



2024/1192

26.4.2024

COMMISSION IMPLEMENTING DECISION (EU) 2024/1192

of 24 April 2024

on a temporary derogation granted to Belgium, France and the Netherlands from marketing conditions of Council Directive 2002/57/EC for certified flax seed

(notified under document C(2024) 2563)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants ⁽¹⁾, and in particular Article 21(1) thereof,

Whereas:

- (1) Directive 2002/57/EC sets out requirements for the marketing in the Union of seed of oil and fibre plants. In accordance with Article 2(1), point (i), of that Directive, certified seed of flax is allowed to be produced up to a third generation from certified seed and is to satisfy the conditions laid down in Annexes I and II to that Directive for certified seed, including the respective conditions for inspections in the field concerning its varietal identity.
- (2) Difficult growing conditions for flax in the past years due to heat waves, drought and limited rainfall during the growing period have led to a severe shortage of flax seed in Belgium, France and the Netherlands.
- (3) As a result, Belgium, France and the Netherlands have at their disposal only limited amounts of flax seed, which are insufficient in terms of quantities needed for sowing.
- (4) It appears from the information provided to the Commission that, in total, a quantity of 1 500 tonnes for Belgium, 1 500 tonnes for France and 270 tonnes for the Netherlands of flax seed is necessary to solve the supply difficulties for a period until 30 June 2024. The information submitted to the Commission shows also that, in total, a quantity of 500 tonnes for Belgium, 4 000 tonnes for France and 400 tonnes for the Netherlands for the production of flax seed is necessary to solve these supply difficulties for a further period until 30 June 2025.
- (5) Other Member States are not able to cover the respective needs of Belgium, France and the Netherlands.
- (6) In the light of these circumstances, temporary difficulties in the general supply of certified flax seed have occurred and are expected to continue in Belgium, France and the Netherlands. These difficulties cannot be overcome otherwise than through permitting, for a specified period and subject to an appropriate maximum quantity necessary to resolve the supply difficulties, the marketing in the Union of certified flax seed produced in Belgium, France and the Netherlands from the category of certified seed third generation meeting less stringent requirements than those of Directive 2002/57/EC.
- (7) As requested by those Member States, the derogations from the applicable requirements concern, on the one hand, the number of permitted generations which should exceed the third one, and, on the other hand, additionally, the non-conduct of field inspection prior to the certification of the seed.
- (8) Therefore, it is appropriate that Member States permit the marketing in the Union of certified flax seed, produced in Belgium, France and Netherlands from a generation produced after the third generation of certified seed for a specified period.

⁽¹⁾ OJ L 193, 20.7.2002, p. 74, ELI: <http://data.europa.eu/eli/dir/2002/57/oj>.

- (9) As requested by those Member States, the derogations from the applicable requirements also concern the non-conduct of field inspection prior to the certification of the seed. It is therefore appropriate to authorise the marketing of certified flax seed produced in those Member States of certified seed of a generation produced after the third generation, without the prior conduct of field inspections.
- (10) For reasons of co-ordination and effective monitoring of this derogation, it is appropriate that the competent authorities of Belgium, France and the Netherlands exchange information among themselves, and also notify the Commission, on the amounts of flax seed subject to the derogations and the concerned operators.
- (11) In order to ensure the effective monitoring of that derogation, Belgium, France and 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.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

Authorisation for marketing of certified seed that has not been inspected in the field concerning its varietal identity

1. Until 30 June 2024, the Member States shall permit the marketing in the Union of certified flax seed produced in Belgium, France and Netherlands from seed of the category 'certified seed, third generation', and which has not been inspected in the field concerning its varietal identity subject to Articles 3 to 5.
2. The total quantity of the seed referred to in paragraph 1 shall not exceed the following:
 - (a) 1 500 tonnes for production in Belgium;
 - (b) 1 500 tonnes for production in France;
 - (c) 270 tonnes for production in the Netherlands.

Article 2

Authorisation for marketing of certified seed of a generation after the third generation

1. Until 30 June 2025, the Member States shall permit the marketing in the Union of certified seed produced in Belgium, France and Netherlands from seed of the category 'certified seed, third generation', subject to paragraph 2 and Articles 3 to 5.
2. The total quantity of the seed referred to in paragraph 1 shall not exceed the following:
 - (a) 500 tonnes for production in Belgium;
 - (b) 4 000 tonnes for production in France;
 - (c) 400 tonnes for production in the Netherlands.

Article 3

Labelling requirements

Without prejudice to the labelling requirements set out in Directive 2002/57/EC, the official label shall contain the following:

- (a) in the case of the seed referred to in Article 1, the statement that that seed has not been inspected in the field concerning its varietal identity;

- (b) in the case of the seed referred to in Article 2, the statement that that seed is of a generation lower than the third generation of certified seed.

Article 4

Exchange of information about the authorised quantities

The competent authorities of Belgium, France and the Netherlands shall immediately inform each other and the Commission about the operators who make use of these derogations and the operators to whom that seed has been marketed.

Article 5

Notification of authorised quantities

Belgium, France and 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 6

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 24 April 2024.

For the Commission
Stella KYRIAKIDES
Member of the Commission
