

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

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of 13 June 2002

on the marketing of vegetable seed

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<sup>(1)</sup>,

Having consulted the Economic and Social Committee,

Whereas:

- (1) Council Directive 70/458/EEC of 29 September 1970 on the marketing of vegetable seed<sup>(2)</sup> has been frequently and substantially amended<sup>(3)</sup>. For reasons of clarity and rationality the said Directive should be codified.
- (2) The production of vegetable seed occupies an important place in the agriculture of the Community.
- (3) Satisfactory results in vegetable cultivation depend to a large extent on the use of appropriate seed.
- (4) Greater productivity will be achieved in Community vegetable cultivation if for the choice of varieties accepted for marketing the Member States apply uniform rules which are as strict as possible.
- (5) A common catalogue of varieties of vegetable species should be compiled. This catalogue can be compiled only on the basis of national catalogues.
- (6) All Member States should therefore compile one or more national catalogues of the varieties accepted for certification, checking and marketing in their territory.
- (7) These catalogues must be drawn up in accordance with uniform rules so that the varieties accepted will be distinct, stable and sufficiently uniform.
- (8) Rules established at international level should be taken into account for certain provisions relating to the approval of varieties at national level.
- (9) 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.
- (10) Provisions relating to the length of time during which acceptance of a variety is to remain valid, the grounds on which acceptance may be revoked and the practices for

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maintenance of the variety must be standardized. Member States should inform one another of the acceptance and withdrawal of varieties.

- (11) It is desirable to adopt rules in relation to the suitability of varietal denominations and for the exchange of information between the Member States.
- (12) Seed of varieties listed in the common catalogue of varieties should not be subject within the Community to any marketing restrictions relating to variety.
- (13) Furthermore, Member States should be given the right to raise objections to a variety.
- (14) The Commission should publish in the *Official Journal of the European Communities*, C Series the varieties accepted in the common catalogue.
- (15) Provision should be made for measures recognising the equivalence of examinations and controls of varieties carried out in 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<sup>(4)</sup> 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 introduced.
- (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<sup>(5)</sup>. 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 introduced.
- (18) In the light of scientific and technical developments, rules in relation to the admission of chemically treated seed and propagating material should be introduced.
- (19) As a general rule, vegetable seed should be allowed to be marketed only if it has been officially examined and certified, in accordance with the rules for certification, as basic seed or certified seed. It should be possible under specified conditions to place on the market bred seed of generations prior to basic seed and seed as grown.
- (20) For certain species of vegetable, it is impossible to restrict marketing to certified seed. The marketing of checked standard seed which must also possess varietal identity and purity should therefore be allowed, these characteristics being subject, however, only to official post-control carried out in the field by sampling.
- (21) In order to improve the quality of Community vegetable seed, certain requirements must be laid down as to minimum analytical purity and germination.
- (22) In order to ensure the identity of the seed, Community rules on packaging, sampling, sealing and marking should be laid down. It is desirable that provision also be made for official pre-control of certified seed, and that the obligations should be laid down which are to be fulfilled by the person marketing standard seed and certified seed made up in small packages.

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- (23) Rules for the marketing of chemically treated seed, seeds suitable for organic growing as well as the conservation by use, *in situ*, of varieties threatened with genetic erosion should be introduced.
- (24) Derogations should be permitted under certain conditions, without prejudice to the provisions of Article 14 of the Treaty. Member States making use of derogations should assist each other administratively as regards inspection.
- (25) In order to ensure that both the requirements as to the quality of the seed and the provisions for ensuring its identity are complied with during marketing, the Member States must take provision for appropriate control arrangements.
- (26) Seed satisfying these requirements should, without prejudice to Article 30 of the Treaty, be subject to no marketing restrictions other than those provided for in Community rules.
- (27) Subject to certain conditions, seed multiplied in another country from basic seed certified in a Member State should be certified as seed multiplied in that Member State.
- (28) Provision should be made for authorising the marketing within the Community of vegetable seed harvested in third countries only if such seed affords the same assurances as seed officially certified or marketed as standard seed within the Community and complying with Community rules.
- (29) During periods in which there are difficulties in obtaining supplies of certified seed of the various categories or of standard seed, seed of a category subject to less strict requirements should temporarily be permitted to be marketed, but also seeds of varieties not included in the common catalogue of varieties or in the national catalogue of varieties.
- (30) In order to harmonise the technical methods of certification and control used in the Member States and to enable comparisons to be made between seed certified within the Community and that coming from third countries, Community comparative tests should be established in Member States to permit annual post-control of seed of certain varieties of the category 'basic seed' and of seed of the categories 'certified seed' and 'standard seed'.
- (31) Community rules should not apply to seed shown to be intended for export to third countries.
- (32) This Directive should include certain species which may be fodder plants or oil plants as well as vegetables. If, however, certain species of seed are not normally reproduced or marketed in the territory of a Member State, provision should be made for release of that Member State from the obligation to apply this Directive in respect of the species in question.
- (33) It is desirable to organise temporary experiments for the purpose of seeking improved alternatives to certain provisions set out in this Directive.

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- (34) 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<sup>(6)</sup>.
- (35) This Directive must not affect the obligations of the Member States concerning the deadlines for transposition of the Directives set out in Annex VI, 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 L 225, 12.10.1970, p. 7](#). Directive as last amended by Directive 98/96/EC ([OJ L 25, 1.2. 1999, p. 27](#)).
- (3) See Annex VI, part A.
- (4) [OJ L 117, 8.5.1990, 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](#)).
- (5) [OJ L 43, 14.2.1997, p. 1](#).
- (6) [OJ L 184, 17.7.1999, p. 23](#).