

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

Article 9

1 Member States shall arrange for official publication of the catalogue of varieties accepted in their territory and, where maintenance breeding of the variety is required, the name of the person or persons responsible for this in their countries. When several persons are responsible for the maintenance of a variety, the names need not be published. If the names are not published, the catalogue shall indicate the authority holding the list of names of persons responsible for maintenance of the variety.

2 Member States shall, as far as possible, ensure at the time of acceptance that the variety is known by the same name in all Member States.

If it is known that seed or propagating material of a given variety are marketed in another country under a different name, that name shall also be indicated in the catalogue.

In the case of varieties which are derived from varieties whose official acceptance has been determined pursuant to Article 12(3), second and third subparagraph, and which have been accepted in one or more Member States as a result of the official measures referred to in that provision, it may be decided, in accordance with the procedure referred to in Article 46(2), that all Member States of acceptance shall ensure that the varieties bear names determined under the same procedure and complying with the above principles.

3 In taking into account the information available, Member States shall also ensure that a variety which is not clearly distinguishable:

- from a variety previously accepted in the Member State in question or in another Member State, or
- from another variety which has been assessed with regard to distinctness, stability and uniformity in accordance with rules corresponding to those of this Directive, without, however, being a variety known in the Community within the meaning of Article 5(1),

bears the name of that variety. This provision shall not apply if this name is likely to mislead or cause confusion concerning the variety in question, or if, pursuant to all the provisions of the Member State concerned governing the names of varieties, other facts prevent its utilisation, or if the rights of third parties impede the free use of that name in connection with the variety in question.

4 Member States shall compile a special file on each variety accepted, containing a description of the variety and a clear summary of all the facts on which the acceptance was based. The description of the varieties shall relate to plants produced directly from seed of the category 'certified seed' or the category 'standard seed'.

5 Member States shall ensure that genetically modified varieties which have been accepted are clearly indicated as such in the catalogue of varieties. They shall further ensure that any person marketing such a variety clearly indicates in his sales catalogue that the variety is genetically modified.

6 So far as the suitability of the denomination of a variety is concerned, Article 63 of Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights⁽¹⁾ shall apply.

Detailed implementing rules as to the suitability of denominations of varieties may be adopted in accordance with the procedure referred to in Article 46(2).

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- (1) [OJ L 227, 1.9.1994, p. 1](#). Regulation as amended by Regulation (EC) No 2506/95 ([OJ L 258, 28.10.1995, p. 3](#)).