

**Proposal for a Council Directive amending Directives 66/401/EEC, 66/402/EEC and 66/403/EEC on the marketing of fodder plant seed, cereal seed and seed potatoes**

(2001/C 213 E/09)

(Text with EEA relevance)

COM(2001) 186 final — 2001/0089(CNS)

(Submitted by the Commission on 28 April 2001)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas:

(1) For the reasons given below, the following Directives on the marketing of seed and propagating material should be amended:

- Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed <sup>(1)</sup>,
- Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed <sup>(2)</sup>
- Council Directive 66/403/EEC of 14 June 1966 on the marketing of seed potatoes <sup>(3)</sup>

(2) Commission Decision 94/650/EC of 9 September 1994 on the organisation of a temporary experiment on the marketing of seed in bulk to the final consumer <sup>(4)</sup>, organised a temporary experiment under specified conditions, with the aim of assessing whether marketing of seed in bulk to the final consumer will have no adverse effect on the quality of the seed compared with the level of quality achieved under the present system under Directives 66/401/EEC and 66/402/EEC.

(3) The results of the experiment have shown that marketing of seed in bulk to the final consumer under specified conditions has no adverse effects on the quality of seed.

(4) Furthermore the same conclusion also applies to seed potatoes under Directive 66/403/EEC.

<sup>(1)</sup> OJ 125, 11.7.1966, p. 2298/66. Directive as last amended by Directive 98/96/EC.

<sup>(2)</sup> OJ 125, 11.7.1966, p. 2309/66. Directive as last amended by Directive 1999/54/EC.

<sup>(3)</sup> OJ 125, 11.7.1966, p. 2320/66. Directive as last amended by Decision 1999/742/EC.

<sup>(4)</sup> 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).

(5) It is therefore appropriate to permit the marketing of seed in bulk to the final consumer on a permanent basis, subject to observance of specific conditions, and Directives 66/401/EEC, 66/402/EEC and 66/403/EEC should be amended accordingly.

(6) Since the measures necessary for the implementation of Directives 66/401/EEC, 66/402/EEC and 66/403/EEC are management measures within the meaning of Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(5)</sup> they should be adopted by use of the management procedure provided for in Article 4 of that decision,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Directive 66/401/EEC is hereby amended as follows:

The following Article shall be inserted after Article 10c

*'Article 10d*

1. Member States may, by way of derogation from the provisions of 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 in bulk to the final consumer.

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.

Until such measures are adopted the conditions set out in Article 2 of Commission Decision 94/650/EEC shall apply.'

*Article 2*

Directive 66/402/EEC is hereby amended as follows:

The following Article shall be inserted after Article 10

*'Article 10a*

1. Member States may, by way of derogation from the provisions of 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 in bulk to the final consumer.

<sup>(5)</sup> OJ L 184, 17.7.1999, p. 23.

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.

Until such measures are adopted the conditions set out in Article 2 of Commission Decision 94/650/EEC shall apply.'

#### Article 3

Directive 66/403/EEC is hereby amended as follows:

The following Article shall be inserted after Article 10

#### 'Article 10a

1. Member States may, by way of derogation from the provisions of 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 in bulk to the final consumer.

2. Conditions for the application of the derogation under paragraph 1 above shall be determined in accordance with the procedure referred to in Article 19.

Until such measures are adopted the conditions set out in Article 2 of Commission Decision 94/650/EEC shall apply.'

#### Article 4

1. Member States shall bring into force the laws, regulations or administrative provisions necessary to comply with this Directive by 1 September 2001. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The procedure for such reference shall be adopted by the Member States.

2. Member States shall communicate to the Commission the text of the main provisions of domestic law they adopt in the field covered by this Directive.

#### Article 5

*This Directive shall enter into force on the date of its publication in the Official Journal of the European Communities.*

#### Article 6

This Directive is addressed to the Member States.

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