

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

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament⁽¹⁾,

Having consulted the Economic and Social Committee,

Whereas:

- (1) Council Directive 70/457/EEC of 29 September 1970 on the common catalogue of varieties of agricultural plant species⁽²⁾ has been frequently and substantially amended⁽³⁾. For reasons of clarity and rationality the said Directive should be codified.
- (2) The production of agricultural seed and young plants occupies an important place in the agriculture of the Community.
- (3) For this reason, the Council has adopted Directives concerning respectively the marketing of beet seed (2002/54/EC)⁽⁴⁾, fodder plant seed (66/401/EEC)⁽⁵⁾, cereal seed⁽⁶⁾, seed potatoes (2002/56/EC)⁽⁷⁾ and seed of oil and fibre plants (2002/57/EC)⁽⁸⁾.
- (4) A common catalogue of varieties needs to be compiled. This catalogue can be compiled only on the basis of national catalogues.
- (5) All Member States should therefore compile one or more national catalogues of the varieties accepted for certification and marketing in their territory.
- (6) These catalogues must be drawn up in accordance with uniform rules so that the varieties accepted will be distinct, stable and sufficiently uniform and that they will be of satisfactory value for cultivation and use.
- (7) It is appropriate to take into consideration internationally established rules for certain provisions relating to the acceptance of varieties at national level.
- (8) In order to carry out the examinations for the acceptance of a variety, a large number of uniform criteria and minimum requirements must be laid down.
- (9) Provisions relating to the length of time during which acceptance of a variety is to remain valid, to the grounds on which acceptance may be revoked and to practices for maintenance of the variety must be standardized and the Member States should inform one another of the acceptance and withdrawal of varieties.

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- (10) It is desirable to adopt rules in relation to the suitability of varietal denominations and the exchange of information between Member States.
- (11) Seed covered by this Directive should be freely marketable within the Community once it has been published in the common catalogue.
- (12) However, Member States should be given the right to express by means of a special procedure any objections which they may have to a variety.
- (13) The Commission should publish in the *Official Journal of the European Communities*, C Series, the varieties which are being added to the common catalogue of varieties of agricultural plant species.
- (14) Provision should be made for measures recognizing the equivalence of examinations and checks of varieties carried out in third countries.
- (15) Community rules should not apply to varieties the seed or propagating material of which is shown to be intended for export to third countries.
- (16) In the light of scientific and technical developments, it is now possible to breed varieties through genetic modification. Therefore, when determining whether to accept genetically modified varieties within the meaning of Council Directive 90/220/EEC of 23 April 1990 on the deliberate release into the environment of genetically modified organisms⁽⁹⁾ Member States should have regard to any risk related to their deliberate release into the environment. Furthermore, conditions under which such genetically modified varieties are accepted should be established.
- (17) The marketing of novel foods and novel food ingredients is regulated at Community level by Regulation (EC) No 258/97 of the European Parliament and of the Council⁽¹⁰⁾. Therefore, it is appropriate for Member States also to have regard to any food health risks when determining whether to accept varieties. Furthermore, conditions under which these varieties are accepted should be established.
- (18) In the light of scientific and technical developments, rules under which chemically treated seed and propagating material may be marketed should be introduced.
- (19) It is essential to ensure that plant genetic resources are conserved. Conditions to that end should be introduced to permit, within the framework of legislation on the seed trade, the conservation, by use *in situ* of varieties threatened with genetic erosion.
- (20) The measures necessary for the implementation of this Directive 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⁽¹¹⁾.
- (21) This Directive should not affect the obligations of the Member States concerning the deadlines for transposition of the Directives set out in Annex I, Part B.

HAS ADOPTED THIS DIRECTIVE:

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- (1) Opinion delivered on 9 April 2002 (not yet published in the Official Journal).
- (2) [OJ 225, 12.10.1970, p. 1](#). Directive as last amended by Directive 98/96/EC ([OJ L 25, 1.2.1999, p. 27](#)).
- (3) See Annex I, Part A.
- (4) See page 12 of this Official Journal.
- (5) [OJ 125, 11.7.1966, p. 2298/66](#). Directive as last amended by Directive 2001/64/EC ([OJ L 234, 1.9.2001, p. 60](#)).
- (6) [OJ 125, 11.7.1966, p. 2309/66](#). Directive as last amended by Directive 2001/64/EC.
- (7) See page 60 of this Official Journal.
- (8) See page 74 of this Official Journal.
- (9) [OJ L 117, 8.5.1970, p. 15](#). Directive repealed by Directive 2001/18/EC of the European Parliament and of the Council ([OJ L 106, 17.4.2001, p. 1](#)).
- (10) [OJ L 43, 14.2.1997, p. 1](#).
- (11) [OJ L 184, 17.7.1999, p. 23](#).