

The Seed (Northern Ireland Variety Lists) Regulations (Northern Ireland) 2020

Transposition Note describing transposition of:

- Directive 2002/53/EC
- Directive 2002/55/EC (as it relates to listing of vegetable varieties)

Article of Directive 2002/53/EC	Article of Directive 2002/55/EC	Purpose	Implementation
Article 2	Article 2(1)(f)	Definition of 'official measures'	Reg. 2
Article 3(1)	Article 3(2)	Establish catalogues of varieties officially accepted for certification and marketing	Reg. 3
Article 4(1)	Article 4(1)	Ensure a variety is only accepted if it is distinct, stable and uniform and if it is of satisfactory value for cultivation and use.	Reg. 5(5)(b) and(c) Schedule 2 Part 1 Schedule 2 Part 2
Article 4(4) and (5)	Article 4(2) and (3)	Genetically modified varieties should only be accepted if it has been accepted for marketing in accordance with the relevant legislation.	Reg. 5(5)(e) and (f)
Article 4(6)	Article 4(4)	Depart from the acceptance criteria in the interest of conserving plant genetic resources.	Regs 5(4) and (5)(d) and 6(2)(a)
Article 5(1),(2) and (3)	Article 5(1), (2) and (3)	Conditions for a variety to be regarded as distinct, stable and uniform	Reg 5(5)(b) and Schedule 2, Part 1
Article 5(4)		Conditions for a variety to be regarded as satisfactory for cultivation and use.	Reg 5(5)(c) and Schedule, Part 2
Article 6	Article 6	Ensure varieties coming from other Member States are subject to the same requirements as domestic varieties.	Reg. 5(2)
Article 7(1)	Article 7(1)	Acceptance of varieties should be based on the results of official examinations	Reg. 5(1)
Article 7(3)	Article 7(3)	Description of genealogical components to be treated as confidential	Reg. 16(3)
Article 7(4)	Article 7(4)	Environmental risk assessment for genetically modified varieties	Not transposed in these Regulations due to existing provision in the Genetically Modified Organisms

			(Northern Ireland) Order 1991
Article 7(5)	Article 7(5)	Any varieties to be used in food or feed should only be accepted if it has been authorised under the relevant legislation	Reg. 5(5)(f)
Article 8	Article 8	Requirement that an applicant must indicate where the variety has been applied for in a Member State, which Member State and if it was excepted	Reg. 4(3)(b)
Article 9(1)	Article 9(1)	Arrange for official publication of the catalogue of varieties and of the name of the person or persons responsible for maintenance of the variety.	Reg. 3(1) Reg. 16(2)(g)
Article 9(2)	Article 9(2)	Ensure at the time of acceptance that the variety is known by the same name in all Member States	Reg. 7(3)(a) and (c)
Article 9(3)	Article 9(3)	If a variety is not clearly distinguishable from another variety, it should bear the name of that variety.	Reg. 7(3)(c)
Article 9(4)	Article 9(4)	Compile a special file on each variety accepted.	Reg. 16(2)
Article 9(5)	Article 9(5)	Clearly indicate genetically modified varieties as such in the catalogue	Reg. 3(5) and the Seed Marketing Regulations (Northern Ireland) 2016
Article 9(6)	Article 9(6)	Suitability of denomination	Reg. 7
Article 10	Article 10	Notifying the other Member States and the Commission of any application, withdrawal of applications or amendment to application for acceptance of a variety	Not transposed – the NI Variety Lists will not form part of the Common Catalogue.
Article 11	Article 11	Conditions for maintainers of varieties	Reg. 8 Reg. 13
Article 12	Article 12	Duration of validity of acceptance / renewal of acceptance	Reg. 14
Article 13	Article 13	Clarify any doubts which arise after the acceptance of a variety concerning the appraisal of its distinctness or of its name at the time of acceptance and amend / revoke the decision if necessary	Reg. 15
Article 14	Article 14	Conditions for revoking acceptance	Reg. 15
Article 15	Article 15	Conditions for deleting a variety and set time period for certification and marketing post	

		deletion.	
Article 16(1)	Article 16(1)	Ensure seed of accepted varieties are not subject to marketing restrictions	
Article 16(2)	Article 16(2)	Prohibit the use of a variety or lay down appropriate conditions for its cultivation.	Reg. 12
Article 17	Article 17	The Commission shall publish list of varieties and maintainers in the Official Journal of the European Communities	Not transposed.
Article 18	Article 18	Prohibiting the marketing of seed or propagating material if it has potential to cause harm to plant or human health or to the environment.	Reg. 12(2)(a) Reg. 5(7)
Article 19	Article 19	Continued acceptance of a variety when it ceases to be of acceptance in another Member State.	Not transposed.
Article 22	Article 37	Conditions for the Council deciding on 3 rd country equivalence	Not transposed.
Article 20(1)	Article 44(1)	Specific conditions may be established to take account of developments in relation to the conditions under which chemically treated seed may be marketed.	Not transposed.
Article 20(2)&(3) and Article 21?	Article 44(2)&(3)	Specific conditions shall be established to take account of developments in relation to the conservation in situ and the sustainable use of plant genetic resources	Not transposed.
	Article 45	Amendments to be made to the content of the Annexes in the light of the development of scientific or technical knowledge shall be adopted according to the procedure referred to in Article 46(2)	Not transposed.
Article 23(1)	Article 46(1)	The Commission shall be assisted by the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry set up by Article 1 of Council Decision 66/399/EEC	Not transposed.
Article 23(2)	Article 46(2)	Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply. The period provided for in	Not transposed.

		Article 4(3) of Decision 1999/468/EC shall be set at one month	
Article 23(4)	Article 46(3)	Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply. The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months	Not transposed.
Article 23(4)	Article 46(4)	The Committee shall adopt its rules of procedure	Not transposed.
Article 24	Article 47	Save as otherwise provided in Article 18 and in Annexes I and II, this Directive shall be without prejudice to the provisions of national laws justified on grounds of the protection of health and life of humans, animals or plants or the protection of industrial or commercial property	Not transposed.
Article 25	Article 50	Communication between Member states and the commission that directive adopted into domestic law	Not transposed.
Article 26	Article 51	Amendments / repeals	
Article 27	Article 52	Entry into force	
Article 28	Article 53	Addressed to Member States	