II

(Acts whose publication is not obligatory)

COUNCIL

FIFTH COUNCIL DECISION

of 17 May 1976

on the equivalence of field inspections carried out in third countries on seed-producing crops

(76/538/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 66/400/EEC of 14 June 1966 on the marketing of beet seed (1), as last amended by Directive 75/444/EEC (2), and in particular Article 16 (1) (a) thereof,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed (3), as last amended by Directive 75/444/EEC, and in particular Article 16 (1) (a) thereof,

Having regard to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed (4), as last amended by Directive 75/444/EEC, and in particular Article 16 (1) (a) thereof,

Having regard to Council Directive 69/208/EEC of 30 June 1969 on the marketing of seed of oil and fibre plants (5), as last amended by Directive 75/444/EEC, and in particular Article 15 (1) (a) thereof,

Having regard to the proposal from the Commission,

Whereas there are rules on seed control in Australia, Finland, Greece, Israel, Yugoslavia, Canada, New Zealand, Norway, Austria, Poland, Portugal, Romania, Sweden, Switzerland, Spain, South Africa, Czechoslovakia, Turkey, Hungary and the United States of America; whereas these rules provide for official field inspection to be carried out during the period of seed production;

Whereas an examination of these rules and the manner in which they are applied has shown that the prescribed field inspections satisfy the conditions laid down in Annex I to each of the abovementioned Directives;

Whereas Decisions 72/292/EEC (6), 73/86/EEC (7), 74/348/EEC (8) and 75/407/EEC (9), which established equivalences for field inspections in the abovementioned countries, expire on 30 June 1976; whereas a new Decision is therefore necessary;

(1) OJ No 125, 11. 7. 1966, p. 2290/66.
(2) OJ No L 196, 26. 7. 1975, p. 6.
(3) OJ No 125, 11. 7. 1966, p. 2298/66.
(4) OJ No 125, 11. 7. 1966, p. 2309/66.
(5) OJ No L 169, 10. 7. 1969, p. 3.
(6) OJ No L 186, 16. 8. 1972, p. 22.
(7) OJ No L 106, 20. 4. 1973, p. 18.
(8) OJ No L 191, 15. 7. 1974, p. 11.
(9) OJ No L 183, 14. 7. 1975, p. 17.

Whereas this Decision does not preclude Community findings being revoked or extension of the period of their validity being refused, when the conditions on which they are based are not or cease to be satisfied; whereas, to this end, further practical information on seed produced in the abovementioned countries should be obtained by growing and checking samples of such seed in comparative Community tests;

Whereas it has become apparent that certain technical and administrative provisions in the Annex are often subject to changes;

Whereas for the purpose of simplifying the procedure which at present governs amendments to the Annex, it seems desirable that these changes should be referred to the procedure of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

It is hereby declared that field inspections of crops producing seed of the 'certified seed' category, carried out in the countries and by the authorities listed in the Annex and in respect of the species specified therein, shall satisfy the conditions laid down in Annex I to Directive 66/400/EEC, 66/401/EEC, 66/402/EEC or 69/208/EEC in so far as the special conditions laid down in the Annex are satisfied.

Article 2

Technical and administrative amendments to be made to the Annex (with the exception of those concerning columns 2 and 4 of the table in the Annex) shall be adopted in accordance with the procedure laid down in Article 21 of Directives 66/400/EEC, 66/401/EEC and 66/402/EEC and in Article 20 of Directive 69/208/EEC.

Article 3

This Decision shall apply from 1 July 1976 to 30 June 1980.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 17 May 1976.

For the Council

The President

J. HAMILIUS

ANNEX

Ref. No	Country	Authority	Species	Special conditions
1	2	3	4	5
1	Australia	Department of Primary Industry, Canberra	— Grass and legume species subject to national rules on varietal control	1, 3, 4, 5
			— Swede, fodder kale, fodder radish	1, 3, 4, 5
			— Turnip rape, swede rape, sunflower, flax, linseed, white mustard, soya bean	1, 3, 4, 5
2	Finland	Valtion Siementarkastuslaitos (National Office for Seed Control), Helsinki	Grass and legume species subject to national rules on varietal control	1, 3, 4, 5
3	Greece	Institouton Ktinotrofikon Fyton (Fodder Plant Institute), Larissa	Legume species subject to national rules on varietal control	1, 3, 4, 5
4	Israel	Seed and Nursery Stock Inspection Service	— Grass and legume species subject to national rules on varietal control	1, 3, 4, 5
			— Groundnut, cotton	1, 3, 4, 5
5	Yugoslavia	— Institut za poljoprivredna istraživanja (Institute of Agricultural Research), Novi Sad		
		— Institut za oplemenjivanje i proizvodnju bilja poljoprivrednog Fakulteteta (University Institute for Plant Improvement and Production), Zagreb	Beet	1, 3, 5, 6
		— Institut za poljoprivredna istraživanja (Institute of Agricultural Research), Novi Sad		
		— Zavod za krmno bilje (Animal Feedingstuff Research Station), Kruševac		
		— Institut za poljoprivredna istraživanja (Institute of Agricultural Research), Sarajewo		
		— Institut za oplemenjivanje i proizvodnju bilja poljoprivrednog Fakulteta (University Institute for Plant Improvement and Production), Zagreb	— Legume species subject to national rules on varietal control	1, 3, 4, 5
			— Fodder kale, fodder radish	1, 3, 4, 5
			— Maize	2, 3, 4, 5
			— Turnip rape, swede rape	1, 3, 4, 5
		— Poljoprivredni institut (Agricultural Institute), Osijek		
		— Kmetijski institut Slovenije (Slovenian Agricultural Institute), Ljubljana		
		— Zemjodelski institut (Agriculture Institute), Skopje		

Ref. No	Country	Authority	Species	Special conditions
1	2	3	4	5
6	Canada	Plant Products Division, Agriculture Canada, Ottawa, Ontario	— Beet	1, 3, 5, 6
			— Grass and legume species subject to national rules on varietal control	1, 3, 4, 5
			— Swede, fodder kale, fodder radish	1, 3, 4, 5
			— Cereals except canary grass, maize and rice	1, 3, 4, 5
			— Maize	2, 3, 4, 5
			— Turnip rape, swede rape, mustard, sunflower, oil-bearing linseed, soya bean	1, 3, 4, 5
7	New Zealand	Department of Agriculture	— Grass and legume species subject to national rules on varietal control	1, 3, 4, 5
			— Fodder kale	1 or 2 (*) 3, 4, 5
8	Norway	Statens Såvareråd (State Seed Council), Oslo	Grass and legume species subject to national rules on varietal control	1, 3, 4, 5
9	Austria	Bundesanstalt für Pflanzenbau und Samenprüfung	Beet	1, 3, 5, 6
		— Burgenländische Landwirtschaftskammer, Eisenstadt		
		— Landwirtschaftskammer für Kärnten, Klagenfurt		
		— Niederösterreichische Landes-Landwirtschaftskammer, Wien	— Grass and legume species subject to national rules on varietal control	1, 3, 4, 5
		— Landwirtschaftskammer für Oberösterreich, Linz	— Swede, fodder kale	1, 3, 4, 5
		— Landeskammer für Land- und Forstwirtschaft Steiermark, Graz	— Cereals, except canary grass, maize and rice	1, 3, 4, 5
		— Landes-Landwirtschaftskammer für Tirol, Innsbruck	— Maize	2, 3, 4, 5
		— Kammer für Land- und Forstwirtschaft in Salzburg, Salzburg	— Turnip rape, swede rape, mustard, sunflower, opium poppy, soya bean	1, 3, 4, 5
		— Landwirtschaftskammer für Vorarlberg, Bregenz		
		— Wiener Landwirtschaftskammer, Wien		

(*) Solely in the case of seed harvested before 1 July 1977.

Ref. No	Country	Authority	Species	Special conditions
1	2	3	4	5
10	Poland	Inspekcja Nasienna, Okregowy Inspektorat (Seed Inspection Service, Regional Inspectorates) — Bialystoku (Bialystok) — Bydgoszczy (Bydgoszcz) — Gdansku (Gdansk) — Katowicach (Katowice) — Kielcach (Kielce) — Koszalinie (Koszalin) — Krakowie (Krakow) — Lublinie (Lublin) — Lodzi (Lodz) — Olsztynie (Olsztyn) — Opolu (Opole) — Poznaniu (Poznan) — Rzeszowie (Rzeszow) — Szczecinie (Szczecin) — Warszawie (Warszawa) — Wroclawiu (Wroclaw) — Zielonej Gorze (Zielona Gora) — Instytut Hodowli i Aklimatyzacji Roslin, Zaklad Metodyki Oceny Nasion (Seed Testing Station for the Plant Improvement Institute), Sandomierz	— Beet	1, 3, 5, 6
			— Grass and legume species subject to national rules on varietal control	1, 3, 4, 5
			— Swede, fodder kale, fodder radish	1, 3, 4, 5
11	Portugal	Estação de Ensaio de Sementes (Seed Testing Station)	— Legume species subject to national rules on varietal control	1, 3, 4, 5
			— Maize	2, 3, 4, 5
12	Romania	Ministerul Agriculturii şi Industriei Alimentare — Inspecţia de Stat pentru Calitatea Seminţelor şi Materialului Săditor (Ministry of Agriculture and Food Industry — State Inspectorate for Seed and Propagating Material Quality)	— Beet	1, 3, 5, 6
			— Grass and legume species subject to national rules on varietal control	1, 3, 4, 5
			— Swede, fodder radish	1, 3, 4, 5
			— Maize	2, 3, 4, 5
			— Swede rape, black and white mustard, hemp, cumin, sunflower, flax, opium poppy, soya bean	1, 3, 4, 5
13	Sweden	Statens Centrala Frökontrollanstalt (State Seed Testing Station), Solna	— Beet	1, 3, 5, 6
			— Grass and legume species subject to national rules on varietal control	1, 3, 4, 5
			— Swede, fodder kale	1, 3, 4, 5
			— Cereals, except canary grass, maize and rice	1, 3, 4, 5
			— Turnip rape, swede rape, hemp, flax, opium poppy, white mustard	1, 3, 4, 5

Ref. No	Country	Authority	Species	Special conditions
1	2	3	4	5
14	Switzerland	— Eidgenössische Landwirtschaftliche Forschungsanstalt, Zürich — Station Fédérale de Recherches Agronomiques, Nyon	— Grass and legume species subject to national rules on varietal control	1, 3, 4, 5
			— Cereals except canary grass, maize and rice	1, 3, 4, 5
			— Maize	2, 3, 4, 5
15	Spain	Instituto Nacional de Semillas y Plantas de Vivero (National Institute for Seeds and Plants), Madrid	— Beet	1, 3, 5, 6
			— Legume species subject to national rules on varietal control	1, 3, 4, 5
			— Swede, fodder kale, fodder radish	1, 3, 4, 5
			— Cereals, except rye, canary grass, maize and rice	1, 3, 4, 5
			— Maize	2, 3, 4, 5
			— Swede rape, sunflower, soya bean	1, 3, 4, 5
16	South Africa	Department of Agriculture Technical Services, Division of Seed Control	— Grass and legume species subject to national rules on varietal control	1, 3, 4, 5
			— Fodder kale, fodder radish	1, 3, 4, 5
			— Maize	2, 3, 4, 5
			— Groundnut, mustard, cotton, sunflower, flax	1, 3, 4, 5
17	Czechoslovakia	Ústřední kontrolní a zkušební ústav zěmědelský (Central Agricultural Control and Research Institute), Praha	— Beet	1, 3, 5, 6
			— Grass and legume species subject to national rules on varietal control	1, 3, 4, 5
			— Maize	2, 3, 4, 5
			— Sunflower	1, 3, 4, 5
18	Turkey	Tarim Bakanligi (Ministry of Agriculture)	Sugar beet	1, 3, 5, 6
19	Hungary	Országos Vetömagfelügyelöség (Hungarian Seed Control Office), Budapest	— Beet	1, 3, 5, 6
			— Legume species subject to national rules on varietal control	1, 3, 4, 5
			— Fodder radish	1, 3, 4, 5
			— Rye	1, 3, 4, 5
			— Maize	2, 3, 4, 5
			— Turnip rape, swede rape, black and white mustard, sunflower, flax, opium poppy, soya bean	1, 3, 4, 5

Ref. No	Country	Authority	Species	Special conditions
1	2	3	4	5
20	United States of America	— Alabama Crop Improvement Association, Inc. — Alaska Crop Improvement Association — Arizona Crop Improvement Association — Arkansas State Plant Board, Division of Seed Certification — California Crop Improvement Association — Colorado Seed Growers' Association — Delaware Crop Improvement Association — Florida Department of Agriculture — Georgia Crop Improvement Association, Inc. — Idaho Crop Improvement Association, Inc. — Illinois Crop Improvement Association, Inc. — Indiana Crop Improvement Association, Inc. — Iowa Crop Improvement Association — Kansas Crop Improvement Association — Kentucky Seed Improvement Association — Louisiana Department of Agriculture, Division of Entomology — Maine Department of Agriculture, Division of Plant Industry — Maryland State Board of Agriculture, Department of Agronomy — Michigan Crop Improvement Association — Minnesota Crop Improvement Association — Mississippi Seed Improvement Association — Missouri Seed Improvement Association — Montana Seed Growers' Association — Nebraska Crop Improvement Association — Nevada Department of Agriculture, Division of Plant Industry — New Jersey Department of Agriculture, Division of Plant Industry	— Sugar beet — Grass and legume species subject to national rules on varietal control — Swede, fodder kale, fodder radish — Cereals, except canary grass and maize — Maize — Oil and fibre plants subject to national rules on varietal control	1, 3, 5, 6 1, 3, 4, 5 1, 3, 4, 5 1, 3, 4, 5 2, 3, 4, 5 1, 3, 4, 5

Ref. No	Country	Authority [1]	Species	Special conditions
1	2	3	4	5
20 *(continued)*	United States of America	— New Mexico Crop Improvement Association — New York Seed Improvement Coop., Inc. — North Carolina Crop Improvement Association, Inc. — North Dakota State Seed Department — Ohio Seed Improvement Association — Oklahoma Crop Improvement Association — Oregon State University, Extension Service — Pennsylvania State Department of Agriculture, Bureau of Plant Industry — South Carolina Crop Improvement Association — South Dakota Crop Improvement Association — Tennessee Crop Improvement Association — Texas Department of Agriculture — Utah Crop Improvement Association — Utah Agricultural Experiment Station — Vermont Department of Agriculture — Virginia Crop Improvement Association — Washington State Crop Improvement Association Inc. — Washington State Department of Agriculture, Seed Branch — West Virginia Associated Crop Growers' Association — Wisconsin Crop Improvement Association — Wyoming Seed Certification Service	— Sugar beet — Grass and legume species subject to national rules on varietal control — Swede, fodder kale, fodder radish — Cereals, except canary grass and maize — Maize — Oil and fibre plants subject to national rules on varietal control	1, 3, 5, 6 1, 3, 4, 5 1, 3, 4, 5 2, 3, 4, 5 1, 3, 4, 5

SPECIAL CONDITIONS

1. Field inspection shall be carried out in accordance with national rules for the application of the appropriate scheme for the varietal certification of seed moving in international trade of the Organization for Economic Cooperation and Development (OECD).

2. Field inspection shall be carried out in accordance with national rules for the varietal control of seed.

3. Field inspection shall be carried out by State authorities or by any legal person, whether governed by public or by private law, acting under the responsibility of such authorities, provided that such person derives no private gain from the result of the inspection.

4. Harvested seed shall be packed in officially sealed packages which bear an official label giving the following information:

   (a) authority responsible and country;

   (b) species;

   (c) variety;

   (d) reference number of the basic seed and name of the Member State which certified the seed;

   (e) reference number of the lot;

   (f) declared net or gross weight;

   (g) the words 'non-certified seed'.

   All information shall be given in at least one of the official languages of the European Communities.

5. An official notice shall give the following information:

   — area cultivated,

   — quantity of harvested seed,

   — an attestation that the crops from which the seed comes have satisfied an official field inspection.

6. Harvested seed shall be packed in an officially sealed package bearing the special label prescribed by the OECD for seed which has not been finally certified: this label shall give the following additional information:

   — reference number of the basic seed,

   — name of the Member State which certified the basic seed.