

Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control

TITLE II

RULES ON PRODUCTION, PROCESSING, PACKAGING, TRANSPORT AND STORAGE OF ORGANIC PRODUCTS

CHAPTER 7

Seed data base

Article 48

Database

- 1 Each Member State shall ensure that a computerised database is established for the listing of the varieties for which seed or seed potatoes obtained by the organic production method are available on its territory.
- 2 The database shall be managed either by the competent authority of the Member State or by an authority or body designated for this purpose by the Member State, hereinafter referred to as 'manager of the database'. Member States may also designate an authority or a private body in another country.
- 3 Each Member State shall inform the Commission and the other Member States of the authority or private body designated to manage the database.

Article 49

Registration

- 1 Varieties for which seed or seed potatoes produced by the organic production method are available shall be registered in the database referred to in Article 48 at the request of the supplier.
- 2 Any variety which has not been registered in the database shall be considered as unavailable with regard to Article 45(5).
- 3 Each Member State shall decide in which period of the year the database has to be regularly updated for each species or group of species cultivated on its territory. The database shall hold information with regard to that decision.

Article 50

Conditions for registration

- 1 For registration, the supplier shall:
 - a demonstrate that he or the last operator, in cases where the supplier is only dealing with pre-packaged seed or seed potatoes, has been subject to the control system referred to in Article 27 of Regulation (EC) No 834/2007;
 - b demonstrate that the seed or seed potatoes to be placed on the market comply with the general requirements applicable to seed and seed potatoes;
 - c make available all the information required under Article 51 of this Regulation, and undertake to update this information at the request of the manager of the database or whenever such updating is necessary to ensure that the information remains reliable.
- 2 The manager of the database may, with the approval by the competent authority of the Member State, refuse a supplier's application for registration or delete a previously accepted registration if the supplier does not comply with the requirements set out in paragraph 1.

Article 51

Registered information

- 1 For each registered variety and for each supplier, the database referred to in Article 48 shall contain at least the following information:
 - a the scientific name of the species and the variety denomination;
 - b the name and contact details of the supplier or his representative;
 - c the area where the supplier can deliver the seed or seed potatoes to the user in the usual time needed for the delivery;
 - d the country or region in which the variety is tested and approved for the purpose of the common catalogues of varieties of agricultural plant species and vegetable species as defined in Council Directives 2002/53/EC on the common catalogue of varieties of agricultural plant species⁽¹⁾ and 2002/55/EC on the marketing of vegetable seed⁽²⁾;
 - e the date from which the seed or seed potatoes will be available;
 - f the name and/or code number of the control authority or control body in charge of the control of the operator as referred to in Article 27 of Regulation (EC) No 834/2007.
- 2 The supplier shall immediately inform the manager of the database if any of the registered varieties are no longer available. The amendments shall be recorded in the database.
- 3 Besides the information specified in paragraph 1, the database shall contain a list of the species listed in Annex X.

Article 52

Access to information

- 1 The information in the database referred to in Article 48 shall be available through the Internet, free of cost, to the users of seed or seed potatoes and to the public. Member States may decide that any user who has notified its activity in accordance with Article 28(1)(a) of

Regulation (EC) No 834/2007 may obtain, on request, an extract of data concerning one or several groups of species from the database manager.

2 The Member States shall ensure that all users referred to in paragraph 1 are informed, at least once a year, about the system and how to obtain the information in the database.

Article 53

Registration fee

Each registration may be subject to the levying of a fee, which shall represent the cost of inserting and maintaining the information in the database referred to in Article 48. The competent authority of the Member State shall approve the amount of the fee charged by the manager of the database.

Article 54

Annual report

1 The authorities or bodies designated to grant authorisations in accordance with Article 45 shall register all authorisations, and shall make this information available in a report to the competent authority of the Member State and to the manager of the database.

The report shall contain, for each species concerned by an authorisation according to Article 45(5), the following information:

- a the scientific name of the species and the variety denomination;
- b the justification for the authorisation indicated by a reference to Article 45(5)(a), (b), (c) or (d);
- c the total number of authorisations;
- d the total quantity of seed or seed potatoes involved;
- e the chemical treatment for phytosanitary purposes, as referred to in Article 45(2).

2 For authorisations according to Article 45(8) the report shall contain the information referred to in point (a) of the second subparagraph of paragraph 1 of this Article and the period for which the authorisations were in force.

Article 55

Summary report

The competent authority of the Member State shall, before 31 March each year, collect the reports and send a summary report covering all authorisations of the Member State from the previous calendar year to the Commission and to the other Member States. The report shall cover the information specified in Article 54. The information shall be published in the database referred to in Article 48. The competent authority may delegate the task of collecting the reports to the manager of the database.

Status: This is the original version (as it was originally adopted).

Article 56

Information upon request

Upon request from a Member State or the Commission, detailed information on authorisations granted in individual cases shall be made available to other Member States or to the Commission.

Status: This is the original version (as it was originally adopted).

- (1) OJ L 193, 20.7.2002, p. 1.
- (2) OJ L 193, 20.7.2002, p. 33.