



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 01.06.2005
COM(2005) 226 final

Proposal for a

COUNCIL DECISION

**the equivalence of checks on practices for the maintenance of varieties carried out in
certain third countries**

(presented by the Commission)

EXPLANATORY MEMORANDUM

Council Directives 2002/53/EC on the Common Catalogue of varieties of agricultural plant species and 2002/55/EC on the marketing of vegetable seed provide for the Council to determine whether the checks on practices for the maintenance of varieties carried out in third countries afford the same guarantees as those carried out by Member States.

By Decision 97/788/EC the Council determined that the above checks afforded the same guarantees as those carried out by the Member States. The decision expires on 30 June 2005.

On the basis of the information collected by the Commission services within the Standing Committee on Seeds and obtained from Community comparative trials, these countries continue to afford the same guarantees.

The present proposal would establish the list of third country equivalence referred to in Decision 97/788/EC and would permit the Commission to update the list taking into account the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry.

Proposal for a

COUNCIL DECISION

the equivalence of checks on practices for the maintenance of varieties carried out in certain third countries

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species¹, and in particular Article 22 (1) (b) thereof,

Having regard to Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed², and in particular Article 37 (1) (b) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) By Decision 97/788/EC³, the Council determined that the official checks on practices for the maintenance of varieties carried out in certain third countries afforded the same guarantees as those carried out by the Member States. That Decision expires on 30 June 2005.
- (2) It appears that the checks carried out in the third countries referred to in Decision 97/788/EC continue to afford the same guarantees as those carried out by the Member States. Those checks should therefore continue to be considered as equivalent.
- (3) This Decision does not prevent Community findings on equivalence from being revoked or the extension of their period of validity being refused when the conditions on which they are based are not, or cease to be, satisfied.
- (4) Since the Annex may require frequent amendments, it should be amended 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 Commission⁴,

¹ OJ L 193, 20.7.2002 p. 1. Directive as last amended by Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ L 268, 18.10.2003, p. 1).

² OJ L 193, 20.7.2002, p. 33. Directive as last amended by Regulation (EC) No 1829/2003.

³ OJ L 322, 25.11.1997, p. 39. Decision as last amended by Commission Decision 2004/120/EC (OJ L 36, 7.2.2004, p. 57).

⁴ OJ L 184, 17.7.1999, p. 23.

HAS ADOPTED THIS DECISION:

Article 1

The official checks on practices for the maintenance of varieties carried out in the third countries listed in the Annex by the authorities mentioned therein for the species covered by the Directives referred to for each of those countries afford the same guarantees as those carried out by the Member States.

Article 2

Amendments to the Annex shall be adopted in accordance with the procedure referred to in Article 3(2).

Article 3

1. The Commission shall be assisted by the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry, hereinafter referred to as “the Committee”.
2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be one month.

3. The Committee shall adopt its rules of procedure.

Article 4

This Decision is addressed to the Member States.

Done at Brussels,

*For the Council
The President*

ANNEX

Country*	Authority responsible for carrying out checks	Directives
AR	Secretaría de Agricultura, Ganadería, Pesca y Alimentación, Buenos Aires	2002/54/EC 66/401/EEC 66/402/EEC 2002/57/EC
AU	Australian Seeds Authority, Victoria	66/401/EEC 2002/57/EC 2002/55/EC
BG	Ministry of Agriculture and Forestry, Sofia	2002/54/EC 66/401/EEC 66/402/EEC 2002/57/EC 2002/55/EC
CA	Canadian Food Inspection Agency, Ottawa	2002/54/EC 66/401/EEC 66/402/EEC 2002/57/EC
CH	Eidgenössische Forschungsanstalt für Agrarökologie und Landbau (FAL) Zürich Station Fédérale de Recherches en Production Végétale de Changins (RAC), Nyon	2002/55/EC
CL	Servicio Agrícola y Ganadero, Santiago	2002/54/EC 66/401/EEC 66/402/EEC 2002/57/EC
CS	National Laboratory for Seed Testing, Novi Sad	2002/54/EC 66/401/EEC 66/402/EEC 2002/57/EC
HR	Ministry for Seed and Seedlings, Osijek	2002/54/EC 66/401/EEC 66/402/EEC 2002/57/EC

IL	Ministry of Agriculture Bet-Dagan	2002/54/EC 66/401/EEC 66/402/EEC 2002/57/EC 2002/55/EC
JP	Ministry of Agriculture, Forestry and Fisheries, 1-2-1 Kumigaseki, Chiyodaku, Tokyo	2002/55/EC
KR	Ministry of Agriculture, Forestry and Fisheries, Vegetables Division, Seoul	2002/55/EC
MA	Ministère de l'agriculture et de la mise en valeur agricole, Rabat	66/401/EEC 66/402/EEC 2002/57/EC 2002/55/EC
NZ	Ministry of Agriculture and Fisheries, Wellington	66/401/EEC
RO	Ministry of Agriculture and Food, Bucharest	2002/57/EC
TW	Council of Agriculture, Food and Agriculture Department, Taipei	2002/55/EC
US	United States Department of Agriculture, Beltsville, Maryland	2002/54/EC 66/401/EEC 66/402/EEC 2002/57/EC 2002/55/EC
UY	Ministerio de Ganadería, Agricultura y Pesca, Montevideo	2002/54/EC 66/401/EEC 66/402/EEC 2002/57/EC
ZA	Department of Agriculture, Pretoria	66/401/EEC 66/402/EEC 2002/57/EC

*AR - Argentina	CS - Serbia and Montenegro	NZ - New Zealand
AU - Australia	HR - Croatia	RO - Romania
BG - Bulgaria	IL - Israel	TW - Taiwan
CA - Canada	JP - Japan	US - United States of America
CH - Switzerland	KR - Republic of Korea	UY - Uruguay
CL - Chile	MA - Morocco	ZA - South Africa