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⁽¹⁾ Text with EEA relevance.

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2021/1924

of 3 November 2021

amending and correcting Implementing Regulation (EU) No 185/2013 as regards deductions from fishing quotas allocated to Spain for 2023

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 ⁽¹⁾, and in particular Article 105(4) thereof,

Whereas:

- (1) In 2013, the Commission adopted Implementing Regulation (EU) No 185/2013 ⁽²⁾ providing for deductions from the mackerel quota allocated to Spain in 2013 and subsequent years in ICES division 8c, ICES subareas 9 and 10 and Union waters of CECAF 34.1.1 and from the anchovy quota in ICES subarea 8 on account of overfishing of the mackerel quota in 2009.
- (2) Commission Implementing Regulation (EU) 2020/1244 ⁽³⁾ amended Implementing Regulation (EU) No 185/2013 as regards the deductions from fishing quotas allocated to Spain in 2020 and 2023. Spain had requested to use the 3 341 tonnes unfished in 2019 for deductions for 2019 and to decrease the deductions provided by Implementing Regulation (EU) No 185/2013 for the years 2020 and 2023. The deduction to operate on the relevant mackerel quota for the year 2019 as set in the Annex to Regulation (EU) 2020/1244 should have been increased with these 3 341 unfished tonnes. As this addition was inadvertently omitted, the quantities for deductions for 2019 should be corrected. Spain did not fish 114 tonnes of the relevant mackerel quota in 2020, thus exercising a lower fishing pressure on that stock compared to the maximum quantity allowed by the fishing opportunities allocated for that year. Spain has requested to use those unfished quantities for deductions for 2020 and to decrease the deductions provided by Implementing Regulation (EU) No 185/2013 for the year 2023 accordingly. The quantities for deductions for 2020 and for 2023 established in Implementing Regulation (EU) No 185/2013 should be adapted.
- (3) The amounts deducted from the quotas for mackerel in 2023 after the changes would still continue ensuring that the fishing opportunities for those species are not exceeded, in line with the objectives of the Common Fisheries Policy.

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) No 185/2013 of 5 March 2013 providing for deductions from certain fishing quotas allocated to Spain in 2013 and subsequent years on account of overfishing of a certain mackerel quota in 2009 (OJ L 62, 6.3.2013, p. 1).

⁽³⁾ Commission Implementing Regulation (EU) 2020/1244 of 1 September 2020 amending Implementing Regulation (EU) No 185/2013 concerning deductions from fishing quotas allocated to Spain for 2020 and 2023 (OJ L 286, 2.9.2020, p. 9).

- (4) Implementing Regulation (EU) No 185/2013 should therefore be corrected and amended accordingly.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Implementing Regulation (EU) No 185/2013 is replaced by the text in the Annex to this Regulation.

Article 2

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 3 November 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

'ANNEX

Stock	Initial quota 2009	Adapted quota 2009	Established catches 2009	Difference quota-catches (over-fishing)	Deduction 2013	Deduction 2014	Deduction 2015	Deduction 2016	Deduction 2017	Deduction 2018	Deduction 2019	Deduction 2020	Deduction 2021	Deduction 2022	Deduction 2023
MAC8C 3411	29 529	25 525	90 954	-65 429	100	100	100	5 544	6 283	4 805	7 762	3 328	5 544	5 544	267
ANE08 ⁽¹⁾								3 696	4 539	2 853	3 696	3 696	3 696	3 696	180

⁽¹⁾ For anchovy, the year should be understood as the fishing season starting in that year.'

COMMISSION REGULATION (EU) 2021/1925**of 5 November 2021****amending certain Annexes to Regulation (EU) No 142/2011 as regards the requirements for placing on the market of certain insect products and the adaptation of a containment method****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 ⁽¹⁾, and in particular Article 15(1), first subparagraph, points (b), (h), (i) and (j), Article 21(6), first subparagraph, point (d), Article 27, first subparagraph, point (c), Article 31(2), and Article 32(3), first subparagraph, point (a) thereof,

Whereas:

- (1) Commission Regulation (EU) No 142/2011 ⁽²⁾ lays down public and animal health rules for the placing on the market and export of derived products.
- (2) The fast development of the insect producing sector has resulted in a significant amount of insect excrements, which, in the absence of harmonised Union rules, are disposed of differently in each Member State. To ensure the valorisation of insect excrements as fertilisers it is necessary to lay down Union rules.
- (3) For the purpose of Regulation (EU) No 142/2011, 'frass' should be defined as the mixture of insect excrements with parts of dead insects and feeding substrate. Insect larvae, which are commonly used for the production of processed animal protein or for human consumption, live in the frass. A definition of 'frass' should be inserted in Annex I to Regulation (EU) No 142/2011 in order to align the requirements for the treatment and placing on the market of frass with the requirements for processed manure. Annex I to Regulation (EU) No 142/2011 should therefore be amended accordingly.
- (4) The timely collection of single carcasses of non-ruminant farmed animal is not always economically feasible, in particular as regards carcasses collected from small farms. Therefore, Chapter V of Annex IX to Regulation (EU) No 142/2011 provides for containment methods to ensure the safe storage of certain dead non-ruminant farmed animals until collection. The containment method 'Hydrolysis with subsequent disposal' currently only covers carcasses of porcine animals. It is appropriate to extend that containment method to also include carcasses of poultry and farmed lagomorphs. Point 2 of Section 2.B of Chapter V of Annex IX to Regulation (EU) No 142/2011 should therefore be amended accordingly.
- (5) In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (Withdrawal Agreement), and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, Regulation (EC) No 1069/2009, as well as the Commission acts based on it, apply to and in the United Kingdom in respect of Northern Ireland after the end of the transition period provided for in the Withdrawal Agreement.

⁽¹⁾ OJ L 300, 14.11.2009, p. 1.

⁽²⁾ Commission Regulation (EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive (OJ L 54, 26.2.2011, p. 1).

- (6) As the transition period provided for in the Withdrawal Agreement ended on 31 December 2020, point 1 of Section 2.B of Chapter V of Annex IX to Regulation (EU) No 142/2011 should be amended in order to replace the reference to the United Kingdom in the list of Member States authorised to apply the containment method by a reference to United Kingdom in respect of Northern Ireland. Furthermore, references to the United Kingdom in Section 2.A of Chapter V of Annex IX to Regulation (EU) No 142/2011 and in Table 3 of Section 11 of Chapter II of Annex XIV to that Regulation should be deleted.
- (7) On 8 October 2015, the European Food Safety Authority (EFSA) published a scientific opinion on a risk profile related to the production and consumption of insects as food and feed ⁽³⁾. Among several insect species, the EFSA assessed silkworms as a possible source for the production of processed animal protein. Sericulture has a long-standing tradition in certain regions of the Union. Since the domestic silkworm consumes only mulberry leaves (*Morus alba* and *Morus nigra*), there is no risk of contamination with feed of animal origin, which is not authorised for the feeding of insects. It should therefore be authorised for processing into processed animal protein intended for the manufacturing of feed for farmed animals, after the silk has been harvested. It is appropriate to add silkworms (*Bombyx mori*) to the list of authorised insect species for the production of processed animal protein intended for the manufacturing of feed for farmed animals. Annex X to Regulation (EU) No 142/2011 should therefore be amended accordingly.
- (8) Annex XI to Regulation (EU) No 142/2011 sets out the requirements for the placing on the market of manure. Following the introduction of the definition of 'frass' in Annex I to that Regulation, the requirements for the placing on the market of processed frass should ensure safe trade in processed frass. Therefore, the requirements laid down in that Annex should also cover frass. Annex XI to Regulation (EU) No 142/2011 should therefore be amended accordingly.
- (9) Member States that currently apply national measures for the processing of frass should align their national measures with the method laid down in Annex XI to Regulation (EU) No 142/2011, as amended by this Regulation. This Regulation should provide for a transitional period of 12 months.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I, IX, X, XI and XIV to Regulation (EU) No 142/2011 are amended in accordance with the Annex to this Regulation.

Article 2

Operators approved or registered in a Member State that applies national measures for the processing of frass may continue to apply those national measures for the placing on the market of frass within the concerned Member State until 8 November 2022.

⁽³⁾ Scientific Opinion on a Risk profile related to production and consumption of insects as food and feed, *The EFSA Journal* (2015);13 (10):4257.

Article 3

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 5 November 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annexes I, IX, X XI and XIV to Regulation (EU) No 142/2011 are amended as follows:

(1) in Annex I, the following point 61 is added:

‘61. “**frass**” means a mixture of excrements derived from farmed insects, the feeding substrate, parts of farmed insects, dead eggs and with a content of dead farmed insects of not more than 5 % in volume and not more than 3 % in weight.’;

(2) in Annex IX, in Chapter V, Section 2 is amended as follows:

(a) point A.1 is replaced by the following:

‘1. Member States (*) concerned

The process of aerobic maturation and storage of dead-on-farm pigs and certain other porcine material with subsequent incineration or co-incineration may be used in France, Ireland, Latvia, Portugal and the United Kingdom in respect of Northern Ireland.

Following aerobic maturation and storage of material, the competent authority of the Member State concerned must ensure that the materials are collected and disposed of within the territory of that Member State.

(*) In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, for the purposes of this Annex, references to Member States include the United Kingdom in respect of Northern Ireland.’;

(b) points B.1 and B.2 are replaced by the following:

‘1. Member States (*) concerned

The process of hydrolysis with subsequent disposal may be used in Ireland, Spain, Latvia, Portugal and the United Kingdom in respect of Northern Ireland.

Following hydrolysis, the authorising competent authority must ensure that the materials are collected and disposed of within the same Member State referred to above.

2. Starting materials

For this process, only the following materials of porcine, poultry or farmed lagomorph species may be used:

(a) Category 2 materials referred to in Article 9, points (f)(i), (ii) and (iii), of Regulation (EC) No 1069/2009;

(b) Category 3 materials referred to in Article 10, point (h), of that Regulation.

This method shall only be applied for the disposal of animals of the porcine, poultry or farmed lagomorph species originating in the same holding provided that this holding is not subject to a prohibition due to a suspected or confirmed outbreak of a serious transmissible disease affecting animals of the porcine, poultry or farmed lagomorph species, and animals have not been killed for disease control purposes.

(*) In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, for the purposes of this Annex, references to Member States include the United Kingdom in respect of Northern Ireland.’;

(3) in Annex X, in Chapter II, in Section 1.A, in point 2, the following point (iv) is added:

‘(iv) Silkworm (*Bombyx mori*).’;

(4) in Annex XI, in Chapter I, Section 2 is amended as follows:

(a) the title and the introductory paragraph are replaced by the following:

'Section 2

Guano from bats, frass, processed manure and derived products from processed manure

The placing on the market of guano from bats, processed manure, and derived products from processed manure shall be subject to the conditions set out in the following points (a) to (e). In addition, in the case of guano from bats the consent of the Member State of destination shall be required as referred to in Article 48(1) of Regulation (EC) No 1069/2009';

(b) the following point (f) is added:

'(f) The placing on the market of frass shall be subject to the conditions set out in points (a), (b), (d) and (e) of this Section.';

(5) in Annex XIV, in Chapter II, in Section 11, Table 3 is replaced by the following:

'Table 3

Imports of photogelatine

Third country of origin	Plants of origin	Member State of destination	Border inspection post of first entry into the Union	Approved photographic factories
Japan	Nitta Gelatin Inc., 2-22 Futamata Yao-City, Osaka 581-0024 Japan	The Netherlands	Rotterdam	FujifilmEurope, Oudenstaart 1, 5047 TK Tilburg, The Netherlands
	Jellie Co. Ltd. 7-1, Wakabayashi 2-Chome, Wakabayashi-ku, Sendai-City; Miyagi, 982 Japan			
	NIPPI Inc. Gelatine Division 1 Yumizawa-Cho Fujinomiya City Shizuoka 18-0073 Japan			
United States	Nitta Gelatin Inc., 2-22 Futamata Yao-City, Osaka 581-0024 Japan			
		Czechia	Hamburg	FOMA Bohemia, spol. SRO Jana Krušinky 1604 501 04 Hradec Králové, Czechia
	Eastman Gelatine Corporation, 227 Washington Street, Peabody, MA, 01960 USA			
	Gelita North America, 2445 Port Neal Industrial Road Sergeant Bluff, Iowa, 51054 USA	Czechia	Hamburg	FOMA Bohemia spol. SRO Jana Krušinky 1604 501 04 Hradec Králové, Czechia'

COMMISSION IMPLEMENTING REGULATION (EU) 2021/1926**of 5 November 2021**

approving the checks on conformity to marketing standards for fruit and vegetables carried out by the United Kingdom and amending Implementing Regulation (EU) No 543/2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 91, point (f), thereof,

Whereas:

- (1) According to Article 15(1) of Commission Implementing Regulation (EU) No 543/2011 ⁽²⁾, the Commission may, at the request of a third country, approve checks on conformity to marketing standards carried out by that third country prior to import into the Union.
- (2) Following the withdrawal of the United Kingdom from the Union on 1 February 2020 and in view of the end of the transition period provided for in the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (Withdrawal Agreement) on 31 December 2020, the United Kingdom had sent the Commission a request to approve checks on conformity to specific marketing standards carried out by the United Kingdom prior to import into the Union. In particular, the United Kingdom had undertaken to comply with the requirements set for the marketing of fruit and vegetables after the end of the transition period and had indicated the official authority and the inspection bodies referred to in Article 15(2), second subparagraph, of Implementing Regulation (EU) No 543/2011.
- (3) On that basis, Commission Implementing Regulation (EU) 2020/2102 ⁽³⁾ approved checks on conformity to marketing standards for fruit and vegetables carried out by the United Kingdom, specified the official authority under the responsibility of which those checks are carried out, as well as the inspection bodies in charge of the proper checks in Great Britain and listed the United Kingdom in Annex IV to Implementing Regulation (EU) No 543/2011 with a footnote.
- (4) Although in accordance with Articles 6(3) and 7(1) of the Withdrawal Agreement and Articles 5(4) and 13(1) of the Protocol on Ireland/Northern Ireland to that Agreement in conjunction with Annex 2 to that Protocol, Implementing Regulation (EU) No 543/2011 applies to and in the United Kingdom in respect of Northern Ireland, Article 7(3), first subparagraph, of that Protocol provides that in respect of the recognition in one Member State of technical regulations, assessments, registrations, certificates, approvals and authorisations issued or carried out by the authorities of another Member State, or by a body established in another Member State, references to Member States in provisions of Union law made applicable by that Protocol are not to be read as including the United

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors (OJ L 157, 15.6.2011, p. 1).

⁽³⁾ Commission Implementing Regulation (EU) 2020/2102 of 15 December 2020 approving the checks on conformity to marketing standards for fruit and vegetables carried out by the United Kingdom and amending Implementing Regulation (EU) No 543/2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors (OJ L 425, 16.12.2020, p. 84).

Kingdom in respect of Northern Ireland as regards technical regulations, assessments, registrations, certificates, approvals and authorisations issued or carried out by the authorities of the United Kingdom or by bodies established in the United Kingdom. Consequently, checks on conformity to marketing standards carried out by the inspection body for Northern Ireland should be considered as carried out by a third country, without prejudice to Article 7(3), fourth subparagraph, of that Protocol.

- (5) Therefore, the Commission should also specify the inspection body in charge of the proper checks for Northern Ireland, as notified by the United Kingdom on 9 April 2020, and clarify the entry of the United Kingdom in Annex IV to Implementing Regulation (EU) No 543/2011.
- (6) Implementing Regulation (EU) No 543/2011 should therefore be amended accordingly.
- (7) In the interest of clarity and legal certainty, Implementing Regulation (EU) 2020/2102 should be repealed.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Approval of conformity checks

The checks on conformity to marketing standards for fruit and vegetables carried out by the United Kingdom prior to import into the Union are approved.

Article 2

Official authority and inspection bodies

1. The Secretary of State for the Department for Environment, Food & Rural Affairs is the official authority of the United Kingdom referred to in Article 15(2), second subparagraph, of Implementing Regulation (EU) No 543/2011 under the responsibility of which the checks referred to in Article 1 of this Regulation are carried out.
2. The Horticulture Marketing Inspectorate for England and Wales, the Scottish Government's Horticulture and Marketing Unit for Scotland and the Department of Agriculture, Environment and Rural Affairs for Northern Ireland are the inspection bodies of the United Kingdom in charge of the proper checks within the meaning of Article 15(2), second subparagraph, of Implementing Regulation (EU) No 543/2011.

Article 3

Amendment of Implementing Regulation (EU) No 543/2011

Annex IV to Implementing Regulation (EU) No 543/2011 is replaced by the text in the Annex to this Regulation.

Article 4

Repeal

Implementing Regulation (EU) 2020/2102 is repealed.

*Article 5***Entry into force**

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 5 November 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

‘ANNEX IV

Third countries where the conformity checks have been approved under Article 15 and the products concerned

Country	Products
Switzerland	Fresh fruit and vegetables
Morocco	Fresh fruit and vegetables
South Africa	Fresh fruit and vegetables
Israel (*)	Fresh fruit and vegetables
India	Fresh fruit and vegetables
New Zealand	Apples, pears and kiwi fruit
Senegal	Fresh fruit and vegetables
Kenya	Fresh fruit and vegetables
Turkey	Fresh fruit and vegetables
United Kingdom: — Great Britain — Northern Ireland (**)	Fresh fruit and vegetables

(*) The Commission's approval under Article 15 is given to fruit and vegetables originating within the State of Israel, excluding the territories under Israeli administration since June 1967, namely the Golan Heights, the Gaza Strip, East Jerusalem and the rest of the West Bank.

(**) In accordance with Articles 6(3) and 7(1) of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community and Articles 5(4) and 13(1) of the Protocol on Ireland/Northern Ireland to that Agreement in conjunction with Annex 2 to that Protocol, for the purposes of this Regulation references to Member States include the United Kingdom in respect of Northern Ireland. However, in accordance with Article 7(3) of that Protocol, in respect of the recognition in one Member State of technical regulations, assessments, registrations, certificates, approvals and authorisations issued or carried out by the authorities of another Member State, or by a body established in another Member State, references to Member States in provisions of Union law made applicable by that Protocol are not to be read as including the United Kingdom in respect of Northern Ireland as regards technical regulations, assessments, registrations, certificates, approvals and authorisations issued or carried out by the authorities of the United Kingdom or by bodies established in the United Kingdom.'

DIRECTIVES

COMMISSION IMPLEMENTING DIRECTIVE (EU) 2021/1927

of 5 November 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)

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 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 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.

⁽¹⁾ OJ 125, 11.7.1966, p. 2309.

- (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 November 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annexes I and II to Directive 66/402/EEC are amended as follows:

(1) Annex I is amended as follows:

(a) the first sentence of point 5 is replaced by the following:

‘Crops to produce certified seed of hybrids of *Avena nuda*, *Avena sativa*, *Avena strigosa*, *Oryza sativa* and self-pollinating *xTriticosecale* and crops to produce certified seed of hybrids of *Hordeum vulgare*, *Triticum aestivum* subsp. *aestivum*, *Triticum aestivum* subsp. *spelta*, *Triticum turgidum* subsp. *durum*, by means of a technique other than Cytoplasmic Male Sterility (‘CMS’);’

(b) the following point is inserted between points 5a and 6:

‘5b. Crops to produce basic and certified seed of hybrids of *Triticum aestivum* subsp. *aestivum*, *Triticum aestivum* subsp. *spelta*, *Triticum turgidum* subsp. *durum* by means of CMS:

(a) The crop shall conform to the following standards as regards distances from neighboring sources of pollen, which may result in undesirable foreign pollination:

Crop	Minimum distance
For the CMS female component for the production of basic seed	300 m
For the production of certified seed	25 m

(b) The crop shall have sufficient varietal identity and purity as regards the characteristics of the components.

In particular, the crop shall conform to the following standards:

(i) The percentage by number of plants, which are obviously not true to type, shall not exceed:

— for the crops used to produce basic seed, 0,1 % for the maintainer and the restorer line and 0,3 % for the CMS female component;

— for the crops used to produce certified seed, 0,3 % for the restorer and 0,6 % for the CMS female component and 1 % in case the CMS female component is a single hybrid.

(ii) The level of male sterility of the female component shall be at least:

— 99,7 % for crops used to produce basic seed;

— 99 % for crops used to produce certified seed.

(iii) The conformity with the requirements of points (i) and (ii) shall be examined by official post control test.

(c) Certified seed may be produced in mixed cultivation of a female male-sterile component with a male component, which restores fertility.

The responsible certification authority shall report by 28 February of each year to the Commission and the other Member States the results of the preceding year concerning the quantity of produced hybrid seeds, compliance of the field inspections with the respective requirements, the percentage of seed lots, which have been rejected due to insufficient quality parameters, and any further information justifying that rejection. This reporting obligation shall be applicable until 28 February 2030.’

(2) Point 1 of Annex II is amended as follows:

(a) Section C is replaced by the following:

'C. Hybrids of *Avena nuda*, *Avena sativa*, *Avena strigosa*, *Hordeum vulgare*, *Oryza sativa*, *Triticum aestivum* subsp. *aestivum*, *Triticum aestivum* subsp. *spelta*, *Triticum turgidum* subsp. *durum* and self-pollinating *xTriticosecale*

The minimum varietal purity of the seed of the category certified seed shall be 90 %.

In case of *Hordeum vulgare*, *Triticum aestivum* subsp. *aestivum*, *Triticum aestivum* subsp. *spelta*, *Triticum turgidum* subsp. *durum* produced by means of CMS, it shall be 85 %. Impurities other than the restorer shall not exceed 2 %.

The minimum varietal purity shall be examined in official post control test on an appropriate proportion of samples.

The responsible certification authority shall report by 28 February of each year to the Commission and the other Member States the results of the preceding year concerning the quantity of produced hybrid seeds of *Triticum aestivum* subsp. *aestivum*, *Triticum aestivum* subsp. *spelta* and *Triticum turgidum* subsp. *durum*, and the percentage of seed lots which have been rejected due to insufficient quality parameters, results of the post-control test and any further information justifying that rejection. This reporting obligation shall be applicable until 28 February 2030.'

(b) The heading of Section E is replaced by the following:

'E. Hybrids of *Secale cereale* and CMS-hybrids of *Hordeum vulgare*, *Triticum aestivum* subsp. *aestivum*, *Triticum aestivum* subsp. *spelta*, *Triticum turgidum* subsp. *durum*'.

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