



EUROPEAN PARLIAMENT

2009 - 2014

Committee on the Environment, Public Health and Food Safety

2013/0137(COD)

20.12.2013

AMENDMENTS 75 - 274

Draft opinion

Pilar Ayuso

(PE522.867v01-00)

on the production and making available on the market of plant reproductive material (plant reproductive material law)

Proposal for a regulation

(COM(2013)0262 – C7-0121/2013 – 2013/0137(COD))

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EN

United in diversity

EN

Amendment 75

Pavel Poc, Matthias Groote, Karin Kadenbach, Kriton Arsenis, Linda McAvan, Åsa Westlund, Marita Ulvskog, Jens Nilsson, Göran Färm

Proposal for a regulation

Title 0

Proposal for a rejection

The Committee on environment, public health and food safety calls on the Committee on agriculture and rural development, as the committee responsible, to reject the Commission proposal.

Or. en

Justification

The "one size fits all" approach risk of this legal framework does not meet the different requirements arising from the broad variety of existing plant reproductive material and the needs of operators, consumers and competent authorities. The complexity may create unnecessary burdens for operators, and fewer choices and less transparency for consumers. The large number of delegated acts in the proposal is another element that hampers proper assessment of the consequences.

Amendment 76

Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

Proposal for a regulation

Title 0

Text proposed by the Commission

Amendment

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Agriculture and Rural Development, as the committee responsible, to propose that the Commission proposal be rejected.

Or. de

Justification

The proposal on the production and making available on the market of plant reproductive material should be rejected in its entirety. Its aim of simplifying and harmonising this field has not been achieved. Instead, an as-yet-unforeseeable, unreasonable administrative burden will be placed on the Member States, the enterprises concerned and the producers.

Amendment 77

Satu Hassi, Karin Kadenbach

Proposal for a regulation

Title 0

Text proposed by the Commission

Amendment

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
On the ***production and*** making available
on the market of plant reproductive
material (plant reproductive material law)
(Text with EEA relevance)

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
On the making available on the market of
plant reproductive material (plant
reproductive material law)
(Text with EEA relevance)

Or. en

Justification

The focus of the law is clearly the marketing, not the production, of plant reproductive material (PRM).

Amendment 78

James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling

Proposal for a regulation

Title 0

Text proposed by the Commission

Amendment

The Committee on environment, public health and food safety calls on the Committee on agriculture and rural development, as the committee responsible, to reject the Commission

proposal.

Or. en

Amendment 79

Satu Hassi, Karin Kadenbach, Corinne Lepage

Proposal for a regulation

Title 0

Text proposed by the Commission

Amendment

Proposal for a

REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL

On the **production and** making available
on the market of plant reproductive
material (plant reproductive material law)

(Text with EEA relevance)

Proposal for a

DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL

On the making available on the market of
plant reproductive material (plant
reproductive material law)

(Text with EEA relevance)

*(This amendment applies throughout the
whole text. Adopting it will necessitate
corresponding changes throughout the
text)*

Or. en

Justification

Currently, rules on seeds are set out in several Directives. A Regulation would continue and enhance the current limitations against the production and placing on the market of traditional, regional or organic varieties and would not allow Member States to enable small scale activities of seed savers and small breeders to market seeds outside the registration and certification system. A Directive would create a better enabling environment for halting genetic erosion among agricultural species.

Amendment 80

João Ferreira

on behalf of the GUE/NGL Group

Proposal for a regulation

Title 0

Text proposed by the Commission

Amendment

Proposal for ***a***

**REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE
COUNCIL**

On the production and making available on
the market of plant reproductive material
(plant reproductive material law)

(Text with EEA relevance)

Proposal for ***rejection***

THE EUROPEAN PARLIAMENT ***rejects
the Commission proposal*** on the
production and making available on the
market of plant reproductive material
(plant reproductive material law)

(Text with EEA relevance)

Or. pt

Amendment 81

Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

Proposal for a regulation

Recital 1 – point e

Text proposed by the Commission

Amendment

***(e) Council Directive 1999/105/EC of 22
December 1999 on the marketing of forest
reproductive material⁶;***

deleted

⁶ OJ L 11, 15.01.2000, p. 17.

Or. de

Amendment 82

Karin Kadenbach

Proposal for a regulation

Recital 2

Text proposed by the Commission

Amendment

(2) The basic objective of the above
Directives is sustainable agricultural,

(2) The basic objective of the above
Directives is sustainable agricultural,

horticultural and forestry production. In order to ensure productivity, **the health, quality and diversity** of plant reproductive material **is of utmost importance** for agriculture, horticulture, food and feed security, and the economy in general. Moreover, to ensure sustainability, legislation should take account of the need to meet consumers' expectations, to ensure the adaptability of production to manifold agricultural, horticultural and environmental conditions, to face the challenges of climate change and to foster the protection of agro-biodiversity.

horticultural and forestry production. **To this end, these Directives regulate the making available on the market of plant reproductive material aimed at commercial exploitation.** In order to ensure productivity, **and a certain quality of plant reproductive material legislation on the marketing** of plant reproductive material **could be useful** for agriculture, horticulture, food and feed security, and the economy in general. Moreover, to ensure sustainability, legislation should take account of the need to meet consumers' expectations, to ensure the adaptability of production to manifold agricultural, horticultural and environmental conditions, to face the challenges of climate change and to foster the protection of agro-biodiversity.

Or. en

Justification

This legislation does not ensure plant health. To this end, there is legislation on plant health. In addition, seeds are not a good vector for harmful organisms. Ex post controls perform perfectly in the existing legislation. There is no need to extend it. In addition, the existing legislation contributed to a decrease of agricultural biodiversity. The mentioned directives cannot be considered as ensuring diversity of PRM.

Amendment 83 **Kathleen Van Brempt**

Proposal for a regulation **Recital 2**

Text proposed by the Commission

(2) The basic objective of the above Directives is sustainable agricultural, horticultural and forestry production. ***In order to ensure productivity, the health, quality and diversity of plant reproductive material is of utmost importance for agriculture, horticulture, food and feed security, and the economy in general.***

Amendment

(2) The basic objective of the above Directives is sustainable agricultural, horticultural and forestry production. To ensure sustainability, legislation should take account of the need to meet consumers' expectations, to ensure the adaptability of production to manifold agricultural, horticultural and

Moreover, to ensure sustainability, legislation should take account of the need to meet consumers' expectations, to ensure the adaptability of production to manifold agricultural, horticultural and environmental conditions, to face the challenges of climate change and to foster the protection of agro-biodiversity.

environmental conditions, to face the challenges of climate change and to foster the protection of agro-biodiversity.

Moreover, in order to ensure productivity, the health, quality and diversity of plant reproductive material are of the utmost importance for agriculture, horticulture, food and feed security, and the economy in general.

Or. nl

Amendment 84

Martin Kastler, Richard Seeber, Albert Deß, Milan Zver

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) The basic objective of the above Directives is sustainable agricultural, horticultural and forestry production. In order to ensure productivity, the health, quality and diversity of plant reproductive material is of utmost importance for agriculture, horticulture, food and feed security, and the economy in general. Moreover, to ensure sustainability, legislation should take account of the need to meet consumers' expectations, to ensure the adaptability of production to manifold agricultural, horticultural and environmental conditions, to face the challenges of climate change and to foster the protection of agro-biodiversity.

Amendment

(2) The basic objective of the above Directives is sustainable agricultural, horticultural and forestry production, ***as well as the proactive conservation of Europe's natural species diversity.*** In order to ensure productivity, the health, quality and diversity of plant reproductive material is of utmost importance for agriculture, horticulture, food and feed security, and the economy in general. Moreover, to ensure sustainability, legislation should take account of the need to meet consumers' expectations, to ensure the adaptability of production to manifold agricultural, horticultural and environmental conditions, to face the challenges of climate change and to foster the protection of agro-biodiversity. ***In addition the EU may proactively foster the continued existence of old, rare varieties and local varieties by establishing a Europe-wide network of gene banks ('EuropArch'), if necessary supported by European ex-situ documentation attached to the agency ('BioEuropeana').***

Or. de

Amendment 85
Karin Kadenbach

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) Evolution in the areas of agriculture, horticulture, forestry, plant breeding and making available on the market of plant reproductive material has shown that the legislation needs to be simplified and further adapted to the developments of the sector. Therefore, the above Directives should be replaced by a single Regulation on ***the production, with a view to making available on the market, and*** the making available on the market, of plant reproductive material within the Union.

Amendment

(3) Agriculture faces new environmental challenges including climate change and loss of biodiversity. The legislation needs to take better into account this current situation as well as consumers' changes in terms of consumption. In addition, evolution in the areas of agriculture, horticulture, forestry, plant breeding and making available on the market of plant reproductive material has shown that the legislation needs to be simplified and further adapted to the developments of the sector. Therefore, the above Directives should be replaced by a single Regulation on the making available on the market, of plant reproductive material within the Union.

Or. en

Justification

Environment is until now an underestimated problem in the existing legislations dealing with agriculture. Environmental indicators such as agricultural biodiversity, necessary for the creation of new varieties in the future, should come first, in order to have a real “better regulation”, with a long term view. Also consumers’ changes in terms of consumption should better be taken into account into the legislation and come first.

Amendment 86
Karin Kadenbach

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) In order to determine the scope of the several provisions of this Regulation it is necessary to define the concepts of ‘professional operator’ and ‘making available on the market’. In particular, ***in view of the marketing developments of the sector***, the definition of ‘making available on the market’ should be ***as wide as possible to ensure*** all forms of transactions of plant reproductive material. That definition should include inter alia persons concluding sales through distance contracts (e.g. electronically) ***and persons who collect basic forest material.***

Amendment

(6) In order to determine the scope of the several provisions of this Regulation it is necessary to define the concepts of ‘professional operator’ and ‘making available on the market’. In particular, the definition of ‘making available on the market’ should be ***concise to cover*** all forms of transactions ***aiming at commercial exploitation*** of plant reproductive material. That definition should include inter alia persons concluding ***volume*** sales through distance contracts (e.g. electronically). ***Taking into consideration the principle of proportionality non-professionals and farmers exchanging seeds between each other or with individuals should not be considered as "making plant reproductive material available on the market". Farmers exchanging seeds from their own farm on their own behalf and for their own account should not be regarded as professional operators.***

Or. en

Justification

To be in accordance with proposal for amendment concerning recital 2 and the not needed extension of the scope of the legislation.

Amendment 87

Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) In order to determine the scope of the several provisions of this Regulation it is necessary to define the concepts of “professional operator” and “making

Amendment

(6) In order to determine the scope of the several provisions of this Regulation it is necessary to define the concepts of “professional operator” and “making

available on the market". In particular, in view of the marketing developments of the sector, the definition of 'making available on the market' should be as wide as possible to ensure all forms of transactions of plant reproductive material. That definition should include inter alia persons concluding sales through distance contracts (e.g. electronically) **and persons who collect basic forest material.**

available on the market". In particular, in view of the marketing developments of the sector, the definition of 'making available on the market' should be as wide as possible to ensure all forms of transactions of plant reproductive material. That definition should include inter alia persons concluding sales through distance contracts (e.g. electronically).

Or. de

Amendment 88
Linda McAvan

Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) Private gardeners and farmers, who use seeds and plants and produce them for their own consumption, are not covered by this Regulation. The rules laid down in this Regulation shall only apply to the marketing of plant reproductive material aimed at commercial exploitation.

Or. en

Amendment 89
Giancarlo Scottà

Proposal for a regulation
Recital 7

Text proposed by the Commission

Amendment

(7) Given the needs of producers and the requirements for flexibility and proportionality, this Regulation should not apply to reproductive material intended

(7) Given the needs of producers and the requirements for flexibility and proportionality, this Regulation should not apply to reproductive material intended

solely for testing, scientific and breeding purposes, to gene banks, organisations and networks devoted to the exchange and conservation of genetic resources (including on-farm conservation), or to reproductive material exchanged *in kind* between persons other than professional operators.

solely for testing, scientific and breeding purposes, to gene banks, organisations and networks devoted to the exchange and conservation of genetic resources (including on-farm conservation), or to reproductive material exchanged between persons other than professional operators.

Or. it

Amendment 90
Radvilė Morkūnaitė-Mikulėnienė

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) Given the needs of producers and the requirements for flexibility and proportionality, this Regulation should not apply to reproductive material intended solely for testing, scientific and breeding purposes, to gene banks, organisations and networks devoted to the exchange and conservation of genetic resources (including on-farm conservation), or to reproductive material exchanged in kind between persons *other than professional operators*.

Amendment

(7) Given the needs of producers and the requirements for flexibility and proportionality, this Regulation should not apply to reproductive material intended solely for testing, scientific and breeding purposes, to gene banks, organisations and networks devoted to the exchange and conservation of genetic resources (including on-farm conservation), or to reproductive material exchanged in kind between persons *not systematically aiming to make a profit*.

Or. It

Amendment 91
Karin Kadenbach

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) In order to ensure transparency and more effective controls on the *production*

Amendment

(9) In order to ensure transparency and more effective controls on the making

and making available on the market of plant reproductive material, professional operators **should be registered**. However, in order to reduce the administrative burden for professional operators, by allowing them to register only once in a single register, it is appropriate that they register in the public registers established by the Member States pursuant to Regulation (EU) No .../... (Office of Publication, please insert number of Regulation on protective measures against pests of plants).

available on the market of plant reproductive material **aimed at commercial exploitation**, professional operators **could be registered**. **Farmers should not be considered as professional operators**. However, in order to reduce the administrative burden for professional operators, by allowing them to register only once in a single register, it is appropriate that they register in the public registers established by the Member States pursuant to Regulation (EU) No .../... (Office of Publication, please insert number of Regulation on protective measures against pests of plants).

Or. en

Justification

In the existing directives, the expression “aimed at commercial exploitation” ensures that public expenditure on the implementation of this law is proportionate. In the proposed regulation, this expression has been removed. Tests, controls and administrative formalities are no longer limited to commercial activities.

Amendment 92 **Linda McAvan**

Proposal for a regulation **Recital 12**

Text proposed by the Commission

(12) Certain genera and species of plant reproductive material should be subject to enhanced requirements concerning their production and making available on the market due to their increased economic, health or environmental importance. That importance should be determined through the area or value of production of those genera or species, the number of professional operators or the content of substances which present a potential risk for health or the environment. The majority of those genera and species is currently

Amendment

(12) Certain genera and species of plant reproductive material, **with the exception of those marketed exclusively for ornamental use and those intended for sale to home gardeners**, should be subject to enhanced requirements concerning their production and making available on the market due to their increased economic, health or environmental importance. That importance should be determined through the area or value of production of those genera or species, the number of professional operators or the content of

regulated by the above Directives. Those genera and species should be inserted in a specific list (hereinafter: ‘listed genera and species’).

substances which present a potential risk for health or the environment. The majority of those genera and species is currently regulated by the above Directives. Those genera and species should be inserted in a specific list (hereinafter: ‘listed genera and species’).

Or. en

Justification

Plant reproductive material for ornamental purposes and propagating material intended for sale to home gardeners should not be regulated in the same way as seeds for commercial agriculture. They should therefore be excluded from the controls in Title II and covered by provisions in Title III, which will provide consumer protection.

Amendment 93 Karin Kadenbach

Proposal for a regulation Recital 13

Text proposed by the Commission

(13) In order to ensure transparency and enable informed choices by consumers, plant reproductive material belonging to listed genera and species should only be produced or made available on the market under predefined categories. Those categories should reflect different quality levels and production stages and be named ‘pre-basic’, ‘basic’, ‘certified’ and ‘standard’,

Amendment

(13) In order to ensure transparency and enable informed choices by consumers, plant reproductive material belonging to listed genera and species should only be produced or made available on the market under predefined categories. Those categories should reflect different quality levels and production stages and be named ‘pre-basic’, ‘basic’, ‘certified’ and ‘standard’. ***This should however under no circumstances prevent the use of national or private labels and certification schemes.***

Or. en

Justification

Private labelling and certification schemes have proven to perform very well, granting a necessary degree of flexibility. Establishment of such labels shall not be inhibited by the provisions of article 19. A paragraph 6 allowing private and national labelling and

certification schemes shall be introduced.

Amendment 94

James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) In order to ensure the widest possible availability of plant reproductive material and choices by its users, professional operators should, in principle, be able to make available on the market plant reproductive material belonging to listed genera or species under any of the categories. However, in order to ensure food and feed security, **and** to achieve a high level of identity, quality and health of plant reproductive material, plant reproductive material should not be made available on the market as standard material if the certification costs are proportionate to those objectives.

Amendment

(14) In order to ensure the widest possible availability of plant reproductive material and choices by its users, professional operators should, in principle, be able to make available on the market plant reproductive material belonging to listed genera or species under any of the categories, **considering that production and marketing conditions between agricultural and horticultural species are different**. However, in order to ensure food and feed security, **or** to achieve a high level of identity, quality and health of plant reproductive material, **particularly agricultural species material**, should not be made available on the market as standard material if the certification costs are proportionate to those objectives.

Or. en

Amendment 95

Karin Kadenbach

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) ***In order to ensure the widest possible availability of plant reproductive material and choices by its users, professional operators should, in principle, be able to***

Amendment

(14) ***Operators take the decision*** to make available on the market plant reproductive material ***as standard material or as material undergoing certification.***

make available on the market plant reproductive material *belonging to listed genera or species under any of the categories. However, in order to ensure food and feed security, and to achieve a high level of identity, quality and health of plant reproductive material, plant reproductive material should not be made available on the market as standard material if the certification costs are proportionate to those objectives.*

Or. en

Justification

Food and feed security and high level of identity, quality and health might perfectly be achieved through an operator's label. However, constant principle of the EU law, recognised by the ECJ, states that different situations must not be treated in the same way unless such treatment is objectively justified. In this case, there is no objective reasoning justifying that certain plants reproductive materials should not be made available on the market as standard material.

Amendment 96 Karin Kadenbach

Proposal for a regulation Recital 16

Text proposed by the Commission

(16) In order to allow for informed choices by users concerning its identity and characteristics, plant reproductive material belonging to listed genera and species ***should only be produced and*** made available on the market if it belongs to varieties registered in national variety registers or in the Union variety register.

Amendment

(16) In order to allow for informed choices by users concerning its identity and characteristics, plant reproductive material belonging to listed genera and species ***may be*** made available on the market if it belongs to varieties registered in national variety registers or in the Union variety register.

Or. en

Amendment 97 Karin Kadenbach

Proposal for a regulation
Recital 27

Text proposed by the Commission

(27) Plant reproductive material which is ***made available on the market only in limited quantities*** by small producers (‘niche market plant reproductive material’) should be exempted from the requirement of belonging to a registered variety. That derogation is necessary to prevent undue constraints ***to*** the making available on the market of plant reproductive material, which is of lesser commercial interest, but is important for the maintenance of genetic diversity. However, it should be ensured that that derogation is not regularly used by a wide range of professional operators and it is only used by professional operators which cannot afford the costs and administrative burden of variety registration. This is important to avoid abuses of that derogation and to ensure the application of the rules of this Regulation. Therefore, niche market material should only be made available on the market by professional operators employing a small number of persons and with a small annual turnover.

Amendment

(27) Plant reproductive material which is ***produced*** by small producers (‘niche market plant reproductive material’) should be exempted from the requirement of belonging to a registered variety. That derogation is necessary to prevent undue constraints ***and to allow the development of*** the making available on the market of plant reproductive material, which is of lesser commercial interest, but is important for the maintenance of genetic diversity. However, it should be ensured that that derogation is not regularly used by a wide range of professional operators and it is only used by professional operators which cannot afford the costs and administrative burden of variety registration. This is important to avoid abuses of that derogation and to ensure the application of the rules of this Regulation. Therefore, niche market material should only be made available on the market by professional operators employing a small number of persons and with a small annual turnover.

Or. en

Justification

Niche markets shall be allowed to grow! A successful PRM or actor shall be able to develop inside the niche market, without falling in the conventional sector. Therefore, any limitation in terms of quantity shall be deleted and it shall be integrated the possibility that other actors than the producer and which are not relevant for niche markets, take the making available on the market in charge.

Amendment 98
Linda McAvan

Proposal for a regulation
Recital 30

Text proposed by the Commission

(30) Basic requirements should be set for plant reproductive material not belonging to listed genera or species, to ensure minimum quality and identification standards for their production and making available on the market.

Amendment

(30) Basic requirements should be set for plant reproductive material not belonging to listed genera or species, to ensure minimum quality and identification standards for their production and making available on the market. ***Those requirements should also apply to plant reproductive material marketed for ornamental purposes and to propagating material intended for sale to home gardeners.***

Or. en

Justification

Plant reproductive material for ornamental purposes and propagating material intended for sale to home gardeners should not be regulated in the same way as seeds for commercial agriculture. They should therefore be excluded from the controls in Title II and covered by provisions in Title III, which will provide consumer protection.

Amendment 99
Karin Kadenbach

Proposal for a regulation
Recital 31

Text proposed by the Commission

(31) In order to ensure that all varieties have access to registration and are subject to common rules and conditions rules should be established for the registration of varieties and ***should*** apply to varieties of listed genera or species as well as to varieties of non-listed species.

Amendment

(31) In order to ensure that all varieties have access to registration and are subject to common rules and conditions rules should be established for the registration of varieties and ***may*** apply to varieties of listed genera or species as well as to varieties of non-listed species.

Or. en

Justification

Registration of varieties is both very expensive and does not fit with non-modified PRM. Whereas it may insure that seeds are fit for a certain use, making the registration of varieties compulsory means cutting out many interesting PRM. In addition, the concept of variety is too small and does not allow the registration of many interesting PRM. There are more reasons arguing in favour of a voluntary system of registration than arguing in favour of a compulsory.

Amendment 100 **Giancarlo Scottà**

Proposal for a regulation **Recital 33**

Text proposed by the Commission

(33) Varieties should, ***in principle***, be registered on the basis of an official description produced by a competent authority or the Agency. ***However, in order to reduce the burden for the competent authorities and the Agency and ensure flexibility, it is appropriate to provide for the possibility that the examinations necessary to produce the official description may also be carried out by the applicants.***

Amendment

(33) Varieties should be registered on the basis of an official description produced by a competent authority or the Agency.

Or. it

Amendment 101 **Andrea Zanoni**

Proposal for a regulation **Recital 36**

Text proposed by the Commission

(36) ***In the context of the Convention on Biological Diversity to which the Union is a party, the Union has committed to maintain*** the genetic diversity of cultivated plants, and of wild relatives, and to

Amendment

(36) ***The Union is a party to both the International Treaty on Plant Genetic Resources for Food and Agriculture and the Convention on Biological Diversity and has in the context of these committed***

minimise genetic erosion. That commitment complements the objective of the Union to halt biodiversity loss by 2020. In that context, certain varieties should be allowed to be produced and made available on the market even if they do not comply with the requirements concerning distinctiveness, uniformity or stability, to ensure their conservation and sustainable use and thus contribute to the sustainability of agriculture and the adaptation to climate change. Therefore, those varieties should only be registered on the basis of an officially recognised description.

to the conservation and sustainable use of the genetic diversity of cultivated plants, and of wild relatives, and to minimise genetic erosion. That commitment complements the objective of the Union to halt biodiversity loss by 2020. In that context, certain varieties should be allowed to be produced and made available on the market even if they do not comply with the requirements concerning distinctiveness, uniformity or stability, to ensure their conservation and sustainable use and thus contribute to the sustainability of agriculture and the adaptation to climate change. Therefore, those varieties should only be registered on the basis of an officially recognised description.

Or. en

Justification

The proposal for a regulation makes a reference to the Convention of Biological Diversity but in the context of cultivated plants, the International Treaty on Plant Genetic Resources for Food and Agriculture is equally relevant and it should thus be mentioned as well. In this context a reference could be made to the overall objectives of these instruments: conservation and sustainable use of biological/genetic resources.

Amendment 102 **Karin Kadenbach**

Proposal for a regulation **Recital 36**

Text proposed by the Commission

(36) In the context of the Convention on Biological Diversity to which the Union is a party, the Union has committed to maintain the genetic diversity of cultivated plants, and of wild relatives, and to minimise genetic erosion. That commitment complements the objective of the Union to halt biodiversity loss by 2020. In that context, certain *varieties* should be allowed to be **produced and** made

Amendment

(36) In the context of the Convention on Biological Diversity to which the Union is a party, the Union has committed to maintain the genetic diversity of cultivated plants, and of wild relatives, and to minimise genetic erosion. That commitment complements the objective of the Union to halt biodiversity loss by 2020. In that context, certain **plant reproductive material** should be allowed to be made

available on the market even if they do not comply with the requirements concerning distinctiveness, uniformity or stability, to ensure their conservation and sustainable use and thus contribute to the sustainability of agriculture and the adaptation to climate change. Therefore, those varieties should only be registered on the basis of an officially recognised description.

available on the market even if they do not comply with the requirements concerning distinctiveness, uniformity or stability, to ensure their conservation and sustainable use and thus contribute to the sustainability of agriculture and the adaptation to climate change. Therefore, those varieties should only be registered on the basis of an officially recognised description.

Or. en

Justification

The concept of variety is too restrictive. Most of the natural traditional plant reproductive materials are not varieties under this proposal. As a consequence, the diversity of cultivated plants fulfils the requirements to benefit from the derogations to this very restrictive legislation. In other words, for a big number of traditional plants, the derogations provided by this proposal are an empty nutshell.

Amendment 103 Karin Kadenbach

Proposal for a regulation Recital 37

Text proposed by the Commission

Amendment

(37) However, the varieties registered on the basis of an officially recognised description should be produced in the region where they have been historically grown and adapted, to ensure their authenticity and their added value for the conservation of genetic diversity and the protection of the environment. Therefore, they should only be included in national variety registers. For the same reason, those varieties should have been available on the market and/or collected e.g. in gene banks before the entry into force of this Regulation, or, should have been deleted for more than five years from the national variety register or Union variety register, in case they have been registered there on the basis of a technical

deleted

examination concerning their distinctness, uniformity and stability.

Or. en

Justification

The registration under officially recognised description concerns the agricultural biodiversity. But this recital includes three limitations. The review is the opportunity to not repeat the past errors. The restriction “has been already on the market” excludes many plants from the officially recognised description (ORD). Many plants have been used locally, but were never marketed. Also, any new development or discovery is excluded from the ORD.

Amendment 104
Giancarlo Scottà

Proposal for a regulation
Recital 37

Text proposed by the Commission

(37) However, the varieties registered on the basis of an officially recognised description should ***be produced in the*** region where they have been historically grown ***and*** adapted, to ensure their authenticity and their added value for the conservation of genetic diversity and the protection of the environment. Therefore, they should only be included in national variety registers. For the same reason, those varieties should have been available on the market and/or collected e.g. in gene banks before the entry into force of this Regulation, or, should have been deleted for more than five years from the national variety register or Union variety register, in case they have been registered there on the basis of a technical examination concerning their distinctness, uniformity and stability.

Amendment

(37) However, the varieties registered on the basis of an officially recognised description should ***have a*** region where they have been historically grown ***or in which they have naturally*** adapted, to ensure their authenticity and their added value for the conservation of genetic diversity and the protection of the environment. Therefore, they should only be included in national variety registers. For the same reason, those varieties should have been available on the market and/or collected e.g. in gene banks before the entry into force of this Regulation, or, should have been deleted for more than five years from the national variety register or Union variety register, in case they have been registered there on the basis of a technical examination concerning their distinctness, uniformity and stability.

Or. it

Amendment 105

Martin Kastler, Elisabeth Köstinger, Richard Seeber

Proposal for a regulation

Recital 40

Text proposed by the Commission

(40) The Union variety register should also include all varieties that are registered in the national variety registers. In this way, it will be ensured that the Union variety register offers a transparent overview of all varieties registered in the Union.

Amendment

(40) The Union variety register should also include all varieties that are registered in the national variety registers. In this way, it will be ensured that the Union variety register offers a transparent overview of all varieties registered in the Union. ***In addition the EU may proactively foster the continued existence of old, rare varieties and local varieties by establishing a Europe-wide network of gene banks ('EuropArch'), if necessary supported by European ex-situ documentation attached to the agency ('BioEuropeana').***

Or. de

Amendment 106

Karin Kadenbach

Proposal for a regulation

Recital 43

Text proposed by the Commission

(43) In order to facilitate the registration of ***varieties*** which ***serve*** at combating genetic erosion in the Union, Member States should apply a reduced fee for varieties with officially recognised description and for heterogeneous material. Such reduced fees should be sufficiently low as not to constitute a deterrent or a barrier to the making available on the market of those varieties. In order to provide support to micro-enterprises, they should be fully exempted from the payment of fees.

Amendment

(43) In order to facilitate the registration of ***plant reproductive material*** which ***serves*** at combating genetic erosion in the Union, Member States should apply a reduced fee for varieties with officially recognised description and for heterogeneous material. Such reduced fees should be sufficiently low as not to constitute a deterrent or a barrier to the making available on the market of those varieties. In order to provide support to micro-enterprises, they should be fully exempted from the payment of fees.

Justification

The proposal provides a very restrictive definition of variety. Most of the natural traditional plant reproductive materials are not varieties under this proposal. As a consequence, the diversity of cultivated plants fulfils the requirements to benefit from the derogations to this very restrictive legislation. In other words, for a big number of traditional plants, the derogations provided by this proposal are an empty nutshell.

Amendment 107
Karin Kadenbach

Proposal for a regulation
Recital 44

Text proposed by the Commission

(44) In order to protect the commercial interests and intellectual property of professional operators, the results of the examination and the description of the genealogical components should be treated as confidential, if the breeder so requests. For the sake of transparency, all descriptions of varieties listed in the national variety registers or in the Union variety register should be made publicly available.

Amendment

(44) In order to protect the commercial interests and intellectual property of professional operators, the results of the examination and the description of the genealogical components should be treated as confidential ***until the variety is finally registered***, if the breeder so requests. For the sake of transparency, all descriptions of varieties listed in the national variety registers or in the Union variety register should be made publicly available.

Justification

The main aim of this legislation is the protection of seed users and consumers. It prides itself to give necessary information to the seed user. However, the genealogy of plants may be a very important data for the user, especially if he had good experience with the parent lines. This recital shows that this proposal defends the industry's interests much more than the consumer's interests. Availability of the genealogy also offers the possibility to speed up research in breeding.

Amendment 108
Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

Proposal for a regulation
Recital 79

Text proposed by the Commission

Amendment

(79) Implementing powers should be conferred on the Commission in order to ensure uniform conditions for the implementation of the provisions of this Regulation concerning the following:

(a) authorisation of Member States to adopt more stringent requirements than those adopted pursuant to this Regulation concerning plant reproductive material of listed genera or species and forest reproductive material of listed species and artificial hybrids,

(b) adoption of emergency measures,

(c) authorisation of Member States to permit, for a maximum period of one year, the production and making available on the market of plant reproductive material belonging to a variety of listed genera or species not yet included in a national variety register or in the Union register,

(d) authorisation of Member States to permit, for a maximum period of one year, the making available on the market of plant reproductive material of listed genera or species complying with lower requirements than those adopted pursuant to this Regulation,

(e) the organisation of temporary experiments,

(f) the format of the national variety registers and the Union variety register,

(g) the format for the application for the registration of varieties,

(h) modalities concerning the submission of notifications concerning the registration of varieties,

(i) the form of national lists concerning forest reproductive material,

deleted

(j) the format of the notification of inclusion of forest reproductive material in the national list, and

(k) the format of master certificates for forest reproductive material.

Or. de

Amendment 109
Karin Kadenbach

Proposal for a regulation
Recital 79 – point k a (new)

Text proposed by the Commission

Amendment

(ka) adoption of a list of genera and species which, after having collected scientific evidence proving that a species requires special considerations concerning its making available on the market, shall fulfil the obligations provided for in Annex II.

Or. en

Amendment 110
Satu Hassi, Corinne Lepage

Proposal for a regulation
Recital 82

Text proposed by the Commission

Amendment

(82) Since the objective of this Regulation, namely to establish the rules concerning production and making available on the market of plant reproductive material to ensure quality of the material and informed choices for the users, cannot be sufficiently achieved by the Member States and can therefore, by reason of its effect, complexity, trans-border and international character, be better achieved

deleted

at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not exceed what is necessary in order to achieve that objective,

Or. en

Justification

Currently, rules on seeds are set out in several Directives. A Regulation would continue and enhance the current limitations against the production and placing on the market of traditional, regional or organic varieties and would not allow Member States to enable small scale activities of seed savers and small breeders to market seeds outside the registration and certification system. A Directive would create a better enabling environment for halting genetic erosion among agricultural species.

Amendment 111 Karin Kadenbach

Proposal for a regulation Recital 82

Text proposed by the Commission

(82) Since the objective of this Regulation, namely to establish the rules concerning ***production and*** making available on the market of plant reproductive material ***to ensure quality of the material and informed choices for the users, cannot be sufficiently achieved by the Member States and can therefore, by reason of its effect, complexity, trans-border and international character,*** be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not exceed what is necessary in order to

Amendment

(82) Since the objective of this Regulation, namely to establish the rules concerning making available on the market of plant reproductive material, ***can*** be better achieved at Union Level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on ***the*** European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not exceed what is necessary in order to achieve that objective,

achieve that objective,

Or. en

Justification

Until now, the existing directives provided some space for the Member States to adapt this legislation to their national situations. Most of the possibilities to adapt the system at a national and regional level will be suppressed. However, the situation has not changed since. Therefore this is not true to say that the legislation could not be achieved by Member States.

Amendment 112

Satu Hassi, Karin Kadenbach, Corinne Lepage

Proposal for a regulation

Article 1 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

This **Regulation** lays down rules on:

This **Directive** lays down rules on:

(This amendment applies throughout the whole text.)

Or. en

Justification

Currently, rules on seeds are set out in several Directives. A Regulation would continue and enhance the current limitations against the production and placing on the market of traditional, regional or organic varieties and would not allow Member States to enable small scale activities of seed savers and small breeders to market seeds outside the registration and certification system. A Directive would create a better enabling environment for halting genetic erosion among agricultural species.

Amendment 113

Satu Hassi, Karin Kadenbach

Proposal for a regulation

Article 1 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the production, with a view to making available on the market, of plant

deleted

reproductive material; and

Or. en

Justification

The existing directives which this regulation intends to replace do not legislate on the production of Plant Reproductive Material. In addition, the scope of this Regulation is not meant for farmers who produce their own farm-saved seed. Farmers who produce their own farm-saved seed should not be forced to comply with the same rules as industrial seed producers.

Amendment 114

James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling

Proposal for a regulation

Article 2 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) intended **solely** for, and maintained by, gene banks, organisations and networks of conservation of genetic resources, or persons belonging to those organisations or networks;

(c) intended for, and maintained by, gene banks, organisations and networks of conservation of genetic resources, or persons belonging to those organisations or networks;

Or. en

Amendment 115

Corinne Lepage, Andrea Zanoni

Proposal for a regulation

Article 2 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) intended solely for, and maintained by, gene banks, organisations and networks of conservation of genetic resources, or persons belonging to those organisations or networks;

(c) intended solely for, and maintained **and disseminated** by, gene banks, organisations and networks of conservation of genetic resources, **including in situ on farm conservation**, or persons belonging to those organisations or networks;

Or. en

Justification

Activities of conservation of biodiversity and exchange of PRM between farmers shall be excluded from the scope of the legislation. Therefore the expression “including in situ/on-farm conservation” shall be added to article 2(c).

Amendment 116

James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling

Proposal for a regulation

Article 2 – paragraph 1 – point d

Text proposed by the Commission

(d) exchanged in kind between persons other than professional operators.

Amendment

(d) exchanged in kind, **or marketed in small non-commercial quantities**, between persons other than professional operators.

Or. en

Justification

This Regulation should not apply to small-scale non-professional operators. This amendment clarifies this concept.

Amendment 117

Corinne Lepage, Satu Hassi, Karin Kadenbach, Andrea Zanoni

Proposal for a regulation

Article 2 – paragraph 1 – point d

Text proposed by the Commission

(d) exchanged **in kind** between persons other than professional operators.

Amendment

(d) exchanged **between persons other than professional operators, or** between **professional operators and** persons other than professional operators.

Or. en

Justification

All exchange between persons others than professional operators should be excluded from this legislation. This should be also the case for exchanges between professionals and non-professionals.

Amendment 118
Giancarlo Scottà

Proposal for a regulation
Article 2 – paragraph 1 – point d

Text proposed by the Commission

d) exchanged *in kind* between persons other than professional operators.

Amendment

d) exchanged between persons other than professional operators.

Or. it

Amendment 119
Radvilė Morkūnaitė-Mikulėnienė

Proposal for a regulation
Article 2 – paragraph 1 – point d

Text proposed by the Commission

d) exchanged in kind between persons *other than professional operators*.

Amendment

d) exchanged in kind between persons *not systematically aiming to make a profit*.

Or. lt

Amendment 120
Françoise Grossetête

Proposal for a regulation
Article 2 – paragraph 1 – point d

Text proposed by the Commission

d) exchanged in kind between *persons other than* professional *operators*.

Amendment

d) exchanged in kind between *non-professional final users*.

Or. fr

Justification

The exclusion should target amateurs and be based on the definition of ‘final user’ given in the Regulation on protective measures against pests of plants – i.e. ‘any person, acting for purposes which are outside its trade, business or profession, who acquires for its own use

plants or plant products’.

Amendment 121
James Nicholson

Proposal for a regulation
Article 2 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) placed on the market in a limited total quantity for end use by home gardeners only;

Or. en

Justification

Gardening as a hobby is a popular leisure pursuit within the EU: the home and hobby market would benefit from being excluded from the scope of the regulation as to prevent the deterrence of such a leisure activity.

Amendment 122
Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

Proposal for a regulation
Article 2 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) produced by a farmer on their own farm, under their own name and at their own expense.

Or. de

Amendment 123
Corinne Lepage, Satu Hassi, Karin Kadenbach, Andrea Zanoni

Proposal for a regulation
Article 2 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) produced by farmers on their own farm, on their own behalf and on their own account.

Or. en

Justification

Under the proposal, farmers who pass on PRM from their own harvest would have to face the same obligations as professional operators. For centuries, seeds have been selected and re-used for the following season. It would be disproportionate to subject these activities to administrative hurdles and penalties. Therefore farmers should be excluded from the scope of the legislation except for farmers operating under contract with the commercial seed producing system.

Amendment 124
James Nicholson

Proposal for a regulation
Article 2 – paragraph 1 – point d b (new)

Text proposed by the Commission

Amendment

(db) which would be defined as "ornamental".

Or. en

Justification

There is no evidence of customer dissatisfaction in the ornamentals market and there is no evidence to support the need for more regulation.

Amendment 125
Satu Hassi, Karin Kadenbach

Proposal for a regulation
Article 3 – paragraph 1 – point 2

Text proposed by the Commission

Amendment

(2) ‘plant reproductive material’ means

(2) ‘plant reproductive material’ means

plant(s) capable of, and intended for, producing entire plants;

seed and other propagating material;

(2a) 'seed' means seeds of plants intended for cultivation;

(2b) 'other propagating material' means parts of plant(s) capable of, and intended for, producing entire plants;

Or. en

Justification

The definition of PRM must be clarified by reflecting the diversity of PRM: "Plant(s) capable of, and intended for, producing entire plants" are already plants. Therefore it causes a lot of confusion in the legislation. In addition, the proposed definition creates several problems when it comes to material for vegetative reproduction. Processes for seeds are quite different than the processes for e.g. fruit trees or vines. The legislation should take this difference into account.

Amendment 126

James Nicholson

Proposal for a regulation

Article 3 – paragraph 1 – point 3 a (new)

Text proposed by the Commission

Amendment

(3a) 'ornamental' means a plant which is grown primarily for a decorative purpose.

Or. en

Amendment 127

James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling

Proposal for a regulation

Article 3 – paragraph 1 – point 5

Text proposed by the Commission

Amendment

(5) 'making available on the market' means the holding for the purpose of sale within the Union, including offering for

(5) "Making available on the market", ***unless on an "own holding" as defined in Article 3,*** means the holding for the

sale or for any other form of transfer, and the sale, distribution, import into, and export out of, the Union and other forms of transfer, *whether free of charge or not*;

purpose of sale within the Union, including offering for sale or for any other form of transfer *within the Union*, and the sale, distribution, import into, and export out of, the Union and other forms of transfer *in the course of commercial activity related to plant reproductive material, whether in return for payment or free of charge*;

Or. en

Amendment 128

Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

Proposal for a regulation

Article 3 – paragraph 1 – point 5

Text proposed by the Commission

(5) ‘making available on the market’ means the holding for the purpose of sale within the Union, including offering for sale or for any other form of transfer, and the sale, distribution, import into, and export out of, the Union and other forms of transfer, whether free of charge or not;

Amendment

(5) ‘making available on the market’ means the holding for the purpose of sale within the Union, including offering for sale or for any other form of transfer, and the sale, distribution, import into, and export out of, the Union and other forms of transfer *by an operator for the purpose of growing commercially*, whether free of charge or not;

Or. de

Amendment 129

Corinne Lepage, Satu Hassi, Karin Kadenbach, Andrea Zanoni

Proposal for a regulation

Article 3 – paragraph 1 – point 5

Text proposed by the Commission

(5) ‘making available on the market’ means the holding for the purpose of sale within the Union, including offering for sale or for any other form of transfer, and the sale, distribution, import into, and

Amendment

(5) ‘making available on the market’ means the holding for the purpose of sale within the Union, including offering for sale or for any other form of transfer, and the sale, distribution, import into, and

export out of, the Union and other forms of transfer, whether free of charge or not;

export out of, the Union and other forms of transfer ***by a professional operator and aimed at commercial exploitation***, whether free of charge or not;

Or. en

Justification

The expression "aimed at commercial exploitation", which existed in the preceding directives, must be re-introduced into the regulation. Also, it must be clear that the "making available on the market" only concerns professionals.

Amendment 130
Giancarlo Scottà

Proposal for a regulation
Article 3 – paragraph 1 – point 5

Text proposed by the Commission

5) 'making available on the market' means the holding for the purpose of sale within the Union, including offering for sale or for any other form of transfer, and the sale, distribution, import into, and export out of, the Union and other forms of transfer, whether free of charge or not;

Amendment

5) 'making available on the market' means the holding for the purpose of sale within the Union, including offering for sale or for any other form of transfer ***aimed at commercial exploitation***, and the sale, distribution, import into, and export out of, the Union and other forms of transfer, whether free of charge or not, ***aimed at commercial exploitation***;

Or. it

Amendment 131
Satu Hassi, Karin Kadenbach

Proposal for a regulation
Article 3 – paragraph 1 – point 6 – introductory part

Text proposed by the Commission

(6) 'professional operator' means any natural or legal person carrying out, as a profession, at least one of the following

Amendment

(6) 'professional operator' means any natural or legal person carrying out, as a profession, at least one of the following

activities with regard to plant reproductive material:

activities with regard to plant reproductive material ***aimed at commercial exploitation***:

Or. en

Justification

The expression "aimed at commercial exploitation", which existed in the preceding directives, must be re-introduced into the regulation. Also, it must be clear that the "making available on the market" only concerns professionals.

Amendment 132

Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

Proposal for a regulation

Article 3 – paragraph 1 – point 6 – introductory part

Text proposed by the Commission

Amendment

(6) 'professional operator' means any natural or legal person carrying out, as a profession, at least one of the following activities with regard to plant reproductive material:

(6) 'professional operator' means any natural or legal person carrying out, as a profession, at least one of the following activities with regard to plant reproductive material ***intended for commercial cultivation***:

Or. de

Amendment 133

Andrea Zanoni

Proposal for a regulation

Article 3 – paragraph 1 – point 6 – introductory part

Text proposed by the Commission

Amendment

(6) 'professional operator' means any natural or legal person ***carrying out, as a profession, at least one of the following activities with regard to plant reproductive material***:

(6) 'professional operator' means any natural or legal person ***making available on the market plant reproductive material, as a profession***.

Or. en

Justification

Only the operator who makes the material available on the market should fall under this regulation and be responsible to ensure quality is provided.

Amendment 134
Corinne Lepage

Proposal for a regulation
Article 3 – paragraph 1 – point 6 – introductory part

Text proposed by the Commission

Amendment

(6) ‘professional operator’ means any natural or legal person carrying out, as a profession, at least one of the following activities with regard to plant reproductive material:

(6) ‘professional operator’ means any natural or legal person carrying out, as a profession, at least one of the following activities with regard to plant reproductive material, ***with a view to making it available on the market*** :

Or. en

Justification

Only the operator who makes the material available on the market should fall under this legislation and be responsible to ensure that standardized quality is provided.

Amendment 135
Satu Hassi, Karin Kadenbach

Proposal for a regulation
Article 3 – paragraph 1 – point 6 – point a

Text proposed by the Commission

Amendment

(a) producing;

deleted

Or. en

Justification

The existing directives which this regulation intends to replace do not legislate on the production of Plant Reproductive Material.

Amendment 136
Andrea Zanoni

Proposal for a regulation
Article 3 – paragraph 1 – point 6 – point a

Text proposed by the Commission

Amendment

(a) producing;

deleted

Or. en

Justification

Only the operator who makes the material available on the market should fall under this regulation and be responsible to ensure quality is provided.

Amendment 137
Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

Proposal for a regulation
Article 3 – paragraph 1 – point 6 – point a

Text proposed by the Commission

Amendment

(a) producing;

deleted

Or. de

Justification

Production must be regulated in another field.

Amendment 138
James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling

Proposal for a regulation
Article 3 – paragraph 1 – point 6 – point a

Text proposed by the Commission

Amendment

(a) producing;

(a) producing *in order to directly make available on the market;*

Justification

Some producers should not be considered as professional operators, for example farmers under contract with specialist companies

Amendment 139

Satu Hassi, Karin Kadenbach

Proposal for a regulation

Article 3 – paragraph 1 – point 6 – point b

Text proposed by the Commission

Amendment

(b) breeding;

deleted

Justification

This goes beyond the scope of the existing directives which this regulation intends to replace: the directives do not legislate on the breeding of Plant Reproductive Material

Amendment 140

Andrea Zanoni

Proposal for a regulation

Article 3 – paragraph 1 – point 6 – point b

Text proposed by the Commission

Amendment

(b) breeding;

deleted

Justification

Only the operator who makes the material available on the market should fall under this regulation and be responsible to ensure quality is provided.

Amendment 141

Satu Hassi, Karin Kadenbach

Proposal for a regulation
Article 3 – paragraph 1 – point 6 – point c

Text proposed by the Commission

Amendment

(c) maintaining;

deleted

Or. en

Justification

This goes beyond the scope of the existing directives which this regulation intends to replace: the directives do not legislate on maintaining Plant Reproductive Material.

Amendment 142
Andrea Zanoni

Proposal for a regulation
Article 3 – paragraph 1 – point 6 – point c

Text proposed by the Commission

Amendment

(c) maintaining;

deleted

Or. en

Justification

Only the operator who makes the material available on the market should fall under this regulation and be responsible to ensure quality is provided.

Amendment 143
Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

Proposal for a regulation
Article 3 – paragraph 1 – point 6 – point c

Text proposed by the Commission

Amendment

(c) maintaining;

deleted

Or. de

Justification

There are other operators or private individuals involved in maintaining plant reproductive material which it is not the intention of this Regulation to include.

Amendment 144

Satu Hassi, Karin Kadenbach

Proposal for a regulation

Article 3 – paragraph 1 – point 6 – point d

Text proposed by the Commission

Amendment

(d) providing services;

deleted

Or. en

Justification

This goes beyond the scope of the existing directives which this regulation intends to replace.

Amendment 145

Andrea Zanoni

Proposal for a regulation

Article 3 – paragraph 1 – point 6 – point d

Text proposed by the Commission

Amendment

(d) providing services;

deleted

Or. en

Justification

Only the operator who makes the material available on the market should fall under this regulation and be responsible to ensure quality is provided.

Amendment 146

Satu Hassi, Karin Kadenbach

Proposal for a regulation

Article 3 – paragraph 1 – point 6 – point e

Text proposed by the Commission

Amendment

(e) preserving, including storing; and

deleted

Or. en

Justification

This goes beyond the scope of the existing directives which this regulation intends to replace.

Amendment 147

Andrea Zanoni

Proposal for a regulation

Article 3 – paragraph 1 – point 6 – point e

Text proposed by the Commission

Amendment

(e) preserving, including storing; and

deleted

Or. en

Justification

Only the operator who makes the material available on the market should fall under this regulation and be responsible to ensure quality is provided.

Amendment 148

Andrea Zanoni

Proposal for a regulation

Article 3 – paragraph 1 – point 6 – point f

Text proposed by the Commission

Amendment

(f) making available on the market.

deleted

Or. en

Justification

Only the operator who makes the material available on the market should fall under this regulation and be responsible to ensure quality is provided.

Amendment 149
James Nicholson

Proposal for a regulation
Article 3 – paragraph 1 – point 6 a (new)

Text proposed by the Commission

Amendment

(6a) 'home gardener' means an individual, charitable organisation or community group who undertake gardening as a leisure pursuit for purposes which may include charitable fund-raising.

Or. en

Amendment 150
Françoise Grossetête

Proposal for a regulation
Article 3 – paragraph 1 – point 6 a (new)

Text proposed by the Commission

Amendment

(6a) 'final user' means any person, acting for purposes which are outside its trade, business or profession, who acquires for its own use plants or plant products.

Or. fr

Justification

The definition of what constitutes a 'professional operator' is too narrow and so would also make the definition of 'other' operators too broad. The exclusion should target amateurs and be based on the definition of 'final user' provided in the Regulation on protective measures against pests of plants.

Amendment 151
Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

Proposal for a regulation
Article 3 – paragraph 1 – point 9

Text proposed by the Commission

Amendment

**(9) 'forest reproductive material' means
plant reproductive material intended for
forestry purposes;** **deleted**

Or. de

Justification

Forest reproductive material should not be covered.

Amendment 152

Satu Hassi, Wojciech Michał Olejniczak

Proposal for a regulation

Article 3 – paragraph 1 – point 9

Text proposed by the Commission

Amendment

**(9) 'forest reproductive material' means
plant reproductive material intended for
forestry purposes;** **deleted**

*(This change of scope should be reflected
in the wording of the whole text, including
Recitals. Adopting it will necessitate
corresponding changes throughout the
text)*

Or. en

Justification

Forest reproductive material regulated by Council Directive 1999/105/EC of 22 December 1999 on the marketing of forest reproductive material should not fall within the scope of this regulation.

Amendment 153

James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling

Proposal for a regulation

Article 3 – paragraph 1 – point 10 a (new)

Text proposed by the Commission

Amendment

(10a) 'Small quantities' shall be defined as quantities no larger than those sufficient to sow or plant 0.25 ha of land at usual sowing or planting rates for the species concerned.

Or. en

Justification

The concept of 'small quantities' should be defined in this Regulation.

Amendment 154

Linda McAvan

Proposal for a regulation

Article 3 – paragraph 1 – point 10 a (new)

Text proposed by the Commission

Amendment

(10a) 'home gardener' means a private person using plant reproductive material in the garden associated with their home or in an allotment garden or equivalent.

Or. en

Amendment 155

Giancarlo Scottà

Proposal for a regulation

Article 3 – paragraph 1 – point 10 a (new)

Text proposed by the Commission

Amendment

(10a) 'region of origin' means the region or regions in which the variety is, or has been, traditionally cultivated. This definition does not apply to the preservation mixtures covered by Article 33.

Justification

Replicates, in the interests of legal clarity, the definition of ‘region of origin’ set out in Article 53(1)(f).

Amendment 156

James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling

Proposal for a regulation

Article 3 – paragraph 1 – point 10 b (new)

Text proposed by the Commission

Amendment

(10b) "Own holding" shall be considered to be any holding or part thereof which is managed within the same common business entity.

The seed produced shall be suitable for use on land managed within the same common business entity, where the business entity shares in the financial risks and rewards of the crop.

Justification

Defining 'own holding' allows for the movement of seed between holding numbers managed by a single business entity responsible for the financial risks and rewards of the crop.

Amendment 157

Giancarlo Scottà

Proposal for a regulation

Article 3 – paragraph 1 – point 10 b (new)

Text proposed by the Commission

Amendment

(10b) ‘area of adaptation’ means the region or regions, other than the region of origin, in which the variety has naturally adapted.

Justification

Replicates, in the interests of legal clarity, the definition of 'region of origin' set out in Article 53(1)(f).

Amendment 158

James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

Plant reproductive material shall be subject to no restrictions concerning its production and making available on the market, other than those laid down in this Regulation, in Directive 94/62/EC, Regulation (EC) No 338/97, Directive 2001/18/EC, Regulation (EC) No 1829/2003, Regulation (EC) No 1830/2003, Regulation (EU) No .../... [Office of Publication, please insert number of Regulation on protective measures against pests of plants] and in Union legislation restricting the production or making available on the market of invasive alien species.

Amendment

Plant reproductive material shall be subject to no restrictions concerning its production and making available on the market, other than those laid down in this Regulation, in Directive 94/62/EC, Regulation (EC) No **2100/1994 and corresponding Member States' legislation, Regulation (EC) No** 338/97, Directive 2001/18/EC, Regulation (EC) No 1829/2003, Regulation (EC) No 1830/2003, Regulation (EU) No **2100/1994^{21a}**[Office of Publication, please insert number of Regulation on protective measures against pests of plants] and in Union legislation restricting the production or making available on the market of invasive alien species.

^{21a}**OJ L 227, 1.9.1994, p. 1**

Justification

Addition of reference to the Community Plant Variety Rights Regulation.

Amendment 159

James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

Professional operators shall be registered in the registers referred to in Article 61 of Regulation (EC) No .../... (Office of Publication, please insert number of Regulation on protective measures against pests of plants) in accordance with the provisions of Article 62 of that Regulation.

Amendment

Professional operators shall be registered in the registers referred to in Article 61 of Regulation (EC) No .../... ^{21b}(Office of Publication, please insert number of Regulation on protective measures against pests of plants) in accordance with the provisions of Article 62 of that Regulation, ***unless otherwise stated.***

^{21b}***OJ L ..., ..., p. ...***

Or. en

Justification

It is unnecessary to require businesses selling plant reproductive material solely to non-professional users to register.

Amendment 160

James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling

Proposal for a regulation
Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Professional operators marketing solely and directly to non-professional end users, such as home gardeners, shall be excluded from the requirement to register as professional operators under this Regulation.

Or. en

Justification

It is unnecessary to require businesses selling plant reproductive material solely to non-professional users to register.

Amendment 161

Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund, Christel Schaldemose

Proposal for a regulation

Article 6 – paragraph 1

Text proposed by the Commission

Professional operators shall ensure that plant reproductive material ***produced and*** made available on the market under their control fulfils the requirements of this Regulation.

Amendment

Professional operators shall ensure that plant reproductive material made available on the market under their control fulfils the requirements of this Regulation.

Or. en

Justification

Existing directives do not regulate the production of plant reproductive material (PRM, i.e., fruit, ornamental plants, and vegetable propagating material). It is not always clear whether all or part of the harvest should be used as PRM, or sold as food or feed, in which latter case restrictions should not apply. The scope of the regulation shall be restricted to marketing and the words “produced and” shall be deleted from article 6.

Amendment 162

Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

Proposal for a regulation

Article 6 – paragraph 1

Text proposed by the Commission

Professional operators shall ensure that plant reproductive material ***produced and*** made available on the market under their control fulfils the requirements of this Regulation.

Amendment

Professional operators shall ensure that plant reproductive material made available on the market under their control fulfils the requirements of this Regulation.

Or. de

Justification

Production should not be covered by this Regulation.

Amendment 163

Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund, Christel Schaldemose

Proposal for a regulation

Article 7 – title

Text proposed by the Commission

Amendment

Specific responsibilities of professional operators ***producing plant reproductive material***

Specific responsibilities of professional operators

Or. en

Justification

Existing directives do not regulate the production of plant reproductive material (PRM, i.e., fruit, ornamental plants, and vegetable propagating material). It is not always clear whether all or part of the harvest should be used as PRM, or sold as food or feed, in which latter case restrictions should not apply. The scope of the regulation shall be restricted to marketing and the words “producing plant reproductive material” shall be removed entirely from article 7.

Amendment 164

Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

Proposal for a regulation

Article 7 – title

Text proposed by the Commission

Amendment

Specific responsibilities of professional operators ***producing*** plant reproductive material

Specific responsibilities of professional operators ***bringing*** plant reproductive material ***onto the market***

Or. de

Amendment 165

Karin Kadenbach, Christel Schaldemose, Marita Ulvskog, Jens Nilsson, Åsa Westlund

Proposal for a regulation

Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

Professional operators **producing plant reproductive material** shall:

Professional operators shall:

Or. en

Justification

Existing directives do not regulate the production of plant reproductive material (PRM, i.e., fruit, ornamental plants, and vegetable propagating material). It is not always clear whether all or part of the harvest should be used as PRM, or sold as food or feed, in which latter case restrictions should not apply. The scope of the regulation shall be restricted to marketing and the words “producing plant reproductive material” shall be removed entirely from article 7.

Amendment 166

João Ferreira

on behalf of the GUE/NGL Group

Proposal for a regulation

Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

Professional operators producing plant reproductive material shall:

Professional operators producing plant reproductive material, **other than farmers producing plant reproductive material on their own farm, on their own behalf, and for their own benefit**, shall:

Or. pt

Amendment 167

Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

Proposal for a regulation

Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

Professional operators **producing** plant reproductive material shall:

Professional operators **bringing** plant reproductive material **onto the market** shall:

Amendment 168

James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling

Proposal for a regulation

Article 7 – paragraph 1 – point h

Text proposed by the Commission

(h) make available to the competent authorities, on request, any contracts with third parties.

Amendment

(h) make available to the competent authorities, on request, any contracts with third parties ***concerning the production of plant reproductive material.***

Amendment 169

Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund, Christel Schaldemose

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

1. Professional operators shall ensure that plant reproductive material is traceable at ***all stages of production and*** making available on the market.

Amendment

1. Professional operators shall ensure that plant reproductive material is traceable at ***the entry and exit of each operator's premises involved in its*** making available on the market.

Justification

Traceability at all stages of the production is impossible, as it is to trace cuttings back to an old apple tree, or PRM found in the wild. Such a requirement is neither realistic nor possible, and illustrates how this legislation is an example of “one way thinking”. Traceability shall only apply where it is necessary and proportionate. For this reason, the requirement for traceability “at all stages of the production” of PRM shall be removed.

Amendment 170

Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. Professional operators shall ensure that plant reproductive material is traceable at **all stages of production and** making available on the market.

Amendment

1. Professional operators shall ensure that plant reproductive material is traceable at **the stage of the entry and exit of goods in connection with** making available on the market.

Or. de

Amendment 171

James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling

Proposal for a regulation
Article 8 – paragraph 2 – subparagraph 1

Text proposed by the Commission

For the purpose of paragraph 1, professional operators shall keep information allowing them to identify the **professional operators, which** have supplied **them with** plant reproductive material, and the material concerned.

Amendment

For the purpose of paragraph 1, professional operators shall keep information allowing them to identify the **persons to whom they** have supplied plant reproductive material and the material concerned, **unless that material has been supplied to consumers who are not professional.**

Or. en

Amendment 172

James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling

Proposal for a regulation
Article 8 – paragraph 3 – subparagraph 1

Text proposed by the Commission

For the purpose of paragraph 1, professional operators shall keep information allowing them to identify the

Amendment

For the purpose of paragraph 1, professional operators shall keep information allowing them to identify the

persons to whom they have supplied plant reproductive material and the material concerned, unless that material has been supplied in retail.

persons to whom they have supplied plant reproductive material and the material concerned, unless that material has been supplied in retail **to non-professional end users.**

Or. en

Justification

It is not necessary to keep records of sales to non-professional users.

Amendment 173

Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund

Proposal for a regulation

Article 8 – paragraph 3 – subparagraph 1

Text proposed by the Commission

For the purpose of paragraph 1, professional operators shall keep information allowing them to identify the persons to whom they have supplied plant reproductive material and the material concerned, unless that material has been supplied in retail.

Amendment

For the purpose of paragraph 1, professional operators, **with the exception of farmers exchanging seeds from their own farm on their own behalf and for their own account, and operators whose annual turnover or annual balance sheet total does not exceed EUR 2 million**, shall keep information allowing them to identify the persons to whom they have supplied plant reproductive material and the material concerned, unless that material has been supplied in retail.

Or. en

Justification

In many cases it is not feasible to keep upstream and downstream information about suppliers and the persons to whom the PRM has been supplied. This is especially true for farmers selling or exchanging PRM on local markets, where it is impossible to keep a record of all customers. This also undermines the direct marketing of PRM. Farmers exchanging farm saved seeds (or other PRM) shall be exempted from "professional operators" obligations.

Amendment 174

João Ferreira

on behalf of the GUE/NGL Group

Proposal for a regulation

Article 8 – paragraph 4 – subparagraph 1

Text proposed by the Commission

In the case of plant reproductive material, other than forest reproductive material, professional operators shall keep records of the plant reproductive material referred to in paragraphs 2 and 3 for three years after that material has been respectively supplied to or by them.

Amendment

In the case of plant reproductive material, other than forest reproductive material, professional operators, ***other than farmers exchanging seeds from their own farm on their own behalf and for their own benefit***, shall keep records of the plant reproductive material referred to in paragraphs 2 and 3 for three years after that material has been respectively supplied to or by them. ***This provision shall not apply to plant reproductive material not listed in accordance with Title IV or to heterogeneous material as referred to in Article 14(3).***

Or. pt

Amendment 175

Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

Proposal for a regulation

Article 8 – paragraph 4 – subparagraph 1

Text proposed by the Commission

In the case of plant reproductive material, ***other than forest reproductive material***, professional operators shall keep records of the plant reproductive material referred to in paragraphs 2 and 3 for three years after that material has been respectively supplied to or by them.

Amendment

In the case of plant reproductive material, professional operators shall keep records of the plant reproductive material referred to in paragraphs 2 and 3 for three years after that material has been respectively supplied to or by them.

Or. de

Amendment 176

Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

Proposal for a regulation

Article 8 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Amendment

In the case of forest reproductive material, the respective period shall be ten years.

deleted

Or. de

Justification

Forest reproductive material should be completely excluded from this Regulation.

Amendment 177

Christa Klaß

Proposal for a regulation

Part 3 – title

Text proposed by the Commission

Amendment

PLANT REPRODUCTIVE MATERIAL
OTHER THAN FOREST
REPRODUCTIVE MATERIAL

PLANT REPRODUCTIVE MATERIAL
OTHER THAN FOREST
REPRODUCTIVE MATERIAL **AND**
MATERIAL FOR THE VEGETATIVE
PROPAGATION OF THE VINE

Or. de

Justification

It is considered important to deal with vines separately, in a manner analogous to that applicable to forestry.

Amendment 178

Christa Klaß

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission

This Part shall apply to the production, with a view to making available on the market, and to the making available on the market of plant reproductive material other than forest reproductive material.

Amendment

This Part shall apply to the production, with a view to making available on the market, and to the making available on the market of plant reproductive material other than forest reproductive material **and material for the vegetative propagation of the vine.**

Or. de

Justification

It is considered important to deal with vines separately, in a manner analogous to that applicable to forestry.

Amendment 179

Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund, Christel Schaldemose

**Proposal for a regulation
Article 9 – paragraph 1**

Text proposed by the Commission

This Part shall apply to the **production, with a view to making available on the market, and to the** making available on the market of plant reproductive material other than forest reproductive material.

Amendment

This Part shall apply to the making available on the market of plant reproductive material other than forest reproductive material.

Or. en

Justification

Existing directives do not regulate the production of plant reproductive material (PRM, i.e., fruit, ornamental plants, and vegetable propagating material). It is not always clear whether all or part of the harvest should be used as PRM, or sold as food or feed, in which latter case restrictions should not apply. The words “to the production, with a view to making available on the market, and” shall be deleted from article 9.

Amendment 180

Corinne Lepage, Satu Hassi, Karin Kadenbach, Andrea Zanoni

Proposal for a regulation
Article 10 – paragraph 1 – point 4

Text proposed by the Commission

Amendment

(4) ‘clone’ means an individual progeny, originally derived from another plant by vegetative reproduction, which remains genetically identical to the latter; **deleted**

Or. en

Justification

The proposed definition is not biologically accurate; in its current form it would also apply to any plant which is reproduced vegetatively. Use of clones for fruit and vine stock is already covered adequately by national legislation and registration schemes where needed in those Member States where there is production.

Amendment 181

Corinne Lepage, Satu Hassi, Karin Kadenbach, Andrea Zanoni

Proposal for a regulation
Article 10 – paragraph 1 – point 5

Text proposed by the Commission

Amendment

(5) ‘variety maintenance’ means the actions to ensure that a variety remains consistent with its *description*;

(5) ‘variety maintenance’ means the actions to ensure that a variety remains consistent with its *agronomically relevant characteristics*;

Or. en

Justification

The original definition of “variety maintenance” is not dynamic. It would be disadvantageous for PRM to remain identical to a fixed description, which is a snapshot in time, while conditions change and the variety adapts. Therefore “Variety maintenance” ought to be redefined according to the living and dynamic character of PRM.

Amendment 182

James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling

Proposal for a regulation
Article 10 – paragraph 1 – point 6

Text proposed by the Commission

(6) ‘pre-basic material’ means plant reproductive material which is at the first step of production and is intended for the production of other categories of plant reproductive material;

Amendment

(6) ‘pre-basic material’ means plant reproductive material which is at the first step of production ***under official control*** and is intended for the production of ***further pre-basic material and*** other categories of plant reproductive material;

Or. en

Justification

This is to ensure there is flexibility to reflect current practice. Detail varies from species to species

Amendment 183
James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling

Proposal for a regulation
Article 10 – paragraph 1 – point 7

Text proposed by the Commission

(7) ‘basic material’ means plant reproductive material which has been produced from pre-basic material, and is intended for the production of certified material;

Amendment

(7) ‘basic material’ means plant reproductive material which has been produced from pre-basic ***or basic*** material, and is intended for the production of ***further basic material or*** certified material;

Or. en

Justification

This is to ensure there is flexibility to reflect current practice. Detail varies from species to species

Amendment 184
James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling

Proposal for a regulation
Article 10 – paragraph 1 – point 8

Text proposed by the Commission

(8) 'certified material' means plant reproductive material which has been produced from pre-basic *or basic material*;

Amendment

(8) 'certified material' means plant reproductive material which has been produced from pre-basic, *basic or certified material and is intended for the production of further certified material or marketing for commercial crop production*;

Or. en

Justification

This is to ensure there is flexibility to reflect current practice. Detail varies from species to species

Amendment 185
Christa Klaß

Proposal for a regulation
Article 10 – paragraph 1 – point 10 a (new)

Text proposed by the Commission

Amendment

(10a) 'heterogeneous material' means plant reproductive material that does not belong to a variety as defined in point (1) of this Article, and is not a mixture of varieties;

Or. de

Amendment 186
Corinne Lepage, Andrea Zanoni

Proposal for a regulation
Article 10 – paragraph 1 – point 10 a (new)

Text proposed by the Commission

Amendment

(10 a) 'heterogeneous material' means plant reproductive material that does not belong to a variety as defined in Article 10(1), and is not a mixture of varieties or plants protected by any intellectual property right.

Or. en

Justification

It is necessary to positively define "heterogeneous material", keeping in line with the scientific definition of "population varieties", and to clarify that heterogeneous material cannot contain varieties protected by intellectual property rights, including plant variety rights, so as to protect IPR.

Amendment 187

Satu Hassi, Karin Kadenbach

Proposal for a regulation

Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(10a) 'heterogeneous material' means plant reproductive material that does not belong to a variety as defined in Article 10(1), and is not a mixture of varieties protected by any intellectual property right.

Or. en

Amendment 188

Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund, Christel Schaldemose

Proposal for a regulation

Part III – title II

Text proposed by the Commission

Amendment

Production and making available on the market of plant reproductive material belonging to genera and species listed in Annex I

Making available on the market of plant reproductive material belonging to genera and species listed in Annex I

Or. en

Justification

Existing directives do not regulate the production of PRM. It is not always clear whether all or part of the harvest should be used as PRM, or sold as food or feed, in which latter case restrictions should not apply. Because it is neither feasible nor realistic to subject the production of seeds and other plants which can be used as PRM to this legislation, the words "Production and" shall be deleted from Title II of Part III.

Amendment 189

Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund, Christel Schaldemose

Proposal for a regulation

Article 11 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. This Title shall apply to the **production and** making available on the market of plant reproductive material belonging to genera and species which comply with one or more of the following criteria:

1. This Title shall apply to the making available on the market of plant reproductive material belonging to genera and species which comply with one or more of the following criteria:

Or. en

Justification

Existing directives do not regulate the production of PRM. It is not always clear whether all or part of the harvest should be used as PRM, or sold as food or feed, in which latter case restrictions should not apply. Because it is neither feasible nor realistic to subject the production of seeds and other plants which can be used as PRM to this legislation, the words "Production and" shall be deleted from article 11.

Amendment 190

Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund

Proposal for a regulation
Article 11 – paragraph 1 – point a

Text proposed by the Commission

(a) they represent a significant area of production;

Amendment

(a) they represent a significant area of production, **larger than 0,1% of the total agricultural area of the European Union**;

Or. en

Justification

Article 290 TFEU states "1. A legislative act may delegate to the Commission the power [...] to supplement or amend certain non-essential elements of the legislative act." Annex 1 is not "non-essential", but a core aspect of the regulation, outlining the scope for genera and species, albeit vaguely. The regulation shall apply only to those species and genera that reach more than one per thousand of area of production in the European Union.

Amendment 191

João Ferreira

on behalf of the GUE/NGL Group

Proposal for a regulation
Article 11 – paragraph 1 – point a

Text proposed by the Commission

(a) they represent a significant area of production;

Amendment

(a) they represent a significant area of production **exceeding 0.1% of the total Union agricultural area**;

Or. pt

Amendment 192

Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund

Proposal for a regulation
Article 11 – paragraph 1 – point b

Text proposed by the Commission

(b) they represent a significant value of production;

Amendment

(b) they represent a significant value of production, **larger than 0,1% of the total**

value of agricultural production of the European Union;

Or. en

Justification

Article 290 TFEU states "1. A legislative act may delegate to the Commission the power [...] to supplement or amend certain non-essential elements of the legislative act." Annex 1 is not "non-essential", but a core aspect of the regulation, outlining the scope for genera and species, albeit vaguely. The regulation shall apply only to those species and genera that reach more than one per thousands of the total value of agricultural production in the European Union.

Amendment 193

João Ferreira

on behalf of the GUE/NGL Group

Proposal for a regulation

Article 11 – paragraph 1 – point b

Text proposed by the Commission

(b) they represent a significant value of production;

Amendment

(b) they represent a significant area of production, ***exceeding 0.1% of the total value of Union agricultural production;***

Or. pt

Amendment 194

Satu Hassi, Karin Kadenbach

Proposal for a regulation

Article 11 – paragraph 1 – point c

Text proposed by the Commission

(c) they are ***produced or*** made available on the market by a significant number of professional operators in the Union;

Amendment

(c) they are made available on the market by a significant number of professional operators in the Union;

Or. en

Justification

The existing directives which this regulation intends to replace do not legislate on the production of Plant Reproductive Material.

Amendment 195

Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund

Proposal for a regulation

Article 11 – paragraph 1 – point c

Text proposed by the Commission

(c) they are **produced or** made available on the market by a significant number of professional operators in the Union;

Amendment

(c) they are made available on the market by a significant number of **more than 100** professional operators in the Union;

Or. en

Justification

Article 290 TFEU states "1. A legislative act may delegate to the Commission the power [...] to supplement or amend certain non-essential elements of the legislative act." Annex 1 is not "non-essential", but a core aspect of the regulation, outlining the scope for genera and species, albeit vaguely. The regulation shall apply only to those species and genera that are marketed by more than 100 professional operators in the European Union.

Amendment 196

João Ferreira

on behalf of the GUE/NGL Group

Proposal for a regulation

Article 11 – paragraph 1 – point c

Text proposed by the Commission

(c) they are **produced or** made available on the market by **a significant number of** professional operators in the Union;

Amendment

c) they are made available on the market by **more than 100** professional operators in the Union;

Or. pt

Amendment 197
Satu Hassi, Karin Kadenbach

Proposal for a regulation
Article 11 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) they contain substances which, for all or particular uses, must be subject to particular rules concerning the protection of human and animal health, and the environment. ***deleted***

Or. en

Justification

This provision is too broad and so could have covered issues out of the intended scope of the regulation; in particular as there are as yet undefined delegated acts linked to this.

Amendment 198
James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling

Proposal for a regulation
Article 11 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(4 a) This Title shall not apply to:
- Species exclusively for ornamental use;
- Plant reproductive material of Annex I species intended for ornamental uses or for use solely by non-professional users, unless a higher level of control is needed for plant health purposes.
- Plant reproductive material of Annex I species intended for ornamental use or marketed in small quantities to non-professional users, such as home gardeners.

Or. en

Justification

Plant reproductive material sold for ornamental purposes, and to non-professional end users should be excluded from the controls in Title II.

Amendment 199

Linda McAvan

Proposal for a regulation

Article 11 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(4a) This Title shall not apply to propagating material of genera and species listed in Annex I, when the material:

- is intended for ornamental use, or***
- is marketed for home gardeners.***

That material will be covered by Title III provisions.

Or. en

Justification

Plant reproductive material for ornamental purposes and propagating material intended for sale to home gardeners should not be regulated in the same way as seeds for commercial agriculture. They should therefore be excluded from the controls in Title II and covered by provisions in Title III, which will provide consumer protection.

Amendment 200

Satu Hassi, Karin Kadenbach

Proposal for a regulation

Article 12 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Plant reproductive material may only be produced and made available on the market, under one of the following categories:

1. Operators take the decision to make available on the market plant reproductive material as standard material or as material undergoing certification. In the

case of material undergoing certification, plant reproductive material shall be made available on the market, under one of the following categories:

Or. en

Justification

The compulsory certification of individual lots/batches automatically excludes from the market PRM that does not fulfil these criteria, even if it has qualities that may be interesting for breeders. An operator's label or a label of quality would guarantee transparency, security and quality. Voluntary certification would provide the market with standardised material, but also other types of PRM. Also "production" must be deleted as it is out of the scope of the existing directives.

Amendment 201

João Ferreira

on behalf of the GUE/NGL Group

Proposal for a regulation

Article 12 – paragraph 1 – introductory part

Text proposed by the Commission

1. Plant reproductive material may only be produced and made available on the market, under one of the following categories:

Amendment

1. ***Operators shall decide whether to make plant reproductive material available on the market as standard material or as certified material. In the case of certified materials, the*** plant reproductive material may only be produced and made available on the market, under one of the following categories:

Or. pt

Amendment 202

Satu Hassi, Karin Kadenbach

Proposal for a regulation

Article 12 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) standard material.

deleted

Or. en

Justification

The compulsory certification of individual lots/batches automatically excludes from the market PRM that does not fulfil these criteria, even if it has qualities that may be interesting for breeders. An operator's label or a label of quality would guarantee transparency, security and quality. Voluntary certification would provide the market with standardised material, but also other types of PRM.

Amendment 203

Satu Hassi, Karin Kadenbach

Proposal for a regulation

Article 12 – paragraph 2

Text proposed by the Commission

Amendment

2. Plant reproductive material may not be produced and made available on the market as standard material, if it belongs to genera or species for which the costs and certification activities necessary to produce and make available on the market plant reproductive material as pre-basic, basic and certified material are proportionate:

deleted

(a) to the purpose of ensuring food and feed security; and

(b) to the higher level of identity, health and quality of the plant reproductive material which result from the fulfilment of the requirements for pre-basic, basic and certified material compared to those for standard material.

(Deletion of art.12 paragraphs 2-4 and all references to them.)

Or. en

Justification

Compulsory certification of individual lots/batches automatically excludes from the market PRM that does not fulfil these criteria, even if it has qualities that may be interesting for breeders. Therefore operators should have the choice to certify their seeds. Voluntary certification would provide the market with standardised material, but also other types of PRM. It ought to be possible to market all Annex 1 species with an operators' label.

Amendment 204

João Ferreira

on behalf of the GUE/NGL Group

Proposal for a regulation

Article 12 – paragraph 2

Text proposed by the Commission

Amendment

2. Plant reproductive material may not be produced and made available on the market as standard material, if it belongs to genera or species for which the costs and certification activities necessary to produce and make available on the market plant reproductive material as pre-basic, basic and certified material are proportionate: ***deleted***

(a) to the purpose of ensuring food and feed security; and

(b) to the higher level of identity, health and quality of the plant reproductive material which result from the fulfilment of the requirements for pre-basic, basic and certified material compared to those for standard material.

Or. pt

Amendment 205

Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

Proposal for a regulation

Article 12 – paragraph 2

Text proposed by the Commission

Amendment

2. Plant reproductive material may not be produced and made available on the market as standard material, if it belongs to genera or species for which the costs and certification activities necessary to produce and make available on the market plant reproductive material as pre-basic, basic and certified material are proportionate: *deleted*

(a) to the purpose of ensuring food and feed security; and

(b) to the higher level of identity, health and quality of the plant reproductive material which result from the fulfilment of the requirements for pre-basic, basic and certified material compared to those for standard material.

Or. de

Amendment 206

Corinne Lepage, Satu Hassi, Karin Kadenbach, Andrea Zanoni

Proposal for a regulation

Article 12 – paragraph 2

Text proposed by the Commission

Amendment

2. Plant reproductive material may not be produced and made available on the market as standard material, if it belongs to genera or species for which the costs and certification activities necessary to produce and make available on the market plant reproductive material as pre-basic, basic and certified material are proportionate: *deleted*

(a) to the purpose of ensuring food and feed security; and

(b) to the higher level of identity, health and quality of the plant reproductive

material which result from the fulfilment of the requirements for pre-basic, basic and certified material compared to those for standard material.

Or. en

Justification

Compulsory certification of individual lots/batches automatically excludes from the market PRM that does not fulfil these criteria, even if it has qualities that may be interesting for breeders. Therefore operators should have the choice to certify their seeds. Voluntary certification would provide the market with standardised material, but also other types of PRM. It ought to be possible to market all Annex 1 species with an operators' label. Deletion of art 12. paragraphs 2-4 and all references to them

Amendment 207

Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

Proposal for a regulation

Article 12 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) to the higher level of identity, health and quality of the plant reproductive material which result from the fulfilment of the requirements for pre-basic, basic and certified material compared to those for standard material. *deleted*

Or. de

Amendment 208

Corinne Lepage, Satu Hassi, Karin Kadenbach, Andrea Zanoni

Proposal for a regulation

Article 12 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts, in accordance with Article 140, listing the genera or species *deleted*

whose plant reproductive material may not be placed on the market as standard material, as referred to in paragraph 2.

Or. en

Justification

Compulsory certification of individual lots/batches automatically excludes from the market PRM that does not fulfil these criteria, even if it has qualities that may be interesting for breeders. Therefore operators should have the choice to certify their seeds. Voluntary certification would provide the market with standardised material, but also other types of PRM. It ought to be possible to market all Annex 1 species with an operators' label.

Amendment 209

Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

Proposal for a regulation

Article 12 – paragraph 4

Text proposed by the Commission

Amendment

4. By way of derogation to paragraph 2 and 3, plant reproductive material shall only be produced and made available on the market as standard material if one or more of the following cases apply: *deleted*

(a) it belongs to a variety provided with an officially recognised description;

(b) it is heterogeneous material in the meaning of Article 14(3);

(c) it is niche market material in the meaning of Article 36(1).

Or. de

Amendment 210

Corinne Lepage, Satu Hassi, Karin Kadenbach, Andrea Zanoni

Proposal for a regulation

Article 12 – paragraph 4

Text proposed by the Commission

Amendment

4. By way of derogation to paragraph 2 and 3, plant reproductive material shall only be produced and made available on the market as standard material if one or more of the following cases apply:

deleted

(a) it belongs to a variety provided with an officially recognised description;

(b) it is heterogeneous material in the meaning of Article 14(3);

(c) it is niche market material in the meaning of Article 36(1).

Or. en

Justification

Compulsory certification of individual lots/batches automatically excludes from the market PRM that does not fulfil these criteria, even if it has qualities that may be interesting for breeders. Therefore operators should have the choice to certify their seeds. Voluntary certification would provide the market with standardised material, but also other types of PRM. It ought to be possible to market all Annex 1 species with an operators' label.

Amendment 211

Christa Kläß

Proposal for a regulation

Article 12 – paragraph 4 – point b

Text proposed by the Commission

Amendment

(b) it is heterogeneous material in the meaning of Article 14(3);

(b) it is heterogeneous material in the meaning of Article 14a;

Or. de

Amendment 212

Corinne Lepage, Andrea Zanoni

Proposal for a regulation

Article 12 – paragraph 4 – point c a (new)

Text proposed by the Commission

Amendment

(ca) It is seed or plant reproductive material of vegetables, ornamental plants, fruit plants, wine or aromatic or medical herbs;

Or. en

Justification

For vegetables, ornamental plants, fruit plants, wine or aromatic or medical herbs, currently only standard seed exists, which is sufficient. A requirement to produce certified seed would add disproportional bureaucratic burden. It is not justified to change this situation.

Amendment 213

Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund, Christel Schaldemose

Proposal for a regulation

Article 13 – title

Text proposed by the Commission

Amendment

Production and making available on the market of pre-basic, basic, certified and standard material

Making available on the market of pre-basic, basic, certified and standard material

Or. en

Justification

Existing directives do not regulate the production of PRM. It is not always clear whether all or part of the harvest should be used as PRM, or sold as food or feed, in which latter case restrictions should not apply. Because it is neither feasible nor realistic to subject the production of seeds and other plants which can be used as PRM to this legislation, the words “Production and” shall be deleted from the title of Chapter II and from the title of Article 13.

Amendment 214

Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

Proposal for a regulation

Article 13 – title

Text proposed by the Commission

Amendment

Production and making available on the market of pre-basic, basic, certified and standard material

Making available on the market of pre-basic, basic, certified and standard material

Or. de

Amendment 215

Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund, Christel Schaldemose

Proposal for a regulation

Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Plant reproductive material **produced and** made available on the market shall comply with:

1. Plant reproductive material made available on the market shall comply with:

Or. en

Justification

Existing directives do not regulate the production of PRM. It is not always clear whether all or part of the harvest should be used as PRM, or sold as food or feed, in which latter case restrictions should not apply. Because it is neither feasible nor realistic to subject the production of seeds and other plants which can be used as PRM to this legislation, the words “Produced and” shall be deleted from Article 13.

Amendment 216

Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

Proposal for a regulation

Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Plant reproductive material **produced and** made available on the market shall comply with:

1. Plant reproductive material made available on the market shall comply with:

Or. de

Amendment 217
Satu Hassi, Karin Kadenbach

Proposal for a regulation
Article 13 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the registration requirements set out in Section 2;

(a) the registration requirements set out in Section 2, **with the exception of standard material**;

Or. en

Justification

The category "Standard material" aims to introduce more diversity to the market. But with the proposed text, using standard material will become even more restrictive and will be under more constraints by registration and certification obligations than it is today.

Amendment 218
Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

Proposal for a regulation
Article 13 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the **production and** quality requirements set out in Section 3 for the relevant category;

(b) the quality requirements set out in Section 3 for the relevant category;

Or. de

Amendment 219
Satu Hassi, Karin Kadenbach

Proposal for a regulation
Article 13 – paragraph 2

Text proposed by the Commission

Amendment

2. Paragraph 1(b) shall not apply to

2. Paragraph 1 **(a) and 1** (b) shall not apply

production requirements of plant reproductive material referred to in Article 14(3) and Article 36.

to requirements of plant reproductive material referred to in Article 14(3) and Article 36.

Or. en

Justification

The existing directives which this regulation intends to replace do not legislate on the production of Plant Reproductive Material.

Amendment 220

Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund

**Proposal for a regulation
Article 13 – paragraph 2**

Text proposed by the Commission

2. **Paragraph** 1(b) shall not apply to **production** requirements of plant reproductive material referred to in Article 14(3) and Article 36.

Amendment

2. **Paragraphs 1(a) and** 1(b) shall not apply to **quality** requirements of plant reproductive material referred to in Article 14(3) and Article 36.

Or. en

Justification

The proposal regulates the production of PRM. But it is not always clear if all or part of the harvest will be used as PRM, or food or feed. Because it is neither feasible nor realistic to subject the production of seeds and other plants which can be used as PRM to this legislation, the word "Production" shall be deleted. Derogations of point 2 do not apply to production but to quality requirements. This should be accounted for.

Amendment 221

Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

**Proposal for a regulation
Article 13 – paragraph 2**

Text proposed by the Commission

2. Paragraph 1(b) shall not apply to **production** requirements of plant reproductive material referred to in Article

Amendment

2. Paragraph 1 **(a) and** (b) shall not apply to requirements of plant reproductive material referred to in Article 14(3) and

14(3) and Article 36.

Article 36.

Or. de

Amendment 222

Satu Hassi, Karin Kadenbach

Proposal for a regulation

Article 14 – paragraph 1

Text proposed by the Commission

1. Plant reproductive material may be **produced and** made available on the market **only** if it belongs to a variety registered in a national variety register referred to in Article 51 or in the Union variety register referred to in Article 52.

Amendment

1. Plant reproductive material may be made available on the market if it belongs to a variety registered in a national variety register referred to in Article 51 or in the Union variety register referred to in Article 52 **or if a description of the plant reproductive material is available to the purchaser.**

Or. en

Justification

Article 14.1 requires that only PRM from registered varieties may be made available on the market. Yet the definition of “variety” as per the proposal does not reflect the natural conditions of the majority of living plants. Therefore provisions concerning the mandatory reference to registered varieties should be deleted. A description of PRM would be an adequate alternative to variety registration.

Amendment 223

Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund, Christel Schaldemose

Proposal for a regulation

Article 14 – paragraph 1

Text proposed by the Commission

1. Plant reproductive material may be **produced and** made available on the market only if it belongs to a variety registered in a national variety register referred to in Article 51 or in the Union

Amendment

1. Plant reproductive material may be made available on the market only if it belongs to a variety registered in a national variety register referred to in Article 51 or in the Union variety register referred to in Article

variety register referred to in Article 52. 52.

Or. en

Justification

Existing directives do not regulate the production of PRM. It is not always clear whether all or part of the harvest should be used as PRM, or sold as food or feed, in which latter case restrictions should not apply. Because it is neither feasible nor realistic to subject the production of seeds and other plants which can be used as PRM to this legislation, the words “Produced and” shall be deleted from Article 14.

Amendment 224

Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

Proposal for a regulation

Article 14 – paragraph 1

Text proposed by the Commission

1. Plant reproductive material may be **produced and** made available on the market only if it belongs to a variety registered in a national variety register referred to in Article 51 or in the Union variety register referred to in Article 52.

Amendment

1. Plant reproductive material may be made available on the market only if it belongs to a variety registered in a national variety register referred to in Article 51 or in the Union variety register referred to in Article 52.

Or. de

Justification

The directives covered by this regulation do not deal with production.

Amendment 225

Corinne Lepage, Andrea Zanoni

Proposal for a regulation

Article 14 – paragraph 1

Text proposed by the Commission

1. Plant reproductive material may be produced and made available on the market **only** if it belongs to a variety registered in a national variety register referred to in

Amendment

1. Plant reproductive material may be produced and made available on the market if it belongs to a variety registered in a national variety register referred to in

Article 51 or in the Union variety register referred to in Article 52.

Article 51 or in the Union variety register referred to in Article 52.

Or. en

Justification

The making available on the market should not be restricted only to PRM from registered varieties that follow the DUS criteria. Different types of agriculture use different types of varieties, and the legislation should make it clear that heterogeneous material and niche market varieties can be put on the market according to adapted requirements.

Amendment 226
Mario Pirillo

Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission

2. By way of derogation to paragraph 1 of this Article, rootstocks **may** be produced and made available on the market **without belonging to a variety** registered in a national variety register or in the Union variety register.

Amendment

2. By way of derogation to paragraph 1 of this Article, rootstocks **must** be produced and made available on the market **and be** registered in a national variety register or in the Union variety register.

Or. it

Justification

In some cases, rootstocks are the only means of biological control, such as in the case of phylloxera, and are essential to guaranteeing optimum adaptation of varieties to soil conditions.

Amendment 227
Christa Klab

Proposal for a regulation
Article 14 – paragraph 3

Text proposed by the Commission

[...]

Amendment

deleted

Or. de

Amendment 228
Satu Hassi, Karin Kadenbach

Proposal for a regulation
Article 14 – paragraph 3

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Justification

For clarity it is necessary to create a separate article on heterogeneous material (see Article 15). Furthermore the needed information should be in the basic act and not delegated acts.

Amendment 229
Corinne Lepage, Andrea Zanoni

Proposal for a regulation
Article 14 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

The Commission shall be empowered to adopt delegated acts, in accordance with Article 140, setting out that, by way of derogation to paragraph 1 of this Article, plant reproductive material may be produced and made available on the market without belonging to a variety in the meaning of point (1) of Article 10 ('hereafter 'heterogeneous material') and not fulfilling the requirements on distinctiveness, uniformity and stability as set out in articles 60, 61 and 62 and satisfactory value for cultivation and/or use or sustainable value for cultivation and/or use as set out in articles 58 and 59.

Plant reproductive material may be produced and made available on the market without belonging to a variety in the meaning of point (1) of Article 10 ('hereafter 'heterogeneous material') and not fulfilling the requirements on distinctiveness, uniformity and stability as set out in articles 60, 61 and 62 and satisfactory value for cultivation and/or use or sustainable value for cultivation and/or use as set out in articles 58 and 59.

Or. en

Justification

Different types of agriculture use different types of varieties, and the legislation should make it clear that heterogeneous material and niche market varieties can be put on the market according to adapted requirements. The delegation of power should be limited to the following implementing rules, and should not concern the possibility itself to put heterogeneous material on the market.

Amendment 230

Corinne Lepage, Andrea Zanoni

Proposal for a regulation

Article 14 – paragraph 3 – subparagraph 2 – introductory part

Text proposed by the Commission

Those delegated acts may set out one or more of the following for heterogeneous material:

Amendment

The Commission shall be empowered to adopt delegated acts, ***in accordance with Article 140, which*** may set out one or more of the following for heterogeneous material:

Or. en

Justification

The making available on the market should not be restricted only to PRM from registered varieties that follow the DUS criteria. Different types of agriculture use different types of varieties, and the legislation should make it clear that heterogeneous material can be put on the market according to adapted requirements.

Amendment 231

Corinne Lepage, Andrea Zanoni

Proposal for a regulation

Article 14 – paragraph 3 – subparagraph 2 – point a

Text proposed by the Commission

(a) rules on labelling and packaging;

Amendment

(a) rules on labelling and packaging ***to indicate to the end purchaser the region of selection of the material and the production location and date of each lot sold; rules on packaging to ensure that it is adapted to the needs of potential***

professional users;

Or. en

Justification

Delegation of power for implementing rules for the putting on the market of heterogeneous material.

Amendment 232

Corinne Lepage, Andrea Zanoni

Proposal for a regulation

Article 14 – paragraph 3 – subparagraph 2 – point b

Text proposed by the Commission

(b) rules concerning description of the material, including the breeding methods and parental material used, description of the production scheme for the plant reproductive material and availability of standard samples;

Amendment

(b) rules concerning description of the material, including ***obtaining procedures***, the breeding methods and parental material used, description of the production scheme for the plant reproductive material and ***availability of standard samples, characteristics shared by all of the plants stemming from the material, or the constant characteristics (in field and/or harvest) but which are not necessarily shared when the material is grown using a specific production method within a specific environment and region, and also depending on the place and year of the commercialized batch of production and the*** availability of standard samples;

Or. en

Justification

Delegation of power for implementing rules for the putting on the market of heterogeneous material.

Amendment 233

Corinne Lepage, Andrea Zanoni

Proposal for a regulation

Article 14 – paragraph 3 – subparagraph 2 – point c

Text proposed by the Commission

Amendment

(c) rules relating to information and samples of production to be kept by the professional operators and the maintenance of the material;

deleted

Or. en

Justification

Delegation of power for implementing rules for the putting on the market of heterogeneous material.

Amendment 234

Corinne Lepage, Andrea Zanoni

Proposal for a regulation

Article 14 – paragraph 3 – subparagraph 2 – point d

Text proposed by the Commission

Amendment

(d) establishment by the competent authorities of registers for heterogeneous material, modalities for registration and content of those registers;

(d) establishment by the competent **local or national** authorities of registers for heterogeneous material, modalities for registration and content of those registers;

Or. en

Justification

Several countries have already set up catalogues for heterogeneous material at the regional level.

Amendment 235

Corinne Lepage, Andrea Zanoni

Proposal for a regulation

Article 14 – paragraph 3 – subparagraph 2 – point e

Text proposed by the Commission

Amendment

(e) establishment of fees, and cost items for the calculation of those fees, concerning the registration of heterogeneous material referred to in point (d) in a manner ensuring that the fee does not constitute a barrier to the registration of the heterogeneous material concerned.

deleted

Or. en

Amendment 236

Corinne Lepage, Andrea Zanoni

Proposal for a regulation

Article 14 – paragraph 3 – subparagraph 3

Text proposed by the Commission

Amendment

Those delegated acts shall be adopted by [Office of Publications, please insert date of application of this Regulation...]. They may be adopted per *particular* genera or species.

Those delegated acts shall be adopted by [Office of Publications, please insert date of application of this Regulation...]. They may be adopted per *every* genera or species ***for which an application has been filed.***

Or. en

Amendment 237

Corinne Lepage, Satu Hassi, Karin Kadenbach, Andrea Zanoni

Proposal for a regulation

Article 14 a (new)

Text proposed by the Commission

Amendment

Article 14a

Making available on the market of heterogeneous material

Plant reproductive material may be produced and made available on the

market as heterogeneous material, registered in a national variety register referred to in Article 51, on the basis of an officially recognised description. This includes inter alia :

a) Landraces, conservation varieties or selections thereof which do not comply with articles 60, 61 and 62 but provide a certain stability as regards their agronomic performance,

b) Multicomponent varieties derived from open pollination (polycross) of a defined set of parental lines which do not comply with articles 60, 61 and 62 but provide a certain stability as regards their agronomic performance,

c) Open pollinated varieties and populations of completely or partially outcrossing species which do not comply with articles 60, 61 and 61 but provide a certain stability as regards their agronomic performance,

d) Population crosses between open pollinated populations or open pollinated varieties with high level of heterogeneity,

e) Composite cross populations derived from crosses of defined parental lines and evolved in a certain environment with a high level of heterogeneity and high plasticity needed for adaptation to changing environmental conditions.

2) Heterogeneous material is obtained through methods which respect natural crossing barriers.

3) The making available on the market of heterogeneous material shall comply with the provisions of Title III of Part III of this act.

Or. en

Justification

To progress with breeding of genetically diverse populations/varieties, registration of heterogeneous material must not be left to delegated acts which might restrict it to certain

genera/species or lead to packaging rules that hamper promotion of biodiversity. The list allows registration for the whole range of heterogeneous material used in farming.

Amendment 238
Christa Klaß

Proposal for a regulation
Article 14 a (new)

Text proposed by the Commission

Amendment

Article 14a

By [please insert the date of entry into force of this Regulation], the Commission shall submit a proposal under the ordinary legislative procedure laying down provisions on making available on the market heterogeneous material of particular genera or species.

This proposal shall regulate the following:

(a) the genera or species to which the provisions of this Article may apply;

(b) requirements concerning the labelling and packaging of the heterogeneous material concerned;

(c) conditions for making available on the market in a manner ensuring that such conditions do not constitute a barrier to the registration and marketing of the heterogeneous material concerned.

Or. de

Amendment 239
Corinne Lepage, Satu Hassi, Karin Kadenbach, Andrea Zanoni

Proposal for a regulation
Article 15

Text proposed by the Commission

Amendment

Article 15

deleted

Requirement to belong to registered clones

Plant reproductive material belonging to a clone may be produced and made available on the market only if that clone is registered in a national variety register referred to in Article 51 or in the Union variety register referred to in Article 52.

Or. en

Justification

This is not consistent with the definition given for a clone in the same draft regulation. A clone is a botanical concept solely indicative of a plant grouping derived from another plant by means of vegetative propagation, therefore making it genetically identical to and indistinguishable from the latter.

Amendment 240

Satu Hassi, Karin Kadenbach

Proposal for a regulation

Article 15

Text proposed by the Commission

Amendment

Article 15

deleted

Requirement to belong to registered clones

Plant reproductive material belonging to a clone may be produced and made available on the market only if that clone is registered in a national variety register referred to in Article 51 or in the Union variety register referred to in Article 52.

Or. en

Justification

This is not consistent with the definition given for a clone in the same draft regulation. A

clone is a botanical concept solely indicative of a plant grouping derived from another plant by means of vegetative propagation, therefore making it genetically identical to and indistinguishable from the latter.

Amendment 241

Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

Proposal for a regulation

Article 15 – paragraph 1

Text proposed by the Commission

Amendment

Article 15

deleted

Requirement to belong to registered clones

Plant reproductive material belonging to a clone may be produced and made available on the market only if that clone is registered in a national variety register referred to in Article 51 or in the Union variety register referred to in Article 52.

Or. de

Justification

Rare or old plant varieties may constitute clones for which there was and is no registration requirement.

Amendment 242

Satu Hassi, Karin Kadenbach

Proposal for a regulation

Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15a

Making heterogeneous material available on the market

1. Plant reproductive material may be made available on the market as heterogeneous material, and registered in

a national variety register as referred to in Article 51 on the basis of an officially recognised description. This includes inter alia

a) Landraces, conservation varieties or selections thereof which do not comply with articles 60, 61 and 62 but provide a certain stability as regards their agronomic performance,

b) multicomponent varieties derived from open pollination (polycross) of a defined set of parental lines which do not comply with articles 60, 61 and 62 but provide a certain stability as regards their agronomic performance,

c) Open pollinated varieties and populations of completely or partially outcrossing species which do not comply with articles 60, 61 and 61 but provide a certain stability as regards their agronomic performance,

d) Population crosses between open pollinated populations or open pollinated varieties with high level of heterogeneity,

e) Composite cross populations derived from crosses of defined parental lines and evolved in a certain environment with a high level of heterogeneity and high plasticity needed for adaptation to changing environmental conditions.

2. Heterogeneous material is obtained through methods which respect natural crossing barriers.

3. The making available on the market of heterogeneous material shall comply with the provisions of Title III of this act.

Or. en

Justification

To progress with breeding of genetically diverse populations/varieties, registration of heterogeneous material must not be left to delegated acts which might restrict it to certain genera/species or lead to packaging rules that hamper promotion of biodiversity. The list allows registration for the whole range of heterogeneous material used in farming.

Amendment 243

James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling

Proposal for a regulation

Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15a

Requirements for Niche Market Varieties

1) Plant reproductive material may be made available on the market as niche market varieties on the basis of an officially recognised description where:

(a) the varieties or landraces concerned have no intrinsic value for commercial crop production, but have been developed for growing under particular conditions. A variety shall be considered as having been developed for growing under particular conditions if it has been developed for growing under particular agro-technical, climatic or pedological conditions, such as manual care or repeated harvesting.

(b) it is labelled with the indication 'niche market material'.

2) The persons who produce niche market material shall keep records of the quantities of the material produced and made available on the market per genera, species or type of material. On request, they shall make those records available to the competent authorities.

3) Niche market varieties shall be sold in quantities no larger than those sufficient to sow or plant 0.25 ha of land at usual sowing or planting rates for the species concerned.

Or. en

Amendment 244

Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

Proposal for a regulation

Article 16 – title

Text proposed by the Commission

Amendment

Production and quality requirements for
plant reproductive material

Quality requirements for plant reproductive
material

Or. de

Justification

The directives covered by this regulation do not deal with production.

Amendment 245

Satu Hassi, Karin Kadenbach

Proposal for a regulation

Article 16 – paragraph 1

Text proposed by the Commission

Amendment

1. Plant reproductive material **shall be produced in accordance with the production requirements set out in Part A of Annex II and shall** be made available on the market only if it fulfils the quality requirements set out in Part B of Annex II.

1. Plant reproductive material **undergoing official certification may** be made available on the market only if it fulfils the quality requirements set out in Part B of Annex II.

Or. en

Justification

The requirements of Annex II should apply only to material undergoing official certification.

Amendment 246

Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund

Proposal for a regulation

Article 16 – paragraph 1

Text proposed by the Commission

Amendment

1. ***Plant reproductive material shall be produced in accordance with the production requirements set out in Part A of Annex II and shall*** be made available on the market only if it fulfils the quality requirements set out in Part B of Annex II.

1. ***Seed and potato seed*** shall be made available on the market only if it fulfils the quality requirements set out in Part B of Annex II.

Or. en

Justification

The requirements of paragraph 1 of article 16 are not applicable to the fruit and vine sectors. Fruits and vines differ greatly from seeds in their characteristics, so the same rules cannot apply to the relevant sectors. This article demonstrates the limitations of merging twelve sectorial directives into one regulation. The expression "seed and potato seed" shall replace the expression "Plant reproductive material" in paragraph 1 of article 16.

Amendment 247

Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

Proposal for a regulation

Article 16 – paragraph 1

Text proposed by the Commission

Amendment

1. Plant reproductive material ***shall be produced in accordance with the production requirements set out in Part A of Annex II and*** shall be made available on the market only if it fulfils the quality requirements set out in Part B of Annex II.

1. Plant reproductive material ***which has been officially registered and is undergoing certification*** shall be made available on the market only if it fulfils the quality requirements set out in Part B of Annex II.

Or. de

Amendment 248

Satu Hassi, Karin Kadenbach

Proposal for a regulation

Article 17 – paragraph 3

Text proposed by the Commission

3. During processing, packaging, storage, transport or at delivery, lots of plant reproductive material may be split into two or more lots. In that case the professional operator shall keep records concerning the origin of the new lots.

Amendment

3. During processing, packaging, storage, transport or at delivery, lots of plant reproductive material may be split into two or more lots. In that case the professional operator shall keep records concerning the origin of the new lots ***except when there is no more than one intermediary between the producer and the user and all professional operators concerned supply the same local or regional markets.***

Or. en

Justification

We need a distinction between long and short distribution chains. So lots supplied through short chains ought to be exempt from bureaucratic burden, and so there should be no obligation to divide them.

Amendment 249

Satu Hassi, Karin Kadenbach

Proposal for a regulation

Article 19 – paragraph 1

Text proposed by the Commission

1. Pre-basic, basic or certified material ***shall*** be certified and identified through an official label ('official label').

Amendment

1. Pre-basic, basic or certified material ***may*** be certified and identified through an official label ('official label').

Or. en

Justification

Compulsory labelling infringes the operators' freedom to pursue an economic activity. Operators should be the only ones to decide whether they firstly certify, or secondly identify their plant reproductive material through an official label, operators' label or even an unregulated label that is not recognised by any official body.

Amendment 250

João Ferreira

on behalf of the GUE/NGL Group

Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission

1. Pre-basic, basic or certified material **shall** be certified and identified through an official label ('official label').

Amendment

1. Pre-basic, basic or certified material **may** be certified and identified through an official label ('official label').

Or. pt

Amendment 251

Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

Proposal for a regulation
Article 19 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

(5a) This certification and identification shall apply to those varieties entered in the European variety register. National trademarks or certification systems shall remain unaffected.

Or. de

Amendment 252

Satu Hassi, Karin Kadenbach

Proposal for a regulation
Article 19 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

(5a) This article should under no circumstances prevent the use of national or private labels and certification schemes.

Or. en

Justification

Compulsory labelling infringes the operators' freedom to pursue an economic activity. Operators should be the only ones to decide whether they firstly certify, or secondly identify their plant reproductive material through an official label, operators' label or even an unregulated label that is not recognised by any official body.

Amendment 253

Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund

Proposal for a regulation

Article 20 – paragraph - 1 (new)

Text proposed by the Commission

Amendment

(-1) This article applies to potatoes and to species which are grown on more than 5% of the total agricultural area in the Union. These species are listed in Annex Ia.

Or. en

Justification

Bureaucratic procedures which are more proportional to the operators' needs. Article 20 imposes a lot of bureaucracy on operators. This level of bureaucracy is justified as a means to secure food production. Article 20 shall be limited to species which are effectively needed to ensure food security. This might at the same time develop food diversity within non Annex I species.

Amendment 254

Satu Hassi, Karin Kadenbach

Proposal for a regulation

Article 21 – paragraph 1

Text proposed by the Commission

Amendment

1. The official label ***and the operator's label*** shall contain the information set out in Part A of Annex III.

1. The official label shall contain the information set out in Part A of Annex III.

Or. en

Justification

Requirements such as the size of the packaging cannot be dealt with at EU level. They are different in each country and must remain so for standard material. Therefore the expression “Operator’s label” must be deleted.

Amendment 255

Satu Hassi, Karin Kadenbach

Proposal for a regulation

Article 21 – paragraph 5 – introductory part

Text proposed by the Commission

5. The Commission shall be empowered to adopt delegated acts, in accordance with Article 140, setting out requirements, further to the requirements referred to in paragraphs 1 and 2, for official labels **and operators' labels**. Those requirements shall concern one or more of the following elements:

Amendment

5. The Commission shall be empowered to adopt delegated acts, in accordance with Article 140, setting out requirements, further to the requirements referred to in paragraphs 1 and 2, for official labels. Those requirements shall concern one or more of the following elements:

Or. en

Justification

Requirements such as the size of the packaging cannot be dealt with at EU level. They are different in each country and must remain so for standard material. Therefore the expression “Operator’s labels” must be deleted.

Amendment 256

Satu Hassi, Karin Kadenbach

Proposal for a regulation

Article 21 – paragraph 7

Text proposed by the Commission

7. The Commission shall, by means of implementing acts, adopt the format(s) of the official label **and operator's label**. Those formats may be adopted per genera or species. Those implementing acts shall be adopted in accordance with the

Amendment

7. The Commission shall, by means of implementing acts, adopt the format(s) of the official label. Those formats may be adopted per genera or species. Those implementing acts shall be adopted in accordance with the examination procedure

examination procedure referred to in Article 141(3).

referred to in Article 141(3).

Or. en

Justification

Requirements such as the size of the packaging cannot be dealt with at EU level. They are different in each country and must remain so for standard material. Therefore the expression “Operator’s labels” must be deleted.

Amendment 257

James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling

Proposal for a regulation

Article 22 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the competent authority, *if requested so by the professional operator, or if the professional operator concerned is not authorised pursuant to Article 23.*

(b) the competent authority;

Or. en

Amendment 258

Corinne Lepage

Proposal for a regulation

Article 23

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 259

Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

Proposal for a regulation
Article 23

Text proposed by the Commission

Amendment

[...]

deleted

Or. de

Amendment 260
James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling

Proposal for a regulation
Article 23 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Professional operators may be authorised by the competent authority to carry out **the** certification **and** produce the official labels under official supervision, as referred to in point (a) of Article 22, only if they fulfil all of the **following** conditions:

1. Professional operators may be authorised by the competent authority to carry out certification **activities and to** produce **and affix** the official labels under official supervision, as referred to in point (a) of Article 22, only if they fulfil all of the conditions **relevant to the particular activity**;

Or. en

Amendment 261
James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling

Proposal for a regulation
Article 23 – paragraph 2

Text proposed by the Commission

Amendment

2. The authorisation referred to in paragraph 1 may be granted for particular or all genera or species.

2. The authorisation referred to in paragraph 1 may be granted for particular or all genera or species, **categories of plant reproductive material or activities**.

Or. en

Justification

Authorities are able to decide which species, categories and activities it will allow under official supervision

Amendment 262

James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling

Proposal for a regulation

Article 24 – paragraph 4 – point b a (new)

Text proposed by the Commission

Amendment

(ba) accreditation of the professional operator's entire activity in respect of plant reproductive material, based on externally accredited quality assurance and disapplying some or all of the provisions of paragraphs 2 and 3;

Or. en

Justification

The purpose of this additional article is to permit future development of novel approaches to certification of PRM which are not based entirely on the detailed requirements of paragraphs 2 and 3

Amendment 263

Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund, Christel Schaldemose

Proposal for a regulation

Article 25 – paragraph 1

Text proposed by the Commission

Amendment

Where the official labels are produced by the competent authorities, as referred to in point (b) of Article 22, the competent authorities shall carry out all necessary field inspections, sampling and testing in accordance with the certification schemes, adopted pursuant to Article 20(2), to confirm compliance with the ***production and*** quality requirements adopted pursuant

Where the official labels are produced by the competent authorities, as referred to in point (b) of Article 22, the competent authorities shall carry out all necessary field inspections, sampling and testing in accordance with the certification schemes, adopted pursuant to Article 20(2), to confirm compliance with the quality requirements adopted pursuant to Article

to Article 16(2).

16(2).

Or. en

Justification

Existing directives do not regulate the production of PRM. It is not always clear whether all or part of the harvest should be used as PRM, or sold as food or feed, in which latter case restrictions should not apply. According to the principle of proportionality, restrictive rules should not apply to the production of all types of PRM.

Amendment 264

Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

Proposal for a regulation

Article 25 – paragraph 1

Text proposed by the Commission

Where the official labels are produced by the competent authorities, as referred to in point (b) of Article 22, the competent authorities shall carry out all necessary field inspections, sampling and testing in accordance with the certification schemes, adopted pursuant to Article 20(2), to confirm compliance with the **production and** quality requirements adopted pursuant to Article 16(2).

Amendment

Where the official labels are produced by the competent authorities, as referred to in point (b) of Article 22, the competent authorities shall carry out all necessary field inspections, sampling and testing in accordance with the certification schemes, adopted pursuant to Article 20(2), to confirm compliance with the quality requirements adopted pursuant to Article 16(2).

Or. de

Justification

The directives covered by this regulation do not deal with production.

Amendment 265

Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund, Christel Schaldemose

Proposal for a regulation

Article 27 – title

Text proposed by the Commission

Notification of the intended **production**

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Amendment

Notification of the intended **certification**

103/108

PE526.081v01-00

and certification of pre-basic, basic and certified material

with official label of pre-basic, basic and certified material

Or. en

Justification

Existing directives do not regulate the production of PRM, as the materials later use (PRM, food, feed) is not always known in advance. In addition, to avoid confusion, it shall be made clear that pre-basic, basic and certified material are the only categories that should be taken into account for certification procedures. According to the principle of proportionality, restrictive rules should not apply to the production of all types of PRM.

Amendment 266

Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

Proposal for a regulation

Article 27 – title

Text proposed by the Commission

Amendment

Notification of the intended **production and** certification of pre-basic, basic and certified material

Notification of the intended certification of pre-basic, basic and certified material

Or. de

Amendment 267

Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

Proposal for a regulation

Article 27 – paragraph 1

Text proposed by the Commission

Amendment

Professional operators shall inform the competent authorities in due time about their intention to **produce** pre-basic, basic and certified material plant reproductive material, **and to carry out the certification referred to in** Article 19(1). That notification shall state the plant species and categories concerned.

Professional operators shall inform the competent authorities in due time about their intention to **have** pre-basic, basic and certified material plant reproductive material **certified in accordance with** Article 19(1). That notification shall state the plant species and categories concerned.

Amendment 268
Satu Hassi, Karin Kadenbach

Proposal for a regulation
Article 28 – paragraph 1

Text proposed by the Commission

Operators' labels shall be produced and affixed by the professional operator after verifying through its own inspections, sampling and testing, that the plant reproductive material ***complies with the production and quality requirements as referred to in Article 16.***

Amendment

Operators' labels shall be produced and affixed by the professional operator after verifying through its own inspections, sampling and testing, that the plant reproductive material ***is fit for purpose and the properties of the plant reproductive material comply with the indications on the label.***

Justification

In the proposed regulation, the provisions concerning operators' labels are based on requirements concerning official labels. Instead, there should be provisions that genuinely enhance operators' labels and these should contain adequate specifications.

Amendment 269
Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

Proposal for a regulation
Article 28 – paragraph 1

Text proposed by the Commission

Operators' labels shall be produced and affixed by the professional operator after verifying through its own inspections, sampling and testing, that the plant reproductive material complies with the ***production and*** quality requirements as referred to in Article 16.

Amendment

Operators' labels shall be produced and affixed by the professional operator after verifying through its own inspections, sampling and testing, that the plant reproductive material complies with the quality requirements as referred to in Article 16.

Amendment 270
Satu Hassi, Karin Kadenbach

Proposal for a regulation
Article 29 – paragraph 1

Text proposed by the Commission

1. The official label and the operator's label shall be produced with reference to a lot. They shall be affixed, where **applicable**, to individual plants or on the outside of packages, containers and bundles.

Amendment

1. The official label and the operator's label shall be produced with reference to a lot. ***The operators' label shall be produced with reference to a lot only if the lot concerned is bigger than what is typically required to cultivate one hectare.*** They shall be affixed, where **necessary**, to individual plants or on the outside of packages, containers and bundles.

Or. en

Justification

Operators' labels must be proportionate. In the proposal there is no distinction between official and operators' labels, setting disproportionate requirements for operators' labels. As there may be potentially very small quantities, rules should only apply to lots that are of a reasonable size.

Amendment 271
Satu Hassi, Karin Kadenbach

Proposal for a regulation
Article 29 – paragraph 2

Text proposed by the Commission

2. If a lot is split into more lots, a new official label or operator's label shall be issued for each lot. If several lots are merged into a new lot, a new official label or operator's label shall be issued for that new lot.

Amendment

2. If a lot is split into more lots, a new official label or operator's label shall be issued for each lot. If several lots are merged into a new lot, a new official label or operator's label shall be issued for that new lot. ***These requirements shall not apply to local circulation of plant reproductive material.***

Justification

This proposed provision only considers the large-scale agro-industrial approach. But local exchange, where traceability can easily be achieved, should be excluded from the requirements concerning the splitting of lots.

Amendment 272

Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund

Proposal for a regulation**Article 30 – title***Text proposed by the Commission*

Post certification tests for pre-basic, basic and certified material

Amendment

Post certification tests for pre-basic, basic and certified material ***with official label***

Or. en

Justification

There is no sufficient clarity that official labels only concern pre-basic, basic and certified material. It should be made clear that official label only concerns pre-basic, basic and certified material. Introduce the term "with official label" in the title of article 30.

Amendment 273

James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling

Proposal for a regulation**Article 30 – paragraph 1***Text proposed by the Commission*

1. After the certification referred to in Article 19(1), the competent authorities may carry out tests on the plant reproductive material (hereinafter ‘post certification tests’) to confirm that it complies with the quality requirements as referred to in Article 16(2) and the certification schemes adopted pursuant to Article 20(2).

Amendment

1. After the certification referred to in Article 19(1), the competent authorities may carry out tests on the plant reproductive material (hereinafter ‘post certification tests’) to confirm that it complies with the quality requirements as referred to in Article 16(2) and the certification schemes adopted pursuant to Article 20(2). ***Post certification tests of the preceding generation may be used as pre***

control for the next generation.

Or. en

Justification

It is necessary to distinguish between pre-control as part of quality assurance for the next generation and post certification tests to monitor the quality of certified material sold for crop production

Amendment 274

Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

Proposal for a regulation

Article 30 – paragraph 4 – introductory part

Text proposed by the Commission

4. The Commission shall be empowered to adopt delegated acts, in accordance with Article 140, setting out rules for the post certification tests of plant reproductive material belonging to particular genera or species. Those rules shall take into account the development of scientific and technical knowledge. *They may concern the following:*

Amendment

4. The Commission shall be empowered to adopt delegated acts, in accordance with Article 140, setting out rules for the post certification tests of plant reproductive material belonging to particular genera or species. Those rules shall take into account the development of scientific and technical knowledge.

Or. de