

Official Journal

of the European Union

L 14

Volume 48

18 January 2005

English edition

Legislation

Contents

I Acts whose publication is obligatory

Commission Regulation (EC) No 65/2005 of 17 January 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables 1

Commission Regulation (EC) No 66/2005 of 17 January 2005 on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia 3

★ **Commission Regulation (EC) No 67/2005 of 17 January 2005 amending Regulation (EC) No 2879/2000 laying down detailed rules for applying Council Regulation (EC) No 2702/1999 on measures to provide information on, and to promote, agricultural products in third countries** 5

Commission Regulation (EC) No 68/2005 of 17 January 2005 fixing the maximum export refund on wholly milled and parboiled long grain B rice to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 2032/2005 8

Commission Regulation (EC) No 69/2005 of 17 January 2005 concerning tenders submitted under tendering procedure for the refund on consignment of husked long grain B rice to the island of Réunion referred to in Regulation (EC) No 2033/2004 9

Commission Regulation (EC) No 70/2005 of 17 January 2005 concerning tenders submitted in response to the invitation to tender for the export to certain third countries of wholly milled and medium and long grain A rice issued in Regulation (EC) No 2031/2004 10

Commission Regulation (EC) No 71/2005 of 17 January 2005 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip 11

Commission Regulation (EC) No 72/2005 of 17 January 2005 suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of uniflorous (bloom) carnations originating in the West Bank and the Gaza Strip 13

Commission Regulation (EC) No 73/2005 of 17 January 2005 amending the import duties in the cereals sector applicable from 18 January 2005	15
★ Council Directive 2004/117/EC of 22 December 2004 amending Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC and 2002/57/EC as regards examinations carried out under official supervision and equivalence of seed produced in third countries	18

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 65/2005
of 17 January 2005
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables⁽¹⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

- (2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 18 January 2005.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 17 January 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 1947/2002 (OJ L 299, 1.11.2002, p. 17).

ANNEX

to Commission Regulation of 17 January 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	111,1
	204	102,9
	999	107,0
0707 00 05	052	160,2
	220	236,8
	999	198,5
0709 90 70	052	164,8
	204	195,1
	999	180,0
0805 10 20	052	59,1
	204	47,8
	220	47,2
	448	34,9
	999	47,3
0805 20 10	204	64,3
	999	64,3
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	72,6
	204	52,9
	400	76,3
	464	149,6
	624	63,6
	999	83,0
0805 50 10	052	48,0
	608	16,0
	999	32,0
0808 10 80	400	98,1
	404	101,2
	720	71,4
	999	90,2
0808 20 50	400	92,2
	999	92,2

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 66/2005**of 17 January 2005****on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal⁽¹⁾,

Having regard to Council Regulation (EC) No 2286/2002 of 10 December 2002 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EC) No 1706/98⁽²⁾,

Having regard to Commission Regulation (EC) No 2247/2003 of 19 December 2003 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EC) No 2286/2002 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States)⁽³⁾, and in particular Article 5 thereof,

Whereas:

- (1) Article 1 of Regulation (EC) No 2247/2003 provides for the possibility of issuing import licences for beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia. However, imports must take place within the limits of the quantities specified for each of these exporting non-member countries.
- (2) The applications for import licences submitted between 1 and 10 January 2005, expressed in terms of boned meat, in accordance with Regulation (EC) No 2247/2003, do not exceed, in respect of products originating from Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from those States. It is therefore possible to issue import licences in respect of the quantities applied for.
- (3) The quantities in respect of which licences may be applied for from 1 February 2005 should be fixed within the scope of the total quantity of 52 100 t.
- (4) This Regulation is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and

veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The following Member States shall issue on 21 January 2005 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

United Kingdom:

- 100 t originating in Botswana,
- 500 t originating in Namibia,
- 16 t originating in Swaziland;

Germany:

- 350 t originating in Botswana,
- 100 t originating in Namibia.

Article 2

Licence applications may be submitted, pursuant to Article 3(2) of Regulation (EC) No 2247/2003, during the first 10 days of February 2005 for the following quantities of boned beef and veal:

Botswana:	18 466 t,
Kenya:	142 t,
Madagascar:	7 579 t,
Swaziland:	3 347 t,
Zimbabwe:	9 100 t,
Namibia:	12 400 t.

Article 3

This Regulation shall enter into force on 21 January 2005.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Commission Regulation (EC) No 1899/2004 (OJ L 328, 30.10.2004, p. 67).

⁽²⁾ OJ L 348, 21.12.2002, p. 5.

⁽³⁾ OJ L 333, 20.12.2003, p. 37. Regulation as last amended by Regulation (EC) No 1118/2004 (OJ L 217, 17.6.2004, p. 10).

⁽⁴⁾ OJ L 302, 31.12.1972, p. 28. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 17 January 2005.

For the Commission
J. M. SILVA RODRÍGUEZ
*Director-General for Agriculture and
Rural Development*

COMMISSION REGULATION (EC) No 67/2005**of 17 January 2005****amending Regulation (EC) No 2879/2000 laying down detailed rules for applying Council Regulation (EC) No 2702/1999 on measures to provide information on, and to promote, agricultural products in third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2702/1999 of 14 December 1999 on measures to provide information on, and to promote, agricultural products in third countries⁽¹⁾, and in particular Article 11 thereof,

Whereas:

- (1) Article 3 and 4 of Regulation (EC) No 2702/1999 provide the criteria to determine the markets and products for which information and/or promotion measures may be carried out in third countries. Those markets and products are listed in the Annex to Commission Regulation (EC) No 2879/2000⁽²⁾.
- (2) Article 5 of Regulation (EC) No 2702/1999 requires that every two years the Commission shall draw up a list of the markets and products referred to in Article 3 and 4 of that Regulation.
- (3) The list of target markets should be revised to take account of the fact that Croatia, Bosnia and Herzegovina, Serbia and Montenegro, the former Yugoslav Republic of Macedonia, Turkey and Ukraine are export markets with particular interest for certain Member States and with export potential for the Community in general.
- (4) Flowers and plants are products where market balance could be improved through information and/or generic promotion measures in third countries. Those products should therefore be included in the list of products which may be covered by promotional measures in third countries.
- (5) It is appropriate to extend the reference to cheese and yogurt in the Annex to Regulation (EC) No 2879/2000 to include milk products in general.

- (6) Products with a protected designation of origin (PDO), with a protected geographical indication (PGI) or with a traditional specialty guaranteed (TSG) in accordance with Council Regulation (EC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs⁽³⁾, or Council Regulation (EC) No 2082/92 of 14 July 1992 on certificates of specific character for agricultural products and foodstuffs⁽⁴⁾, and products from organic farming, in accordance with Council Regulation (EC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs⁽⁵⁾, are quality products the production of which are considered a priority in the context of the common agricultural policy. Those products should therefore be included in the Annex to Regulation (EC) No 2879/2000, so as to ensure that they can benefit from all promotion and information measures provided for in the third country promotion regime.
- (7) Regulation (EC) No 2879/2000 should therefore be amended accordingly.
- (8) The measures provided for in this Regulation are in accordance with the opinion delivered at the meeting of the Joint Management Committee for the Promotion of Agricultural Products,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 2879/2000 is herewith replaced by the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 327, 21.12.1999, p. 7. Regulation as amended by Regulation (EC) No 2060/2004 (OJ L 357, 2.12.2004, p. 3).

⁽²⁾ OJ L 333, 29.12.2000, p. 63. Regulation as last amended by Regulation (EC) No 1806/2004 (OJ L 318, 19.10.2004, p. 11).

⁽³⁾ OJ L 208, 24.7.1992, p. 1. Regulation as last amended by Regulation (EC) No 1215/2004 (OJ L 232, 1.7.2004, p. 21).

⁽⁴⁾ OJ L 208, 24.7.1992, p. 9. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽⁵⁾ OJ L 198, 22.7.1991, p. 1. Regulation as last amended by Commission Regulation (EC) No 1481/2004 (OJ L 272, 20.8.2004, p. 11).

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 17 January 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

'ANNEX

1. List of third-country markets in which promotional measures may be carried out:

Switzerland
Norway
Romania
Bulgaria
Croatia
Bosnia and Herzegovina
Serbia and Montenegro
Former Yugoslav Republic of Macedonia
Turkey
Ukraine
Russia
Japan
China
South Korea
South-East Asia
India
Middle East
North Africa
Republic of South Africa
North America
Latin America
Australia and New Zealand

2. List of products which may be covered by promotional measures in third countries:

- Fresh, chilled and frozen beef, veal and pigmeat; food preparations based on these products
- Quality poultrymeat
- Milk products
- Olive oil and table olives
- Table wines with a geographical indication. Quality wines psr
- Spirit drinks with a geographical indication or a reserved traditional description
- Fresh and processed fruit and vegetables
- Products processed from cereals and rice
- Fibre flax
- Live plants and products of ornamental horticulture
- Products with a protected designation of origin (PDO), a protected geographical indication (PGI) or a traditional speciality guaranteed (TSG), in accordance with Council Regulations (EC) No 2081/92 (*) or (EC) No 2082/92 (**)
- Products from organic farming, in accordance with Council Regulation (EC) No 2092/91 (***).

(*) OJ L 208, 24.7.1992, p. 1.

(**) OJ L 208, 24.7.1992, p. 9.

(***) OJ L 198, 22.7.1991, p. 1.

COMMISSION REGULATION (EC) No 68/2005**of 17 January 2005****fixing the maximum export refund on wholly milled and parboiled long grain B rice to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 2032/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice⁽¹⁾, and in particular Article 14(3) thereof,

Whereas:

(1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2032/2005⁽²⁾.

(2) Article 5 of Commission Regulation (EEC) No 584/75⁽³⁾ allows the Commission to fix, in accordance with the procedure laid down in Article 26(2) of Regulation (EC) No 1785/2003 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 14(4) of Regulation (EC) No 1785/2003 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled and parboiled long grain B rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2032/2005 is hereby fixed on the basis of the tenders submitted from 10 to 13 January 2005 at 65,00 EUR/t.

Article 2

This Regulation shall enter into force on 18 January 2005.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 17 January 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 96.

⁽²⁾ OJ L 353, 27.11.2004, p. 6.

⁽³⁾ OJ L 61, 7.3.1975, p. 25. Regulation as last amended by Regulation (EC) No 1948/2002 (OJ L 299, 1.11.2002, p. 18).

COMMISSION REGULATION (EC) No 69/2005**of 17 January 2005****concerning tenders submitted under tendering procedure for the refund on consignment of husked long grain B rice to the island of Réunion referred to in Regulation (EC) No 2033/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice ⁽¹⁾, and in particular Article 5(3) thereof,

Having regard to Commission Regulation (EEC) No 2692/89 of 6 September 1989 laying down detailed rules for exports of rice to Réunion ⁽²⁾, and in particular Article 9(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2033/2004 ⁽³⁾ opens an invitation to tender for the subsidy on rice exported to Réunion.
- (2) Article 9 of Regulation (EEC) No 2692/89 allows the Commission to decide, in accordance with the procedure laid down in Article 2b(2) of Regulation (EC) No 1785/2003 and on the basis of the tenders submitted, to make no award.

(3) On the basis of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2692/89, a maximum subsidy should not be fixed.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders submitted from 10 to 13 January 2005 in response to the invitation to tender referred to in Regulation (EC) No 2033/2004 for the subsidy on exports to Réunion of husked long grain B rice falling within CN code 1006 20 98.

Article 2

This Regulation shall enter into force on 18 January 2005.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 17 January 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 96.

⁽²⁾ OJ L 261, 7.9.1989, p. 8. Regulation as last amended by Regulation (EC) No 1275/2004 (OJ L 241, 13.7.2004, p. 8).

⁽³⁾ OJ L 353, 27.11.2004, p. 9.

COMMISSION REGULATION (EC) No 70/2005**of 17 January 2005****concerning tenders submitted in response to the invitation to tender for the export to certain third countries of wholly milled and medium and long grain A rice issued in Regulation (EC) No 2031/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice ⁽¹⁾, and in particular Article 14(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2031/2004 ⁽²⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽³⁾, allows the Commission to decide, in accordance with the procedure laid down in Article 26(2) of Regulation (EC) No 1785/2003 and on the basis of the tenders submitted, to make no award.

(3) On the basis of the criteria laid down in Article 14(4) of Regulation (EC) No 1785/2003, a maximum refund should not be fixed.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders submitted from 10 to 13 January 2005 in response to the invitation to tender for the export refund on wholly milled and medium and long grain A rice to certain third European countries issued in Regulation (EC) No 2031/2004.

Article 2

This Regulation shall enter into force on 18 January 2005.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 17 January 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 96.

⁽²⁾ OJ L 353, 27.11.2004, p. 3.

⁽³⁾ OJ L 61, 7.3.1975, p. 25. Regulation as last amended by Regulation (EC) No 1948/2002 (OJ L 299, 1.11.2002, p. 18).

COMMISSION REGULATION (EC) No 71/2005**of 17 January 2005****fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip⁽¹⁾, and in particular Article 5(2)(a) thereof,

Whereas:

Pursuant to Article 2(2) and Article 3 of abovementioned Regulation (EEC) No 4088/87, Community import and producer prices are fixed each fortnight for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses and apply for two-weekly periods. Pursuant to Article 1b of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down detailed rules for the application of the arrangements for the import into the Community of certain floricultural products originating in Cyprus, Israel, Jordan,

Morocco and the West Bank and the Gaza Strip⁽²⁾, those prices are determined for fortnightly periods on the basis of weighted prices provided by the Member States. Those prices should be fixed immediately so the customs duties applicable can be determined. To that end, provision should be made for this Regulation to enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

The Community producer and import prices for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses as referred to in Article 1b of Regulation (EEC) No 700/88 for a fortnightly period shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 18 January 2005.

It shall apply from 19 January to 1 February 2005.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 17 January 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture
and Rural Development*

⁽¹⁾ OJ L 382, 31.12.1987, p. 22. Regulation as last amended by Regulation (EC) No 1300/97 (OJ L 177, 5.7.1997, p. 1).

⁽²⁾ OJ L 72, 18.3.1988, p. 16. Regulation as last amended by Regulation (EC) No 2062/97 (OJ L 289, 22.10.1997, p. 1).

ANNEX

to the Commission Regulation of 17 January 2005 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip

(EUR/100 pieces)

Period: from 19 January to 1 February 2005

Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	16,76	12,03	34,26	16,96
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Israel	—	—	—	—
Morocco	—	—	—	—
Cyprus	—	—	—	—
Jordan	—	—	—	—
West Bank and Gaza Strip	13,83	—	—	—

COMMISSION REGULATION (EC) No 72/2005**of 17 January 2005****suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of uniflorous (bloom) carnations originating in the West Bank and the Gaza Strip**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco and the West Bank and the Gaza Strip⁽¹⁾, and in particular Article 5(2)(b) thereof,

Whereas:

(1) Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers.

(2) Council Regulation (EC) No 747/2001⁽²⁾ opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Egypt, Israel, Malta, Morocco and the West Bank and the Gaza Strip, respectively.

(3) Commission Regulation (EC) No 71/2005⁽³⁾ fixes the Community producer and import prices for carnations and roses for the application of the import arrangements.

(4) Commission Regulation (EEC) No 700/88⁽⁴⁾, lays down the detailed rules for the application of the arrangements.

(5) On the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2(2) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for uniflorous (bloom) carnations originating in the West Bank and the Gaza strip; the Customs duty should be re-established.

(6) The quota for the products in question covers the period 1 January to 31 December 2005. As a result, the suspension of the preferential duty and the reintroduction of the Common Customs Tariff duty apply up to the end of that period at the latest.

(7) In between meetings of the Management Committee for Live Plants and Floriculture Products, the Commission must adopt such measures,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of uniflorous (bloom) carnations (CN code ex 0603 10 20) originating in the West Bank and the Gaza strip, the preferential customs duty fixed by Regulation (EC) No 747/2001 is hereby suspended and the Common Customs Tariff duty is hereby re-established.

Article 2

This Regulation shall enter into force on 18 January 2005.

⁽¹⁾ OJ L 382, 31.12.1987, p. 22. Regulation as last amended by Regulation (EC) No 1300/97 (OJ L 177, 5.7.1997, p. 1).

⁽²⁾ OJ L 109, 19.4.2001, p. 2. Regulation as last amended by Commission Regulation (EC) No 2256/2004 (OJ L 385, 29.12.2004, p. 24).

⁽³⁾ See page 11 of this Official Journal.

⁽⁴⁾ OJ L 72, 18.3.1988, p. 16. Regulation as last amended by Regulation (EC) No 2062/97 (OJ L 289, 22.10.1997, p. 1).

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 17 January 2005.

For the Commission
J. M. SILVA RODRÍGUEZ
*Director-General for Agriculture
and Rural Development*

COMMISSION REGULATION (EC) No 73/2005**of 17 January 2005****amending the import duties in the cereals sector applicable from 18 January 2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals⁽¹⁾,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) The import duties in the cereals sector are fixed by Commission Regulation (EC) No 64/2005⁽³⁾.

- (2) Article 2(1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by EUR 5 per tonne from the duty fixed, a corresponding adjustment is to be made. Such a difference has arisen. It is therefore necessary to adjust the import duties fixed in Regulation (EC) No 64/2005,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 64/2005 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 18 January 2005.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 17 January 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 270, 29.9.2003, p. 78.

⁽²⁾ OJ L 161, 29.6.1996, p. 125. Regulation as last amended by Regulation (EC) No 1110/2003 (OJ L 158, 27.6.2003, p. 12).

⁽³⁾ OJ L 13, 15.1.2005, p. 21.

ANNEX I

Import duties for the products covered by Article 10(2) of Regulation (EC) No 1784/2003 applicable from 18 January 2005

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	6,41
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	38,09
1005 10 90	Maize seed other than hybrid	56,20
1005 90 00	Maize other than seed ⁽²⁾	56,20
1007 00 90	Grain sorghum other than hybrids for sowing	38,09

⁽¹⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— EUR 3/t, where the port of unloading is on the Mediterranean Sea, or

— EUR 2/t, where the port of unloading is in Ireland, the United Kingdom, Denmark, Estonia, Latvia, Lithuania, Poland, Finland, Sweden or the Atlantic coasts of the Iberian peninsula.

⁽²⁾ The importer may benefit from a flat-rate reduction of EUR 24/t, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

14.1.2005

1. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2 (14 %)	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	109,23 (***)	60,48	152,78	142,78	122,78	91,68
Gulf premium (EUR/t)	41,99	13,08	—			—
Great Lakes premium (EUR/t)	—	—	—			—

(*) A discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(**) A discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(***) Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).

2. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Freight/cost: Gulf of Mexico–Rotterdam: 29,98 EUR/t; Great Lakes–Rotterdam: — EUR/t.

3. Subsidy within the meaning of the third paragraph of Article 4(2) of Regulation (EC) No 1249/96: 0,00 EUR/t (HRW2)
0,00 EUR/t (SRW2).

COUNCIL DIRECTIVE 2004/117/EC**of 22 December 2004****amending Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC and 2002/57/EC as regards examinations carried out under official supervision and equivalence of seed produced in third countries**

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⁽¹⁾,

Having regard to the opinion of the European Economic and Social Committee⁽²⁾,

Whereas:

(1) Pursuant to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed⁽³⁾, Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed⁽⁴⁾, Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed⁽⁵⁾, Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed⁽⁶⁾ and Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants⁽⁷⁾, seed can be officially certified only where the conditions to be satisfied by the seed have been established in official seed testing on samples of seed drawn officially for the purpose of seed testing.

(2) Commission Decision 98/320/EC of 27 April 1998 on the organisation of a temporary experiment on seed

sampling and seed testing pursuant to Council Directives 66/400/EEC, 66/401/EEC, 66/402/EEC and 69/208/EEC⁽⁸⁾, provides for the organisation at Community level of a temporary experiment, with the aim of assessing whether seed sampling and seed testing under official supervision may constitute improved alternatives to the procedures for official seed certification, without a significant decline in the quality of the seed.

(3) The results of the experiment have shown that under specified conditions the procedures for official seed certification could be simplified without any significant decline in the quality of the seed compared with that achieved under the system of official seed sampling and seed testing. It is therefore appropriate to provide that those simplified procedures should apply on a long-term basis and should be extended to vegetable crops.

(4) Council Directive 98/96/EC⁽⁹⁾, amending, *inter alia*, as regards unofficial field inspections Directives 66/400/EEC, 66/401/EEC, 66/402/EEC and 69/208/EEC lays down rules on certification procedures for field inspections under official supervision. A detailed evaluation of those procedures has shown that the field inspections under official supervision should be extended to all the crops for the production of certified seed. The evaluation has also shown that the proportion of the areas entered for official certification to be checked and inspected by official inspectors should be reduced.

(5) It is appropriate to align Directive 2002/54/EC to the other seeds Directives in relation to the possibility to grant derogations to Member States in which the growing of beet and the marketing of beet seed are of minimum economic importance.

(6) The scope of the Community seed equivalence in respect of seed harvested in third countries is currently restricted to certain categories of seed. In view in particular of developments at international level, the equivalence regime should be extended to all the various kinds of seed meeting the characteristics, the examination requirements, the marking and sealing conditions laid down in Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC and 2002/57/EC.

⁽¹⁾ Opinion of 17 November 2004 (not yet published in the Official Journal).

⁽²⁾ Opinion of 15 September 2004 (not yet published in the Official Journal).

⁽³⁾ OJ L 125, 11.7.1966, p. 2298/66. Directive as last amended by Commission Directive 2004/55/EC (OJ L 114, 21.4.2004, p. 18).

⁽⁴⁾ OJ L 125, 11.7.1966, p. 2309/66. Directive as last amended by Directive 2003/61/EC (OJ L 165, 3.7.2003, p. 23).

⁽⁵⁾ OJ L 193, 20.7.2002, p. 12. Directive as last amended by Directive 2003/61/EC.

⁽⁶⁾ OJ L 193, 20.7.2002, p. 33. Directive as last amended by Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ L 268, 18.10.2003, p. 1).

⁽⁷⁾ OJ L 193, 20.7.2002, p. 74. Directive as last amended by Directive 2003/61/EC.

⁽⁸⁾ OJ L 140, 12.5.1998, p. 14. Decision as amended by Decision 2004/626/EC (OJ L 283, 2.9.2004, p. 16).

⁽⁹⁾ OJ L 25, 1.2.1999, p. 27.

(7) Decision 98/320/EC expires on 27 April 2005. It is therefore appropriate to keep the Community conditions concerning the marketing of seed produced pursuant to that Decision, pending the application of the new provisions.

(8) Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC and 2002/57/EC should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

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

1. Article 2(1) shall be amended as follows:

(a) in (B)(1), point (d) shall be replaced by the following:

‘(d) which has been found by official examination or, in the case of the conditions laid down in Annex II, either by official examination or by examination carried out under official supervision, to satisfy the conditions set out in (a), (b) and (c).’;

(b) in (B)(2), point (d) shall be replaced by the following:

‘(d) which has been found by official examination or, in the case of the conditions laid down in Annex II, either by official examination or by examination carried out under official supervision, to satisfy the conditions set out in (a), (b) and (c).’;

(c) in (C), point (d) shall be replaced by the following:

‘(d) which has been found by official examination or by examination carried out under official supervision to satisfy the conditions set out in (a), (b) and (c).’;

(d) in (Ca), point (d) shall be replaced by the following:

‘(d) which has been found by official examination or by examination carried out under official supervision to satisfy the conditions set out in (a), (b) and (c).’;

(e) in (Cb), point (d) shall be replaced by the following:

‘(d) which has been found by official examination or by examination carried out under official supervision to satisfy the conditions set out in (a), (b) and (c).’;

(f) in (D), point (c) shall be replaced by the following:

‘(c) which has been found by official examination or by examination carried out under official supervision to satisfy the conditions set out in (a) and (b).’;

2. Article 2(3) shall be replaced by the following:

‘3. When the examination under official supervision set out in paragraphs (1)(B)(1)(d), (1)(B)(2)(d), (1)(C)(d), (1)(Ca)(d), (1)(Cb)(d) and (1)(D)(c) is carried out, the following requirements shall be complied with:

A. Field inspection

(a) The inspectors shall:

(i) have the necessary technical qualifications;

(ii) derive no private gain in connection with the carrying out of the inspections;

(iii) have been officially licensed by the seed certification authority of the Member State concerned and this licensing shall include either the swearing-in of inspectors or the signature by inspectors of a written statement of commitment to the rules governing official examinations;

(iv) carry out inspections under official supervision in accordance with the rules applicable to official inspections.

(b) The seed crop to be inspected shall be grown from seed, which has undergone official post-control, the results of which have been satisfactory.

(c) A proportion of the seed crops shall be checked by official inspectors. That proportion shall be at least 5%.

(d) A proportion of samples from the seed lots harvested from the seed crops shall be drawn for official post control and, where appropriate, for official laboratory seed testing in respect of varietal identity and purity.

- (e) The Member States shall lay down the rules on penalties applicable to infringements of the national provisions governing examination under official supervision, adopted pursuant to this Directive. The penalties provided for must be effective, proportionate and dissuasive. Penalties may include the withdrawal of the licence provided for in (a)(iii) from officially licensed inspectors who are found guilty of deliberately or negligently contravening the rules governing official examinations. The Member States shall ensure that any certification of the seed examined is annulled in the event of such contravention unless it can be shown that such seed still meets all relevant requirements.

B. Seed testing

- (a) Seed testing shall be carried out by seed-testing laboratories which have been authorised for that purpose by the seed certification authority of the Member State concerned under the conditions set out in (b) to (d).
- (b) The seed-testing laboratory shall have a seed analyst-in-charge who has direct responsibility for the technical operations of the laboratory and has the necessary qualifications for technical management of a seed-testing laboratory.

Its seed analysts shall have the necessary technical qualifications obtained in training courses organised under conditions applicable to official seed analysts and confirmed by official examinations.

The laboratory shall be maintained in premises and with equipment officially considered by the seed certification authority to be satisfactory for the purpose of seed testing, within the scope of the authorisation.

It shall carry out seed testing in accordance with current international methods.

- (c) The seed-testing laboratory shall be:

- (i) an independent laboratory;

or

- (ii) a laboratory belonging to a seed company.

In the case referred to in (ii), the laboratory may carry out seed testing only on seed lots produced on behalf of the seed company to which it belongs, unless it has been otherwise agreed between that seed company, the applicant for certification and the seed certification authority.

- (d) The seed-testing laboratory's performance of seed testing shall be subject to appropriate supervision by the seed certification authority.

- (e) For the purposes of the supervision referred to in (d) a proportion of the seed lots entered for the official certification shall be check-tested by official seed testing. That proportion shall in principle be as evenly spread as possible over natural and legal persons entering seed for certification, and the species entered, but may also be oriented to eliminate specific doubts. That proportion shall be at least 5 %.

- (f) The Member States shall lay down the rules on penalties applicable to infringements of the national provisions governing examination under official supervision, adopted pursuant to this Directive. The penalties provided for must be effective, proportionate and dissuasive. Penalties may include the withdrawal of the authorisation provided for in (a), from officially authorised seed-testing laboratories which are found guilty of deliberately or negligently contravening the rules governing official examinations. The Member States shall ensure that any certification of the seed examined is annulled in the event of such contravention unless it can be shown that such seed still meets all relevant requirements.;

3. in Article 2(4), the second subparagraph shall be deleted;

4. Article 7 shall be amended as follows:

- (a) paragraph 1 shall be replaced by the following:

'1. Member States shall require that, for the checking of varieties, the examination of seed for certification and the examination of commercial seed, samples are drawn officially or under official supervision in accordance with appropriate methods. However seed sampling with a view to controls pursuant to Article 19 shall be carried out officially.;

- (b) the following paragraphs shall be inserted:

'1a. When the seed sampling under official supervision provided for in paragraph 1 is carried out, the following requirements shall be complied with:

- (a) seed sampling shall be carried out by seed samplers who have been authorised for that purpose by the seed certification authority of the Member State concerned under the conditions set out in (b), (c), and (d);

- (b) seed samplers shall have the necessary technical qualifications obtained in training courses organised under conditions applicable to official seed samplers and confirmed by official examinations.

They shall carry out seed sampling in accordance with current international methods;

- (c) seed samplers shall be:

- (i) independent natural persons;
- (ii) persons employed by natural or legal persons whose activities do not involve seed production, seed growing, seed processing or seed trade;

or

- (iii) persons employed by natural or legal persons whose activities involve seed production, seed growing, seed processing or seed trade.

In the case referred to in (iii), a seed sampler may carry out seed sampling only on seed lots produced on behalf of his employer, unless it has been otherwise agreed between his employer, the applicant for certification and the seed certification authority;

- (d) the performance of the seed samplers shall be subject to proper supervision by the seed certification authority. When automatic sampling is in operation appropriate procedures must be adhered to and officially supervised;
- (e) for the purposes of the supervision referred to in (d) a proportion of the seed lots entered for official certification shall be check-sampled by official seed samplers. That proportion shall in principle be as evenly spread as possible over natural and legal persons entering seed for certification, and the species entered, but may also be oriented to eliminate specific doubts. That proportion shall be at least 5 %. This check sampling does not apply to automatic sampling.

The Member States shall compare the seed samples drawn officially with those of the same seed lot drawn under official supervision;

- (f) the Member States shall lay down the rules on penalties applicable to infringements of the national provisions governing examination under official

supervision, adopted pursuant to this Directive. The penalties provided for must be effective, proportionate and dissuasive. Penalties may include the withdrawal of the authorisation provided for in (a), from officially authorised seed samplers who are found guilty of deliberately or negligently contravening the rules governing official examinations. The Member States shall ensure that any certification of the seed sampled is annulled in the event of such contravention unless it can be shown that such seed still meets all relevant requirements.

1b. Further measures applicable to the carrying out of seed sampling under official supervision may be adopted in accordance with the procedure laid down in Article 21(2).;

5. Article 15(3) shall be replaced by the following:

‘3. The Member States shall also provide that fodder plant seed harvested in a third country shall, on request, be officially certified if:

- (a) it has been produced directly from:

- (i) basic seed or certified seed officially certified either in one or more Member States or in a third country which has been granted equivalence under Article 16(1)(b);

or

- (ii) the crossing of basic seed officially certified in a Member State with basic seed officially certified in a third country referred to in (i);

- (b) it has undergone field inspection satisfying the conditions laid down in an equivalence decision made under Article 16(1)(a) for the relevant category;

- (c) official examination has shown that the conditions laid down in Annex II for the same category are satisfied.’;

6. in Article 16(1), point b shall be replaced by the following:

- ‘(b) fodder plant seed harvested in a third country and affording the same assurances as regards its characteristics and the arrangements for its examination, for ensuring identity, for marking and for control is equivalent in these respects to seed harvested within the Community and complying with the provisions of this Directive.’

Article 2

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

1. Article 2(1) shall be amended as follows:

(a) in (C), point (d) shall be replaced by the following:

‘(d) which has been found by official examination or in the case of the conditions laid down in Annex II, either by official examination or by examination carried out under official supervision to satisfy the conditions set out in (a), (b) and (c).’;

(b) in (Ca), point (c) shall be replaced by the following:

‘(c) which has been found by official examination or, in the case of the conditions laid down in Annex II, either by official examination or by examination carried out under official supervision to satisfy the conditions set out in (a) and (b).’;

(c) in (D)(1), point (d) shall be replaced by the following:

‘(d) which has been found by official examination or, in the case of the conditions laid down in Annex II, either by official examination or by examination carried out under official supervision to satisfy the conditions set out in (a), (b) and (c).’;

(d) in (D)(2), point (b) shall be replaced by the following:

‘(b) which has been found by official examination or, in the case of the conditions laid down in Annex II, either by official examination or by examination carried out under official supervision to satisfy the conditions set out in (a).’;

(e) in (D)(3), point (c) shall be replaced by the following:

‘(c) which has been found by official examination or, in the case of the conditions laid down in Annex II, either by official examination or by examination carried out under official supervision to satisfy the conditions set out in (a) and (b).’;

(f) in (E), point (d) shall be replaced by the following:

‘(d) which has been found by official examination or by examination carried out under official supervision to satisfy the conditions set out in (a), (b) and (c).’;

(g) in (F), point (d) shall be replaced by the following:

‘(d) which has been found by official examination or by examination carried out under official supervision to satisfy the conditions set out in (a), (b) and (c).’;

(h) in (G), point (d) shall be replaced by the following:

‘(d) which has been found by official examination or by examination carried out under official supervision to satisfy the conditions set out in (a), (b) and (c).’;

2. Article 2(3) shall be replaced by the following:

‘3. When the examination under official supervision set out in paragraphs (1)(C)(d), (1)(Ca)(c), (1)(D)(1)(d), (1)(D)(2)(b), (1)(D)(3)(c), (1)(E)(d), (1)(F)(d) and (1)(G)(d) is carried out, the following requirements shall be complied with:

A. Field inspection

(a) The inspectors shall:

(i) have the necessary technical qualifications;

(ii) derive no private gain in connection with the carrying out of the inspections;

(iii) have been officially licensed by the seed certification authority of the Member State concerned and this licensing shall include either the swearing-in of inspectors or the signature by inspectors of a written statement of commitment to the rules governing official examinations;

(iv) carry out inspections under official supervision in accordance with the rules applicable to official inspections.

(b) The seed crop to be inspected shall be grown from seed, which has undergone official post-control, the results of which have been satisfactory.

(c) A proportion of the seed crops shall be checked by official inspectors. That proportion shall be at least 5 %.

(d) A proportion of samples from the seed lots harvested from the seed crops shall be drawn for official post control and, where appropriate, for official laboratory seed testing in respect of varietal identity and purity.

(e) The Member States shall lay down the rules on penalties applicable to infringements of the national provisions governing examination under official supervision, adopted pursuant to this Directive. The penalties provided for must be effective, proportionate and dissuasive. Penalties may include the withdrawal of the licence provided for in (a)(iii), from officially licensed inspectors who are found guilty of deliberately or negligently contravening the rules governing official examinations. The Member States shall ensure that any certification of the seed examined is annulled in the event of such contravention unless it can be shown that such seed still meets all relevant requirements.

B. Seed testing

(a) Seed testing shall be carried out by seed-testing laboratories which have been authorised for that purpose by the seed certification authority of the Member State concerned under the conditions set out in (b) to (d).

(b) The seed-testing laboratory shall have a seed analyst-in-charge who has direct responsibility for the technical operations of the laboratory and has the necessary qualifications for technical management of a seed-testing laboratory.

Its seed analysts shall have the necessary technical qualifications obtained in training courses organised under conditions applicable to official seed analysts and confirmed by official examinations.

The laboratory shall be maintained in premises and with equipment officially considered by the seed certification authority to be satisfactory for the purpose of seed testing, within the scope of the authorisation.

It shall carry out seed testing in accordance with current international methods.

(c) The seed-testing laboratory shall be:

(i) an independent laboratory;

or

(ii) a laboratory belonging to a seed company.

In the case referred to in (ii), the laboratory may carry out seed testing only on seed lots produced on behalf of the seed company to which it belongs, unless it has been otherwise agreed between that seed company, the applicant for certification and the competent seed certification authority.

(d) The seed-testing laboratory's performance of seed testing shall be subject to appropriate supervision by the seed certification authority.

(e) For the purposes of the supervision referred to in (d) a proportion of the seed lots entered for the official certification shall be check-tested by official seed testing. That proportion shall in principle be as evenly spread as possible over natural and legal persons entering seed for certification, and the species entered, but may also be oriented to eliminate specific doubts. That proportion shall be at least 5 %.

(f) The Member States shall lay down the rules on penalties applicable to infringements of the national provisions governing examination under official supervision, adopted pursuant to this Directive. The penalties provided for must be effective, proportionate and dissuasive. Penalties may include the withdrawal of the authorisation provided for in (a), from officially authorised seed-testing laboratories which are found guilty of deliberately or negligently contravening the rules governing official examinations. The Member States shall ensure that any certification of the seed examined is annulled in the event of such contravention unless it can be shown that such seed still meets all relevant requirements.;

3. in Article 2(4), the second subparagraph shall be deleted;

4. Article 7 shall be amended as follows:

(a) paragraph 1 shall be replaced by the following:

'1. Member States shall require that, for the checking of varieties, and for the examination of seed for certification, samples are drawn officially or under official supervision in accordance with appropriate methods. However, seed sampling with a view to controls pursuant to Article 19 shall be carried out officially.;

(b) the following paragraphs 1a and 1b shall be inserted:

‘1a. When the seed sampling under official supervision provided for in paragraph 1 is carried out, the following requirements shall be complied with:

- (a) seed sampling shall be carried out by seed samplers who have been authorised for that purpose by the seed certification authority of the Member State concerned under the conditions set out in (b), (c), and (d);
- (b) seed samplers shall have the necessary technical qualifications obtained in training courses organised under conditions applicable to official seed samplers and confirmed by official examinations.

They shall carry out seed sampling in accordance with current international methods;

(c) seed samplers shall be:

- (i) independent natural persons;
- (ii) persons employed by natural or legal persons whose activities do not involve seed production, seed growing, seed processing or seed trade;

or

- (iii) persons employed by natural or legal persons whose activities involve seed production, seed growing, seed processing or seed trade.

In the case referred to in (iii), a seed sampler may carry out seed sampling only on seed lots produced on behalf of his employer, unless it has been otherwise agreed between his employer, the applicant for certification and the seed certification authority;

- (d) the performance of the seed samplers shall be subject to appropriate supervision by the seed certification authority. When automatic sampling is in operation appropriate procedures must be adhered to and officially supervised;
- (e) for the purposes of the supervision referred to in (d) a proportion of the seed lots entered for official certification shall be check-sampled by official seed samplers. That proportion shall in principle be as evenly spread as possible over natural and legal

persons entering seed for certification, and the species entered but may also be oriented to eliminate specific doubts. That proportion shall be at least 5%. This check sampling does not apply to automatic sampling.

The Member States shall compare the seed samples drawn officially with those of the same seed lot drawn under official supervision;

- (f) the Member States shall lay down the rules on penalties applicable to infringements of the national provisions governing examination under official supervision, adopted pursuant to this Directive. The penalties provided for must be effective, proportionate and dissuasive. Penalties may include the withdrawal of the authorisation provided for in (a), from officially authorised seed samplers who are found guilty of deliberately or negligently contravening the rules governing official examinations. The Member States shall ensure that any certification of the seed sampled is annulled in the event of such contravention unless it can be shown that such seed still meets all relevant requirements.

1b. Further measures applicable to the carrying out of seed sampling under official supervision may be adopted in accordance with the procedure laid down in Article 21(2).;

5. Article 15(3) shall be replaced by the following:

‘3. The Member States shall also provide that cereal seed harvested in a third country shall, on request, be officially certified if:

(a) it has been produced directly from:

- (i) basic seed or certified seed of the first generation officially certified either in one or more Member States or in a third country which has been granted equivalence under Article 16(1)(b);

or

- (ii) the crossing of basic seed officially certified in a Member State with basic seed officially certified in a third country referred to in (i);

(b) it has undergone field inspection satisfying the conditions laid down in an equivalence decision made under Article 16(1)(a) for the relevant category;

(c) official examination has shown that the conditions laid down in Annex II for the same category are satisfied;'

6. in Article 16(1), point b shall be replaced by the following:

'(b) cereal seed harvested in a third country and affording the same assurances as regards its characteristics and the arrangements for its examination, for ensuring identity, for marking and for control is equivalent in these respects to seed harvested within the Community and complying with the provisions of this Directive.'

Article 3

Directive 2002/54/EC is hereby amended as follows:

1. Article 2(1) shall be amended as follows:

(a) in (c), point (iv) shall be replaced by the following:

'(iv) which has been found by official examination or, in the case of the conditions laid down in Annex IB, either by official examination or examination carried out under official supervision to satisfy the conditions set out in (i), (ii) and (iii);'

(b) in (d), point (iv) shall be replaced by the following:

'(iv) which has been found by official examination or by examination carried out under official supervision to satisfy the conditions set out in (i), (ii) and (iii);'

2. Article 2(3) shall be replaced by the following:

'3. When the examinations under official supervision referred to in paragraph (1)(c)(iv) and (1)(d)(iv) is carried out, the following requirements shall be complied with:

A. Field inspection

(a) The inspectors shall:

(i) have the necessary technical qualifications;

(ii) derive no private gain in connection with the carrying out of the inspections;

(iii) have been officially licensed by the seed certification authority of the Member State concerned and this licensing shall include either the swearing-in of inspectors or the signature by inspectors of a written statement of commitment to the rules governing official examinations;

(iv) carry out inspections under official supervision in accordance with the rules applicable to official inspections.

(b) The seed crop to be inspected shall be grown from seed which has undergone official post-control, the results of which have been satisfactory.

(c) A proportion of the seed crops shall be checked by official inspectors. That proportion shall be at least 5 %.

(d) A proportion of samples from the seed lots harvested from the seed crops shall be drawn for official post control and, where appropriate, for official laboratory seed testing in respect of varietal identity and purity.

(e) The Member States shall lay down the rules on penalties applicable to infringements of the national provisions governing examination under official supervision, adopted pursuant to this Directive. The penalties provided for must be effective, proportionate and dissuasive. Penalties may include the withdrawal of the licence provided for in (a)(iii), from officially licensed inspectors who are found guilty of deliberately or negligently contravening the rules governing official examinations. The Member States shall ensure that any certification of the seed examined is annulled in the event of such contravention unless it can be shown that such seed still meets all relevant requirements.

B. Seed testing

(a) Seed testing shall be carried out by seed-testing laboratories which have been authorised for that purpose by the seed certification authority of the Member State concerned under the conditions set out in (b) to (d).

(b) The seed-testing laboratory shall have a seed analyst-in-charge who has direct responsibility for the technical operations of the laboratory and has the necessary qualifications for technical management of a seed-testing laboratory.

Its seed analysts shall have the necessary technical qualifications obtained in training courses organised under conditions applicable to official seed analysts and confirmed by official examinations.

The laboratory shall be maintained in premises and with equipment officially considered by the seed certification authority to be satisfactory for the purpose of seed testing, within the scope of the authorisation.

It shall carry out seed testing in accordance with current international methods.

(c) The seed-testing laboratory shall be:

(i) an independent laboratory;

or

(ii) a laboratory belonging to a seed company.

In the case referred to in (ii), the laboratory may carry out seed testing only on seed lots produced on behalf of the seed company to which it belongs, unless it has been otherwise agreed between that seed-company, the applicant for certification and the seed certification authority.

(d) The seed-testing laboratory's performance of seed testing shall be subject to appropriate supervision by the seed certification authority.

(e) For the purposes of the supervision referred to in (d) a proportion of the seed lots entered for the official certification shall be check-tested by official seed testing. That proportion shall in principle be as evenly spread as possible over natural and legal persons entering seed for certification, and the species entered but may also be oriented to eliminate specific doubts. That proportion shall be at least 5 %.

(f) The Member States shall lay down the rules on penalties applicable to infringements of the national provisions governing examination under official supervision, adopted pursuant to this Directive. The penalties provided for must be effective, proportionate and dissuasive. Penalties may include the withdrawal of the authorisation provided for in (a), from officially authorised seed-testing laboratories who are found guilty of deliberately or negligently contravening the rules governing official examinations. The Member States shall ensure that any certification of the seed examined is annulled in the event of such contravention unless it can be shown that such seed still meets all relevant requirements.;

3. in Article 2(4), the second subparagraph shall be deleted;

4. Article 9 shall be amended as follows:

(a) paragraph 1 shall be replaced by the following:

'1. Member States shall require that, for the checking of varieties, and for the examination of seed for certification, samples are drawn officially or under official supervision in accordance with appropriate methods. However seed sampling with a view to controls pursuant to Article 25 shall be carried out officially.;

(b) the following paragraphs shall be inserted:

'1a. When the seed sampling under official supervision provided for in paragraph 1 is carried out, the following requirements shall be complied with:

(a) seed sampling shall be carried out by seed samplers who have been authorised for that purpose by the seed certification authority of the Member State concerned under the conditions set out in (b), (c), and (d);

(b) seed samplers shall have the necessary technical qualifications obtained in training courses organised under conditions applicable to official seed samplers and confirmed by official examinations.

They shall carry out seed sampling in accordance with current international methods;

(c) seed samplers shall be:

(i) independent natural persons;

(ii) persons employed by natural or legal persons whose activities do not involve seed production, seed growing, seed processing or seed trade;

or

(iii) persons employed by natural or legal persons whose activities involve seed production, seed growing, seed processing or seed trade.

In the case referred to in (iii), a seed sampler may carry out seed sampling only on seed lots produced on behalf of his employer, unless it has been otherwise agreed between his employer, the applicant for certification and the seed certification authority;

(d) the performance of the seed samplers shall be subject to proper supervision by the seed certification authority. When automatic sampling is in operation appropriate procedures must be adhered to and officially supervised;

- (e) for the purposes of the supervision referred to in (d) a proportion of the seed lots entered for official certification shall be check-sampled by official seed samplers. That proportion shall in principle be as evenly spread as possible over natural and legal persons entering seed for certification but may also be oriented to eliminate specific doubts. That proportion shall be at least 5%. This check sampling does not apply to automatic sampling.

The Member States shall compare the seed samples drawn officially with those of the same seed lot drawn under official supervision;

- (f) the Member States shall lay down the rules on penalties applicable to infringements of the national provisions governing examination under official supervision, adopted pursuant to this Directive. The penalties provided for must be effective, proportionate and dissuasive. Penalties may include the withdrawal of the authorisation provided for in (a), from officially authorised seed samplers who are found guilty of deliberately or negligently contravening the rules governing official examinations. The Member States shall ensure that any certification of the seed sampled is annulled in the event of such contravention unless it can be shown that such seed still meets all relevant requirements.

1b. Further measures applicable to the carrying out of seed sampling under official supervision may be adopted in accordance with the procedure laid down in Article 28(2).;

5. Article 22(3) shall be replaced by the following:

‘3. The Member States shall also provide that beet seed harvested in a third country shall, on request, be officially certified if:

- (a) it has been produced directly from basic seed officially certified in one or more Member States or in a third country which has been granted equivalence under Article 23(1)(b);
- (b) it has undergone field inspection satisfying the conditions laid down in an equivalence decision made under Article 23(1)(a) for the relevant category;
- (c) official examination has shown that the conditions laid down in Annex I, part B for the same category are satisfied.’;

6. in Article 23(1), point b shall be replaced by the following:

‘(b) beet seed harvested in a third country and affording the same assurances as regards its characteristics and the arrangements for its examination, for ensuring its identity, for marking and for control is equivalent in these respects to seed harvested within the Community and complying with the provisions of this Directive.’;

7. the following Article shall be inserted after Article 30:

‘Article 30A

In accordance with the procedure laid down in Article 28(2), a Member State may, if it so requests, be wholly or partially released from the obligation to apply the provisions of this Directive, with the exception of Article 20, in so far the growing of beets and the marketing of beet seed are of minimal economic importance in its territory.’

Article 4

Directive 2002/57/EC is hereby amended as follows:

1. Article 2(1) shall be amended as follows:

- (a) in (c), point (iv) shall be replaced by the following:

‘(iv) which has been found by official examination or in the case of the conditions laid down in Annex II, either by official examination or by examination carried out under official supervision to satisfy the conditions set out in (i), (ii) and (iii);’

- (b) in (d)(1), point (ii) shall be replaced by the following:

‘(ii) which has been found by official examination or, in the case of the conditions laid down in Annex II, either by official examination or by examination carried out under official supervision to satisfy the conditions set out in (i);’

- (c) in (d)(2), point (iii) shall be replaced by the following:

‘(iii) which has been found by official examination or, in the case of the conditions laid down in Annex II, either by official examination or by examination carried out under official supervision to satisfy the conditions set out in (i) and (ii);’

- (d) in (e), point (iv) shall be replaced by the following:

‘(iv) which has been found by official examination or by examination carried out under official supervision to satisfy the conditions set out in (i), (ii) and (iii);’

(e) in (f), point (iv) shall be replaced by the following:

‘(iv) which has been found by official examination or by examination carried out under official supervision to satisfy the conditions set out in (i), (ii) and (iii);’

(f) in (g), point (iv) shall be replaced by the following:

‘(iv) which has been found by official examination or by examination carried out under official supervision to satisfy the conditions set out in (i), (ii) and (iii);’

(g) in (h), point (iv) shall be replaced by the following:

‘(iv) which has been found by official examination or by examination carried out under official supervision to satisfy the conditions set out in (i), (ii) and (iii);’

(h) in (i), point (iv) shall be replaced by the following:

‘(iv) which has been found by official examination or by examination carried out under official supervision to satisfy the conditions set out in (i), (ii) and (iii);’

(i) in (j), point (iii) shall be replaced by the following:

‘(iii) which has been found by official examination or by examination carried out under official supervision to satisfy the conditions set out in (i) and (ii);’

2. Article 2(5) shall be replaced by the following:

‘5. When the examinations under official supervision referred to in paragraphs (1)(c)(iv), (1)(d)(1)(ii), (1)(d)(2)(iii), (1)(e)(iv), (1)(f)(iv), (1)(g)(iv), (1)(h)(iv), (1)(i)(iv) and (1)(j)(iii) are carried out, the following requirements shall be complied with:

A. Field inspection

(a) The inspectors shall:

(i) have the necessary technical qualifications;

(ii) derive no private gain in connection with the carrying out of the inspections;

(iii) have been officially licensed by the seed certification authority of the Member State concerned and this licensing shall include either the swearing-in of inspectors or the signature by

inspectors of a written statement of commitment to the rules governing official examinations;

(iv) carry out inspections under official supervision in accordance with the rules applicable to official inspections.

(b) The seed crop to be inspected shall be grown from seed which has undergone official post-control, the results of which have been satisfactory.

(c) A proportion of the seed crops shall be checked by official inspectors. That proportion shall be at least 5 %.

(d) A proportion of samples from the seed lots harvested from the seed crops shall be drawn for official post control and, where appropriate, for official laboratory seed testing in respect of varietal identity and purity.

(e) The Member States shall lay down the rules on penalties applicable to infringements of the national provisions governing examination under official supervision, adopted pursuant to this Directive. The penalties provided for must be effective, proportionate and dissuasive. Penalties may include the withdrawal of the licence provided for in (a)(iii), from officially licensed inspectors who are found guilty of deliberately or negligently contravening the rules governing official examinations. The Member States shall ensure that any certification of the seed examined is annulled in the event of such contravention unless it can be shown that such seed still meets all relevant requirements.

B. Seed testing

(a) Seed testing shall be carried out by seed-testing laboratories which have been authorised for that purpose by the seed certification authority of the Member State concerned under the conditions set out in (b) to (d).

(b) The seed-testing laboratory shall have a seed analyst-in-charge who has direct responsibility for the technical operations of the laboratory and has the necessary qualifications for technical management of a seed-testing laboratory.

Its seed analysts shall have the necessary technical qualifications obtained in training courses organised under conditions applicable to official seed analysts and confirmed by official examinations.

The laboratory shall be maintained in premises and with equipment officially considered by the seed certification authority to be satisfactory for the purpose of seed testing, within the scope of the authorisation.

It shall carry out seed testing in accordance with current international methods.

(c) The seed-testing laboratory shall be:

(i) an independent laboratory;

or

(ii) a laboratory belonging to a seed-company.

In the case referred to in (ii), the laboratory may carry out seed testing only on seed lots produced on behalf of the seed-company to which it belongs, unless it has been otherwise agreed between that seed-company, the applicant for certification and the seed certification authority.

(d) The seed-testing laboratory's performance of seed testing shall be subject to appropriate supervision by the seed certification authority.

(e) For the purposes of the supervision referred to in (d) a proportion of the seed lots entered for the official certification shall be check-tested by official seed testing. That proportion shall in principle be as evenly spread as possible over natural and legal persons entering seed for certification, and the species entered, but may also be oriented to eliminate specific doubts. That proportion shall be at least 5%.

(f) The Member States shall lay down the rules on penalties applicable to infringements of the national provisions governing examination under official supervision, adopted pursuant to this Directive. The penalties provided for must be effective, proportionate and dissuasive. Penalties may include the withdrawal of the authorisation provided for in (a), from officially authorised seed-testing laboratories which are found guilty of deliberately or negligently contravening the rules governing official examinations. The Member States shall ensure that any certification of the seed examined is annulled in the event of such contravention unless it can be shown that such seed still meets all relevant requirements.;

4. Article 9 shall be amended as follows:

(a) paragraph 1 shall be replaced by the following:

'1. Member States shall require that, for the checking of varieties, the examination of seed for certification and the examination of commercial seed, samples are drawn officially or under official supervision in accordance with appropriate methods. However seed sampling with a view to controls pursuant to Article 22 shall be carried out officially.;

(b) the following paragraphs shall be inserted:

'1a. When the seed sampling under official supervision provided for in paragraph 1 is carried out, the following requirements shall be complied with:

(a) seed sampling shall be carried out by seed samplers who have been authorised for that purpose by the seed certification authority of the Member State concerned under the conditions set out in (b), (c), and (d);

(b) seed samplers shall have the necessary technical qualifications obtained in training courses organised under conditions applicable to official seed samplers and confirmed by official examinations.

They shall carry out seed sampling in accordance with current international methods;

(c) seed samplers shall be:

(i) independent natural persons;

(ii) persons employed by natural or legal persons whose activities do not involve seed production, seed growing, seed processing or seed trade;

or

(iii) persons employed by natural or legal persons whose activities involve seed production, seed growing, seed processing or seed trade.

In the case referred to in (iii), a seed sampler may carry out seed sampling only on seed lots produced on behalf of his employer, unless it has been otherwise agreed between his employer, the applicant for certification and the seed certification authority;

3. in Article 2(6), the second subparagraph shall be deleted;

- (d) the performance of the seed samplers shall be subject to appropriate supervision by the seed certification authority. When automatic sampling is in operation appropriate procedures must be adhered to and officially supervised;
- (e) for the purposes of the supervision referred to in (d) a proportion of the seed lots entered for official certification shall be check-sampled by official seed samplers. That proportion shall in principle be as evenly spread as possible over natural and legal persons entering seed for certification and the species entered but may also be oriented to eliminate specific doubts. That proportion shall be at least 5 %. This check sampling does not apply to automatic sampling.

The Member States shall compare the seed samples drawn officially with those of the same seed lot drawn under official supervision;

- (f) the Member States shall lay down the rules on penalties applicable to infringements of the national provisions governing examination under official supervision, adopted pursuant to this Directive. The penalties provided for must be effective, proportionate and dissuasive. Penalties may include the withdrawal of the authorisation provided for in (a), from officially authorised seed samplers who are found guilty of deliberately or negligently contravening the rules governing official examinations. The Member States shall ensure that any certification of the seed sampled is annulled in the event of such contravention unless it can be shown that such seed still meets all relevant requirements.

1b. Further measures applicable to the carrying out of seed sampling under official supervision may be adopted in accordance with the procedure laid down in Article 25(2).;

5. Article 19(3) shall be replaced by the following:

‘3. The Member States shall also provide that seed of oil and fibre plants harvested in a third country shall, on request, be officially certified if:

- (a) the seed has been produced directly from:
 - (i) basic seed or certified seed of the first generation officially certified either in one or more Member States or in a third country which has been granted equivalence under Article 20(1)(b);

or

- (ii) the crossing of basic seed officially certified in a Member State with basic seed officially certified in a third country referred to in (i);

- (b) it has undergone field inspection satisfying the conditions laid down in an equivalence decision made under Article 20(1)(a) for the relevant category;

- (c) official examination has shown that the conditions laid down in Annex II for the same category are satisfied.;

6. in Article 20(1), point (b) shall be replaced by the following:

- ‘(b) seed of oil and fibre plants which has been harvested in a third country and affords the same assurances as regards its characteristics and the arrangements for its examination, for ensuring its identity, for marking and for control is equivalent in these respects to seed harvested within the Community and complying with the provisions of this Directive.’

Article 5

Directive 2002/55/EC is hereby amended as follows:

1. Article 2(1) shall be amended as follows:

- (a) in (c), point (iv) shall be replaced by the following:

- ‘(iv) which has been found by official examination or, in the case of the conditions laid down in Annex II, either by official examination or examination carried out under official supervision to satisfy the conditions set out in (i), (ii) and (iii);’

- (b) in (d), point (iv) shall be replaced by the following:

- ‘(iv) which has been found by official examination or by examination carried out under official supervision to satisfy the conditions set out in (i), (ii) and (iii);’

2. the following paragraph 4 shall be added to Article 2:

- ‘4. When the examinations under official supervision referred to in paragraph (1)(c)(iv) and (1)(d)(iv) are carried out, the following requirements shall be complied with:

A. Field inspection

- (a) The inspectors shall:

- (i) have the necessary technical qualifications;

(ii) derive no private gain in connection with the carrying out of the inspections;

(iii) have been officially licensed by the seed certification authority of the Member State concerned and this licensing shall include either the swearing-in of inspectors or the signature by inspectors of a written statement of commitment to the rules governing official examinations;

(iv) carry out inspections under official supervision in accordance with the rules applicable to official inspections.

(b) The seed crop to be inspected shall be grown from seed which has undergone official post-control, the results of which have been satisfactory.

(c) A proportion of the seed crops shall be checked by official inspectors. That proportion shall be at least 5 %.

(d) A proportion of samples from the seed lots harvested from the seed crops shall be drawn for official post control and, where appropriate, for official laboratory seed testing in respect of varietal identity and purity.

(e) The Member States shall lay down the rules on penalties applicable to infringements of the national provisions governing examination under official supervision, adopted pursuant to this Directive. The penalties provided for must be effective, proportionate and dissuasive. Penalties may include the withdrawal of the licence provided for in (a)(iii), from officially licensed inspectors who are found guilty of deliberately or negligently contravening the rules governing official examinations. The Member States shall ensure that any certification of the seed examined is annulled in the event of such contravention unless it can be shown that such seed still meets all relevant requirements.

B. Seed testing

(a) Seed testing shall be carried out by seed-testing laboratories which have been authorised for that purpose by the seed certification authority of the Member State concerned under the conditions set out in (b) to (d).

(b) The seed-testing laboratory shall have a seed analyst-in-charge who has direct responsibility for the technical operations of the laboratory and has the necessary qualifications for technical management of a seed-testing laboratory.

Its seed analysts shall have the necessary technical qualifications obtained in training courses organised under conditions applicable to official seed analysts and confirmed by official examinations.

The laboratory shall be maintained in premises and with equipment officially considered by the competent seed certification authority to be satisfactory for the purpose of seed testing, within the scope of the authorisation.

It shall carry out seed testing in accordance with current international methods.

(c) The seed-testing laboratory shall be:

(i) an independent laboratory;

or

(ii) a laboratory belonging to a seed company.

In the case referred to in (ii), the laboratory may carry out seed testing only on seed lots produced on behalf of the seed company to which it belongs, unless it has been otherwise agreed between that company, the applicant for certification and the seed certification authority.

(d) The seed-testing laboratory's performance of seed testing shall be subject to appropriate supervision by the seed certification authority.

(e) For the purposes of the supervision referred to in (d) a proportion of the seed lots entered for the official certification shall be check-tested by official seed testing. That proportion shall in principle be as evenly spread as possible over natural and legal persons entering seed for certification and the species entered but may also be oriented to eliminate specific doubts. That proportion shall be at least 5 %.

(f) The Member States shall lay down the rules on penalties applicable to infringements of the national provisions governing examination under official supervision, adopted pursuant to this Directive. The penalties provided for must be effective, proportionate and dissuasive. Penalties may include the withdrawal of the authorisation provided for in (a), from officially authorised seed-testing laboratories who are found guilty of deliberately or negligently contravening the rules governing official examinations. The Member States shall ensure that any certification of the seed examined is annulled in the event of such contravention unless it can be shown that such seed still meets all relevant requirements.;

3. Article 25 shall be amended as follows:

(a) paragraph 1 shall be replaced by the following:

‘1. Member States shall require that, for the examination of seed for certification, samples are drawn officially or under official supervision in accordance with appropriate methods. However seed sampling with a view to controls pursuant to Article 39 shall be carried out officially.

These provisions shall also apply where samples of standard seed are drawn for post-control tests.;

(b) the following paragraphs shall be inserted:

‘1a. When the seed sampling under official supervision provided for in paragraph 1 is carried out, the following requirements shall be complied with:

- (a) seed sampling shall be carried out by seed samplers who have been authorised for that purpose by the seed certification authority of the Member State concerned under the conditions set out in (b), (c), and (d);
- (b) seed samplers shall have the necessary technical qualifications obtained in training courses organised under conditions applicable to official seed samplers and confirmed by official examinations.

They shall carry out seed sampling in accordance with current international methods;

(c) seed samplers shall be:

- (i) independent natural persons;
- (ii) persons employed by natural or legal persons whose activities do not involve seed production, seed growing, seed processing or seed trade;

or

(iii) persons employed by natural or legal persons whose activities involve seed production, seed growing, seed processing or seed trade.

In the case referred to in (iii), a seed sampler may carry out seed sampling only on seed lots produced on behalf of his employer, unless it has been otherwise agreed between his employer, the applicant for certification and the competent seed certification authority;

(d) the performance of the seed samplers shall be subject to proper supervision by the competent seed certification authority. When automatic sampling is in operation appropriate procedures must be adhered to and officially supervised;

(e) for the purposes of the supervision referred to in (d) a proportion of the seed lots entered for official certification shall be check-sampled by official seed samplers. That proportion shall in principle be as evenly spread as possible over natural and legal persons entering seed for certification but may also be oriented to eliminate specific doubts. That proportion shall be at least 5 %. This check sampling does not apply to automatic sampling.

The Member States shall compare the seed samples drawn officially with those of the same seed lot drawn under official supervision;

(f) the Member States shall lay down the rules on penalties applicable to infringements of the national provisions governing examination under official supervision, adopted pursuant to this Directive. The penalties provided for must be effective, proportionate and dissuasive. Penalties may include the withdrawal of the authorisation provided for in (a), from officially authorised seed samplers who are found guilty of deliberately or negligently contravening the rules governing official examinations. The Member States shall ensure that any certification of the seed sampled is annulled in the event of such contravention unless it can be shown that such seed still meets all relevant requirements.

1b. Further measures applicable to the carrying out of seed sampling under official supervision may be adopted in accordance with the procedure laid down in Article 46(2).’

Article 6

In Article 4 of Decision 98/320/EC the date ‘27 April 2005’ shall be replaced by ‘30 September 2005’.

Article 7

By 1 October 2010, the Commission shall submit a detailed evaluation of the simplification of the certification procedures introduced by this Directive. This evaluation shall focus in particular on the performance of supervisory systems in terms of possible effects on the quality of seed.

Article 8

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 October 2005. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

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

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

Article 9

This Directive shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Union*.

Article 10

This Directive is addressed to the Member States.

Done at Brussels, 22 December 2004.

For the Council
The President
C. VEERMAN