alaska brome-grass |
| — <i>Lupinus luteus</i> | — yellow lupin, varieties other than bitter |
| — <i>Lupinus angustifolius</i> L. | — blue lupin |
| — <i>Poa nemoralis</i> L. | — wood meadowgrass |
| — <i>Trisetum flavescens</i> (L.) Beauv. | — golden oatgrass |
| — <i>Phacelia tanacetifolia</i> Benth. | — California bluebell |
| — <i>Sinapis alba</i> L. | — white mustard |

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

Article 3a

1. Save where provided otherwise in paragraph 5, Member States shall provide that from 1 July 1991 it shall not be permitted to place on the market seed of

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|------------------------------------|----------------------------------|
| — <i>Agrostis canina</i> L. | — velvet bent |
| — <i>Festuca ovina</i> L. | — sheep's fescue |
| — <i>Lupinus albus</i> L. | — white lupin, bitter varieties |
| — <i>Lupinus luteus</i> L. | — yellow lupin, bitter varieties |
| — <i>Trifolium alexandrinum</i> L. | — Egyptian clover |
| — <i>Trifolium incarnatum</i> L. | — crimson clover |
| — <i>Trifolium resupinatum</i> L. | — Persian clover |
| — <i>Vicia sativa</i> L. | — common vetch |

▼M2

— *Vicia villosa* Roth. — hairy vetch

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

2. Member States shall inform the Commission, before the date mentioned in paragraph 1, of the amount of seed of the species referred to in paragraph 1 which is needed for sowing in their territories before 31 December 1991, in so far as it is likely not to be covered by available seed officially certified as 'basic seed' or 'certified seed'.

3. The Member States which have informed the Commission, pursuant to paragraph 2, of a potential shortage of seed officially certified as 'basic seed' or 'certified seed',

— shall collect all available information related to the adaptation to their territories of varieties of the relevant species listed in the common catalogue of varieties of agricultural plant species and inform the Commission thereof forthwith, and by 1 October 1991 at the latest,

— shall encourage the proper maintenance of existing ecotypes of the relevant species to meet the conditions for their official acceptance as varieties.

4. The Member States which have officially accepted varieties of the relevant species shall encourage the production of seed thereof for official certification as 'basic seed' or 'certified seed'. The Commission will explore appropriate means to encourage the marketing of the seed so produced.

5. The Member States referred to in paragraph 3 are hereby authorized to permit the placing on the market, until 31 December 1991, of seed officially controlled as 'commercial seed' up to an amount to cover the shortage indicated pursuant to paragraph 2. In addition to the information required by Annex IV of Directive 66/401/EEC, the official label shall state:

— the declared type of the material concerned, and
— that the seed is intended exclusively for the Member State concerned.

6. In the case of shortages occurring after 31 December 1991 the provisions of Article 17 of Directive 66/401/EEC shall apply.

▼B*Article 4*

Member States shall bring into force:

— not later than 1 July 1987 the laws, regulations or administrative provisions necessary to comply with Article 1,
— not later than 1 July 1989 the laws, regulations or administrative provisions necessary to comply with Article 2,

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— not later than 1 July 1990 the laws, regulations or administrative provisions necessary to comply with Article 2a, and

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— not later than 1 July 1991 the laws, regulations or administrative provisions necessary to comply with Article 3.

They shall forthwith inform the Commission thereof.

Article 4

This Directive is addressed to the Member States.