

Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed

Article 16

1 Member States shall ensure that, with effect from the publication referred to in Article 17, seed of varieties accepted in accordance with the provisions of this Directive or in accordance with principles corresponding to those of this Directive are subject to no marketing restrictions relating to variety.

2 Member States may, upon application which shall be dealt with as provided for in Article 46(2) or in Article 46(3) in the case of genetically modified varieties, be authorised to prohibit the use of the variety in all or in part of its territory or to lay down appropriate conditions for cultivating the variety in accordance, in cases provided for in paragraph (b), with the conditions for using the products resulting from such cultivation:

- a where it is established that the cultivation of the variety could be harmful from the point of view of plant health to the cultivation of other varieties or species; or
- b where it has valid reasons other than those already mentioned or which may have been mentioned during the procedure referred to in Article 10(2) for considering that the variety presents a risk for human health or the environment.