

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

### Article 7

1 Member States shall provide that acceptance of varieties be based on the results of official examinations, particularly growing trials, covering a sufficient number of characteristics for the variety to be described. The methods used for determining characteristics must be accurate and reliable. In order to establish distinctness, the growing trials shall include at least the available comparable varieties which are varieties known in the Community within the meaning of Article 5(1). For the purpose of applying Article 9, other available comparable varieties shall be included. In the case of varieties whose seed may not be verified except as standard seed, the results of unofficial examinations and knowledge gained from practical experience during cultivation may be taken into consideration in relation to the results of an official examination.

It may be prescribed, in accordance with the procedure referred to in Article 46(2) that, as from specified dates, varieties of certain vegetable species will no longer be accepted except on the basis of official tests.

2 The following shall be fixed in accordance with the procedure referred to in Article 46(2), account being taken of current scientific and technical knowledge:

- a the characteristics to be covered as a minimum by the examinations of the various species;
- b the minimum requirements for carrying out the examinations.

3 Where examination of the genealogical components is necessary in order to study hybrids and synthetic varieties, Member States shall ensure that the results of the examination and the description of the genealogical components are, if the breeder so requests, treated as confidential.

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- a In the case of a genetically modified variety referred to in Article 4(4) an environmental risk assessment equivalent to that laid down in Directive 90/220/EEC shall be carried out.
- b The procedures ensuring that the environmental risk assessment and other relevant elements shall be equivalent to those laid down in Directive 90/220/EEC shall be introduced on a proposal from the Commission, in a Council Regulation based on the appropriate legal basis in the Treaty. Until this Regulation enters into force genetically modified varieties shall only be accepted for inclusion in a national catalogue after having been accepted for marketing in accordance with Directive 90/220/EEC.
- c Articles 11 to 18 of Directive 90/220/EEC shall no longer apply to genetically modified varieties once the Regulation referred to in point (b) above has entered into force.
- d The technical and scientific details of the implementation of the environmental risk assessment shall be adopted in accordance with the procedure referred to in Article 46(2).

[<sup>F15</sup> Member States shall ensure that a variety intended to be used in food or feed as defined in Articles 2 and 3 of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority, and laying down procedures in matters of food safety<sup>(1)</sup> is accepted only if it has been authorised under the relevant legislation.]

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#### **Textual Amendments**

- F1** Substituted by [Regulation \(EC\) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed \(Text with EEA relevance\)](#).

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(1) [<sup>F1</sup>OJ L 31, 1.2.2002, p. 1.]

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