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II

(Acts whose publication is not obligatory)

COMMISSION

FIRST COMMISSION DIRECTIVE

of 18 April 1978

amending the Annexes to Directive 66/401/EEC on the marketing of fodder plant seed

(78/386/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the Euro-
pean 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 Directive 78/55/EEC ⁽²⁾,
and in particular Article 21a thereof,

Whereas, in the light of the development of scientific
and technical knowledge, Annexes I, II and III to the
Directive should be amended for the set reasons out
below;

Whereas, in order to improve the genetic value of
seeds, provision should be made for varietal purity
standards which the crop must satisfy in the case of
certain species;

Whereas in this respect, in the case of self-fertilized
species and of apomictic uniclinal varieties of *Poa*
spp., provision should be made for varietal purity
standards which the seeds must satisfy;

Whereas provision should be made for conditions
to be satisfied by the crop as regards the presence
of harmful organisms which reduce the usefulness
of the seed;

Whereas special standards should be set in respect
of the maximum content of further undesirable
or noxious seeds as *Agropyron repens*, *Avena ludo-
viciana*, *Avena sterilis*, *Melilotus* spp., *Sinapis arven-
sis*, *Raphanus raphanistrum* or *Rumex* species other
than *Rumex acetosella*, *Rumex crispus* and *Rumex
obtusifolius*;

Whereas standards in respect of minimum germi-
nation capacity and of minimum analytical purity
should be adapted in the light of the development
of the seed quality normally achieved;

Whereas, in order to satisfy the conditions for
official examination of seed carried out in accordance
with current international methods, it is necessary
to revise certain provisions;

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:

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2298/66.

⁽²⁾ OJ No L 16, 20. 1. 1978, p. 23.

Article 1

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

1. Annex I shall read as follows:

*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.:	
— for the production of basic seed	400 m
— for the production of certified seed	200 m
Species or varieties other than Brassica spp., Pisum arvense, apomictic uni-clonal varieties of Poa spp.:	
— 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 shall conform to the following conditions: the number of plants of a *lolium* species other than the crop species shall not exceed:

- one per 50 m² for the production of basic seed,
- one per 10 m² for the production of certified seed.

4. The crop shall have sufficient varietal identity and varietal purity. In particular, crops of the species or varieties other than *Pisum arvense* or apomictic uni-clonal

varieties of *Poa* spp. 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 m² for the production of basic seed,
- one per 10 m² for the production of certified seed.

5. Harmful organisms which reduce the usefulness of the seed shall be at the lowest possible level.
6. The satisfaction of the abovementioned standards or other conditions shall be examined in official field inspections.

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.'

2. Annex II shall read as follows:

'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 seed of *Pisum arvense* and of apomictic uni-clonal varieties of *Poa* spp. shall conform to the following standards or other conditions: the minimum varietal purity shall be of 98%.

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 Lupin seeds of another colour and of bitter Lupin seeds:

- A. Table:

Species	Germination		Analytical purity			
	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)		
				Total	A single species	Agropyron repens
1	2	3	4	5	6	7
GRAMINEAE						
<i>Agrostis canina</i> ssp. <i>canina</i>	75 (a)		90	2.0	1.0	0.3
<i>Agrostis gigantea</i>	80 (a)		90	2.0	1.0	0.3
<i>Agrostis stolonifera</i>	75 (a)		90	2.0	1.0	0.3
<i>Agrostis tenuis</i>	75 (a)		90	2.0	1.0	0.3
<i>Alopecurus pratensis</i>	70 (a)		75	2.5	1.0	0.3
<i>Arrhenatherum elatius</i>	75 (a)		90	3.0	1.0 (f)	0.5
<i>Dactylis glomerata</i>	80 (a)		90	1.5	1.0	0.3
<i>Festuca arundinacea</i>	80 (a)		95	1.5	1.0	0.5
<i>Festuca ovina</i>	75 (a)		85	2.0	1.0	0.5
<i>Festuca pratensis</i>	80 (a)		95	1.5	1.0	0.5
<i>Festuca rubra</i>	75 (a)		90	1.5	1.0	0.5
<i>Lolium multiflorum</i>	75 (a)		96	1.5	1.0	0.5
<i>Lolium perenne</i>	80 (a)		96	1.5	1.0	0.5
<i>Lolium X hybridum</i>	75 (a)		96	1.5	1.0	0.5
<i>Phleum bertolonii</i>	80 (a)		96	1.5	1.0	0.3
<i>Phleum pratense</i>	80 (a)		96	1.5	1.0	0.3
<i>Poa annua</i>	75 (a)		85	2.0 (c)	1.0 (c)	0.3
<i>Poa nemoralis</i>	75 (a)		85	2.0 (c)	1.0 (c)	0.3
<i>Poa palustris</i>	75 (a)		85	2.0 (c)	1.0 (c)	0.3
<i>Poa pratensis</i>	75 (a)		85	2.0 (c)	1.0 (c)	0.3
<i>Poa trivialis</i>	75 (a)		85	2.0 (c)	1.0 (c)	0.3
<i>Trisetum flavescens</i>	70 (a)		75	3.0	1.0 (f)	0.3
LEGUMINOSAE						
<i>Hedysarum coronarium</i>	75 (a) (b)	30	95	2.5	1.0	
<i>Lotus corniculatus</i>	75 (a) (b)	40	95	1.8 (d)	1.0 (d)	
<i>Lupinus albus</i>	80 (a) (b)	20	98	0.5 (e)	0.3 (e)	
<i>Lupinus angustifolius</i>	75 (a) (b)	20	98	0.5 (e)	0.3 (e)	
<i>Lupinus luteus</i>	80 (a) (b)	20	98	0.5 (e)	0.3 (e)	
<i>Medicago lupulina</i>	80 (a) (b)	20	97	1.5	1.0	
<i>Medicago sativa</i>	80 (a) (b)	40	97	1.5	1.0	
<i>Medicago varia</i>	80 (a) (b)	40	97	1.5	1.0	
<i>Onobrychis sativa</i>	75 (a) (b)	20	95	2.5	1.0	
<i>Pisum arvense</i>	80 (a)		98	0.5	0.3	
<i>Trifolium alexandrinum</i>	80 (a) (b)	20	97	1.5	1.0	
<i>Trifolium hybridum</i>	80 (a) (b)	20	97	1.5	1.0	
<i>Trifolium incarnatum</i>	75 (a) (b)	20	97	1.5	1.0	
<i>Trifolium pratense</i>	80 (a) (b)	20	97	1.5	1.0	
<i>Trifolium repens</i>	80 (a) (b)	40	97	1.5	1.0	
<i>Trifolium resupinatum</i>	80 (a) (b)	20	97	1.5	1.0	
<i>Trigonella foenumgraecum</i>	80 (a)		95	1.0	0.5	
<i>Vicia faba</i> ssp. var. <i>equina</i>	85 (a) (b)	5	98	0.5	0.3	
<i>Vicia faba</i> var. <i>minor</i>	85 (a) (b)	5	98	0.5	0.3	
<i>Vicia pannonica</i>	85 (a) (b)	20	98	1.0 (e)	0.5 (e)	
<i>Vicia sativa</i>	85 (a) (b)	20	98	1.0 (e)	0.5 (e)	
<i>Vicia villosa</i>	85 (a) (b)	20	98	1.0 (e)	0.5 (e)	
OTHER SPECIES						
<i>Brassica napus</i> var. <i>napobrassica</i>	80 (a)		98	1.0	0.5	
<i>Brassica oleracea</i> convar. <i>acephala</i>	75 (a)		98	1.0	0.5	
<i>Raphanus sativus</i> ssp. <i>oleifera</i>	80 (a)		97	1.0	0.5	

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 Lupin seeds of another colour and of bitter Lupin seeds
Maximum content of seeds of other plant species (% by weight)							
Alopecurus myosuroides	Melilotus spp.	Raphanus raphanistrum	Sinapis arvensis	Avena fatua, Avena ludoviciana, Avena sterilis	Cuscuta spp.	Rumex spp. other than Rumex acetosella	
8	9	10	11	12	13	14	15
0.3				0	0 (j) (k)	2	
0.3				0	0 (j) (k)	2	
0.3				0	0 (j) (k)	2	
0.3				0	0 (j) (k)	2	
0.3				0	0 (j) (k)	10	
0.3				0 (g)	0 (j) (k)	20	
0.3				0	0 (j) (k)	10	
0.3				0	0 (j) (k)	20	
0.3				0	0 (j) (k)	10	
0.3				0	0 (j) (k)	20	
0.3				0	0 (j) (k)	10	
0.3				0	0 (j) (k)	20	
0.3				0	0 (j) (k)	20	
0.3				0	0 (j) (k)	20	
0.3				0	0 (k)	5	
0.3				0	0 (k)	5	
0.3				0	0 (j) (k)	5	
0.3				0	0 (j) (k)	2	
0.3				0	0 (j) (k)	2	
0.3				0	0 (j) (k)	2	
0.3				0	0 (j) (k)	2	
0.3				0 (h)	0 (j) (k)	2	
	0.3			0	0 (k)	20	
	0.3			0	0 (l) (m)	10	
	0.3			0 (i)	0 (j)	20 (n)	(o) (p)
	0.3			0 (i)	0 (j)	20 (n)	(o) (p)
	0.3			0 (i)	0 (j)	20 (n)	(o) (p)
	0.3			0	0 (l) (m)	20	
	0.3			0	0 (l) (m)	20	
	0.3			0	0 (l) (m)	20	
	0.3			0	0 (j)	20	
	0.3			0	0 (j)	20 (n)	
	0.3			0	0 (l) (m)	20	
	0.3			0	0 (l) (m)	10	
	0.3			0	0 (l) (m)	20	
	0.3			0	0 (l) (m)	20	
	0.3			0	0 (l) (m)	10	
	0.3			0	0 (l) (m)	10	
	0.3			0	0 (j)	20	
	0.3			0	0 (j)	20 (n)	
	0.3			0	0 (j)	20 (n)	
	0.3			0 (i)	0 (j)	20 (n)	
	0.3			0 (i)	0 (j)	20 (n)	
	0.3			0 (i)	0 (j)	20 (n)	
		0.3	0.3	0	0 (j) (k)	20	
		0.3	0.3	0	0 (j) (k)	20	
		0.3	0.3	0	0 (i)	20	

B. Standards or other 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.
- (e) A maximum total of 0.5% by weight of seeds of *Lupinus albus*, *Lupinus angustifolius*, *Lupinus luteus*, *Pisum arvense*, *Vicia faba* spp., *Vicia pannonica*, *Vicia sativa*, *Vicia villosa* in any other relevant species shall not be regarded as an impurity.
- (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*, *Avena ludoviciana*, *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*, *Avena ludoviciana*, *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*, *Avena ludoviciana*, *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* 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 Lupin seeds of another colour shall not exceed:

— in bitter Lupin,	2%,
— in Lupins other than bitter Lupin,	1%.

- (p) The percentage by number of bitter Lupin seeds in varieties other than bitter Lupin shall not exceed:
- for certified seed of first generation,
after basic seed, 3%,
 - for certified seed of subsequent generations,
after basic seed, 5%.
3. Harmful organisms which reduce the usefulness of the seed shall be at the lowest possible level.

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 arvense* and of apomictic uni-clonal varieties of *Poa* spp. shall conform to the following standards or other conditions: the minimum varietal purity shall be of 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 standards or other conditions:

A. Table:

Species	Maximum content of seed 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)					Melilotus spp.	
		A single species	Rumex spp. other than Rumex acetosella	Agropyron repens	Alopecurus myosuroides			
1	2	3	4	5	6	7	8	
GRAMINEAE								
Agrostis canina ssp. canina	0.3	20	1	1	1		(i)	
Agrostis gigantea	0.3	20	1	1	1		(i)	
Agrostis stolonifera	0.3	20	1	1	1		(i)	
Agrostis tenuis	0.3	20	1	1	1		(i)	
Alopecurus pratensis	0.3	20(a)	5	5	5		(i)	
Arrhenatherum elatius	0.3	20(a)	5	5	5		(i)	
Dactylis glomerata	0.3	20(a)	5	5	5		(i)	
Festuca arundinacea	0.3	20(a)	5	5	5		(i)	
Festuca ovina	0.3	20(a)	5	5	5		(i)	
Festuca pratensis	0.3	20(a)	5	5	5		(i)	
Festuca rubra	0.3	20(a)	5	5	5		(i)	
Lolium multiflorum	0.3	20(a)	5	5	5		(i)	
Lolium perenne	0.3	20(a)	5	5	5		(i)	
Lolium X hybridum	0.3	20(a)	5	5	5		(i)	
Phleum bertolonii	0.3	20	2	1	1		(i)	
Phleum pratense	0.3	20	2	1	1		(i)	
Poa annua	0.3	20 (b)	1	1	1		(f)	
Poa nemoralis	0.3	20 (b)	1	1	1		(f)	
Poa palustris	0.3	20 (b)	1	1	1		(f)	
Poa pratensis	0.3	20 (b)	1	1	1		(f)	
Poa trivialis	0.3	20 (b)	1	1	1		(f)	
Trisetum flavescens	0.3	20 (c)	1	1	1		(i)	

Species	Maximum content of seed 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	Agropyron repens	Alopecurus myosuroides	Melilotus spp.	
1	2	3	4	5	6	7	8
LEGUMINOSAE							
Hedysarum coronarium	0.3	20	5			0 (e)	(i)
Lotus corniculatus	0.3	20	5			0 (e)	(j)
Lupinus albus	0.3	20	5			0 (d)	(h) (k)
Lupinus angustifolius	0.3	20	5			0 (d)	(h) (k)
Lupinus luteus	0.3	20	5			0 (d)	(h) (k)
Medicago lupulina	0.3	20	5			0 (e)	(i)
Medicago sativa	0.3	20	5			0 (e)	(j)
Medicago varia	0.3	20	5			0 (e)	(i)
Onobrychis sativa	0.3	20	5			0 (d)	
Pisum arvense	0.3	20	5			0 (d)	
Trifolium alexandrinum	0.3	20	5			0 (e)	(i)
Trifolium hybridum	0.3	20	5			0 (e)	(i)
Trifolium incarnatum	0.3	20	5			0 (e)	(i)
Trifolium pratense	0.3	20	5			0 (e)	(i)
Trifolium repens	0.3	20	5			0 (e)	(i)
Trifolium resupinatum	0.3	20	5			0 (e)	(i)
Trigonella foenumgraecum	0.3	20	5			0 (d)	
Vicia faba ssp. var. equina	0.3	20	5			0 (d)	
Vicia faba var. minor	0.3	20	5			0 (d)	
Vicia pannonica	0.3	20	5			0 (d)	(h)
Vicia sativa	0.3	20	5			0 (d)	(h)
Vicia villosa	0.3	20	5			0 (d)	(h)
OTHER SPECIES							
Brassica napus var. napobrassica	0.3	20	5				(i)
Brassica oleracea convar. acephala	0.3	20	5				(i)
Raphanus sativus ssp. oleifera	0.3	20	5				

B. Standard or other 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 Lupin seeds in varieties other than bitter Lupin 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 for *Lotus corniculatus* is not applicable.

6. In Lupin species:

- (a) the minimum analytical purity shall be 97% by weight;
- (b) the percentage by number of Lupin seeds of another colour shall not exceed:
 - in bitter Lupin, 4%,
 - in Lupins other than bitter Lupin, 2%;
- (c) the percentage by number of bitter Lupin seeds in Lupin other than bitter Lupin shall not exceed 5%.

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

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

3. Annex III shall read as follows:

'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 determinations 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
GRAMINEAE			
<i>Agrostis canina</i> ssp. <i>canina</i>	10	50	5
<i>Agrostis gigantea</i>	10	50	5
<i>Agrostis stolonifera</i>	10	50	5
<i>Agrostis tenuis</i>	10	50	5
<i>Alopecurus pratensis</i>	10	100	30
<i>Arrhenatherum elatius</i>	10	200	80
<i>Dactylis glomerata</i>	10	100	30
<i>Festuca arundinacea</i>	10	100	50
<i>Festuca ovina</i>	10	100	30
<i>Festuca pratensis</i>	10	100	50
<i>Festuca rubra</i>	10	100	30
<i>Lolium multiflorum</i>	10	200	60
<i>Lolium perenne</i>	10	200	60
<i>Lolium X hybridum</i>	10	200	60
<i>Phleum bertolonii</i>	10	50	10
<i>Phleum pratense</i>	10	50	10
<i>Poa annua</i>	10	50	10
<i>Poa nemoralis</i>	10	50	5
<i>Poa palustris</i>	10	50	5
<i>Poa pratensis</i>	10	50	5
<i>Poa trivialis</i>	10	50	5
<i>Trisetum flavescens</i>	10	50	5

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 determinations 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
LEGUMINOSAE			
Hedysarum coronarium			
— fruit	10	1 000	300
— seed	10	400	120
Lotus corniculatus	10	200	30
Lupinus albus	20	1 000	1 000
Lupinus angustifolius	20	1 000	1 000
Lupinus luteus	20	1 000	1 000
Medicago lupulina	10	300	50
Medicago sativa	10	300	50
Medicago varia	10	300	50
Onobrychis sativa			
— fruit	10	600	600
— seed	10	400	400
Pisum arvense	20	1 000	1 000
Trifolium alexandrinum	10	400	60
Trifolium hybridum	10	200	20
Trifolium incarnatum	10	500	80
Trifolium pratense	10	300	50
Trifolium repens	10	200	20
Trifolium resupinatum	10	200	20
Trigonella foenumgraecum	10	500	450
Vicia faba ssp. var. equina	20	1 000	1 000
Vicia faba var. minor	20	1 000	1 000
Vicia pannonica	20	1 000	1 000
Vicia sativa	20	1 000	1 000
Vicia villosa	20	1 000	1 000
OTHER SPECIES			
Brassica napus var. napobrassica	10	200	100
Brassica oleracea convar. acephala	10	200	100
Raphanus sativus ssp. oleifera	10	300	300

Article 2

1. Member States shall bring into force the laws, regulations or administrative provisions necessary to comply with:

- on 1 January 1981, the provisions of Article 1 (1) in respect of Annex I (3) and (4), Article 1 (2) in respect of Annex II (I) (1), and of Annex II (II) (1),
- the other provisions of this Directive, not later than 1 July 1980.

2. Member States shall ensure that fodder plant seed is subject to no marketing restrictions due to the different dates of implementation of this Directive, in accordance with the second indent of paragraph 1.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 18 April 1978.

For the Commission
Finn GUNDELACH
Vice-President

FIRST COMMISSION DIRECTIVE

of 18 April 1978

amending the Annexes to Directive 66/402/EEC on the marketing of cereal seed

(78/387/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the Euro-
pean Economic Community,

Having regard to Council Directive 66/402/EEC of
14 June 1966 on the marketing of cereal seed ⁽¹⁾, as
last amended by Directive 78/55/EEC ⁽²⁾, and in
particular Article 21a thereof,

Whereas, in the light of the development of scientific
and technical knowledge, Annexes I, II and III to the
said Directive should be amended for the reasons
set out below;

Whereas the conditions for the certification of maize
seed should be adapted to the existing international
schemes for the varietal certification of seed;

Whereas, in order to improve the quality of seeds,
provision should be made for the conditions as
regards previous cropping;

Whereas, in order to improve the genetic value of
seeds, provision should be made for varietal purity

standards which the crop must satisfy in the case
of some further species;

Whereas certain standards to be satisfied by rice seed
should be adapted to the seed quality normally
achieved;

Whereas, in order to satisfy the conditions for
official examination of seed carried out in accordance
with current international methods, it is necessary to
revise certain provisions;

Whereas it has not been possible in the present
situation to provide for a full harmonization within
the Community of the conditions applicable to the
presence of *Avena fatua*; whereas however an attempt
shall be made before 1 July 1983 to strengthen the
conditions laid down in this respect in Directive
66/402/EEC in order to achieve full harmonization;

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

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

1. Annex I shall read as follows:

'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:

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2309/66.

⁽²⁾ OJ No L 16, 20. 1. 1978, p. 23.

Crop	Minimum distance
1	2
Phalaris canariensis, Secale cereale:	
— for the production of basic seed	300 m
— for the production of certified seed	250 m
Zea mays	200 m

These distances can be disregarded if there is sufficient protection from any undesirable foreign pollination.

3. The crop shall have sufficient varietal identity and varietal purity or, in the case of a crop of an inbred line of *Zea mays*, sufficient identity and purity as regards its characteristics.

For the production of seed of hybrid varieties of *Zea mays*, the abovementioned provisions shall also apply to the characteristics of the components, including male sterility or fertility restoration.

In particular, crops of *Phalaris canariensis*, *Secale cereale*, *Zea mays* shall conform to the following standards or other conditions:

A. *Phalaris canariensis*, *Secale cereale*:

the number of plant of the crop species, which are recognizable as obviously not being true to the variety shall not exceed:

- one per 30 m² for the production of basic seed,
- one per 10 m² for the production of certified seed.

B. *Zea mays*:

- (a) the percentage by number of plants which are recognizable as obviously not being true to the variety, to the inbred line, or to the component shall not exceed:

(aa) for the production of basic seed:

- (i) inbred lines, 0.1%,
- (ii) simple hybrid, each component, 0.1%,
- (iii) open pollinated varieties, 0.5%;

(bb) for the production of certified seed:

- (i) hybrid varieties component:
 - inbred lines, 0.2%,
 - simple hybrid, 0.2%,
 - open pollinated variety, 1.0%,
- (ii) open pollinated varieties, 1.0%;

- (b) the following other standards or conditions shall be satisfied for the production of seed of hybrid varieties:

- (aa) a sufficient pollen shall be shed by the plants of the male component while the plants of the female component are in flower;
- (bb) where appropriate, emasculation shall be carried out;

(cc) where 5% or more of the female component plants have receptive stigmas, the percentage of female component which have shed pollen or are shedding pollen shall not exceed:

- 1% at any official field inspection, and
- 2% at the total of the official field inspections.

Plants are considered as having shed pollen or shedding pollen where, on 50 mm or more of the central axis or laterals of a panicle, the anthers have emerged from their glumes and have shed or are shedding pollen.

4. Harmful organisms which reduce the usefulness of the seed, in particular *Ustilagineae*, shall be at the lowest possible level.
5. The satisfaction of the abovementioned standards or other conditions shall be examined in official field inspections.

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. The number of field inspections shall be at least:
 - (a) for *Avena sativa*, *Hordeum distichum*, *Hordeum polystichum*, *Oryza sativa*, *Phalaris canariensis*, *Triticum aestivum*, *Triticum durum*, *Triticum spelta*, *Secale cereale*: one;
 - (b) for *Zea mays* during the flowering season:
 - (aa) open pollinated varieties: one,
 - (bb) inbred lines or hybrids: three.

When the crop follows a *Zea mays* crop in either the preceding year or current year, at least one special field inspection shall be made to check the satisfaction of the provisions laid down in point 1 of this Annex.
- 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.

2. Annex II shall read as follows:

'ANNEX II

CONDITIONS TO BE SATISFIED BY THE SEED

1. The seed shall have sufficient varietal identity and varietal purity, or in the case of seed of an inbred line of *Zea mays*, sufficient identity and purity as regards its characteristics. For the seed of hybrid varieties of *Zea mays*, the abovementioned provisions shall also apply to the characteristics of the components.

In particular, the seed of the species listed below shall conform to the following standards or other conditions:

- A. *Avena sativa*, *Hordeum distichum*, *Hordeum polystichum*, *Oryza sativa*, *Triticum aestivum*, *Triticum durum*, *Triticum spelta*:

Category	Minimum varietal purity (%)
1	2
Basic seed	99.9
Certified seed, 1st generation	99.7
Certified seed, 2nd generation	99.0

The minimum varietal purity shall be examined mainly in field inspections carried out in accordance with the conditions laid down in Annex I.

B. Zea mays:

Where for the production of certified seed of hybrid varieties a female male sterile component and a male component which does not restore male fertility have been used, the seed shall be produced:

- either by blending seed lots in a proportion appropriate to the variety where, on the one hand, a female male-sterile component has been used and, on the other, a female male-fertile component has been used,
- or by growing the female male-sterile component and the female male-fertile component in a proportion appropriate to the variety. The proportion of these components shall be examined 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 plants species:

A. Table:

Species and category	Minimum germination (% of pure seed)	Minimum analytical purity (% by weight)	Maximum content by number of seeds of other plant species including red seeds of <i>Oryza sativa</i> in a sample of the weight specified in column 4 of Annex III (total per column)						Panicum spp.
			Other plant species (a)	Red seeds of <i>Oryza sativa</i>	Other cereal species	Plant species other than cereals	<i>Avena fatua</i> , <i>Avena sterilis</i> , <i>Avena ludoviciana</i> , <i>Lolium temulentum</i>	<i>Raphanus raphanistrum</i> , <i>Agrostemma githago</i>	
1	2	3	4	5	6	7	8	9	10
<i>Avena sativa</i> , <i>Hordeum distichum</i> , <i>Hordeum polystichum</i> , <i>Triticum aestivum</i> , <i>Triticum durum</i> , <i>Triticum spelta</i> : — basic seed — certified seed, 1st and 2nd generation	85 85	99 98	4 10		1(b) 7	3 7	0(c) 0(c)	1 3	
<i>Phalaris canariensis</i> : — basic seed — certified seed	75 75	98 98	4 10		1(b) 5		0(c) 0(c)		
<i>Oryza sativa</i> : — basic seed — certified seed, 1st generation — certified seed, 2nd generation	80 80 80	98 98 98	4 10 15	2 5 10					1 3 3
Secale cereale: — basic seed — certified seed	85 85	98 98	4 10		1(b) 7	3 7	0(c) 0(c)	1 3	
<i>Zea mays</i>	90	98	0						

- B. Standards or other conditions applicable where reference is made to them in the table under Section (2) (A) of this Annex:
- (a) The maximum contents of seeds laid down in column 4 include also the seeds of the species in columns 5 to 10.
 - (b) A second seed shall not be regarded as an impurity if a second sample of same weight is free from any seeds of other cereals species.
 - (c) The presence of one seed of *Avena fatua*, *Avena sterilis*, *Avena ludoviciana* or *Lolium temulentum* 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.
3. Harmful organisms which reduce the usefulness of the seed shall be at the lowest possible level.

In particular, the seeds shall conform to the following standards:

Category	Claviceps purpurea (maximum number of sclerotia or fragments of sclerotia in a sample of the weight specified in column 4 of Annex III)
1	2
Basic seed	1
Certified seed	3'

3. Annex III shall read as follows:

'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 determinations by number provided for in columns 4 to 10 of Annex II (2) (A) and Annex (II) (3) (grams)
1	2	3	4
<i>Avena sativa</i> , <i>Hordeum distichum</i> , <i>Hordeum polystichum</i> , <i>Triticum aestivum</i> , <i>Triticum durum</i> , <i>Triticum spelta</i> , <i>Secale cereale</i>	20	1 000	500
<i>Phalaris canariensis</i>	10	400	200
<i>Oryza sativa</i>	20	500	500
<i>Zea mays</i> , basic seed of inbred lines	20	250	250
<i>Zea mays</i> , basic seed other than of inbred lines; certified seed	20	1 000	1 000'

Article 4

1. Member States shall bring into force the laws, regulations or administrative provisions necessary to comply with this Directive not later than 1 July 1980.

2. Member States shall ensure that cereal seed is subject to no marketing restrictions due to different dates of implementation of this Directive, in accordance with paragraph 1.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 18 April 1978.

For the Commission

Finn GUNDELACH

Vice-President

FIRST COMMISSION DIRECTIVE

of 18 April 1978

amending the Annexes to Directive 69/208/EEC on the marketing of seed of oil and fibre plants

(78/388/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 69/208/EEC of 30 June 1969 on the marketing of seed of oil and fibre plants ⁽¹⁾, as last amended by Directive 78/55/EEC ⁽²⁾, and in particular Article 20a thereof,

Whereas, in the light of the development of scientific and technical knowledge, Annexes I, II and III to the said Directive should be amended for the reasons set out below;

Whereas, in order to improve the genetic value of seeds, the crop isolation for monoecious hemp should be strengthened and provision should be made for varietal purity standards which the crop must satisfy in the case of certain species;

Whereas certain conditions for crop isolation should be adapted to the conditions sufficient for ensuring the satisfaction of the varietal purity standards;

Whereas special standards should be set in respect of the maximum content of further undesirable or noxious seeds such as *Avena ludoviciana*, *Avena sterilis*, or *Rumex* species other than *Rumex acetosella*;

Whereas, in order to satisfy the conditions for official examination of seed carried out in accordance with current international methods, it is necessary to revise certain provisions;

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

Directive 69/208/EEC is hereby amended as follows:

1. Annex I shall read as follows:

'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:

⁽¹⁾ OJ No L 169, 10. 7. 1969, p. 3.

⁽²⁾ OJ No L 16, 20. 1. 1978, p. 23.

Crop	Minimum distance
1	2
Brassica spp. other than <i>Brassica napus oleifera</i> ; <i>Cannabis sativa</i> other than mono ecus hemp; <i>Carum carvi</i> ; <i>Gossypium</i> spp.; <i>Helianthus annuus</i> ; <i>Sinapis alba</i> :	
— for the production of basic seed	400 m
— for the production of certified seed	200 m
<i>Brassica napus oleifera</i> :	
— for the production of basic seed	200 m
— for the production of certified seed	100 m
<i>Cannabis sativa</i> , monoecus hemp:	
— for the production of basic seed	5 000 m
— for the production of certified seed	1 000 m

These distances can be disregarded if there is sufficient protection from any undesirable foreign pollination.

3. The crop shall have sufficient varietal identity and varietal purity. In particular, crops of *Brassica* spp., *Cannabis sativa*, *Carum carvi*, *Gossypium* spp., *Helianthus annuus*, *Sinapis alba* 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 10 m².
4. Harmful organisms which reduce the usefulness of the seed shall be at the lowest possible level.
5. The satisfaction of the abovementioned standards or other conditions shall be examined in official field inspections.

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.

2. Annex II shall read as follows:

'ANNEX II

CONDITIONS TO BE SATISFIED BY THE SEED

I. BASIC AND CERTIFIED SEED

1. The seed shall have sufficient varietal identity and varietal purity. In particular, seeds of the species listed below shall conform to the following standards or other conditions:

Species and category	Minimum varietal purity (%)
1	2
Arachis hypogaea:	
— basic seed	98.0
— certified seed	95.0
Linum usitatissimum:	
— basic seed	99.7
— certified seed, 1st generation	98.0
— certified seed, 2nd and 3rd generation	97.5
Papaver somniferum:	
— basic seed	99.0
— certified seed	98.0
Glycine max.:	
— basic seed	97.0
— certified seed	95.0

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 Orobanche spp.:

A. Table:

Species and category	Minimum germination (% of pure seed)	Analytical purity		Maximum content by number 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 Orobanche seeds
		Minimum analytical purity (% by weight)	Maximum content seed of other plant species (% by weight)	Other plant species (a)	Avena fatua, Avena ludoviciana, Avena sterilis	Cuscuta spp.	Raphanus raphanistrum	Rumex spp. other than Rumex acetosella	Alopecurus myosuroides	Lolium remotum	
1	2	3	4	5	6	7	8	9	10	11	12
Arachis hypogaea	70	99	—	5	0	0(c)					(e)
Brassica spp.:											
— basic seed	85	98	0·3	—	0	0(c)(d)	10	5			
— certified seed	85	98	0·3	—	0	0(c)(d)	10	20			
Cannabis sativa	75	98	—	10(b)	0	0(c)			3		
Carum carvi	70	97	—	25(b)	0	0(c)(d)	10				
Gossypium spp.	80	98	—	15	0	0(c)					
Helianthus annuus	85	98	—	5	0	0(c)					
Linum usitatissimum											
— flax	92	99	—	15	0	0(c)(d)			4	2	
— linseed	85	99	—	15	0	0(c)(d)			4	2	
Papaver somniferum	80	98	—	25(b)	0	0(c)(d)					
Sinapis alba:											
— basic seed	85	98	0·3	—	0	0(c)(d)	10	5			
— certified seed	85	98	0·3	—	0	0(c)(d)	10	20			
Glycine max.	80	98	—	5	0	0(c)					

B. Standards or other conditions applicable where reference is made to them in the table under Section I (2) (A) of this Annex:

- (a) The maximum contents of seeds laid down in column 5 include also the seeds of the species in columns 6 to 11.
- (b) The determination of total content of seeds of other plants species by number need not be carried out unless there is doubt whether the conditions laid down in column 5 have been satisfied.
- (c) 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 7 have been satisfied.
- (d) 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.
- (e) The seed shall be free from *Orobanch* spp.; however the presence of one seed of *Orobanch* spp. in a sample of 100 grams shall not be regarded as an impurity where a second sample of 200 grams is free from any seeds of *Orobanch* spp.

3. Harmful organisms which reduce the usefulness of the seed shall be at the lowest possible level.

In particular, the seed shall conform to the following standards or other conditions:

A. Table:

Species	Harmful organisms			
	Maximum percentage by number of seeds contaminated by harmful organisms (total per column)			Sclerotinia sclerotiorum (maximum number of sclerotia or fragments of sclerotia in a sample of the weight specified in column 4 of Annex III)
	Botrytis spp.	Alternaria spp., Ascochyta linicola (syn. Phoma linicola), Colletotrichum lini, Fusarium spp.	Platyedra gossypiella	
1	2	3	4	5
Brassica campestris spp. oleifera; Brassica napus spp. oleifera				5 (b)
Cannabis sativa	5			
Gossypium spp.			1	
Helianthus annuus	5			10 (b)
Linum usitatissimum	5	5 (a)		
Sinapis alba				5 (b)

B. Standards or other conditions applicable where reference is made to them in table under Section I (3) (A) of this Annex:

- (a) In flax the maximum percentage by number of seeds contaminated by *Ascochyta linicola* (syn. *Phoma linicola*) shall not exceed 1%.
- (b) The determination of sclerotia or fragments of sclerotia of *Sclerotinia sclerotiorum* by number need not be carried out unless there is doubt whether the conditions laid down in column 5 of this table have been satisfied.

II. COMMERCIAL SEED

With the exception of Section 1, the conditions laid down in Annex II (I) shall apply to commercial seed.'

3. Annex III shall read as follows:

'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 determinations by number provided for in columns 5 to 11 of Annex II (I) (2) (A) and in column 5 of Annex II (I) (3) (A) (grams)
1	2	3	4
Arachis hypogaea	20	1 000	1 000
Brassica campestris spp. oleifera	10	200	70
Brassica juncea	10	100	40
Brassica napus spp. oleifera	10	200	100
Brassica nigra	10	100	40
Cannabis sativa	10	600	600
Carum carvi	10	200	80
Gossypium spp.	20	1 000	1 000
Helianthus annuus	20	1 000	1 000
Linum usitatissimum	10	300	150
Papaver somniferum	10	50	10
Sinapis alba	10	400	200
Glycine max.	20	1 000	1 000'

Article 2

1. Member States shall bring into force the laws, regulations or administrative provisions necessary to comply with:

- on 1 January 1981, the provisions of Article 1 (1) in respect of Annex I (3), and Article 1 (2) in respect of Annex II (I) (1),
- the other provisions of this Directive, not later than 1 July 1980.

2. Member States shall ensure that seed of oil and fibre plants is subject to no marketing restrictions due to different dates of implementation of this Directive, in accordance with the second indent of paragraph 1.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 18 April 1978.

For the Commission

Finn GUNDELACH

Vice-President
