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Committee on the Environment, Public Health and Food Safety

2013/0137(COD)

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AMENDMENTS 475 - 668

Draft opinion

Pilar Ayuso

(PE522.867v01-00)

On 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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United in diversity

EN

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Amendment 475
James Nicholson

Proposal for a regulation
Article 73 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) compliance with the requirements of a *satisfactory* value for cultivation and/or use referred to in Article 58(1);

(b) compliance with the requirements of a value for cultivation and/or use referred to in Article 58(1);

Or. en

Amendment 476
James Nicholson

Proposal for a regulation
Article 73 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) compliance with the requirements of a sustainable value for cultivation and/or use referred to in Article 59(1).

deleted

Or. en

Justification

To align with changes for VCU

Amendment 477
James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling

Proposal for a regulation
Article 73 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts, in accordance with Article 140, setting out the rules concerning the audit referred to in

deleted

paragraph 2.

Or. en

Amendment 478
Satu Hassi, Karin Kadenbach

Proposal for a regulation
Article 74

Text proposed by the Commission

Amendment

Article 74

deleted

Additional rules on technical examination

1. The Commission shall be empowered to adopt delegated acts, in accordance with Article 140, supplementing the requirements on the technical examination laid down in Articles 71, 72 and 73. Those delegated acts may concern:

(a) qualification, training and activities of staff of the competent authority, or of the applicant, for the purposes of the technical examination referred to in Article 71(1);

(b) the necessary equipment, including laboratories for disease resistance characteristics, necessary to carry out the technical examination;

(c) the establishment of a variety reference collection to assess distinctness, and the storage management of such reference collection;

(d) the establishment of quality management systems, including record of activities and protocols or guidelines, to be used for the technical examination;

(e) the conduct of growing trials and laboratory tests for particular genera or species.

Those delegated acts shall take into

account the available technical and scientific protocols.

2. Where no requirements have been adopted pursuant to paragraph 1, technical examinations shall be carried out in accordance with national protocols as regards the elements referred in points (a) to (e) of paragraph 1.

Or. en

Justification

This Article gives the power to the Commission to set up constraints for Member States. However in line with the subsidiarity principle, Member States should be free to organise the internal details of their competent authorities responsible for the technical examinations on their territory on their own capacity. Therefore the Article should be deleted.

Amendment 479

Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

Proposal for a regulation

Article 74

Text proposed by the Commission

Amendment

Article 74

deleted

Additional rules on technical examination

1. The Commission shall be empowered to adopt delegated acts, in accordance with Article 140, supplementing the requirements on the technical examination laid down in Articles 71, 72 and 73. Those delegated acts may concern:

(a) qualification, training and activities of staff of the competent authority, or of the applicant, for the purposes of the technical examination referred to in Article 71(1);

(b) the necessary equipment, including laboratories for disease resistance characteristics, necessary to carry out the technical examination;

(c) the establishment of a variety reference collection to assess distinctness, and the storage management of such reference collection;

(d) the establishment of quality management systems, including record of activities and protocols or guidelines, to be used for the technical examination;

(e) the conduct of growing trials and laboratory tests for particular genera or species.

Those delegated acts shall take into account the available technical and scientific protocols.

2. Where no requirements have been adopted pursuant to paragraph 1, technical examinations shall be carried out in accordance with national protocols as regards the elements referred in points (a) to (e) of paragraph 1.

Or. de

Justification

The provisions on technical examination should remain a Member State matter. Additional provisions might be implemented in different ways.

Amendment 480

James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling

Proposal for a regulation

Article 74 – paragraph 1 – subparagraph 1 – point d

Text proposed by the Commission

(d) the establishment of quality management systems, including record of activities and protocols or guidelines, to be used for the technical examination;

Amendment

(d) the establishment of quality management systems, including record of activities and **CPVO** protocols or **UPOV** guidelines, to be used for the technical examination;

Or. en

Justification

Specific mention should be made of the relevant protocols and guidelines

Amendment 481

Satu Hassi, Karin Kadenbach

Proposal for a regulation

Article 75 – paragraph 1

Text proposed by the Commission

1. Where, in the framework of the technical examination referred to in Article 71(1), an examination of the genealogical components is necessary, the results of that examination and the description of the genealogical components shall be treated as confidential, if the applicant so requests.

Amendment

1. Where, in the framework of the technical examination referred to in Article 71(1), an examination of the genealogical components is necessary, the results of that examination and the description of the genealogical components shall be treated as confidential, if the applicant so requests.
The genealogical composition of the variety shall only be kept confidential until the variety is registered in the Union variety register or a national variety register.

Or. en

Justification

It is important for a breeder to concentrate on researching new varieties and not on creating a variety that has already been registered. In addition, a breeder may have a lot of experience with certain parent lines, and might be interested in extracting more PRM from the same parent lines. Therefore confidentiality on the parent lines must only be kept until the variety is registered in the Union register or a national register.

Amendment 482

Satu Hassi, Karin Kadenbach

Proposal for a regulation

Article 75 – paragraph 2

Text proposed by the Commission

2. In the case of varieties of plant reproductive material intended exclusively

Amendment

2. In the case of varieties of plant reproductive material intended exclusively

for the production of agricultural raw materials for industrial purposes, and if so requested by the applicant, the results of the technical examination referred to in Article 71(1) and the intended uses of those varieties shall be treated as confidential.

for the production of agricultural raw materials for industrial purposes, and if so requested by the applicant, the results of the technical examination referred to in Article 71(1) and the intended uses of those varieties shall be treated as confidential.

The result of the technical examination and the intended uses shall only be kept confidential until the variety is registered in the union variety register or a national variety register.

Or. en

Justification

It is important for a breeder to concentrate on researching new varieties and not on creating a variety that has already been registered. In addition, a breeder may have a lot of experience with certain parent lines, and might be interested in extracting more PRM from the same parent lines. Therefore confidentiality on the parent lines must only be kept until the variety is registered in the Union register or a national register.

Amendment 483

James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling

Proposal for a regulation

Article 76 – title

Text proposed by the Commission

Amendment

Provisional examination report and provisional official description

Complementary examination

Or. en

Amendment 484

James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling

Proposal for a regulation

Article 76 – paragraph 1

Text proposed by the Commission

Amendment

1. Following the technical examination

deleted

referred to in Article 71(1), the competent authority shall produce a provisional examination report and, where it considers that the distinctiveness, uniformity and stability requirements, as referred to in Articles 60, 61 and 62, are complied with, a provisional official description of the variety on the basis of that report.

Or. en

Amendment 485

James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling

Proposal for a regulation

Article 76 – paragraph 2

Text proposed by the Commission

Amendment

2. The provisional examination report may refer to findings of other examination reports, produced on the relevant variety, by the competent authority concerned, other competent authorities or the Agency. *deleted*

Or. en

Amendment 486

James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling

Proposal for a regulation

Article 76 – paragraph 3

Text proposed by the Commission

Amendment

3. The competent authority shall communicate the provisional examination report and the provisional official description of the variety to the applicant. *deleted*

Or. en

Amendment 487

James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling

Proposal for a regulation

Article 77 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Applicants shall be given the opportunity to visit sites where the technical examination is carried out, to be given the results of the examination, provide additional information, and discuss the results with the competent authority.

Or. en

Amendment 488

Satu Hassi, Karin Kadenbach

Proposal for a regulation

Article 77 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The competent authority shall collect any complaint that a denomination has been misused. Once a complaint has been received, the competent authority shall assess if the denomination has been misused and the reasons that have oriented the choice of the applicant to misuse the denomination.

(a) where the assessment reveals that the applicant involuntarily misused an existing denomination, the competent authority shall make this denomination unique and distinguishable from the misused one by changing or amending it. The applicant may suggest proposals for the changed or amended denomination;
(b) where the assessment reveals that the

applicant could not have been unaware that he misused an existing denomination, the competent authority shall adopt a decision deleting registration according to Article 85 (1) (a) or (g).

Or. en

Justification

The proposed legislative text does not prevent against the omission of the Agency and of the competent authorities, as it is impossible for them to know all unregistered denominations. Therefore some assistance from third parties should be given to the Agency and the competent authority if needed, with the aim of protecting unregistered denominations, preventing fraud, and ultimately protecting the users.

**Amendment 489
Karin Kadenbach**

**Proposal for a regulation
Article 78 – paragraph 2 – subparagraph 1 a (new)**

Text proposed by the Commission

Amendment

(1) The competent authority shall collect any complaint that a denomination has been misused. When a complaint has been formulated, the competent authority shall assess if the denomination has been misused and the reasons that have oriented the choice of the registrant to misuse the denomination.

(a) where the assessment reveals that the applicant involuntary misused an existing denomination, the competent authority shall make this denomination unique and distinguishable from the misused one by changing or amending it. The applicant may suggest proposals for the changed or amended denomination;

(b) where the assessment reveals that the applicant could not have been unaware that he misused an existing denomination, the competent authority shall adopt a decision

refusing registration as set out in article 79(2).

Or. en

Justification

The text does not prevent against the omission of the Agency and of the competent authorities, as it is impossible for them to know all unregistered denominations. For this reason, everyone may assist the Agency and the competent authority in protecting unregistered denominations, preventing fraud, and ultimately protecting the users.

Amendment 490
Karin Kadenbach

Proposal for a regulation
Article 82 – paragraph 1

Text proposed by the Commission

1. The validity period of the registration of a variety in a national variety register shall be **30** years.

Amendment

1. The validity period of the registration of a variety in a national variety register shall be **10** years.

Or. en

Justification

There is no reason provided to extend the registration period, as often registered varieties are already not available to the purchaser after a few years of registration. Under the existing legislation (Directive 2002/53), the validity period is 10 years.

Amendment 491
Karin Kadenbach

Proposal for a regulation
Article 83 – paragraph 1

Text proposed by the Commission

1. The registration of a variety in a national variety register may be renewed for further periods of **30** years, in accordance with the procedure and the conditions laid down in

Amendment

1. The registration of a variety in a national variety register may be renewed for further periods of **10** years, in accordance with the procedure and the conditions laid down in

Article 84.

Article 84.

Or. en

Justification

There is no reason to extend the registration period. Increasing the registration period would mean increasing biodiversity loss. The registration validity period shall stay 10 years.

Amendment 492

Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund

Proposal for a regulation

Article 84 – paragraph 3 – introductory part

Text proposed by the Commission

3. The renewal of the registration of a variety in a national variety register shall only be granted if the ***following conditions are met:***

Amendment

3. The renewal of the registration of a variety in a national variety register shall only be granted if the ***variety continues complying with the requirements of Article 56, and, where applicable of Article 57***

Or. en

Justification

Some varieties do not have maintenance breeders as this is not required in the existing legislation. This is the case for an old apple tree and for amateur varieties. Such requirement is not needed and shall not create burdens for operators.

Amendment 493

Karin Kadenbach, Marita Ulvskog, Åsa Westlund, Jens Nilsson

Proposal for a regulation

Article 84 – paragraph 3 – point a

Text proposed by the Commission

(a) the variety continues complying with the requirements of Article 56, and, where applicable of Article 57;

Amendment

deleted

Justification

Some varieties do not have maintenance breeders as this is not required in the exiting legislation. This is the case for an old apple tree and for amateur varieties. Such requirement is not needed and shall not create burdens for operators.

Amendment 494

Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund

Proposal for a regulation**Article 84 – paragraph 3 – point b**

Text proposed by the Commission

Amendment

(b) the competent authority determines that a person is responsible for maintaining the variety in accordance with the provisions of Article 86.

deleted

Justification

Some varieties do not have maintenance breeders as this is not required in the exiting legislation. This is the case for an old apple tree and for amateur varieties. Such requirement is not needed and shall not create burdens for operators.

Amendment 495

Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund

Proposal for a regulation**Article 84 – paragraph 4**

Text proposed by the Commission

Amendment

4. The competent authority may renew the registration of a variety in a national variety register, without an application for renewal being submitted pursuant to paragraphs 1 and 2, where it considers that the renewal of that registration serves sustainable agricultural production and the preservation of genetic diversity, ***and that***

4. The competent authority may renew the registration of a variety in a national variety register, without an application for renewal being submitted pursuant to paragraphs 1 and 2, where it considers that the renewal of that registration serves sustainable agricultural production and the

the conditions of paragraph 3 are fulfilled.

preservation of genetic diversity.

Or. en

Justification

This article offers less protection to biodiversity. Sustainable agriculture and genetic diversity should not be limited, especially if one variety has already been declared as conforming to the legislation by a competent authority in the past. The decision of the competent authorities to help sustainable agriculture and genetic diversity shall not be limited by technical requirements that have already been fulfilled in the past.

Amendment 496

James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling

Proposal for a regulation

Article 85

Text proposed by the Commission

Amendment

Article 85

deleted

Deletion from national variety registers

1. The competent authority shall decide to delete a variety from the national variety register, in the following cases:

(a) if the competent authority concludes, on the basis of any new evidence, that the requirements for registration, as set out in Article 56 are no longer fulfilled;

(b) if a request to delete the variety from the national variety register has been submitted by the applicant;

(c) if the applicant does not pay the annual fee pursuant to point (d) of Article 87(1)(e);

(d) if the person responsible for the maintenance of the variety, as referred to in Article 86(1), so requests, unless maintenance of the variety is assured by another person;

(e) if the variety is no longer maintained pursuant to requirements of Article 86;

(f) if the variety is maintained in a third country, that third country has not provided assistance on the controls of that maintenance pursuant to Article 86(8);

(g) if at the time of the application, false or fraudulent data were supplied concerning the facts on the basis of which the registration was decided;

(h) if, by the deadline to submit an application for renewal referred to in Article 84(1), the applicant has not submitted such an application and the validity period referred to in Article 82(1) has expired.

2.

On request by the applicant, the competent authority may allow a variety deleted from the national variety register in accordance to paragraph 1(b) to continue to be made available on the market until 30 June of the third year following the deletion from the register.

That request shall be submitted no later than the date of the expiration of the registration period.

3. *After a variety is deleted from the national variety register, the competent authority shall submit a sample of that variety, and its description, to a gene bank dedicated to the conservation of genetic resources.*

Or. en

Justification

Gene banks should determine which varieties are worth conserving.

Amendment 497
Satu Hassi, Karin Kadenbach

Proposal for a regulation
Article 85 – paragraph 2 – subparagraph 1

Text proposed by the Commission

On request by the applicant, the competent authority may allow a variety deleted from the national variety register in accordance to paragraph 1(b) to continue to be made available on the market until 30 June of the third year following the deletion from the register.

Amendment

On request by the applicant **or a third party**, the competent authority may allow a variety deleted from the national variety register in accordance to paragraph 1(b), **1(c), 1(d), 1(e), 1(f) or 1(h)** to continue to be made available on the market until 30 June of the third year following the deletion from the register.

Or. en

Justification

To prevent loss of genetic resources in agriculture, it must be possible to maintain a variety that has been registered in the EU or a national catalogue if there is still a demand by some users. In order to ensure continuous availability on the market, the rules for continuation of the marketing of the variety must be simplified.

Amendment 498
Andrea Zanoni

Proposal for a regulation
Article 85 – paragraph 2 – subparagraph 1

Text proposed by the Commission

On request by the applicant, the competent authority **may** allow a variety deleted from the national variety register in accordance to paragraph 1(b) to continue to be made available on the market until 30 June of the third year following the deletion from the register.

Amendment

On request by the applicant **or a third party**, the competent authority **shall** allow a variety deleted from the national variety register **or expired** in accordance to paragraph 1(b) **or 1(h)** to continue to be made available on the market until 30 June of the third year following the deletion from the register.

Or. en

Justification

To prevent loss of genetic resources in use, it must be possible to maintain a variety that has been registered in the EU or a national catalogue if there is still a demand by some users. In order to ensure continuous availability on the market, the rules for continuation of the marketing of the variety must be simplified.

Amendment 499
Satu Hassi, Karin Kadenbach

Proposal for a regulation
Article 85 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

That request shall be submitted no later than the date of the expiration of the registration period. *deleted*

Or. en

Justification

To prevent loss of genetic resources in agriculture, it must be possible to maintain a variety that has been registered in the EU or a national catalogue if there is still a demand by some users. In order to ensure continuous availability on the market, the rules for continuation of the marketing of the variety must be simplified.

Amendment 500
Andrea Zanoni

Proposal for a regulation
Article 85 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

That request shall be submitted no later than the date of the expiration of the registration period. *deleted*

Or. en

Justification

To prevent loss of genetic resources in use, it must be possible to maintain a variety that has been registered in the EU or a national catalogue if there is still a demand by some users. In order to ensure continuous availability on the market, the rules for continuation of the marketing of the variety must be simplified.

Amendment 501
James Nicholson

Proposal for a regulation
Article 85 – paragraph 3

Text proposed by the Commission

Amendment

3. After a variety is deleted from the national variety register, the competent authority shall submit a sample of that variety, and its description, to a gene bank dedicated to the conservation of genetic resources.

deleted

Or. en

Justification

It is the role of gene banks themselves to determine which varieties are worth conserving. A large of varieties are registered for short periods of time only it will not be effective in ensuring conservation of valuable genes if all deleted varieties are sent to gene banks.

Amendment 502
Satu Hassi, Karin Kadenbach

Proposal for a regulation
Article 85 – paragraph 3

Text proposed by the Commission

Amendment

3. After a variety is deleted from the national variety register, the competent authority shall submit a sample of that variety, and its description, to a gene bank dedicated to the conservation of genetic resources.

3. After a variety is deleted from the national variety register, the competent authority shall submit a sample of that variety, and its description, **and in the case of a hybrid including its parent lines**, to a gene bank dedicated to the conservation of genetic resources.

Or. en

Justification

In certain genera and species, an increasing number of varieties in the official register are hybrids. If the genetic basis for these hybrids would be lost after a variety is deleted from the register, this would contradict the objective to conserve plant genetic resources for food and

Amendment 503

Karin Kadenbach, Åsa Westlund, Jens Nilsson, Marita Ulvskog

Proposal for a regulation

Article 86

Text proposed by the Commission

Amendment

Article 86

deleted

Variety maintenance

- 1. Varieties registered in a national variety register shall be maintained by the applicant or by any other person acting in mutual agreement with the applicant. That other person shall be notified by the applicant to the competent authority.***
- 2. Variety maintenance shall take place in accordance with accepted practices concerning, as appropriate, genera, species or types of varieties.***
- 3. The persons referred to in paragraph 1 shall keep records concerning the maintenance of the variety. It shall at all times be possible for the competent authority to check the maintenance of the variety from those records. Those records shall also cover the production of pre-basic, basic, certified and standard material, and the stages of production prior to pre-basic material.***
- 4. Varieties provided with an officially recognised description shall be maintained in their region(s) of origin.***
- 5. The competent authority shall carry out controls on the manner in which variety maintenance is carried out and may, to this purpose, take samples of the varieties concerned.***
- 6. Where a competent authority finds that the person responsible for variety maintenance does not comply with***

paragraphs 1 to 4, it shall give that person the opportunity to take corrective action.

7. Where variety maintenance takes place in a Member State other than the Member State in whose national variety register the variety has been registered, the competent authorities of the two Member States concerned shall assist each other in the controls on variety maintenance.

8. Where variety maintenance takes place in a third country, the competent authorities of the Member State in whose national variety register the variety has been registered concerned shall request the third country's authorities assistance in the controls on variety maintenance.

Or. en

Justification

This text is a piece of commercial legislation. In this sense, it should have no influence on biodiversity whatsoever, or at the very least it should not influence variety maintenance. This may be achieved without professional legislation. Delete the whole article 86 concerning maintenance.

Amendment 504

Satu Hassi, Karin Kadenbach

Proposal for a regulation Article 86 – paragraph 1

Text proposed by the Commission

1. Varieties registered in a national variety register shall be maintained by the applicant or by any other person acting in mutual agreement with the applicant. That other person shall be notified by the applicant to the competent authority.

Amendment

1. Varieties registered in a national variety register shall be maintained by the applicant or by any other person acting in mutual agreement with the applicant. That other person shall be notified by the applicant to the competent authority.

Any other person may notify the competent authority with reference to a registered variety that that person is acting as an additional maintainer.

Justification

This is the case now, so we intend to preserve the status quo. In order to preserve genetic diversity, it must be possible to maintain a variety even when the original applicant's interest in that variety ends.

Amendment 505**Satu Hassi, Karin Kadenbach****Proposal for a regulation****Article 87 – paragraph 1 – point f***Text proposed by the Commission**Amendment*

(f) controls on the maintenance as referred to in Article 86(5). ***deleted***

Justification

Variety maintenance ought not be determined in such detail by a marketing legislation. In many cases, it is desirable that the variety adapts to its environment while still keeping the variety's essential characteristics. Moreover, maintenance activities should be safeguarded instead of being penalised.

Amendment 506**Christa Klaß****Proposal for a regulation****Article 88 – paragraph 1***Text proposed by the Commission**Amendment*

1. In the case of varieties provided with an officially recognised description, no fees shall be charged for the actions referred to in point (e) of Article 87(1). ***deleted***

Amendment 507
Karin Kadenbach

Proposal for a regulation
Article 88 – paragraph 1

Text proposed by the Commission

1. In the case of varieties provided with an officially recognised description, no fees shall be charged for the actions referred to **in point (e) of Article 87(1)**.

Amendment

1. In the case of varieties provided with an officially recognised description, no fees shall be charged for the actions referred to Article 87(1).

Or. en

Justification

One of the aims of registering PRM under an officially recognised description is to make agricultural diverse goods available on the market. There are, however, two main obstacles in registration that hinder entry to the market, which can be described as technical and financial. All fees involved in registering under an officially recognised description shall be removed.

Amendment 508
Karin Kadenbach

Proposal for a regulation
Article 88 – paragraph 2

Text proposed by the Commission

2. In the case of varieties provided with an officially recognised description, the competent authorities shall reduce the amount of the fee for the actions referred to in of points (a), (c), (d), and (f) of Article 87(1). That reduction shall take place in a manner to ensure that the fee does not constitute a barrier to the registration of the variety concerned.

Amendment

deleted

Or. en

Justification

One of the aims of registering PRM under an officially recognised description is to make

agricultural diverse goods available on the market. There are, however, two main obstacles in registration that hinder entry to the market, which can be described as technical and financial. All fees involved in registering under an officially recognised description shall be removed.

Amendment 509
Karin Kadenbach

Proposal for a regulation
Article 89 – paragraph 1

Text proposed by the Commission

1. Fees provided for in Article 87 **and 88** shall not directly or indirectly be refunded, unless unduly collected.

Amendment

1. Fees provided for in Article 87 shall not directly or indirectly be refunded, unless unduly collected.

Or. en

Justification

It is unfair to demand fees from micro-enterprises, and makes more sense to only collect fees from larger agricultural companies which will benefit from this regulation. Micro enterprises shall not be liable to pay fees. Therefore, any provisions excluding micro-enterprises from exemption of fees shall be deleted. In addition, Article 89 shall be modified according to the modifications of Article 88 following the previous amendments.

Amendment 510
Satu Hassi, Karin Kadenbach

Proposal for a regulation
Article 89 – paragraph 2

Text proposed by the Commission

2. Applicants **employing fewer than 10 persons and whose annual turnover or annual balance sheet total does not exceed EUR 2 million** shall be exempted from the payment of the fees provided for in Article 87 and Article 88.

Amendment

2. Applicants **being microenterprises as defined in Commission Recommendation 2003/361/EC** ^{21g} shall be exempted from the payment of the fees provided for in Article 87 and Article 88.

^{21g} OJ, L 124, 20.5.2003, p.36

Justification

For micro-enterprises the costs of fees are disproportionate to their economic capacities.

Amendment 511

Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund

Proposal for a regulation**Article 89 – paragraph 2***Text proposed by the Commission*

2. Applicants ***employing fewer than 10 persons and*** whose annual turnover or annual balance sheet total does not exceed EUR 2 million shall be exempted from the payment of the fees provided for in Article 87 and Article 88.

Amendment

2. Applicants whose annual turnover or annual balance sheet total does not exceed EUR 2 million shall be exempted from the payment of the fees provided for in Article 87 and Article 88.

Justification

Setting the maximum limit of employees to 10 is not appropriate, considering that this legislation deals with labour intensive activities (as in the case of vegetable or fruit growers). This legislation makes small operators liable to pay fees and puts them in a vulnerable position, should they not be in a position to pay the fees. The limit to 10 employees shall be deleted.

Amendment 512

Karin Kadenbach

Proposal for a regulation**Article 89 – paragraph 3***Text proposed by the Commission*

3. The costs referred to in Articles 87 and 88 shall not include those incurred for the performance of official controls on the applicants referred to in paragraph 2.

Amendment

deleted

Justification

It is unfair to demand fees from micro-enterprises, and makes more sense to only collect fees from larger agricultural companies which will benefit from this regulation. Micro enterprises shall not be liable to pay fees. Therefore, any provisions excluding micro-enterprises from exemption of fees shall be deleted. In addition, Article 89 shall be modified according to the modifications of Article 88 following the previous amendments.

Amendment 513

Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund

Proposal for a regulation

Article 96 – paragraph 1

Text proposed by the Commission

Amendment

1. Varieties and clones registered in the Union variety register shall be maintained by the applicant, or by any other person acting in mutual agreement with the applicant. The other person shall be notified to the Agency. ***deleted***

Or. en

Justification

This text is a piece of commercial legislation. In this sense, it should have no influence on biodiversity whatsoever, or at the very least it should not influence variety maintenance. This may be achieved without professional legislation and article 96 concerning maintenance shall be deleted.

Amendment 514

Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

Proposal for a regulation

Article 97 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission shall be empowered to adopt delegated acts, in accordance with the procedure referred to in Article 140, setting out the amount of the fees referred to in Article 87(1) as applied pursuant to ***deleted***

Article 94.

Or. de

Amendment 515

Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

Proposal for a regulation

Article 97 – paragraph 2

Text proposed by the Commission

2. The level at which the fees are set ***pursuant to paragraph 1*** shall reflect the principle of sound financial management to allow the Agency to maintain a balanced budget.

Amendment

The level at which the fees are set ***by the Member States*** shall reflect the principle of sound financial management to allow the Agency to maintain a balanced budget. ***Derogations or exemptions may be laid down for small undertakings or private individuals.***

Or. de

Amendment 516

Christa Klaß

Proposal for a regulation

Article 102 – paragraph 1

Text proposed by the Commission

1. The competent authority shall keep a file on each variety registered in the national variety register, containing the official description, the examination report and any complementary examination report pursuant to Article 76. Where applicable, the file shall only contain the officially recognised description of the variety, and the documents supporting that description.

Amendment

1. The competent authority shall keep a file on each variety registered in the national variety register, containing the official description, the examination report and any complementary examination report pursuant to Article 76. Where applicable, the file shall only contain the officially recognised description of the variety and the documents supporting that description, ***as well as the technical study report required in accordance with Article 57(4).***

Or. de

Justification

For reasons of simplification and traceability, heterogeneous material should be approved following a simplified procedure and should fulfil particular requirements regarding its placing on the market.

Amendment 517

Satu Hassi, Karin Kadenbach

Proposal for a regulation

Article 103 – paragraph 4

Text proposed by the Commission

4. The competent authority shall take appropriate measures to make available the information contained in the files of the national variety register to any person requesting access to this information. This provision shall not apply *where* the information must be treated as confidential pursuant to Article 75.

Amendment

4. The competent authority shall, *on request*, take appropriate measures to make available the information contained in the files of the national variety register to any person requesting access to this information. This *access has to be granted free of charge and by electronic means*. *This* provision shall not apply *as long as* the information must be treated as confidential pursuant to Article 75.

Or. en

Justification

Any user should have the right to make an informed choice. To facilitate this, the user should have access to all information pertaining to a particular variety of interest to the user. Only over a specified period can information be kept confidential. Therefore Point 4 of article 103 should guarantee transparency for users. Transparency must be ensured and access to data simplified.

Amendment 518

Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund

Proposal for a regulation

Article 103 – paragraph 4

Text proposed by the Commission

4. The competent authority shall *take appropriate measures to* make available

Amendment

4. The competent authority shall, *on request*, make available the information

the information contained in the files of the national variety register to any person requesting access to this information. This provision shall not apply *where* the information must be treated as confidential pursuant to Article 75.

contained in the files of the national variety register to any person requesting access to this information. This provision shall not apply *as long as* the information must be treated as confidential pursuant to Article 75.

Or. en

Justification

Any user should have the right to make an informed choice. To facilitate this, the user should have access to all information pertaining to a particular variety of interest to the user. Only during a specified period can information be kept confidential. Point 4 of article 103 shall guarantee transparency for users.

Amendment 519

Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund

Proposal for a regulation Article 104 – paragraph 1

Text proposed by the Commission

1. The Agency shall ***notify the competent authorities and the Commission*** of the ***information required to access the Union variety register***.

Amendment

1. The agency shall, ***on request, make available the information contained in the files*** of the ***national variety register to any person requesting access to this information***. ***This provision shall not apply as long as the information must be treated as confidential pursuant to Article 75.***

Or. en

Justification

Any user should have the right to make an informed choice. To facilitate this, the user should have access to all information pertaining to a particular variety of interest to the user. Only during a specified period can such information be kept confidential. Point 4 of article 104 shall guarantee transparency for users.

Amendment 520

Satu Hassi, Karin Kadenbach

Proposal for a regulation
Article 104 – paragraph 4

Text proposed by the Commission

4. The Agency shall **take appropriate measures to** make available the information contained in the files of the Union variety register to any person requesting access to that information. This provision shall not apply **where** the information must be treated as confidential under Article 75.

Amendment

4. The Agency shall make available, **on request**, the information contained in the files of the Union variety register to any person requesting access to that information. This **access has to be granted free of charge and by electronic means**. **This** provision shall not apply **as long as** the information must be treated as confidential under Article 75.

Or. en

Justification

Any user should have the right to make an informed choice. To facilitate this, the user should have access to all information pertaining to a particular variety of interest to the user. Only over a specified period can such information be kept confidential. Therefore this paragraph should guarantee transparency for users.

Amendment 521

Satu Hassi, Karin Kadenbach, Wojciech Michal Olejniczak

Proposal for a regulation
Part IV

Text proposed by the Commission

[...]

Amendment

deleted

(This amendment shall be reflected throughout the whole text, meaning e.g. that the words ‘other than forest material’ shall be taken out in Articles 8 and 9 and in the heading for Part III, that the second subparagraph of Article 8 (4) is deleted, that the references to deleted Articles shall be taken out of Article 140, and that the respective species are taken out of Annex I. The amendment shall also be reflected in the Recitals.)

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 522

Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

Proposal for a regulation**Part IV**

Text proposed by the Commission

Amendment

[...]

deleted

Justification

Forest reproductive material should not be dealt with in the same way as plant reproductive material. The current arrangements for registering forest reproductive material and making it available on the market are internationally recognised and meet all relevant requirements. There is no need, therefore, for this regulation to include provisions on forest reproductive material.

Amendment 523

Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

Proposal for a regulation**Article 144 – paragraph 1**

Text proposed by the Commission

Amendment

1. The acts referred to in Annex XIII are hereby repealed.

1. *Repeals*

1. The acts referred to in Annex XIII are hereby repealed.

1a. Without prejudice to more detailed requirements laid down in this Regulation, the following Articles and Annexes shall continue to apply:

(a) Articles 21 to 22 of, and Annexes I to

*V to the repealed Council Directive
66/401 EEC;*

*(b) Articles 21 to 22 of, and Annexes I to
V to the repealed Council Directive
66/402 EEC;*

*(c) Articles 17 to 18 of, and Annexes I to
IV to the repealed Council Directive
68/193 EEC;*

*Articles 16 to 18 and 24 of the repealed
Council Directive 2002/53 EC;*

*(d) Articles 27 to 29 of, and Annexes I to
IV to the repealed Council Directive
2002/54 EC;*

*(e) Articles 45 to 47 of, and Annexes I to
V to the repealed Council Directive
2002/55 EC;*

*(f) Articles 24 to 26 of, and Annexes I to
III to the repealed Council Directive
2002/56 EC;*

*(g) Articles 24 to 26 of, and Annexes I to
V to the repealed Council Directive
2002/57 EC.*

Or. en

Amendment 524

Satu Hassi, Karin Kadenbach, Corinne Lepage

Proposal for a regulation

Article 146 – paragraph 1

Text proposed by the Commission

This **Regulation** shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

Amendment

This **Directive** shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

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 525

Satu Hassi, Karin Kadenbach, Corinne Lepage

Proposal for a regulation

Article 146 – paragraph 3

Text proposed by the Commission

Amendment

This **Regulation shall be binding in its entirety and directly applicable in all** Member States.

This **Directive is addressed to the** Member States.

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 526

Satu Hassi, Karin Kadenbach, Wojciech Michal Olejniczak

Proposal for a regulation

Annex 1 – paragraph 1

Text proposed by the Commission

Amendment

Abies alba Mill.

deleted

(This deletion applies to all forest reproductive material genera and species of Annex I, including Abies, Acer, Alnus, Betula, Carpinus, Cedrus, Fagus, Fraxinus, Larix, Piccea, Pinus, Populus, Pseudotsuga, Quercus, Robinia and Tilia

spp.)

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 527

Satu Hassi

Proposal for a regulation

Annex 1 – point 7

Text proposed by the Commission

Amendment

Agrostis canina L.

deleted

(This deletion applies to other species of the similar category in Annex I.)

Or. en

Justification

A seed regime aimed too narrowly at maximising production is responsible for decreasing agricultural biodiversity. The most vulnerable agricultural species need to be excluded from this legislation in order to protect diversity. Agricultural species with a production area below 0,5% of the total agricultural area of the European Union should be left out of Annex I.

Amendment 528

Satu Hassi

Proposal for a regulation

Annex 1 – point 8

Text proposed by the Commission

Amendment

Agrostis capillaris L.

deleted

Or. en

Amendment 529
Satu Hassi

Proposal for a regulation
Annex 1 – point 9

Text proposed by the Commission

Amendment

Agrostis gigantea Roth.

deleted

Or. en

Amendment 530
Satu Hassi

Proposal for a regulation
Annex 1 – point 10

Text proposed by the Commission

Amendment

Agrostis stolonifera L.

deleted

Or. en

Amendment 531
Satu Hassi

Proposal for a regulation
Annex 1 – point 11

Text proposed by the Commission

Amendment

Allium cepa L.

deleted

(This deletion applies to other species of the similar category in the Annex I.)

Or. en

Justification

Vegetable species would face the highest threat of genetic erosion and user difficulties under this legislation. Due to the rich diversity of vegetable species, they by and large constitute small amounts of plant reproductive material in the market. Therefore vegetable species should be left out of Annex I.

Amendment 532
Satu Hassi

Proposal for a regulation
Annex 1 – point 12

Text proposed by the Commission

Amendment

Allium fistulosum L.

deleted

Or. en

Amendment 533
Satu Hassi

Proposal for a regulation
Annex 1 – point 13

Text proposed by the Commission

Amendment

Allium porrum L.

deleted

Or. en

Amendment 534
Satu Hassi

Proposal for a regulation
Annex 1 – point 14

Text proposed by the Commission

Amendment

Allium sativum L.

deleted

Or. en

Amendment 535
Satu Hassi

Proposal for a regulation
Annex 1 – point 15

Text proposed by the Commission

Amendment

Allium schoenoprasum L.

deleted

Or. en

Amendment 536
Satu Hassi

Proposal for a regulation
Annex 1 – point 19

Text proposed by the Commission

Amendment

Anthriscus cerefolium (L.) Hoffm.

deleted

Or. en

Amendment 537
Satu Hassi

Proposal for a regulation
Annex 1 – point 20

Text proposed by the Commission

Amendment

Apium graveolens L.

deleted

Or. en

Amendment 538
Satu Hassi

Proposal for a regulation
Annex 1 – paragraph 21

Text proposed by the Commission

Amendment

Arachis hypogaea L.

deleted

Or. en

Amendment 539
Satu Hassi

Proposal for a regulation
Annex 1 – point 23

Text proposed by the Commission

Amendment

Asparagus officinalis L.

deleted

Or. en

Amendment 540
Satu Hassi

Proposal for a regulation
Annex 1 – point 26

Text proposed by the Commission

Amendment

Avena strigosa Schreb.

deleted

Or. en

Amendment 541
Satu Hassi

Proposal for a regulation
Annex 1 – point 27

Text proposed by the Commission

Amendment

Beta vulgaris L.

deleted

Or. en

Amendment 542
Satu Hassi

Proposal for a regulation
Annex 1 – point 30

Text proposed by the Commission

Amendment

Brassica juncea (L.) Czern.

deleted

Or. en

Amendment 543
Satu Hassi

Proposal for a regulation
Annex 1 – point 31

Text proposed by the Commission

Amendment

Brassica napus L.

deleted

Or. en

Amendment 544
Satu Hassi

Proposal for a regulation
Annex 1 – point 33

Text proposed by the Commission

Amendment

Brassica oleracea L.

deleted

Or. en

Amendment 545
Satu Hassi

Proposal for a regulation
Annex 1 – point 34

Text proposed by the Commission

Amendment

Brassica rapa L.

deleted

Or. en

Amendment 546
Satu Hassi

Proposal for a regulation
Annex 1 – point 35

Text proposed by the Commission

Amendment

Bromus catharticus Vahl

deleted

Or. en

Amendment 547
Satu Hassi

Proposal for a regulation
Annex 1 – point 36

Text proposed by the Commission

Amendment

Bromus sitchensis Trin.

deleted

Or. en

Amendment 548
Satu Hassi

Proposal for a regulation
Annex 1 – point 37

Text proposed by the Commission

Amendment

Cannabis sativa L.

deleted

Or. en

Amendment 549
Satu Hassi

Proposal for a regulation
Annex 1 – point 38

Text proposed by the Commission

Amendment

Capsicum annuum L.

deleted

Or. en

Amendment 550
Satu Hassi

Proposal for a regulation
Annex 1 – point 40

Text proposed by the Commission

Amendment

Carthamus tinctorius L.

deleted

Or. en

Amendment 551
Satu Hassi

Proposal for a regulation
Annex 1 – point 42

Text proposed by the Commission

Amendment

Castanea sativa Mill.

deleted

*(This justification applies to other species
of the similar category in Annex I.)*

Or. en

Justification

This legislation is based on seeds and the proposed legislation does not work well for fruit trees. Since many of the provisions are not suitable for fruit trees and other vegetative

reproductive material, fruit trees should be left out of Annex I.

Amendment 552
Satu Hassi

Proposal for a regulation
Annex 1 – point 43

Text proposed by the Commission

Amendment

Castanea Mill. (rootstocks)

deleted

Or. en

Amendment 553
Satu Hassi

Proposal for a regulation
Annex 1 – point 46

Text proposed by the Commission

Amendment

Cichorium endivia L.

deleted

Or. en

Amendment 554
Satu Hassi

Proposal for a regulation
Annex 1 – point 47

Text proposed by the Commission

Amendment

Cichorium intybus L.

deleted

Or. en

Amendment 555
Satu Hassi

Proposal for a regulation
Annex 1 – point 48

Text proposed by the Commission

Amendment

Citrullus lanatus (Thunb.) Matsum. & Nakai

deleted

Or. en

Amendment 556
Satu Hassi

Proposal for a regulation
Annex 1 – point 49

Text proposed by the Commission

Amendment

Citrus L.

deleted

Or. en

Amendment 557
Satu Hassi

Proposal for a regulation
Annex 1 – point 50

Text proposed by the Commission

Amendment

Corylus avellana L.

deleted

Or. en

Amendment 558
Satu Hassi

Proposal for a regulation
Annex 1 – point 51

Text proposed by the Commission

Amendment

Corylus L. (rootstocks)

deleted

Or. en

Amendment 559

Satu Hassi

Proposal for a regulation

Annex 1 – point 52

Text proposed by the Commission

Amendment

Cucumis melo L.

deleted

Or. en

Amendment 560

Satu Hassi

Proposal for a regulation

Annex 1 – point 53

Text proposed by the Commission

Amendment

Cucumis sativus L.

deleted

Or. en

Amendment 561

Satu Hassi

Proposal for a regulation

Annex 1 – point 54

Text proposed by the Commission

Amendment

Cucurbita maxima Duchesne

deleted

Or. en

Amendment 562
Satu Hassi

Proposal for a regulation
Annex 1 – point 55

Text proposed by the Commission

Amendment

Cucurbita pepo L.

deleted

Or. en

Amendment 563
Satu Hassi

Proposal for a regulation
Annex 1 – point 56

Text proposed by the Commission

Amendment

Cydonia oblonga Mill.

deleted

Or. en

Amendment 564
Satu Hassi

Proposal for a regulation
Annex 1 – point 57

Text proposed by the Commission

Amendment

Cynara cardunculus L.

deleted

Or. en

Amendment 565
Satu Hassi

Proposal for a regulation
Annex 1 – point 58

Text proposed by the Commission

Amendment

Cynodon dactylon (L.) Pers.

deleted

Or. en

Amendment 566
Satu Hassi

Proposal for a regulation
Annex 1 – point 60

Text proposed by the Commission

Amendment

Daucus carota L.

deleted

Or. en

Amendment 567
Satu Hassi

Proposal for a regulation
Annex 1 – point 62

Text proposed by the Commission

Amendment

Festuca arundinacea Schreb.

deleted

Or. en

Amendment 568
Satu Hassi

Proposal for a regulation
Annex 1 – point 63

Text proposed by the Commission

Amendment

Festuca filiformis Pourr.

deleted

Or. en

Amendment 569
Satu Hassi

Proposal for a regulation
Annex 1 – point 64

Text proposed by the Commission

Amendment

Festuca ovina L.

deleted

Or. en

Amendment 570
Satu Hassi

Proposal for a regulation
Annex 1 – point 66

Text proposed by the Commission

Amendment

Festuca rubra L.

deleted

Or. en

Amendment 571
Satu Hassi

Proposal for a regulation
Annex 1 – point 67

Text proposed by the Commission

Amendment

Festuca trachyphylla (Hack.) Krajina

deleted

Or. en

Amendment 572
Satu Hassi

Proposal for a regulation
Annex 1 – point 69

Text proposed by the Commission

Amendment

Ficus carica L.

deleted

Or. en

Amendment 573
Satu Hassi

Proposal for a regulation
Annex 1 – point 71

Text proposed by the Commission

Amendment

Fortunella Swingle

deleted

Or. en

Amendment 574
Satu Hassi

Proposal for a regulation
Annex 1 – point 72

Text proposed by the Commission

Amendment

Fragaria L.

deleted

Or. en

Amendment 575
Satu Hassi

Proposal for a regulation
Annex 1 – point 75

Text proposed by the Commission

Amendment

Galega orientalis Lam.

deleted

Or. en

Amendment 576

Satu Hassi

Proposal for a regulation

Annex 1 – point 77

Text proposed by the Commission

Amendment

Gossypium L.

deleted

Or. en

Amendment 577

Satu Hassi

Proposal for a regulation

Annex 1 – point 78

Text proposed by the Commission

Amendment

Hedysarum coronarium L.

deleted

Or. en

Amendment 578

Satu Hassi

Proposal for a regulation

Annex 1 – point 81

Text proposed by the Commission

Amendment

Juglans regia L.

deleted

Or. en

Amendment 579
Satu Hassi

Proposal for a regulation
Annex 1 – point 82

Text proposed by the Commission

Amendment

Juglans L. (rootstocks)

deleted

Or. en

Amendment 580
Satu Hassi

Proposal for a regulation
Annex 1 – point 83

Text proposed by the Commission

Amendment

Lactuca sativa L.

deleted

Or. en

Amendment 581
Satu Hassi

Proposal for a regulation
Annex 1 – point 89

Text proposed by the Commission

Amendment

Lolium × boucheanum Kunth

deleted

Or. en

Amendment 582
Satu Hassi

Proposal for a regulation
Annex 1 – point 90

Text proposed by the Commission

Amendment

Lolium multiflorum Lam.

deleted

Or. en

Amendment 583
Satu Hassi

Proposal for a regulation
Annex 1 – point 93

Text proposed by the Commission

Amendment

Lupinus albus L.

deleted

Or. en

Amendment 584
Satu Hassi

Proposal for a regulation
Annex 1 – point 94

Text proposed by the Commission

Amendment

Lupinus angustifolius L.

deleted

Or. en

Amendment 585
Satu Hassi

Proposal for a regulation
Annex 1 – point 95

Text proposed by the Commission

Amendment

Lupinus luteus L.

deleted

Or. en

Amendment 586
Satu Hassi

Proposal for a regulation
Annex 1 – point 96

Text proposed by the Commission

Amendment

Malus domestica Borkh.

deleted

Or. en

Amendment 587
Satu Hassi

Proposal for a regulation
Annex 1 – point 97

Text proposed by the Commission

Amendment

Malus Mill. (rootstocks)

deleted

Or. en

Amendment 588
Satu Hassi

Proposal for a regulation
Annex 1 – point 98

Text proposed by the Commission

Amendment

Medicago lupulina L.

deleted

Or. en

Amendment 589
Satu Hassi

Proposal for a regulation
Annex 1 – point 100

Text proposed by the Commission

Amendment

Medicago × varia T. Martyn

deleted

Or. en

Amendment 590
Satu Hassi

Proposal for a regulation
Annex 1 – point 101

Text proposed by the Commission

Amendment

Olea europaea L.

deleted

Or. en

Amendment 591
Satu Hassi

Proposal for a regulation
Annex 1 – point 102

Text proposed by the Commission

Amendment

Onobrychis viciifolia Scop.

deleted

Or. en

Amendment 592
Satu Hassi

Proposal for a regulation
Annex 1 – point 103

Text proposed by the Commission

Amendment

Oryza sativa L.

deleted

Or. en

Amendment 593

Satu Hassi

Proposal for a regulation

Annex 1 – point 104

Text proposed by the Commission

Amendment

Papaver somniferum L.

deleted

Or. en

Amendment 594

Satu Hassi

Proposal for a regulation

Annex 1 – point 105

Text proposed by the Commission

Amendment

***Petroselinum crispum (Mill.) Nyman ex
A. W. Hill***

deleted

Or. en

Amendment 595

Satu Hassi

Proposal for a regulation

Annex 1 – point 107

Text proposed by the Commission

Amendment

Phalaris aquatica L.

deleted

Or. en

Amendment 596
Satu Hassi

Proposal for a regulation
Annex 1 – point 108

Text proposed by the Commission

Amendment

Phalaris canariensis L.

deleted

Or. en

Amendment 597
Satu Hassi

Proposal for a regulation
Annex 1 – point 109

Text proposed by the Commission

Amendment

Phaseolus coccineus L.

deleted

Or. en

Amendment 598
Satu Hassi

Proposal for a regulation
Annex 1 – point 110

Text proposed by the Commission

Amendment

Phaseolus vulgaris L.

deleted

Or. en

Amendment 599
Satu Hassi

Proposal for a regulation
Annex 1 – point 111

Text proposed by the Commission

Amendment

Phleum nodosum L. (formerly Phleum bertolonii DC.) ***deleted***

Or. en

Amendment 600
Satu Hassi

Proposal for a regulation
Annex 1 – point 126

Text proposed by the Commission

Amendment

Pistacia vera L. ***deleted***

Or. en

Amendment 601
Satu Hassi

Proposal for a regulation
Annex 1 – point 127

Text proposed by the Commission

Amendment

Pistacia L. (rootstocks) ***deleted***

Or. en

Amendment 602
Satu Hassi

Proposal for a regulation
Annex 1 – point 128

Text proposed by the Commission

Amendment

Pisum sativum L.

deleted

Or. en

Amendment 603
Satu Hassi

Proposal for a regulation
Annex 1 – point 129

Text proposed by the Commission

Amendment

Poa annua L.

deleted

Or. en

Amendment 604
Satu Hassi

Proposal for a regulation
Annex 1 – point 130

Text proposed by the Commission

Amendment

Poa nemoralis L.

deleted

Or. en

Amendment 605
Satu Hassi

Proposal for a regulation
Annex 1 – point 131

Text proposed by the Commission

Amendment

Poa palustris L.

deleted

Or. en

Amendment 606
Satu Hassi

Proposal for a regulation
Annex 1 – point 134

Text proposed by the Commission

Amendment

Poncirus Raf.

deleted

Or. en

Amendment 607
Satu Hassi

Proposal for a regulation
Annex 1 – point 136

Text proposed by the Commission

Amendment

Prunus amygdalus Batsch

deleted

Or. en

Amendment 608
Satu Hassi

Proposal for a regulation
Annex 1 – point 137

Text proposed by the Commission

Amendment

Prunus armeniaca L.

deleted

Or. en

Amendment 609
Satu Hassi

Proposal for a regulation
Annex 1 – point 138

Text proposed by the Commission

Amendment

Prunus avium (L.) L.

deleted

Or. en

Amendment 610
Satu Hassi

Proposal for a regulation
Annex 1 – point 139

Text proposed by the Commission

Amendment

Prunus cerasus L.

deleted

Or. en

Amendment 611
Satu Hassi

Proposal for a regulation
Annex 1 – point 140

Text proposed by the Commission

Amendment

Prunus domestica L.

deleted

Or. en

Amendment 612
Satu Hassi

Proposal for a regulation
Annex 1 – point 141

Text proposed by the Commission

Amendment

Prunus persica (L.) Batsch

deleted

Or. en

Amendment 613
Satu Hassi

Proposal for a regulation
Annex 1 – point 142

Text proposed by the Commission

Amendment

Prunus salicina Lindley

deleted

Or. en

Amendment 614
Satu Hassi

Proposal for a regulation
Annex 1 – point 143

Text proposed by the Commission

Amendment

Prunus L. (rootstocks)

deleted

Or. en

Amendment 615
Satu Hassi

Proposal for a regulation
Annex 1 – point 145

Text proposed by the Commission

Amendment

Pyrus communis L.

deleted

Or. en

Amendment 616
Satu Hassi

Proposal for a regulation
Annex 1 – point 146

Text proposed by the Commission

Amendment

Pyrus L. (rootstocks)

deleted

Or. en

Amendment 617
Satu Hassi

Proposal for a regulation
Annex 1 – point 154

Text proposed by the Commission

Amendment

Raphanus sativus L.

deleted

Or. en

Amendment 618
Satu Hassi

Proposal for a regulation
Annex 1 – point 155

Text proposed by the Commission

Amendment

Rheum rhabarbarum L.

deleted

Or. en

Amendment 619
Satu Hassi

Proposal for a regulation
Annex 1 – point 156

Text proposed by the Commission

Amendment

Ribes L.

deleted

Or. en

Amendment 620

Satu Hassi

Proposal for a regulation

Annex 1 – point 158

Text proposed by the Commission

Amendment

Rubus L.

deleted

Or. en

Amendment 621

Satu Hassi

Proposal for a regulation

Annex 1 – point 159

Text proposed by the Commission

Amendment

Scorzonera hispanica L.

deleted

Or. en

Amendment 622

Satu Hassi

Proposal for a regulation

Annex 1 – point 161

Text proposed by the Commission

Amendment

Sicyos angulatus L. (rootstocks)

deleted

Or. en

Amendment 623
Satu Hassi

Proposal for a regulation
Annex 1 – point 163

Text proposed by the Commission

Amendment

*Solanum lycopersicum Lam. (formerly
Lycopersicon esculentum Mill.)* *deleted*

Or. en

Amendment 624
Satu Hassi

Proposal for a regulation
Annex 1 – point 164

Text proposed by the Commission

Amendment

*Solanum lycopersicum Lam.x Solanum
spp. (rootstocks)* *deleted*

Or. en

Amendment 625
Satu Hassi

Proposal for a regulation
Annex 1 – point 165

Text proposed by the Commission

Amendment

Solanum melongena L. *deleted*

Or. en

Amendment 626
Satu Hassi

Proposal for a regulation
Annex 1 – point 167

Text proposed by the Commission

Amendment

Sorghum bicolor (L.) Moench

deleted

Or. en

Amendment 627
Satu Hassi

Proposal for a regulation
Annex 1 – point 168

Text proposed by the Commission

Amendment

***Sorghum bicolor (L.) Moench × Sorghum
sudanense (Piper) Stapf.***

deleted

Or. en

Amendment 628
Satu Hassi

Proposal for a regulation
Annex 1 – point 169

Text proposed by the Commission

Amendment

Sorghum sudanense (Piper) Stapf

deleted

Or. en

Amendment 629
Satu Hassi

Proposal for a regulation
Annex 1 – point 170

Text proposed by the Commission

Amendment

Spinacia oleracea L.

deleted

Or. en

Amendment 630

Satu Hassi

Proposal for a regulation

Annex 1 – point 173

Text proposed by the Commission

Amendment

Trifolium alexandrinum L.

deleted

Or. en

Amendment 631

Satu Hassi

Proposal for a regulation

Annex 1 – point 174

Text proposed by the Commission

Amendment

Trifolium hybridum L.

deleted

Or. en

Amendment 632

Satu Hassi

Proposal for a regulation

Annex 1 – point 175

Text proposed by the Commission

Amendment

Trifolium incarnatum L.

deleted

Or. en

Amendment 633
Satu Hasi

Proposal for a regulation
Annex 1 – point 178

Text proposed by the Commission

Amendment

Trifolium resupinatum L.

deleted

Or. en

Amendment 634
Satu Hasi

Proposal for a regulation
Annex 1 – point 180

Text proposed by the Commission

Amendment

Trisetum flavescens (L.) P. Beauv.

deleted

Or. en

Amendment 635
Satu Hasi

Proposal for a regulation
Annex 1 – point 185

Text proposed by the Commission

Amendment

Vaccinium L.

deleted

Or. en

Amendment 636
Satu Hasi

Proposal for a regulation
Annex 1 – point 186

Text proposed by the Commission

Amendment

Valerianella locusta (L.) Laterr.

deleted

Or. en

Amendment 637
Satu Hassi

Proposal for a regulation
Annex 1 – point 187

Text proposed by the Commission

Amendment

Vicia faba L.

deleted

Or. en

Amendment 638
Satu Hassi

Proposal for a regulation
Annex 1 – point 188

Text proposed by the Commission

Amendment

Vicia pannonica Crantz

deleted

Or. en

Amendment 639
Satu Hassi

Proposal for a regulation
Annex 1 – point 189

Text proposed by the Commission

Amendment

Vicia sativa L.

deleted

Amendment 640
Satu Hassi

Proposal for a regulation
Annex 1 – point 190

Text proposed by the Commission

Amendment

Vicia villosa Roth.

deleted

Amendment 641
Satu Hassi

Proposal for a regulation
Annex 1 – point 192

Text proposed by the Commission

Amendment

Zea mays L.

deleted

Amendment 642
Karin Kadenbach

Proposal for a regulation
Annex II – heading 1

Text proposed by the Commission

Amendment

REQUIREMENTS FOR PRE-BASIC,
BASIC, **CERTIFIED AND STANDARD**
MATERIAL, AND ELEMENTS FOR
THE ADOPTION OF THOSE
REQUIREMENTS

REQUIREMENTS FOR PRE-BASIC,
BASIC **AND CERTIFIED** MATERIAL,
AND ELEMENTS FOR THE ADOPTION
OF THOSE REQUIREMENTS

Justification

Freedom of information regarding the operator's label. Standard material is associated with the operator's label, which shall de facto be relieved of all the requirements intended for certified material. The operator has the best knowledge of his/her clients' needs and can judge accordingly which criteria are most suitable. Delete 'standard material' from Annex II

Amendment 643
Karin Kadenbach

Proposal for a regulation
Annex II – part A – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) Mother plants shall be treated or excluded as a source of reproductive material in case of positive test results or visual symptoms of pests or defects. **deleted**

Or. en

Justification

This point is a overgeneralisation which is irrelevant to species which are propagated vegetatively.

Amendment 644
Satu Hassi, Karin Kadenbach

Proposal for a regulation
Annex II – part A – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) Where appropriate, the cultivation of plant reproductive material shall take place separately from the cultivation of material belonging to the same genera or species for food or feed purposes, to ensure health of the material concerned. **deleted**

Or. en

Justification

This would prevent the practice of farm-saved seed, which has been carried out since agriculture began, and especially on small holdings, so it discriminates against small farmers.

Amendment 645
Karin Kadenbach

Proposal for a regulation
Annex II – part B – paragraph 1 – point h

Text proposed by the Commission

Amendment

(h) it shall be free from specific defects and damages to ensure quality and health of the material; ***deleted***

Or. en

Justification

This paragraph requires that the material be free from defects and damages, without clearly defining ‘defect’ and ‘damage’. For example, does the absence of part of the root constitute a defect or is the root damaged? The requirement cannot be met if the terms are not explicitly defined.

Amendment 646
Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund

Proposal for a regulation
Annex I – part D – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) the specific uses of the genera, species, or types of plant reproductive material concerned; ***deleted***

Or. en

Justification

This permits the creation of more bureaucratic hurdles, and is neither needed nor desirable.

Amendment 647
Karin Kadenbach

Proposal for a regulation
Annex II – part D – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) type of reproduction.

deleted

Or. en

Justification

The term type of reproduction is not suitably defined; this obscures distinctions between different kinds of materials. If any quality requirements have to be fulfilled, operators shall be allowed to define these themselves.

Amendment 648
Satu Hassi, Karin Kadenbach

Proposal for a regulation
Annex II – part DA (new)

Text proposed by the Commission

Amendment

Points 2(a), 2(d), 2(g) of PART A, points (b), (c), (e), (h) of PART B and point (b) of PART D shall not apply to heterogeneous material, and plant reproductive material registered under officially recognised description and made available on the market as standard material

Or. en

Amendment 649
Giancarlo Scottà

Proposal for a regulation
Annex III – part A – point b

Text proposed by the Commission

(b) the common name, or names in case of mixture, of the plant species concerned in one of the official Union languages;

Amendment

(b) the common name, or names in case of mixture, of the plant species concerned in one of the official Union languages **and, optionally, in one or more of the regional or minority languages of the Member State in which the material has been placed on the market;**

Or. it

Amendment 650
Karin Kadenbach

Proposal for a regulation
Annex III – part A – point h

Text proposed by the Commission

(h) references to the country of production or countries in case of mixture, with the two letter code referred to in point (c);

Amendment

(h) references to the country of production or countries in case of mixture, with the two letter code referred to in point (c), **with the exception of niche market material;**

Or. en

Justification

Niche markets aim to preserve the diversity of both plants available on the market and small operators making these plants available on the market. Only lenient rules shall apply to niche markets.

Amendment 651
Satu Hassi, Karin Kadenbach

Proposal for a regulation
Annex III – part A – point k

Text proposed by the Commission

(k) references to month and year of labelling or references to month and year

Amendment

(k) **where relevant,** references to month and year of labelling or references to

of last sampling;

month and year of last sampling;

Or. en

Justification

In the case of small quantities and direct selling of PRM, the labelling of the month and year and last sampling are neither relevant nor proportionate. Therefore these provisions shall only be applied where relevant.

Amendment 652

Satu Hassi, Karin Kadenbach

Proposal for a regulation

Annex III – part A – point I

Text proposed by the Commission

Amendment

(l) the indication, where appropriate, that the plant reproductive material belongs to a variety with officially recognised description only, and indication of the region of origin of that variety; ***deleted***

Or. en

Justification

Most natural varieties will be registered under Officially Recognised Description. They are the rule, and only in the exceptional case that PRM is registered under Official Description should labelling requirements apply. Regions of origins are a bureaucratic concept with no analogy in the natural world. Therefore this point should be deleted.

Amendment 653

Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund

Proposal for a regulation

Annex III – part A – point I

Text proposed by the Commission

Amendment

(l) the indication, where appropriate, that the plant reproductive material belongs to a variety with officially recognised description only, and indication of the ***deleted***

region of origin of that variety;

Or. en

Justification

Most natural varieties will be registered under Officially Recognised Description. They are the rule, and only in the exceptional case that PRM is registered under Official Description should labelling requirements apply. Regions of origins are a bureaucratic concept with no analogy in the natural world.

Amendment 654

Satu Hassi, Karin Kadenbach

Proposal for a regulation

Annex III – part A – point n a (new)

Text proposed by the Commission

Amendment

(na) the indication of all non-traditional breeding methods used for obtaining that plant reproductive material.

Or. en

Justification

Annex III, part A contains no information about breeding techniques, which might be relevant, particularly for organic and biodynamic farmers. The inclusion of this information is necessary for the practice of transparent user information. Therefore a point (o) should be included, defining the non-traditional breeding methods (not known before 1930) used to obtain the PRM in question, in Part A of Annex III.

Amendment 655

Giancarlo Scottà

Proposal for a regulation

Annex III – part B – point b

Text proposed by the Commission

Amendment

(b) the common name in one of the official languages of the Union;

(b) the common name in one of the official languages of the Union ***and, optionally, in one or more of the regional or minority languages of the Member State in which***

the material has been placed on the market;

Or. it

Amendment 656

Satu Hassi, Karin Kadenbach, Wojciech Michał Olejniczak

Proposal for a regulation

Annex III – part B – point I

Text proposed by the Commission

Amendment

(l) where plant reproductive material is produced and made available on the market together with forest reproductive material, the respective label of plant reproductive material shall indicate ‘not for forestry purposes’. **deleted**

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 657

Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund

Proposal for a regulation

Annex IV – part A – point b

Text proposed by the Commission

Amendment

(b) they are of vital importance for food processing, feed processing or industrial processing; **deleted**

Or. en

Justification

What is of vital importance for processing? Similarly, what is of vital importance for resilience? Is there a difference between the two? Recent studies have shown that small-scale

and organic agriculture can sustain the world's population and that industrial agriculture must reduce its impact on the environment.

Amendment 658
Karin Kadenbach

Proposal for a regulation
Annex IV – part A – point c

Text proposed by the Commission

Amendment

(c) they are of vital importance for resilience and low-input agriculture, including organic agricultural production.

deleted

Or. en

Justification

What is of vital importance for processing? Similarly, what is of vital importance for resilience? Is there a difference between the two? Recent studies have shown that small-scale and organic agriculture can sustain the world's population and that industrial agriculture must reduce its impact on the environment.

Amendment 659
Karin Kadenbach

Proposal for a regulation
Annex IV – part A – point c a (new)

Text proposed by the Commission

Amendment

(ca) they are of vital importance for food processing, feed processing or industrial Processing. The number of species selected according to the above criteria must not exceed 10;

Or. en

Justification

As an alternative to the previous amendment, the term vital importance could be more clearly defined. It is worth considering that in Europe, due to the large-scale rationalisation of

agriculture, there are currently no more than 10 species that are considered of vital importance.

Amendment 660

Satu Hassi, Karin Kadenbach, Wojciech Michał Olejniczak

Proposal for a regulation

Annex V

Text proposed by the Commission

Amendment

***REQUIREMENTS FOR THE
APPROVAL OF BASIC MATERIAL
INTENDED FOR THE PRODUCTION
OF FOREST REPRODUCTIVE
MATERIAL TO BE CERTIFIED AS
'SOURCE-IDENTIFIED'***

deleted

1. The basic material shall be as seed source or stand located within a single Region of Provenance. A formal inspection must be made where the material is destined for a specific forestry purpose.

2. The Region of Provenance and the location and the altitude or altitudinal range of the place(s) where the reproductive material is collected must be stated by the professional operator concerned to the competent authority. It must be stated whether the basic material is:

(a) autochthonous or non-autochthonous or the origin is unknown; or

(b) indigenous or non-indigenous or the origin is unknown. In the case of non-autochthonous or non-indigenous basic material the origin must be stated if known.

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 661

Satu Hassi, Karin Kadenbach, Wojciech Michał Olejniczak

Proposal for a regulation

Annex VI

Text proposed by the Commission

Amendment

[...]

deleted

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 662

Satu Hassi, Karin Kadenbach, Wojciech Michał Olejniczak

Proposal for a regulation

Annex VII

Text proposed by the Commission

Amendment

[...]

deleted

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 663

Satu Hassi, Karin Kadenbach, Wojciech Michał Olejniczak

Proposal for a regulation
Annex VIII

Text proposed by the Commission

Amendment

[...]

deleted

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 664

Satu Hassi, Karin Kadenbach, Wojciech Michał Olejniczak

Proposal for a regulation
Annex IX

Text proposed by the Commission

Amendment

[...]

deleted

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 665

Satu Hassi, Karin Kadenbach, Wojciech Michał Olejniczak

Proposal for a regulation
Annex X

Text proposed by the Commission

Amendment

[...]

deleted

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 666

Satu Hassi, Karin Kadenbach, Wojciech Michał Olejniczak

Proposal for a regulation

Annex XI

Text proposed by the Commission

Amendment

[...]

deleted

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 667

Satu Hassi, Karin Kadenbach, Wojciech Michał Olejniczak

Proposal for a regulation

Annex XII

Text proposed by the Commission

Amendment

[...]

deleted

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 668

Satu Hassi, Karin Kadenbach, Wojciech Michał Olejniczak

Proposal for a regulation

Annex XIII – point 5

Text proposed by the Commission

Amendment

5. Directive 1999/105/EC

deleted

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.