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COUNCIL DECISION

of 17 November 1997

on the equivalence of checks on practices for the maintenance of varieties carried out in third countries

(97/788/EC)

(OJ L 322, 25.11.1997, p. 39)

Amended by:

	Official Journal		
	No	page	date
► <u>M1</u> Council Decision 2002/580/EC of 18 June 2002	L 184	26	13.7.2002
► <u>M2</u> Commission Decision 2004/120/EC of 29 January 2004	L 36	57	7.2.2004

Amended by:

► <u>A1</u> Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded	L 236	33	23.9.2003
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COUNCIL DECISION

of 17 November 1997

on the equivalence of checks on practices for the maintenance of varieties carried out in third countries

(97/788/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/457/EEC of 29 September 1970 on the common catalogue of varieties of agricultural plant species ⁽¹⁾, and in particular Article 21 (1) (b) thereof,

Having regard to Council Directive 70/458/EEC of 29 September 1970 on the marketing of vegetable seed ⁽²⁾, and in particular Article 32 (1) (b) thereof,

Having regard to the proposal from the Commission,

Whereas, by Decision 92/420/EEC ⁽³⁾, the Council noted that the official checks on practices for the maintenance of varieties carried out in certain third countries afforded the same guarantees as those carried out by the Member States; whereas the said Decision expired on 30 June 1997;

Whereas it appears that the abovementioned checks carried out in the third countries referred to in Decision 92/420/EEC, without prejudice to the fact that the former 'Czech and Slovak Federal Republic' was replaced by the 'Czech Republic' and the 'Slovak Republic', continue to afford the same guarantees as those carried out by the Member States;

Whereas, in the case of the Republic of Korea, covered by the abovementioned Decision, additional information has been requested; whereas additional information has also been requested from the Federal Republic of Yugoslavia;

Whereas it is therefore appropriate, in the case of these countries, to grant a shorter period of equivalence to allow time for this information to be supplied and assessed;

Whereas, in the case of certain countries, an examination of the conditions under which official checks on practices for the maintenance of varieties of additional species has shown that these checks afford the same guarantees as those carried out by the Member States;

Whereas the equivalence granted to such countries should be extended to these additional species;

Whereas it appears pointless to continue the equivalence granted in respect of the Republic of Bosnia-Herzegovina as no varieties of Community interest are maintained there;

Whereas this Decision in no way prevents Community findings on equivalence from being revoked or the extension of their period of validity being refused when the conditions on which they are based are not, or cease to be, satisfied; whereas, to this end, further practical information on seed of the varieties being maintained in the third country concerned should also be obtained when carrying out Community comparative tests;

Whereas certain of the technical and administrative provisions in the Annex may be subject to frequent adjustment; whereas, in order to simplify the procedure which at present governs amendments to the

⁽¹⁾ OJ L 225, 12. 10. 1970, p. 1. Directive as last amended by the 1994 Act of Accession.

⁽²⁾ OJ L 225, 12. 10. 1970, p. 7. Directive as last amended by Directive 96/72/EC (OJ L 304, 27. 11. 1996, p. 10).

⁽³⁾ OJ L 231, 13. 8. 1992, p. 22.

▼B

Annex, recourse should be had to the procedure of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

The official checks on practices for the maintenance of varieties carried out in the countries by the authorities listed in the Annex for the species covered by the Directives listed therein and concerning the said countries shall afford the same guarantees as those carried out by the Member States.

Article 2

The technical and administrative adjustments to be made to the Annex, with the exception of those concerning the first column of the table, shall be adopted in accordance with the procedure laid down in Article 23 of Directive 70/457/EEC and in Article 40 of Directive 70/458/EEC.

▼M1*Article 3*

This Decision shall apply from 1 July 1997 to 30 June 1999 and from 18 June 2002 to 30 June 2005 in the case of the Republic of Korea and the Federal Republic of Yugoslavia and from 1 July 1997 to 30 June 2005 in the case of the other third countries listed in the Annex.

▼B*Article 4*

This Decision is addressed to the Member States.

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ANNEX

Country (1)	Authority responsible for carrying out checks	EEC Directives
AR	Ministerio de Economía y Obras y Servicios Públicos Secretaría de Agricultura, Ganadería y Pesca Instituto Nacional de Semillas Buenos Aires	66/400 66/401 66/402 69/208
AU	Commonwealth Department of Primary Industries and Energy Canberra	66/401 69/208 70/458
BG	Semena i Possadchen Material Sofia	66/400 66/401 66/402 69/208 70/458
CA	Plant Products Division Division des Produits végétaux Nepean Ontario	66/400 66/401 66/402 69/208
CH	Eidgenössische Forschungsanstalt für Landwirtschaftlichen Pflanzenbau Reckenholz Zürich Station fédérale de recherches en production végétale de Changins (RAC) Nyon	66/400 66/401 66/402 69/208 70/458
CL	Servicio Agrícola y Ganadero Departamento de Semillas Santiago	66/400 66/401 66/402 69/208
▼ <u>A1</u> _____		
▼ <u>B</u> HR	Bc Institute for Breeding and Production of Field Crops Zagreb	66/400 66/401 66/402 69/208
▼ <u>A1</u> _____		
▼ <u>B</u> IL	Ministry of Agriculture Plant Protection Services and Inspection PO Box 78 Bet-Dagan 50250 Israël	66/400 66/401 66/402 69/208 70/458
JP	Ministry of Agriculture, Forestry and Fisheries 1-2-1 Kasumigaseki Chiyodaku Tokyo	70/458
KR	Ministry of Agriculture, Forestry and Fisheries Vegetables Division Seoul	70/458
MA	Ministère de l'agriculture et de la mise en valeur agricole Direction de la protection des végétaux des contrôles techniques et de la répression des fraudes Rabat	66/401 66/402 69/208 70/458

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Country ⁽¹⁾	Authority responsible for carrying out checks	EEC Directives
NZ	Ministry of Agriculture Te Manatu Ahuwhenua Aotearoa MAF Regulatory Authority Wellington	66/401
▼ <u>A1</u> _____		
▼ <u>B</u> RO	Ministry of Agriculture and Food Control and Inspections Department Bucharest	69/208
▼ <u>A1</u> _____		
SK	Ustredny Kontrolny a Skusobny Ustav Polnohospodarsky Bratislava	66/400 66/401 66/402 69/208 70/458
▼ <u>B</u> TW	Council of Agriculture, Food and Agriculture Department Taipei	70/458
US	United States Department of Agriculture Agricultural Research Service Beltsville, Maryland	66/400 66/401 66/402 69/208 70/458
UY	Ministerio de Ganadería, Agricultura y Pesca Dirección General de Servicios Agronómicos Dirección Granos Unidad Ejecutora de Semillas Montevideo	66/400 66/401 66/402 69/208
YU	Savezno Ministarstvo za Poljoprivredu Federal Ministry of Agriculture Beograd	► <u>M2</u> 66/401 66/402 2002/54 2002/57 ◀
ZA	Department of Agriculture Directorate of Plant and Quality Control Pretoria	66/401 66/402 69/208

- (1) AR = Argentina
 AU = Australia
 BG = Bulgaria
 CA = Canada
 CH = Switzerland
 CL = Chile
 ► A1 _____ ◀
 HR = Republic of Croatia
 ► A1 _____ ◀
 IL = Israel
 JP = Japan
 KR = Republic of Korea
 MA = Morocco
 NZ = New Zealand
 ► A1 _____ ◀
 RO = Romania
 ► A1 _____ ◀
 TW = Taiwan
 US = United States of America
 UY = Uruguay
 YU = Federal Republic of Yugoslavia
 ZA = South Africa