



2024/1188

26.4.2024

COMMISSION IMPLEMENTING DECISION (EU) 2024/1188

of 24 April 2024

on a temporary derogation granted to the Netherlands from marketing conditions of Council Directive 66/402/EEC for certified seed

(notified under document C(2024) 2566)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed ⁽¹⁾, and in particular Article 17(1) thereof,

Whereas:

- (1) Directive 66/402/EEC sets out requirements for the marketing of cereal seed in the Union. In accordance with Article 2(1), point G(c), certified seed of barley and wheat, second generation, are to meet the conditions of Annexes I and II to that Directive. The conditions in Annex I are to be satisfied by the crop to ensure varietal identity. Those conditions are to be checked by inspecting the fields of seed production. The conditions in Annex II concern among others minimum germination and maximum content of seed of other plant species.
- (2) The unusually rainy weather in the autumn and early winter of 2023 in the Netherlands caused wet soils, which reduced the sowing area for the winter types of barley and wheat. There is thus a need to sow barley and wheat in the springtime. This requires the use of seed of spring barley and spring wheat, which is not available in the Netherlands in the required quantities.
- (3) It appears from the information provided by the Netherlands that, in total, a quantity of 5 525 tonnes for spring barley seed and 1 252 tonnes for spring wheat seed is necessary to resolve the supply difficulties for a period until 30 June 2024.
- (4) Other Member States, which also partly face the same problems are able to cover the seed needs of the Netherlands only to a limited degree.
- (5) In the light of these circumstances, temporary difficulties in the general supply of seed of spring barley and spring wheat have occurred and are expected to continue in the Netherlands. These difficulties cannot be overcome otherwise than through permitting, for a specified period and subject to an appropriate maximum quantity, the marketing in the Union of certified spring barley seed produced in the Netherlands from the category of certified seed of the second generation which does not fulfil the requirements in respect to field inspection, minimum germination and maximum content of seed of other plant species.
- (6) Therefore, it is appropriate that the Member States permit, for a specified period, the marketing in the Union of certified spring barley seed and spring wheat seed produced in the Netherlands from the category of certified seed of second generation, which does not meet the requirements of field inspection, of the minimum germination and maximum content of seed of other species.
- (7) In order to ensure the effective monitoring of that derogation, the Netherlands should immediately notify the Commission and the other Member States of the quantities in respect of which they have granted authorisation for marketing pursuant to this Decision.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽¹⁾ OJ 125, 11.7.1966, p. 2309/66, ELI: <http://data.europa.eu/eli/dir/1966/402/oj>.

HAS ADOPTED THIS DECISION:

Article 1

Authorisation for marketing of certified seed satisfying less stringent requirements

1. Until 30 June 2024, the Member States shall permit the marketing in the Union of certified spring barley seed and certified spring wheat seed produced in the Netherlands from seed of the category 'certified seed, second generation', which has not been inspected in the field concerning the conditions to be satisfied by the crop pursuant to Annex I of Directive 66/402/EEC and does not meet the requirements of the minimum germination and maximum content of seed of other species pursuant to Annex II of Directive 66/402/EEC.

That seed shall be subject to paragraph 2 and Articles 2 and 3.

2. The total quantity of the seed referred to in paragraph 1 shall not exceed the following:

- (a) 5 525 tonnes for spring barley seed;
- (b) 1 252 tonnes for spring wheat seed.

Article 2

Labelling requirements

Without prejudice to the labelling requirements set out in Directive 66/402/EEC, the official label of seed lots shall contain the statement that the seed as referred to in Article 1 is produced from seed of the category certified seed, second generation, and that it has not been inspected in the field and it is satisfying less stringent requirements than the requirements of Annex II to that Directive.

Article 3

Notification of authorised quantities

The Netherlands shall immediately notify the Commission and the other Member States of the quantities in respect of which they have granted authorisation for marketing pursuant to this Decision.

Article 4

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 24 April 2024.

For the Commission
Stella KYRIAKIDES
Member of the Commission