



Brussels, 5.11.2021  
C(2021) 7844 final

**COMMISSION IMPLEMENTING DIRECTIVE (EU) .../...**

**of 5.11.2021**

**amending Annexes I and II to Council Directive 66/402/EEC as regards requirements  
for seeds of hybrid wheat produced by means of cytoplasmic male sterility**

(Text with EEA relevance)

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(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<sup>1</sup>, and in particular Article 21b thereof,

Whereas:

- (1) Directive 66/402/EEC establishes rules on the production and marketing of cereal seeds in the Union. In the case of seeds of hybrid wheat, the only techniques to produce hybrid seed provided for by that Directive are the ones of direct crossing and chemical hybridization.
- (2) In the recent years, however, cytoplasmic male sterility ('CMS') has been accepted worldwide as a breeding technique for the production of hybrids of cereal seed varieties. Relevant rules regarding the CMS production technique are already in force for barley, as the production of hybrid seeds with CMS was put into practice several years ago.
- (3) Barley and wheat are self-pollinating by nature and are produced in blend cultivation. Taking into account the technical similarities between the production of seeds of hybrids of barley and wheat, and the needs of the users of hybrid seeds, it is appropriate to set out conditions for seeds of hybrid wheat similar to those applying for the seeds of hybrids of barley. Experience shows that the specific blend production system of hybrid wheat such as *Triticum aestivum* subsp. *aestivum*, *Triticum turgidum* subsp. *durum*, *Triticum aestivum* subsp. *spelta*, applied in the field, in combination with the weather related risks during the flowering period, require a reduction of the varietal purity standard to 85 %, in case CMS is applied, allowing stable seed production under less favorable weather conditions. Therefore, it is appropriate to allow a lower level of varietal purity for the seeds of hybrid wheat produced with CMS than the level required for other hybrids of seeds.
- (4) The experience with other seeds of CMS produced hybrids shows that at the beginning of a new production scheme it is important to test the technical requirements in force. Therefore, the requirements for varieties should be applicable on a temporary basis until 31 August 2029, to allow the breeders to adapt the production of hybrid wheat in a blend system. Such approach is necessary to minimize any risks of this production scheme and provide farmers with a new type of wheat varieties. That time limit should be sufficient to enable breeders and certification authorities to gain the necessary

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<sup>1</sup> OJ 125, 11.7.1966, p. 2309.

knowledge for the application of the technical requirements for the production of hybrid wheat seeds, and to review those requirements.

- (5) In order for the Commission and the Member States to obtain adequate knowledge about the application of the CMS, and to allow for the review of the respective rules, the responsible certification authority should report every year to the Commission and to the other Member States, until 28 February 2030, the results of the preceding year concerning the quantity of produced hybrid seeds and the percentage of seed lots which have been rejected due to insufficient quality parameters.
- (6) Annexes I and II to Directive 66/402/EEC should therefore be amended accordingly.
- (7) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*  
***Amendments to Directive 66/402/EEC***

Annexes I and II to Directive 66/402/EEC are amended in accordance with the Annex to this Directive.

*Article 2*  
***Transposition***

1. Member States shall adopt and publish, by 31 August 2022 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.  
They shall apply those provisions from 1 September 2022 until 31 August 2029.  
When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.
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 3*  
***Entry into force***

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

*Article 4*  
***Addressees***

This Directive is addressed to the Member States.

Done at Brussels, 5.11.2021

*For the Commission*  
*The President*  
*Ursula VON DER LEYEN*