

Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed

Article 2

1 For the purpose of this Directive:

(a) 'marketing' : shall mean the sale, holding with a view to sale, offer for sale and any disposal, supply or transfer aimed at commercial exploitation of seed to third parties, whether or not for consideration.

Trade in seed not aimed at commercial exploitation of the variety, such as the following operations, shall not be regarded as marketing:

- the supply of seed to official testing and inspection bodies,
- the supply of seed to providers of services for processing or packaging, provided the provider of services does not acquire title to seed thus supplied.

The supply of seed under certain conditions to providers of services for the production of certain agricultural raw materials, intended for industrial purposes, or seed propagation for that purpose, shall not be regarded as marketing, provided the provider of services does not acquire title to either the seed thus supplied or the product of the harvest. The supplier of seed shall provide the certification authority with a copy of the relevant parts of the contract made with the provider of services and this shall include the standards and conditions currently met by the seed provided.

The conditions for the application of this provision shall be determined in accordance with the procedure referred to in Article 28(2).

(b) 'beet' : means sugar and fodder beet of the species *Beta vulgaris* L.;

(c) 'basic seed' : means seed

- (i) which has been produced under the responsibility of the breeder according to well-defined practices for the maintenance of the variety;
- (ii) which is intended for the production of seed of the category 'certified seed';
- (iii) which, subject to the provisions of Article 5, satisfies the conditions laid down in Annex I for basic seed; and
- (iv) [^{F1}which has been found by official examination or, in the case of the conditions laid down in Annex IB, either by official examination or examination carried out under official supervision to satisfy the conditions set out in (i), (ii) and (iii);]

(d) 'certified seed' : means seed

- (i) which is of direct descent from basic seed;
- (ii) which is intended for the production of beet;
- (iii) which, subject to the provisions of point (b) of Article 5, satisfies the conditions laid down in Annex I for certified seed; and

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- (iv) [^{F1}which has been found by official examination or by examination carried out under official supervision to satisfy the conditions set out in (i), (ii) and (iii).]
- (e) ‘monogerm seed’ : means genetically monogerm seed;
- (f) ‘precision seed’ : means seed designed for use in precision drills which, as required under Annex I, part B(3)(b)(bb) and (cc), gives single seedlings;
- (g) ‘official measures’ : means measures taken
- (i) by State authorities; or
- (ii) by any legal person whether governed by public or by private law, acting under the responsibility of the State; or
- (iii) in the case of ancillary activities which are also under State control, by any natural person duly sworn for that purpose;
- provided that the persons mentioned under (ii) and (iii) derive no private gain from such measures.
- (h) ‘small EC packages’ : means packages containing the following certified seeds:
- (i) monogerm or precision seed: not exceeding 100 000 clusters or grains or a net weight of 2,5 kg excluding, where appropriate, granulated pesticides, pelleting substances or other solid additives;
- (ii) seed other than monogerm or precision seed: not exceeding a net weight of 10 kg, excluding, where appropriate, granulated pesticides, pelleting substances or other solid additives.

2 The different types of varieties, including the components, eligible for certification under the provisions of this Directive, may be specified and defined in accordance with the procedure laid down in Article 28(2).

[^{F13} When the examinations under official supervision referred to in paragraph (1)(c)(iv) and (1)(d)(iv) is carried out, the following requirements shall be complied with:

A. Field inspection

- (a) The inspectors shall:
- (i) have the necessary technical qualifications;
- (ii) derive no private gain in connection with the carrying out of the inspections;
- (iii) have been officially licensed by the seed certification authority of the Member State concerned and this licensing shall include either the swearing-in of inspectors or the signature by inspectors of a written statement of commitment to the rules governing official examinations;
- (iv) carry out inspections under official supervision in accordance with the rules applicable to official inspections.
- (b) The seed crop to be inspected shall be grown from seed which has undergone official post-control, the results of which have been satisfactory.

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- (c) A proportion of the seed crops shall be checked by official inspectors. That proportion shall be at least 5 %.
- (d) A proportion of samples from the seed lots harvested from the seed crops shall be drawn for official post control and, where appropriate, for official laboratory seed testing in respect of varietal identity and purity.
- (e) The Member States shall lay down the rules on penalties applicable to infringements of the national provisions governing examination under official supervision, adopted pursuant to this Directive. The penalties provided for must be effective, proportionate and dissuasive. Penalties may include the withdrawal of the licence provided for in (a)(iii), from officially licensed inspectors who are found guilty of deliberately or negligently contravening the rules governing official examinations. The Member States shall ensure that any certification of the seed examined is annulled in the event of such contravention unless it can be shown that such seed still meets all relevant requirements.

B. Seed testing

- (a) Seed testing shall be carried out by seed-testing laboratories which have been authorised for that purpose by the seed certification authority of the Member State concerned under the conditions set out in (b) to (d).
- (b) The seed-testing laboratory shall have a seed analyst-in-charge who has direct responsibility for the technical operations of the laboratory and has the necessary qualifications for technical management of a seed-testing laboratory.

Its seed analysts shall have the necessary technical qualifications obtained in training courses organised under conditions applicable to official seed analysts and confirmed by official examinations.

The laboratory shall be maintained in premises and with equipment officially considered by the seed certification authority to be satisfactory for the purpose of seed testing, within the scope of the authorisation.

It shall carry out seed testing in accordance with current international methods.

- (c) The seed-testing laboratory shall be:
 - (i) an independent laboratory;
 - or
 - (ii) a laboratory belonging to a seed company.

In the case referred to in (ii), the laboratory may carry out seed testing only on seed lots produced on behalf of the seed company to which it belongs, unless it has been otherwise agreed between that seed-company, the applicant for certification and the seed certification authority.

- (d) The seed-testing laboratory's performance of seed testing shall be subject to appropriate supervision by the seed certification authority.

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- (e) For the purposes of the supervision referred to in (d) a proportion of the seed lots entered for the official certification shall be check-tested by official seed testing. That proportion shall in principle be as evenly spread as possible over natural and legal persons entering seed for certification, and the species entered but may also be oriented to eliminate specific doubts. That proportion shall be at least 5 %.
- (f) The Member States shall lay down the rules on penalties applicable to infringements of the national provisions governing examination under official supervision, adopted pursuant to this Directive. The penalties provided for must be effective, proportionate and dissuasive. Penalties may include the withdrawal of the authorisation provided for in (a), from officially authorised seed-testing laboratories who are found guilty of deliberately or negligently contravening the rules governing official examinations. The Member States shall ensure that any certification of the seed examined is annulled in the event of such contravention unless it can be shown that such seed still meets all relevant requirements.]

4 Further measures applicable to the carrying out of examinations under official supervision may be adopted in accordance with the procedure referred to in Article 28(2).

[^{F2}]

Textual Amendments

- F1** Substituted by [Council Directive 2004/117/EC of 22 December 2004 amending Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC and 2002/57/EC as regards examinations carried out under official supervision and equivalence of seed produced in third countries.](#)
- F2** Deleted by [Council Directive 2004/117/EC of 22 December 2004 amending Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC and 2002/57/EC as regards examinations carried out under official supervision and equivalence of seed produced in third countries.](#)