

Council Decision of 8 November 2005 on the equivalence of checks  
on practices for the maintenance of varieties carried out in certain  
third countries and amending Decision 2003/17/EC (2005/834/EC)

COUNCIL DECISION

of 8 November 2005

on the equivalence of checks on practices for the maintenance of varieties  
carried out in certain third countries and amending Decision 2003/17/EC

(2005/834/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder  
plant seed<sup>(1)</sup>, and in particular Article 16(1) thereof,

Having regard to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal  
seed<sup>(2)</sup>, and in particular Article 16(1) thereof,

Having regard to Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of  
varieties of agricultural plant species<sup>(3)</sup>, and in particular Article 22(1)(b) thereof,

Having regard to Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed<sup>(4)</sup>,  
and in particular Article 23(1) thereof,

Having regard to Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable  
seed<sup>(5)</sup>, and in particular Article 37(1)(b) thereof,

Having regard to Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of  
oil and fibre plants<sup>(6)</sup>, and in particular Article 20(1) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) By Decision 97/788/EC<sup>(7)</sup>, the Council determined 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.
- (2) It appears that these checks continue to afford the same guarantees as those carried out by the Member States. Those checks should therefore continue to be considered as equivalent.
- (3) The Decision 97/788/EC expired on 30 June 2005. In order to avoid disruption of trade with these third countries, it is necessary that this Decision takes effect from 1 July 2005.

---

**Changes to legislation:** There are outstanding changes not yet made to Council Decision of 8 November 2005 on the equivalence of checks on practices for the maintenance of varieties carried out in certain third countries and amending Decision 2003/17/EC (2005/834/EC). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

---

- (4) This Decision should not prevent Community findings on equivalence from being revoked or the extension of their period of validity from being refused when the conditions on which they are based are not, or cease to be, satisfied.
- (5) The measures necessary for implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>(8)</sup>.
- (6) Directive 2004/117/EC<sup>(9)</sup> extended the scope of Community seed equivalence regime to all categories of seeds including seed of generations prior to basic seed. Accordingly, it is appropriate to amend Decision 2003/17/EC<sup>(10)</sup>, in order to align the provisions of that Decision with the modified provisions of the seeds marketing Directives,

HAS ADOPTED THIS DECISION:

---

**Changes to legislation:** *There are outstanding changes not yet made to Council Decision of 8 November 2005 on the equivalence of checks on practices for the maintenance of varieties carried out in certain third countries and amending Decision 2003/17/EC (2005/834/EC). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

---

- (1) [OJ L 125, 11.7.1966, p. 2298/66](#). Directive as last amended by Directive 2004/117/EC ([OJ L 14, 18.1.2005, p. 18](#)).
- (2) [OJ L 125, 11.7.1966, p. 2309/66](#). Directive as last amended by Directive 2004/117/EC.
- (3) [OJ L 193, 20.7.2002, p. 1](#). Directive as last amended by Regulation (EC) No 1829/2003 of the European Parliament and of the Council ([OJ L 268, 18.10.2003, p. 1](#)).
- (4) [OJ L 193, 20.7.2002, p. 12](#). Directive as last amended by Directive 2004/117/EC.
- (5) [OJ L 193, 20.7.2002, p. 33](#). Directive as last amended by Directive 2004/117/EC.
- (6) [OJ L 193, 20.7.2002, p. 74](#). Directive as last amended by Directive 2004/117/EC.
- (7) [OJ L 322, 25.11.1997, p. 39](#). Decision as last amended by Commission Decision 2004/120/EC ([OJ L 36, 7.2.2004, p. 57](#)).
- (8) [OJ L 184, 17.7.1999, p. 23](#).
- (9) [OJ L 14, 18.1.2005, p. 18](#).
- (10) [OJ L 8, 14.1.2003, p. 10](#). Decision as last amended by Regulation (EC) No 885/2004 ([OJ L 168, 1.5.2004, p. 1](#)).

**Changes to legislation:**

There are outstanding changes not yet made to Council Decision of 8 November 2005 on the equivalence of checks on practices for the maintenance of varieties carried out in certain third countries and amending Decision 2003/17/EC (2005/834/EC). Any changes that have already been made to the legislation appear in the content and are referenced with annotations.