

Council Directive 2002/53/EC of 13 June 2002 on the
common catalogue of varieties of agricultural plant species

Article 4

1 Member States shall ensure that a variety is accepted only if it is distinct, stable and sufficiently uniform. The variety must be of satisfactory value for cultivation and use.

2 Examination of the value for cultivation and use shall not be required:

- a for the acceptance of varieties of grasses if the breeder declares that the seed of his variety is not intended for the production of fodder plants;
- b for the acceptance of varieties whose seed is to be marketed in another Member State which has already accepted the varieties, having regard to their value for cultivation and use;
- c for the acceptance of varieties (inbred lines, hybrids) which are intended solely as components for hybrid varieties satisfying the requirements of paragraph 1.

3 In the case of varieties to which point (a) of paragraph 2 applies, it may be decided, in accordance with the procedure referred to in Article 23(2), and to the extent that this is justified in the interest of free circulation of seed within the Community, that the varieties have to be shown by appropriate examination to be suitable for the purpose for which they are declared to be intended. In such cases, the conditions for the examination shall be determined.

[^{X14} In the case of a genetically modified variety within the meaning of Article 2(1) and (2) of Directive 90/220/EEC, the variety shall be accepted only if all appropriate measures have been taken to avoid adverse effects on human health and the environment.]

[^{F15} Further, when material derived from a plant variety is intended to be used in food falling within the scope of Article 3, or in feed falling within the scope of Article 15 of Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed⁽¹⁾, the variety shall be accepted only if it has been approved in accordance with that Regulation.]

6 In the interest of conserving plant genetic resources as specified in Article 20(2), the Member States may depart from the acceptance criteria set out in the first sentence of paragraph 1 in so far as specific conditions are established in accordance with the procedure referred to in Article 23(2) considering the requirements of Article 20(3)(a) and (b).

Editorial Information

X1 Substituted by [Corrigendum to Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species \(Official Journal of the European Union L 193 of 20 July 2002\)](#).

Textual Amendments

F1 Substituted by [Regulation \(EC\) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed \(Text with EEA relevance\)](#).

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

(1) [^{F1}OJ L 268, 18.10.2003, p. 1.]

Textual Amendments

F1 Substituted by [Regulation \(EC\) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed \(Text with EEA relevance\)](#).