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Important directives adopted
to harmonize agricultural legislation

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Harmonization of legislation on agricultural and forestry seeds and seedlings

At its 188th session on 13/14 June 1966, the EEC Council of Ministers adopted a decision and a number of directives which constitute the first step towards harmonizing laws and regulations concerning agricultural and forestry seeds and seedlings. The proposals that have just been adopted were submitted to the Council by the Commission over two years ago (1) and subsequently endorsed by the European Parliament and the Economic and Social Committee.

The Council directives concern the marketing of :

- (a) Beet seed;
- (b) Herbage seed;
- (c) Cereal seed;
- (d) Seed potatoes;
- (e) Forestry reproductive material.

The Council decision institutes a Standing Committee on Agricultural, Horticultural and Forestry Seeds and Seedlings.

The Member States will now have to introduce the necessary laws and regulations to implement the directives by a certain date. For agricultural plants this is, in principle, 1 July 1969. The Member States must, however, adapt their national legislation where necessary by 1 July 1968 to ensure that, from that date, seeds and seedlings fulfilling the requirements of the directives are subject to no marketing restrictions on their territory other than those laid down or permitted for special cases. If one Member State incorporates the directives into its legislation before 1 July 1969, the other Member States will, from 1 July 1969, no longer be able to exclude duly approved seed from their markets, even if it does not fulfil the marketing requirements laid down in their own laws and regulations still in force. In the case of forestry reproductive material, the date by which the Member States must introduce the necessary laws and regulations to conform with the directives depends on the genera and species (1 July 1968, 1969 or 1971). The Member States may extend the time-limits for conifer seeds harvested before the specified dates, and for plants and seedlings. But ultimately all forestry reproductive material which fulfils the requirements of the directive will also be freed from marketing restrictions in intra-Community trade.

What are the main points of the various directives?

A) Agricultural seed and seedlings

a) The directives cover the following :

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- (1) Cf. the Commission's first proposals concerning seeds and seedlings for agriculture and forestry, Newsletter on the Common Agricultural Policy No. 13, 1964.

1. Beets : sugar and fodder beets of the species *Beta vulgaris* L.;
2. Herbage plants : all the main herbage plants and legumes that can be used in agriculture, regardless of the particular use to which they are put (e.g. to produce green forage, in laying out lawns, airfields, etc.);
3. Cereals : wheat (durum and other varieties, spelt), barley, oats, rye, maize and rice;
4. Potatoes.

- b) In the Member States seeds and seedlings may only be offered for sale if they have been officially approved in accordance with the conditions laid down in the directives. This approval concerns varietal identity and purity, and also external characteristics such as specific purity and germination capacity. For the time being, exceptions will only be made for some kinds of herbage seed, which may be marketed as "commercial seed" until supplies of approved seed are sufficient to meet market requirements; in the case of commercial seed, only the identity and purity of the species are guaranteed, in addition to compliance with the standards laid down for external characteristics. The directives apply to trade both within and between Member States, including imports from non-member countries (see (i.2) below).
- c) Official approval covers two categories : basic seed and seedlings and certified seed and seedlings. The rules governing basic seed and seedlings are strict; they must be produced on the responsibility of the breeder in accordance with the rules of conservative selection as regards variety. Certified seed and seedlings must be of direct descent from officially approved basic seed or plants. In the case of potatoes and - except where excluded by the Member States - herbage plants and self-pollinating cereals, certified seed and seedlings may also be of direct descent from certified seed and seedlings of a previous generation. Special rules are laid down for hybrid varieties of maize and local varieties of herbage plants.
- d) For officially tested seed and seedlings, there are specific rules governing official sampling, the homogeneity of lots, packaging, official sealing (e.g. lead seals), and official marking. With regard to marking, the directives list the details that must appear on the outside labels and on the notices inside the packages; these are important when the goods are used in agriculture or when official checks are made on marketing. In accordance with systems already in use at international level (e.g. in OECD), white labels will be used for basic seed and seedlings; blue for certified seed of the first generation, and for certified seed potatoes; and red for certified seed of successive generations. Yellow labels will be used for commercial seed and for emergency seed the varietal identity of which is not guaranteed (see (h) below), and green for mixtures (which can be authorized by the national authorities in the case of cereals and herbage seed). In addition, there are rules governing the maximum weight of lots and the minimum weight of samples.

e) The lists of varieties are particularly important.

1. The Member States are required to establish a list of the varieties of seed that are eligible for approval on their territory. The list may only indicate varieties (and, in the case of beet, types) that can be distinguished from others by at least one main morphological or physiological characteristic and are sufficiently homogeneous and stable (reproducible).

A variety may only be approved for certification after official or officially supervised trials have been carried out, particularly growth trials. Such trials are continued after the variety has been included in the list; if it is found that a variety no longer fulfils the conditions for approval it must be deleted from the list.

2. These lists must not be confused with the restrictive lists of varieties that still exist in most Member States. The latter lay down an additional criterion for admissibility, that of "cultural value"; in the Member States that have such lists, seed and seedlings of certain genera and species may only be marketed if the variety is considered profitable for the country. Such restrictive rules can be allowed to persist only as long as no common EEC catalogue of varieties has been established. The Commission's services have been engaged on the preliminary work for this catalogue for some time past, and it is to be adopted by 1 January 1970 at the latest. Until then, "internal treatment" must be accorded at any rate to varieties from the other Member States.

f) The directives contain special provisions relating to the particular characteristics of certain plant groups, genera or species.

g) Within their national territory, the Member States are empowered to relax or stiffen a number of the rules contained in the directives. Imports of seed and seedlings from other Member States may be helped or hindered accordingly. The directives' rules may, for instance, be relaxed in the case of seed and plants for experimental or scientific purposes or for selection work, and exceptions may also be made with regard to the packaging, sealing and labelling of small quantities for sale to the final user.

Additional or stricter provisions may be laid down, in particular, for the approval of home-produced seed and seedlings, and a special supplier's label can be required in order to simplify control of the marketing of seed.

h) If in one or more Member States there should be temporary difficulties over the general supply of seed or seedlings duly approved for marketing, the Commission may authorize one or more Member States to allow the marketing, for a specified period, of seed of a grade fulfilling less strict requirements (emergency clause).

i) For seed and seedlings grown in non-member countries the rules are, in principle, the same as for those grown in the EEC, i.e. they must fulfil the requirements laid down in the directives.

1. This condition is met if seed or seedlings are approved (or, in the case of commercial seed, tested) within the Community. Seed (but not seed potatoes) produced in a non-member country can be approved in accordance with the EEC regulations provided it is of direct descent from basic seed certified in a Member State and has been subjected to a crop inspection at the place where it was produced under the conditions set out in the directives. Examination of the external characteristics is then carried out in the approving Member State.

2. Seed and seedlings officially tested in non-member countries may also be marketed within the Community if they offer the same guarantees to the user as regards their characteristics and the measures taken to examine, identify and test them as seed or seedlings harvested or approved within the Community.

j) The Council, acting on a proposal of the Commission, must determine whether the crop inspection of the growing plants carried out in a non-member country is equivalent to that carried out within the Community. Until 1 July 1969 the Member States can decide this question for themselves, in the absence of such a decision of the Council.

The matter will, of course, be easier to decide in the case of seed and seedlings approved in countries that use the existing certification systems of international organizations such as OECD (herbage seed), FAO (maize seed) and ECE (seed potatoes).

k) The Member States are also required to make all appropriate arrangements for official checking of commercialized seed and seedlings, at least by the testing of samples, to ensure that the conditions laid down in the directives are complied with.

l) The directives also provide for the creation of Community trial plots on which annual post-controls are to be made of samples of basic and certified seed and seedlings, including those from non-member countries. During the preliminary stage these comparative tests will be carried out for all genera and species, except potatoes, in order to harmonize technical methods of certification and thus ensure equivalent results. Later on, the tests will be the subject of a confidential annual progress report showing how the certification systems are working in the individual Member States and in non-member countries.

The trial plots are particularly important in the case of potatoes. The Member States may prohibit any or all sales of seed potatoes grown in another Member State if the progeny of samples taken from officially approved seed potatoes grown in that Member State has deviated appreciably from the prescribed specifications in the course of three successive years.

- m) Wherever it is left to the Commission to adopt implementing measures (see (h) and (l) above), the Standing Committee on Agricultural, Horticultural and Forestry Seeds and Seedlings must first be consulted. This Committee is composed of government experts, and votes according to a prescribed procedure. The chairman at its meetings is a representative of the Commission, who is not entitled to vote. The procedure is similar to that of the Management Committees set up within the framework of the various agricultural market organizations (e.g. by Regulation No. 19 for cereals).
- n) The directives do not apply to seed and seedlings intended for export to non-member countries or exchanged within the Community for non-lucrative ends.

B) Forestry reproductive material

The directive on this differs in a number of important points from those relating to agricultural seed and plants. Moreover, it concerns only the genetic value of the reproductive material concerned.

- a) The directive applies to reproductive material (seeds, parts of plants and plants) of :

Abies alba
Fagus silvatica
Larix decidua and leptolipis
Picea abies and sitchensis
Pinus nigra silvestris and strobus
Pseudotsuga taxifolia
Quercus borealis, pedunculata and sessiliflora

and to vegetatively propagated reproductive material of :

Populus.

The Member States are free to apply the directive's principles to other species.

- b) In the case of forestry reproductive material, too, the Member States may only allow it to be offered for sale if it fulfils the requirements of the directive.
- c) There is no system of official approval as for agricultural seed and plants. Reproductive material that is commercialized must, however, be derived from officially approved basic material. Only material that appears to be of suitable quality for reproduction and does not show genetic characters unfavourable for the production of wood may be officially approved as basic material. The criteria for the approval of basic material are given in an Annex to the directive.
- d) An important feature of the directive is the classification of basic material by region of provenance. These regions must have sufficiently uniform ecological conditions, and the stands found on them must show characters that are genetically or at least morphologically analogous and of equal value for the production of wood. A distinction is made

between provenance (place at which a population is found) and origin (place at which an autochthonous population is found or from which a population originally came). Region of provenance, provenance and origin are of particular importance in the raising, storage and marking of forestry reproductive material.

- e) As in the case of the restrictive national lists of varieties (see A (e. 2) above), the Member States are at present free to take measures to exclude reproductive material from certain regions from trade in their territory when there is reason to think that the yield capacity or the production of wood in their forests may consequently be impaired by reproductive material genetically unsuited to their territory.
- f) The Member States are to define regions of provenance by means of administrative or geographic boundaries, and draw up lists of officially approved basic material.
- g) Rules are laid down for the packaging and sealing of seed. In contrast to the arrangements for agricultural seed, the marking is generally done by the person responsible for commercializing the goods in question. He must see that the lots are accompanied by a document or label that furnishes certain particulars required by the forestry authorities and for official controls. The Member States may stipulate that imports into their territory be accompanied by an official certificate.
- h) The same provisions are made concerning checks on marketing, reproductive material from non-member countries, the Standing Committee and the emergency clause, as for agricultural seed and seedlings (see A (k, i, m and h)).

In the second stage of harmonization, a common EEC catalogue of varieties will be introduced, and provisions will be laid down for the marketing of vine cuttings and seedlings, vegetable seeds, and seeds of oleaginous and fibrous plants. With regard to forestry reproductive material, consideration is being given to the possibility of working out a directive on external characteristics.

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