

EN

EN

EN



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 25.6.2009
COM(2009) 299 final

2009/0080 (CNS)

Proposal for a
COUNCIL DIRECTIVE .../.../EC
of [...]
on the marketing of seed potatoes
(codified version)

EXPLANATORY MEMORANDUM

1. In the context of a people's Europe, the Commission attaches great importance to simplifying and clarifying Community law so as to make it clearer and more accessible to the ordinary citizen, thus giving him new opportunities and the chance to make use of the specific rights it gives him.

This aim cannot be achieved so long as numerous provisions that have been amended several times, often quite substantially, remain scattered, so that they must be sought partly in the original instrument and partly in later amending ones. Considerable research work, comparing many different instruments, is thus needed to identify the current rules.

For this reason a codification of rules that have frequently been amended is also essential if Community law is to be clear and transparent.

2. On 1 April 1987 the Commission therefore decided¹ to instruct its staff that all legislative acts should be codified after no more than ten amendments, stressing that this is a minimum requirement and that departments should endeavour to codify at even shorter intervals the texts for which they are responsible, to ensure that the Community rules are clear and readily understandable.
3. The Conclusions of the Presidency of the Edinburgh European Council (December 1992) confirmed this², stressing the importance of codification as it offers certainty as to the law applicable to a given matter at a given time.

Codification must be undertaken in full compliance with the normal Community legislative procedure.

Given that no changes of substance may be made to the instruments affected by codification, the European Parliament, the Council and the Commission have agreed, by an interinstitutional agreement dated 20 December 1994, that an accelerated procedure may be used for the fast-track adoption of codification instruments.

4. The purpose of this proposal is to undertake a codification of Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes³. The new Directive will supersede the various acts incorporated in it⁴; this proposal fully preserves the content of the acts being codified and hence does no more than bringing them together with only such formal amendments as are required by the codification exercise itself.

¹ COM(87) 868 PV.

² See Annex 3 to Part A of the Conclusions.

³ Carried out pursuant to the Communication from the Commission to the European Parliament and the Council – Codification of the Acquis communautaire, COM(2001) 645 final.

⁴ Annex IV, Part A of this proposal.

5. The codification proposal was drawn up on the basis of a preliminary consolidation, in all official languages, of Directive 2002/56/EC and the instruments amending it, carried out by the Office for Official Publications of the European Communities, by means of a data-processing system. Where the Articles have been given new numbers, the correlation between the old and the new numbers is shown in a table contained in Annex V to the codified Directive.

↓ 2002/56/EC

2009/0080 (CNS)

Proposal for a

COUNCIL DIRECTIVE .../.../EC

of [...]

on the marketing of seed potatoes (codified version)

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 Parliament⁵,

Having regard to the opinion of the European Economic and Social Committee⁶,

Whereas:

↓

(1) Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes⁷ has been substantially amended several times⁸. In the interests of clarity and rationality the said Directive should be codified.

↓ 2002/56/EC

(2) Potato production occupies an important place in the agriculture of the Community.

(3) Satisfactory results in potato cultivation depend to a large extent on the use of appropriate seed potatoes.

(4) Greater productivity will be achieved in Community potato cultivation if for the choice of the varieties permitted to be marketed the Member States apply uniform rules which are as strict as possible, in particular as regards health status. A common

⁵ OJ C [...], [...], p. [...].

⁶ OJ C [...], [...], p. [...].

⁷ OJ L 193, 20.7.2002, p. 60.

⁸ See Annex IV, part A.

catalogue of varieties of agricultural plant species is therefore provided for in Council Directive 2002/53/EC⁹.

- (5) It is desirable to provide for a uniform certification scheme for the Community based on the experience gained in the application of schemes in the Member States and that of the United Nations Economic Commission for Europe. In the context of the consolidation of the Internal Market, the Community scheme should cover the production of seed with a view to marketing and to marketing within the Community, and should offer no possibilities for the Member States to derogate unilaterally in a way that would hinder the free movement of plants within the Community.
- (6) As a general rule, seed potatoes should be allowed to be marketed only if they have been officially examined and certified, in accordance with the rules for certification, as basic seed potatoes or certified seed potatoes. The choice of the technical terms 'basic seed potatoes' and 'certified seed potatoes' is based on already existing international terminology. It should be possible, under specified conditions, to place on the market bred seed potato of generations prior to the basic seed potato and seed potato as grown.
- (7) Member States may subdivide the categories of seed potatoes into grades satisfying different requirements. It seems appropriate to provide that Community grades and their requirements may be established in an accelerated procedure. In this respect it should be left to Member States to decide the extent to which they apply these grades to their own production.
- (8) In the light of modern advances in propagation techniques, it is appropriate to lay down a Community procedure for the establishment of specific rules applicable to the marketing of seed potatoes produced by techniques involving micropropagation.
- (9) Community rules should not apply to seed potatoes shown to be intended for export to third countries.
- (10) In order to improve not only the genetic value and health status of Community seed potatoes but also their external characteristics, provision should be made for tolerances in respect of impurities, blemishes and diseases in seed potatoes.
- (11) Member States may be authorised, in respect of the marketing of seed potatoes in all or part of their territories, to take more stringent measures than provided for in Annex I against particular virus diseases which do not exist in those regions or which appear particularly harmful to crops in those regions. It has appeared that the scope of that provision should be extended to harmful organisms other than virus diseases.
- (12) In order to ensure the identity of the seed potatoes, Community rules on packaging, sealing and marking must be established. To this end the labels should give the particulars needed both for official verification and for the information of the user and should clearly show the Community nature of the certification.
- (13) Rules should be introduced on the marketing of chemically treated seed potatoes, seed potatoes suitable for organic growing and on the conservation of genetic resources of

⁹ OJ L 193, 20.7.2002, p. 1.

plants in the interest of conservation by use *in situ* of varieties threatened with genetic erosion.

- (14) Derogations should be permitted under certain conditions, without prejudice to the provisions of Article 14 of the Treaty. Member States making use of the derogations should assist each other administratively as regards inspection.
- (15) In order to ensure that both the requirements as to the quality of the seed potatoes and the provisions for ensuring their identity are complied with during marketing, Member States must make provision for appropriate control arrangements.
- (16) Seed potatoes satisfying these requirements should, without prejudice to Article 30 of the Treaty, be subject to no marketing restrictions other than those provided for in Community rules, except in those cases where Community rules provide for tolerances in respect of diseases, harmful organisms or their vectors.
- (17) Provision should be made for authorising the marketing within the Community of seed potatoes harvested in third countries only if they afford the same assurances as seed potatoes officially certified within the Community and complying with Community rules.
- (18) During periods in which there are difficulties in obtaining supplies of certified seed potatoes of the various categories, seed potatoes satisfying less stringent requirements should temporarily be permitted to be marketed, as well as seed potatoes belonging to varieties not included in the common catalogue of varieties nor in the national catalogue of varieties.

↓ 2002/56/EC and 2003/61/EC
Recital 3 (adapted)

- (19) In order to ensure that seed potatoes certified in the Member States satisfy the requirements laid down and to enable comparisons to be made in the future between such seed potatoes and those coming from third countries, Community comparative tests and trials, whether mandatory or discretionary should be established in Member States to permit annual post-control of the various categories of certified seed potatoes. The Member States should be authorised to prohibit the marketing of all or certain varieties of seed potatoes coming from other Member States if the comparative tests and trials have given unsatisfactory results over a period of several years.

↓ 2003/61/EC Recital 4 (adapted)

- (20) Comparative tests and trials should cover in particular seed and propagating material harvested in third countries, seed and propagating material suitable for organic farming and seed and propagating material marketed in relation to the conservation *in situ* and the sustainable use of plant genetic resources.

↓ 2002/56/EC Recital 20

- (21) It is desirable to organise temporary experiments for the purpose of seeking improved alternatives to certain provisions set out in this Directive.

↓ 2002/56/EC Recital 21

(22) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission¹⁰.

↓

(23) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law of the Directives set out in Annex IV, part B,

↓ 2002/56/EC

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive shall apply to the production with a view to marketing, and to the marketing of seed potatoes within the Community.

It shall not apply to seed potatoes shown to be intended for export to third countries.

Article 2

For the purposes of this Directive, the following definitions shall apply:

(a) ‘marketing’: means the sale, holding with a view to sale, offer for sale and any disposal, supply or transfer aimed at commercial exploitation of seed potatoes to third parties, whether or not for consideration.

Trade in seed potatoes not aimed at commercial exploitation of the variety, such as the following operations, shall not be regarded as marketing:

- the supply of seed potatoes to official testing and inspection bodies,
- the supply of seed potatoes to providers of services for processing or packaging, provided that the provider of services does not acquire title to seed potatoes thus supplied.

The supply of seed potatoes under certain conditions to providers of services for the production of certain agricultural raw materials intended for industrial purposes, or seed propagation for that purpose, shall not be regarded as marketing, provided the provider of services does not acquire title to either the seed thus supplied or the product of the harvest. The supplier of seed potatoes shall provide the certification authority with a copy of the relevant parts of the contract made with the provider of

¹⁰ OJ L 184, 17.7.1999, p. 23.

services and this shall include the standards and conditions currently met by the seed potatoes provided.

The conditions for the application of this provision shall be determined in accordance with the procedure referred to in Article 25(2);

- (b) ‘basic seed potatoes’: means potato tubers
 - (i) which have been produced according to accepted practices for the maintenance of the variety and of health;
 - (ii) which are intended mainly for the production of certified seed potatoes;
 - (iii) which satisfy the minimum conditions laid down in Annexes I and II for basic seed potatoes; and
 - (iv) which have been found by official examination to satisfy the minimum conditions laid down in points (i), (ii) and (iii);
- (c) ‘certified seed potatoes’: means potato tubers
 - (i) which have been produced directly from basic seed or certified seed, or from seed of a generation prior to basic seed which have been found on official examination to satisfy the conditions laid down for basic seed;
 - (ii) which are intended mainly for the production of potatoes other than seed potatoes;
 - (iii) which satisfy the minimum conditions laid down in Annexes I and II for certified seed potatoes; and
 - (iv) which have been found by official examination to satisfy the minimum conditions laid down in points (i), (ii) and (iii);
- (d) ‘official measures’: means measures taken
 - (i) by State authorities; or
 - (ii) by any legal person whether governed by public or by private law, acting under the responsibility of the State provided that such legal person derives no private gain from such measures; or
 - (iii) in the case of ancillary activities which are also subject to State control, by any natural person duly sworn for that purpose, provided that such person derives no private gain from such measures.

Article 3

1. Member States shall provide that seed potatoes may not be placed on the market unless they have been officially certified as ‘basic seed potatoes’ or ‘certified seed potatoes’ and unless they satisfy the minimum conditions laid down in Annexes I and II. The Member States shall provide that seed potatoes which do not, during marketing, satisfy the minimum

conditions laid down in Annex II may be sorted. The tubers which are not rejected shall then undergo a further official examination.

2. Member States may subdivide the categories of seed potatoes provided for in Article 2 into grades satisfying different requirements.

3. For seed potatoes which have been officially certified, the following may be determined in accordance with the procedure referred to in Article 25(2):

- Community grades,
- the conditions applicable to such grades,
- designations applicable to such grades.

Member States may prescribe the extent to which they apply those Community grades in certifying their own production.

4. For seed potatoes produced by micropropagation techniques and not meeting the size requirements of this Directive, the following may be determined in accordance with the procedure referred to in Article 25(2):

- derogation from specific provisions of this Directive,
- the conditions applicable to such seed potatoes,
- the designations applicable to such seed potatoes.

Article 4

Notwithstanding Article 3(1), Member States shall provide that bred seed potatoes of generations prior to basic seed potatoes may be placed on the market.

Article 5

Member States may, as regards the minimum conditions laid down in Annexes I and II, impose additional or more stringent requirements for the certification of seed potatoes produced in their own territory.

Article 6

1. Notwithstanding Article 3(1), Member States may authorise producers in their own territory to place on the market:

- (a) small quantities of seed potatoes for scientific purposes or selection work;
- (b) appropriate quantities of seed potatoes for other test or trial purposes, provided they belong to varieties for which an application for entry in the catalogue has been submitted in the Member State in question.

↓ 2002/56/EC (adapted)

In the case of genetically modified material, such authorisation may be granted only if all appropriate measures have been taken to avoid adverse effects on human health and the environment. For the environmental risk assessment to be carried out in this respect, the provisions of Article 7(4) of Directive 2002/53/EC shall apply ☒ *mutatis mutandis* ☒.

↓ 2002/56/EC

2. The purposes for which the authorisations referred to in paragraph 1 (b) may be given, the provisions relating to the marking of packages, and the quantities and the conditions under which Member States may grant such authorisation shall be determined in accordance with the procedure referred to in Article 25(2).

3. Authorisation granted, before 14 December 1998, by Member States to producers in their own territory for the purposes set out in paragraph 1 shall remain in force pending determination of the provisions referred to in paragraph 2. Thereafter, all such authorisations shall respect the provisions established in accordance with paragraph 2.

Article 7

Member States shall require that, for the examination of seed potato tubers for certification, samples are taken officially in accordance with appropriate methods.

Article 8

1. Member States may require that seed potatoes produced in their own territory may be separated during production from other potatoes for plant health reasons.

2. The requirements provided for in paragraph 1 may include measures to:

- separate the production of seed and other potatoes,
- separate the grading, storage, transportation and handling of seed and other potatoes.

Article 9

Member States shall provide that seed potatoes may not be placed on the market if they have been treated with sprout inhibitors.

Article 10

1. Member States shall provide that seed potatoes may not be placed on the market unless they have a minimum size such that they do not pass through a square mesh of 25 × 25 mm. In the case of tubers which are too large to pass through a square mesh of 35 × 35 mm, the upper and lower size limits shall be expressed in multiples of five.

The maximum variation in size between tubers in a lot shall be such that the difference between the dimensions of the two square meshes used does not exceed 25 mm. These sizing standards may be modified in accordance with the procedure referred to in Article 25(2).

2. A lot shall not contain more than 3% by weight of tubers smaller than the minimum size indicated or more than 3% by weight of tubers larger than the maximum size indicated.

3. Member States may, in respect of seed potatoes produced in their national territory, further reduce the permitted variation in size between tubers in a lot.

Article 11

1. Member States shall require that basic seed potatoes and certified seed potatoes be marketed only in sufficiently homogeneous lots and in closed packages or containers which must be sealed and bear, as prescribed in Articles 12 and 13, a sealing device and markings. The packages must be new and the containers must be clean.

2. Member States may, for the marketing of small quantities to the final consumer, provide for derogations from the provisions of paragraph 1 in respect of packaging, sealing and marking.

Article 12

1. Member States shall require that packages and containers of basic seed potatoes and certified potatoes be sealed officially or under official supervision in such a manner that they cannot be opened without damaging the system of sealing or leaving evidence of tampering on either the official label provided for in Article 13(1) or the package.

In order to ensure closure, the sealing system shall comprise at least either the official label or the affixing of an official seal.

The measures provided for in the second subparagraph shall not be necessary where a non-reusable sealing system is used.

In accordance with the procedure referred to in Article 25(2) it may be established whether a particular sealing system complies with the provisions of this paragraph.

2. Packages and containers which have been officially sealed shall not be resealed, whether one or more times, except officially or under official supervision. If packages are resealed, the fact of resealing, the most recent date of resealing and the authority responsible therefor shall be stated on the label required under Article 13(1).

3. Member States may provide for exceptions to paragraph 1 in the case of small packages sealed in their own territory. Conditions relating to those exceptions may be determined in accordance with the procedure referred to in Article 25(2).

Article 13

1. Member States shall require that packages and containers of basic seed potatoes and certified seed potatoes be labelled on the outside with an official label which has not

previously been used, which fulfils the conditions laid down in Annex III and the particulars of which are provided in one of the official languages of the Community. The colour of the label shall be white for basic seed potatoes and blue for certified seed potatoes. When a label with a string-hole is used, its attachment shall be ensured in all cases with an official seal.

The use of official adhesive labels shall be authorised.

In accordance with the procedure referred to in Article 25(2), the indelible printing of the prescribed particulars on the package in accordance with the label model may be authorised under official supervision.

2. Member States shall require that packages and containers of basic seed potatoes and certified seed potatoes contain an official document, in the same colour as the label, providing at least the label particulars required under Annex III(A)(3), (4) and (6). This document shall be drawn up in such a manner that it cannot be confused with the official label referred to in paragraph 1.

This document shall not be necessary if the particulars are printed indelibly on the package or if, in accordance with paragraph 1, an adhesive label or a label of tear resistant material is used.

3. Member States may provide for exceptions to paragraphs 1 and 2 in the case of small packages sealed in their own territory. Conditions relating to these exceptions may be determined in accordance with the procedure referred to in Article 25(2).

Article 14

In accordance with the procedure referred to in Article 25(2), it may be provided that, in cases other than those provided for in this Directive, packages or containers of basic seed potatoes or certified seed potatoes shall bear a supplier's label (which may either be a label separate from the official label or take the form of the supplier's information printed on the package or container itself). The particulars to be provided on any such label shall also be established in accordance with the procedure referred to in Article 25(2).

Article 15

In the case of seed potatoes of a variety which has been genetically modified, any label or document, official or otherwise, which is affixed to or accompanies the seed lot, under the provisions of this Directive, shall clearly indicate that the variety has been genetically modified.

Article 16

Member States shall require that any chemical treatment of basic seed potatoes or certified seed potatoes be noted either on the official label or on the supplier's label and on the package or inside it or on the container.

Article 17

↓ 2002/56/EC (adapted)

1. Member States shall ensure that seed potatoes which are placed on the market under the provisions of this Directive, whether mandatory or discretionary, are not subject to any marketing restrictions as regards their characteristics, examination requirements, marking and sealing other than those laid down in this or any other Community Directive.

↓ 2002/56/EC

2. The Commission, acting in accordance with the procedure referred to in Article 25(2), shall, in respect of the marketing of seed potatoes in all or part of the territory of one or more Member States, authorise more stringent measures than those provided for in Annexes I and II to be taken against harmful organisms which do not exist in those regions or which appear particularly harmful to crops in those regions. Where there is imminent danger of the introduction or spread of such harmful organisms, and until such time as the Commission has given a final ruling on the matter, such measures may be taken by the Member State concerned as soon as its request has been submitted.

Article 18

The conditions under which bred seed potatoes of generations prior to basic seed potatoes may be placed on the market under Article 4, shall be as follows:

- (a) they must have been produced in accordance with accepted practices for the maintenance of the variety and of health;
- (b) they must be intended mainly for the production of basic seed potatoes;
- (c) they must satisfy the minimum conditions to be established by the procedure referred to in Article 25(2) for pre-basic seed potatoes;
- (d) they must have been found by official examination to satisfy the minimum conditions referred to in point (c);
- (e) they must be placed in packages or containers in accordance with this Directive; and
- (f) the packages or containers must bear an official label, which shall be white with a diagonal violet line, giving at least the following particulars:
 - certification authority and Member State or their distinguishing abbreviation,
 - producer's identification number or lot reference number,
 - month and year of sealing,
 - species, indicated at least in roman characters, under its botanical name, which may be given in abridged form and without the authors' names, or under its common name, or both,

- variety, indicated at least in roman characters,
- the description ‘pre-basic seed potatoes’.

Article 19

For the purpose of seeking improved alternatives to certain provisions set out in this Directive, other than those relating to plant health, it may be decided to organise temporary experiments under specified conditions at Community level in accordance with the provisions referred to in Article 25(2).

In the framework of such experiments, Member States may be released from certain obligations laid down in this Directive. The extent of that release shall be defined with reference to the provisions to which it applies. The duration of an experiment shall not exceed seven years.

↓ 2003/61/EC Art. 1(9)

Article 20

1. Community comparative tests and trials shall be carried out within the Community for the post-control of samples of seed potatoes placed on the market under the provisions of this Directive, whether mandatory or discretionary, including those relating to plant health and taken during sampling. The comparative tests and trials may include the following:

- seed potatoes harvested in third countries,
- seed potatoes suitable for organic farming,
- seed potatoes marketed in relation to the conservation *in situ* and the sustainable use of plant genetic resources.

2. The comparative tests and trials provided for in paragraph 1 shall be used to harmonise the technical methods of certification and to check satisfaction of the conditions with which the seed must comply.

3. The Commission, acting in accordance with the procedure referred to in Article 25(2), shall make the necessary arrangements for the comparative tests and trials to be carried out. The Commission shall inform the Committee referred to in Article 25(1) about the technical arrangements for holding the comparative tests and trials and the results thereof. When plant health problems occur, the Commission shall notify the Standing Committee on Plant Health.

4. The Community may make a financial contribution to the performance of the comparative tests and trials foreseen in paragraphs 1 and 2.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.

5. The comparative tests and trials which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure referred to in Article 25(2).

6. The comparative tests and trials foreseen in paragraphs 1 and 2 may be performed only by State authorities or legal persons acting under the responsibility of the State.

7. In accordance with the procedure referred to in Article 25(2), the Commission may prohibit, in whole or in part, the marketing of seed potatoes harvested in a particular area of the Community if the progeny of officially drawn samples of basic seed potatoes or certified seed potatoes harvested in that particular area and grown in one or more Community comparative tests and trials has for three successive years fallen appreciably below the minimum conditions laid down in Annex I(1)(c), (2)(c), (3) and (4).

8. Any measures taken under paragraph 7 shall be withdrawn by the Commission as soon as it has been established with adequate certainty that the basic seed potatoes and certified seed potatoes harvested in the particular area of the Community concerned will in future satisfy the minimum conditions referred to in paragraph 7.

↓ 2002/56/EC (adapted) → ₁ 2008/973/EC Art. 1

Article 21

1. The Council, acting by a qualified majority on a proposal from the Commission, shall determine whether seed potatoes harvested in a third country and affording the same assurances as regards their characteristics and the arrangements for their inspection, for ensuring identity, for marking and for control are equivalent in these respects to basic seed potatoes or certified seed potatoes harvested within the Community and complying with the provisions of this Directive.

2. Until such time as the Council has taken a decision under paragraph 1, the Member States shall be free to take such decisions themselves. This right shall expire on 1 July 1975.

3. Member States are hereby authorised to extend until →₁ 31 March 2011 ← the validity of decisions taken in accordance with paragraph 2, it being understood that these decisions may be used only in accordance with Member States' obligations under the common rules on plant health laid down by Council Directive 2000/29/EC¹¹.

The period in the first subparagraph may be extended for third countries, in accordance with the procedure referred to in Article 25(2), if the available information does not permit a determination according to paragraph 1 of this Article and for as long as such information does not permit such a determination.

4. Paragraphs 1 and 2 shall also apply in respect of any new Member State from the date of its accession to the date on which it is to bring into force the laws, regulations or administrative provisions necessary to comply with this Directive.

¹¹ OJ L 169, 10.7.2000, p. 1.

Article 22

1. In order to remove any temporary difficulties in the general supply of basic seed potatoes or certified seed potatoes that occur in the Community and cannot be otherwise overcome, it may be decided in accordance with the procedure referred to in Article 25(2) that Member States shall permit, for a specified period, the marketing throughout the Community in quantities necessary to resolve the supply difficulties of seed potatoes of a category subject to less stringent requirements, or of seed potatoes of varieties not included in the common catalogue of varieties of agricultural plant species or in the national catalogues of varieties of the Member States.
2. For a category of seed potatoes of any given variety, the official label shall be that provided for the corresponding category; for seed potatoes of varieties not included in the catalogues referred to in paragraph 1 the colour of the official label shall be brown. The label shall always state that the seed potatoes in question are of a category satisfying less stringent requirements.
3. Rules for the application of paragraph 1 may be adopted in accordance with the procedure referred to in Article 25(2).

Article 23

1. Member States shall ensure that official inspections are carried out in relation to the marketing of seed potatoes, at least by random checks, to verify compliance with the requirements and conditions of this Directive.
2. Without prejudice to the free movement of seed potatoes within the Community, Member States shall take all necessary measures to ensure that they are supplied with the following particulars during the marketing of quantities exceeding two kilograms of seed potatoes imported from third countries:
 - (a) species;
 - (b) variety;
 - (c) category;
 - (d) country of production and control authority;
 - (e) country of dispatch;
 - (f) importer;
 - (g) quantity of seed potatoes.

The manner in which those particulars must be presented may be determined in accordance with the procedure referred to in Article 25(2).

Article 24

Amendments to be made to the content of the Annexes in the light of the development of scientific or technical knowledge shall be adopted according to the procedure referred to in Article 25(2).

Article 25

1. The Commission shall be assisted by the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry, set up by Article 1 of Council Decision 66/399/EEC¹².

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

Article 26

Save as otherwise provided in Annexes I and II in respect of tolerances for diseases, harmful organisms or their vectors, this Directive shall be without prejudice to the provisions of national laws justified on grounds of the protection of health and life of humans, animals or plants or the protection of industrial and commercial property.

Article 27

1. Specific conditions may be established in accordance with the procedure referred to in Article 25(2) to take account of developments in the areas of:

- (a) conditions under which chemically treated seed may be marketed;
- (b) conditions under which seed may be marketed in relation to the conservation *in situ* and the sustainable use of plant genetic resources, which are associated with specific natural and semi-natural habitats and are threatened by genetic erosion;
- (c) conditions under which seed suitable for organic production may be marketed.

2. The specific conditions referred to in paragraph 1(b) shall include in particular the following points:

- (a) the seed of these species shall be of a known provenance approved by the appropriate authority in each Member State for marketing the seed in defined areas;
- (b) appropriate quantitative restrictions.

¹² OJ L25, 11.7.1966, p. 2289/66.

Article 28

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

The Commission shall inform the other Member States thereof.

Article 29

↓

Directive 2002/56/EC, as amended by the Acts listed in Part A of Annex IV, is repealed, without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law of the Directives set out in Part B of Annex IV to the repealed Directive and in Part B of Annex IV to this Directive.

↓ 2002/56/EC

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex V.

Article 30

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

Article 31

This Directive is addressed to the Member States.

Done at Brussels, [...]

For the Council
The President
[...]

ANNEX I

MINIMUM CONDITIONS TO BE SATISFIED BY SEED POTATOES

1. Basic seed potatoes shall satisfy the following conditions:
 - (a) on official inspection of the growing plants the number affected by blackleg must not exceed 2%;
 - (b) in the direct progeny the number of plants not breeding true to the variety must not exceed 0,25% and the number of plants of a different variety must not exceed 0,1%;
 - (c) in the direct progeny the number of plants showing symptoms of mild or severe virus infection must not exceed 4%.
 2. Certified seed potatoes shall satisfy the following conditions:
 - (a) on official inspection of the growing plants the number affected by blackleg must not exceed 4%;
 - (b) in the direct progeny the number of plants not breeding true to the variety must not exceed 0,5% and the number of plants of a different variety must not exceed 0,2%;
 - (c) in the direct progeny the number of plants showing symptoms of severe virus infection must not exceed 10%. Light mosaics merely causing discoloration and not leaf deformation shall be ignored.
 3. In assessing the progeny of a variety affected by a chronic virus disease, slight symptoms caused by the virus in question shall not be taken into account.
 4. The tolerances allowed in points 1(c), 2(c) and 3 are applicable only where the virus diseases are caused by viruses that are prevalent in Europe.
 5. The production ground must not be infected by *Heterodera rostochiensis* Woll..
 6. The crop must be free from:
 - (a) *Synchytrium endobioticum* (Schilb.) Perc.;
 - (b) *Corynebacterium sepedonicum* (Spieck. et Kotth.) Skapt. et Burkh..
-

ANNEX II

MINIMUM QUALITY CONDITIONS FOR LOTS OF SEED POTATOES

- A. Tolerances for the following impurities, blemishes and diseases allowed for seed potatoes:
1. presence of earth and extraneous matter; 2% by weight
 2. dry and wet rot, except if caused by *Synchytrium endobioticum*, *Corynebacterium sepedonicum* or *Pseudomonas solanacearum*; 1% by weight
 3. external blemishes e.g. misshapen or damaged tubers; 3% by weight
 4. common scab: tubers affected over more than one-third of their surface. 5% by weight
- Total tolerance for points 2 to 4. 6% by weight
- B. The seed potatoes shall be free from *Heterodera rostochiensis*, *Synchytrium endobioticum*, *Corynebacterium sepedonicum* and *Pseudomonas solanacearum*.
-

ANNEX III

LABEL

A. REQUIRED INFORMATION

1. 'EC rules and standards'
2. Certification authority and Member State or their initials
3. Producer's identification number or reference number of lot
4. Month and year of sealing
5. Variety, indicated at least in roman characters
6. Country of production
7. Category and, if desirable, grade
8. Size
9. Declared net weight

B. MINIMUM DIMENSIONS

110 mm × 67 mm



ANNEX IV

Part A

Repealed Directive with list of its successive amendments
(referred to in Article 29)

Council Directive 2002/56/EC
(OJ L 193, 20.7.2002, p. 60)

Commission Decision 2003/66/EC
(OJ L 25, 30.1.2003, p. 42)

Council Directive 2003/61/EC
(OJ L 165, 3.7.2003, p. 23) Article 1(9) only

Commission Decision 2005/908/EC
(OJ L 329, 16.12.2005, p. 37)

Commission Decision 2008/973/EC
(OJ L 345, 23.12.2008, p. 90)

Part B

List of time-limits for transposition into national law
(referred to in Article 29)

Directive	Time-limit for transposition
2002/56/EC	—
2003/61/EC	10 October 2003

ANNEX V

CORRELATION TABLE

Directive 2002/56/EC	This Directive
Article 1	Article 1
Article 2(a), first subparagraph	Article 2(a), first subparagraph
Article 2(a), second subparagraph, first and second indents and last wording	Article 2(a), second subparagraph, first and second indents
Article 2(a), third and fourth subparagraphs	Article 2(a), third and fourth subparagraphs
Article 2(b) and (c)	Article 2(b) and (c)
Article 2(d)(i)(ii) and (iii)	Article 2(d)(i),(ii) and (iii)
Article 2(d)(iii) last wording	Article 2(d)(ii) and (iii)
Articles 3 to 12	Articles 3 to 12
Article 13(1), introductory phrase and point (a), first sentence	Article 13(1), first subparagraph, first sentence
Article 13(1)(a), second and third sentences	Article 13(1), first subparagraph, second and third sentences
Article 13(1)(a), fourth sentence	Article 13(1), second subparagraph
Article 13(1)(a), fifth sentence	Article 13(1), third subparagraph
Article 13(1)(b), first and second sentences	Article 13(2), first subparagraph
Article 13(1)(b), third sentence	Article 13(2), second subparagraph
Article 13(2)	Article 13(3)
Articles 14 to 17	Articles 14 to 17
Article 18(a) to (e)	Article 18(a) to (e)
Article 18(f), introductory wording and last sentence	Article 18(f) introductory wording
Article 18(f), first to sixth indents	Article 18(f), first to sixth indents
Articles 19 to 24	Articles 19 to 24
Article 25(1) and (2)	Article 25(1) and (2)

Article 25(3)

Articles 26, 27 and 28

Article 29, first paragraph

—

Article 29, second paragraph

Articles 30 and 31

Annexes I, II and III

Annex IV

—

Annex V

—

—

Articles 26, 27 and 28

—

Article 29, first paragraph

Article 29, second paragraph

Articles 30 and 31

Annexes I, II and III

—

Annex IV

—

Annex V