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Committee on the Environment, Public Health and Food Safety

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**2013/0137(COD)**

7.2.2014

# **AMENDMENT 275 - 474**

**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**

AM\_Com\_LegOpinion

**Amendment 275**

**Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver**

**Proposal for a regulation**

**Article 30 – paragraph 4 – point a**

*Text proposed by the Commission*

*Amendment*

***(a) the proportion of samples per genera and species and categories submitted to tests;*** ***deleted***

Or. de

*Justification*

*This proposal will generate additional costs and red tape. The Member States must draw on their own experience in producing these analyses.*

**Amendment 276**

**Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver**

**Proposal for a regulation**

**Article 30 – paragraph 4 – point b**

*Text proposed by the Commission*

*Amendment*

***(b) the testing procedure.*** ***deleted***

Or. de

**Amendment 277**

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

**Proposal for a regulation**

**Article 31 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Where the post certification tests show that pre-basic, basic or certified material has not been ***produced or*** made available on the market in compliance with the ***production and*** quality requirements

1. Where the post certification tests show that pre-basic, basic or certified material has not been made available on the market in compliance with the quality requirements referred to in Article 16(2),

referred to in Article 16(2), and with the certification schemes referred to in Article 20(2), the competent authorities shall ensure that the professional operator concerned takes the necessary corrective actions. Those actions shall ensure that the material concerned either complies with those requirements or is withdrawn from the market.

and with the certification schemes referred to in Article 20(2), the competent authorities shall ensure that the professional operator concerned takes the necessary corrective actions. Those actions shall ensure that the material concerned either complies with those requirements or is withdrawn from the market.

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. According to the principle of proportionality, restrictive rules should not apply to the production of all types of PRM.*

### **Amendment 278**

**Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver**

### **Proposal for a regulation**

### **Article 31 – paragraph 1**

#### *Text proposed by the Commission*

1. Where the post certification tests show that pre-basic, basic or certified material ***has not been produced or made available on the market in compliance*** with the ***production and*** quality requirements referred to in Article 16(2), and with the certification schemes referred to in Article 20(2), the competent authorities shall ensure that the professional operator concerned takes the necessary corrective actions. Those actions shall ensure that the material concerned either complies with those requirements or is withdrawn from the market.

#### *Amendment*

1. Where the post certification tests show that pre-basic, basic or certified material ***does not comply*** with the quality requirements referred to in Article 16(2), and with the certification schemes referred to in Article 20(2) ***or has not been made available on the market in line with these***, the competent authorities shall ensure that the professional operator concerned takes the necessary corrective actions. Those actions shall ensure that the material concerned either complies with those requirements or is withdrawn from the market.

Or. de

## **Amendment 279**

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

### **Proposal for a regulation**

#### **Article 31 – paragraph 2**

*Text proposed by the Commission*

2. If it is repeatedly found, during the post certification tests, that a professional operator ***produces or*** makes available on the market plant reproductive material which does not comply with the quality requirements referred to in Article 16(2), or with the certification schemes referred to in Article 20, the provisions of Article 26(2) shall apply.

*Amendment*

2. If it is repeatedly found, during the post certification tests, that a professional operator makes available on the market plant reproductive material which does not comply with the quality requirements referred to in Article 16(2), or with the certification schemes referred to in Article 20, the provisions of Article 26(2) shall apply.

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. According to the principle of proportionality, restrictive rules should not apply to the production of all types of PRM.*

## **Amendment 280**

**Karin Kadenbach**

### **Proposal for a regulation**

#### **Article 32**

*Text proposed by the Commission*

**[...]**

*Amendment*

***deleted***

Or. en

#### *Justification*

*The wording of article 32 makes it impossible to apply as it does not take into account the particularities of mixtures regarding their composition. Where mixtures composed of non-listed species are concerned, it creates legal ambiguity.*

**Amendment 281**

**Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver**

**Proposal for a regulation**

**Article 32**

*Text proposed by the Commission*

*Amendment*

**[...]**

**deleted**

Or. de

*Justification*

*This power is very wide-ranging and may give rise to problems in connection with application, above all in the light of the differences in circumstances between Member States. Uncertainty would be created in connection with hybrid genera in particular, which are not listed at Union level.*

**Amendment 282**

**Karin Kadenbach, Jens Nilsson, Åsa Westlund, Marita Ulvskog**

**Proposal for a regulation**

**Article 32 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 32a**

**Mixtures**

***Mixtures of varieties and/or genera and species may be made available on the market with the following restrictions:***

***(a) An official label may only be affixed to the mixture if all the ingredients of the mixture have been certified with an official label before. All other mixtures, including those containing genera and species not listed in Annex I shall be made available on the market as standard material.***

***(b) The label of the mixture has to contain an ingredients list with at least the common name and the weight percentage***

*of each ingredient.*

Or. en

*Justification*

*A solution shall be found for mixtures which have not been certified with an official label. In line with the previous amendment, this amendment, when put in place, shall more adequately cater for the particularities of mixtures.*

**Amendment 283**

**Karin Kadenbach, Jens Nilsson, Åsa Westlund, Marita Ulvskog**

**Proposal for a regulation**

**Article 33**

*Text proposed by the Commission*

*Amendment*

**[...]**

***deleted***

Or. en

*Justification*

*Preservation mixtures aim to preserve biodiversity. The wording provided by article 33 makes it impossible to apply due to the particularities of conservation mixtures, and does not achieve the goal pursued by this article. Delete and completely redraft this entire article.*

**Amendment 284**

**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

**Proposal for a regulation**

**Article 33 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. Competent authorities may authorise the production and making available on the market of a mixture of plant reproductive material belonging to genera or species listed in Annex I, with plant reproductive material belonging to genera or species not listed in Annex I, ***if that mixture fulfils both of the following conditions:***

1. Competent authorities may authorise the production and making available on the market of a mixture of plant reproductive material belonging to genera or species listed in Annex I, with plant reproductive material belonging to genera or species not listed in Annex I;

**Amendment 285**

**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

**Proposal for a regulation**

**Article 33 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

***(a) it contributes to the conservation of genetic resources and the preservation of the natural environment;*** ***deleted***

**Amendment 286**

**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

**Proposal for a regulation**

**Article 33 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

***(b) it is naturally associated with a particular region (hereinafter: ‘region of origin’). Hereinafter, such mixture is referred to as ‘preservation mixture’.*** ***deleted***

**Amendment 287**

**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

**Proposal for a regulation**

**Article 33 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

***2. When a competent authority authorises the production and making available on the market of a preservation mixture, it*** ***deleted***



*shall identify the region of origin taking into account information from plant genetic resource authorities or organisations.*

Or. en

**Amendment 288**

**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

**Proposal for a regulation**

**Article 33 – paragraph 3 – point c**

*Text proposed by the Commission*

*Amendment*

(c) requirements for the *packages and containers of a preservation mixture*;

(c) requirements for the *authorisation referred to in paragraph 1*;

Or. en

**Amendment 289**

**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

**Proposal for a regulation**

**Article 33 – paragraph 3 – point d**

*Text proposed by the Commission*

*Amendment*

(d) *labelling* requirements for *preservation* mixtures;

(d) requirements for *the packages and containers of mixtures of Annex I and non-Annex species*;

Or. en

**Amendment 290**

**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

**Proposal for a regulation**

**Article 33 – paragraph 3 – point f**

*Text proposed by the Commission*

*Amendment*

***(f) the obligation for professional operators to report on the production and making available on the market of preservation mixtures;***

*deleted*

Or. en

#### **Amendment 291**

**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

#### **Proposal for a regulation**

**Article 33 – paragraph 3 – point g**

*Text proposed by the Commission*

*Amendment*

***(g) the obligation for Member States to report to the Commission on the application of the provisions of this Article.***

*deleted*

Or. en

#### **Amendment 292**

**Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund**

#### **Proposal for a regulation**

**Article 33 a (new)**

*Text proposed by the Commission*

*Amendment*

#### ***Article 33a***

##### ***Preservation mixtures***

***1. Preservation mixtures may only be made available on the market as standard material.***

***2. In the case it is not possible to make a preservation mixture available on the market as standard material, an indication of the natural environment where the preservation mixture has been***

*harvested shall be provided. This information shall at least include:*

- (a) the date and the place of harvest; and*
- (b) which plant societies are concerned.*

Or. en

*Justification*

*Along with the previous amendment, a new article 33 should be drafted. The particularities and the aim of preservation mixtures shall be considered in article 33.*

**Amendment 293**

**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

**Proposal for a regulation**

**Article 34 – paragraph 3 – point b**

*Text proposed by the Commission*

*Amendment*

*(b) the objectives pursued by those proposed tests and trials;*

*deleted*

Or. en

**Amendment 294**

**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

**Proposal for a regulation**

**Article 34 – paragraph 3 – point c**

*Text proposed by the Commission*

*Amendment*

*(c) the locations in which those tests and trials are to be carried out;*

*deleted*

Or. en

**Amendment 295**

**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

**Proposal for a regulation**  
**Article 34 – paragraph 3 – point e**

*Text proposed by the Commission*

*Amendment*

*(e) the procedure for the maintenance of  
the variety;* **deleted**

Or. en

**Amendment 296**  
**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

**Proposal for a regulation**  
**Article 34 – paragraph 6 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*(ba) the quality requirements for plant  
reproductive material marketed under  
these provisions;*

Or. en

*Justification*

*Quality of PRM marketed under these provisions must be sufficient*

**Amendment 297**  
**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

**Proposal for a regulation**  
**Article 36**

*Text proposed by the Commission*

*Amendment*

**[...]** **deleted**

Or. en

*Justification*

*This deletion corresponds with the addition of Article 15a.*

**Amendment 298**  
**Satu Hassi**

**Proposal for a regulation**  
**Article 36 – paragraph 1 – subparagraph 1 – point a**

*Text proposed by the Commission*

(a) ***it is made available*** on the market in small quantities by persons other than professional operators, or by professional operators ***employing no more than ten persons and whose annual turnover or balance sheet total does not exceed EUR 2 million;***

*Amendment*

(a) ***is first placed*** on the market in small quantities by persons other than professional operators, or by professional operators ***using in a seasonal year an area for producing plant reproductive material not larger than the area defined in Art.8 (2) of Regulation (EC) No 1765/92<sup>21c</sup> in its last day of validity, and not smaller than 5 ha;***

<sup>21c</sup>*OJ L 181, 1.7.1992, p. 12–20*

Or. en

*Justification*

*Defining niche market material according to the number of employees and annual turnover does not take in account the Member State's particularities. Therefore as a workable definition of 'small producers' is provided in Art.8 (2) of Reg. 1765/92 (Regulation establishing a support system for producers of certain arable crops), which refers to the size of the production area. Also retailers should be allowed to sell niche market materials.*

**Amendment 299**  
**Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund, Christel Schaldemose**

**Proposal for a regulation**  
**Article 36 – paragraph 1 – subparagraph 1 – point a**

*Text proposed by the Commission*

(a) it is ***made available on the market*** in small quantities by persons other than professional operators, or by professional operators ***employing no more than ten persons and*** whose annual turnover or balance sheet total does not exceed EUR 2 million;

*Amendment*

(a) it is ***produced*** in small quantities by persons other than professional operators, or by professional operators whose annual turnover or balance sheet total does not exceed EUR 2 million;

*Justification*

*Article 36 has been presented to the stakeholders and civil society as a concession for agricultural diversity. But quantitative restrictions are obstacle to achieving biodiversity, as the niche is already defined by the size of the operator. Moreover, farming rare plants can be labour intensive and often requires more than 10 workers. Last but not least, restricting the size of operators shall be linked with production, not with retail.*

**Amendment 300**

**Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver**

**Proposal for a regulation**

**Article 36 – paragraph 1 – subparagraph 1 – point a**

*Text proposed by the Commission*

(a) it is made available on the market ***in small quantities*** by persons other than professional operators, or by professional operators ***employing no more than ten persons and*** whose annual turnover or balance sheet total does not exceed EUR 2 million;

*Amendment*

(a) it is made available on the market by persons other than professional operators, or by professional operators whose annual turnover or balance sheet total does not exceed EUR 2 million;

**Amendment 301**

**Corinne Lepage, Andrea Zanoni**

**Proposal for a regulation**

**Article 36 – paragraph 1 – subparagraph 1 – point a**

*Text proposed by the Commission*

(a) it is made available on the market in small quantities by persons other than professional operators, or by professional operators employing no more than ten persons ***and*** whose annual turnover or balance sheet total does not exceed EUR 2 million;

*Amendment*

(a) it is made available on the market in small quantities by persons other than professional operators, or by professional operators employing no more than ten persons, ***whose annual turnover or balance sheet does not exceed EUR 2 million, and which are not directly or indirectly dependent of any professional operator*** whose annual turnover or balance

sheet, *added to their own, exceeds EUR 2 million in total.*

*By way of derogation from paragraph a), associations and non-profit organisations whose statutory purpose is the preservation and promotion of the diversity of plant genetic resources and whose annual turnover or balance sheet does not exceed EUR 2 million can market niche material even if they employ more than ten people.*

Or. en

**Amendment 302**  
**Satu Hassi, Karin Kadenbach**

**Proposal for a regulation**  
**Article 36 – paragraph 1 – subparagraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*(ba) it complies with the provisions of Title III of this act.*

Or. en

*Justification*

**Amendment 303**  
**Corinne Lepage, Andrea Zanoni**

**Proposal for a regulation**  
**Article 36 – paragraph 1 – subparagraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*(ba) it is freely reproducible;*

Or. en

**Amendment 304**  
**Corinne Lepage, Andrea Zanoni**

**Proposal for a regulation**  
**Article 36 – paragraph 1 – subparagraph 1 – point b b (new)**

*Text proposed by the Commission*

*Amendment*

***(bb) it was obtained, selected and multiplied with traditional breeding methods which respect natural crossing barriers.***

Or. en

**Amendment 305**  
**Satu Hassi, Karin Kadenbach**

**Proposal for a regulation**  
**Article 36 – 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, with regard to the production and making available on the market of niche material belonging to particular genera or species, one or more of the following:***

***deleted***

***(a) the maximum size of packages, containers or bundles;***

***(b) requirements concerning traceability, lots and labelling of the niche market material concerned.***

***(c) modalities of making available on the market.***

Or. en

*Justification*

*This Article is supposedly to protect operators who are threatened by big industry and oppressed under current legislation. However, by means of delegated acts, the concept of niche market material can easily be made defunct. Therefore the possibility of making rules*



regarding niche market material more stringent ought to be removed. For this reason, the Commission should not be allowed to erode article 36 via a delegated act.

### **Amendment 306**

**Corinne Lepage, Andrea Zanoni**

#### **Proposal for a regulation**

#### **Article 36 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. The Commission shall be empowered to adopt delegated acts, in accordance with Article 140, setting out, with regard to the production and making available on the market of niche material ***belonging to particular genera or species***, one or more of the following:

*Amendment*

3. The Commission shall be empowered to adopt delegated acts, in accordance with Article 140, setting out, with regard to the production and making available on the market of niche material, one or more of the following:

Or. en

### **Amendment 307**

**Corinne Lepage, Andrea Zanoni**

#### **Proposal for a regulation**

#### **Article 36 – paragraph 3 – point a**

*Text proposed by the Commission*

(a) the maximum size of packages, containers or bundles;

*Amendment*

(a) the maximum size of packages, containers or bundles, ***commensurate with the needs of professional and non-professional farmers who could use it***;

Or. en

### **Amendment 308**

**Corinne Lepage, Andrea Zanoni**

#### **Proposal for a regulation**

#### **Article 36 – paragraph 3 – point b**

*Text proposed by the Commission*

(b) requirements concerning traceability, lots and labelling of the niche market material concerned.

*Amendment*

(b) requirements concerning traceability, lots and labelling of the niche market material concerned, ***including indications to the ultimate purchaser of the origin of the variety and of the place and year of production of each lot sold;***

Or. en

### **Amendment 309**

**Corinne Lepage, Andrea Zanoni**

#### **Proposal for a regulation**

**Article 36 – paragraph 3 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) rules on information on processes of multiplication used***

Or. en

### **Amendment 310**

**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

#### **Proposal for a regulation**

**Article 37 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

In order to remove temporary difficulties in the general supply of plant reproductive material that may occur in a Member State, the competent authority of the Member State concerned may authorise the making available on the market of seed with a reduced germination rate, provided that such rate is reduced by less than **5%** compared to the germination rate required pursuant to Article 16(2).

In order to remove temporary difficulties in the general supply of plant reproductive material that may occur in a Member State, the competent authority of the Member State concerned may authorise the making available on the market of seed with a reduced germination rate, provided that such rate is reduced by less than **10%** compared to the germination rate required pursuant to Article 16(2).

*Justification*

*The germination rate needs to be adapted to properly respond to cases with difficulties in supply.*

**Amendment 311**

**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

**Proposal for a regulation**

**Article 37 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. In order to remove temporary difficulties in the general supply of plant reproductive material that may occur in a Member State, the competent authority of the Member State concerned may authorise the making available on the market of plant reproductive material with reduced quality requirements, other than the reduced germination requirements as referred to in paragraph 1, compared to the quality requirements applicable pursuant to Article 16(2).***

***That authorisation shall be granted, on the basis of a reasoned request submitted by the professional operator concerned, for a specific period of time which shall not exceed four months, while seed imports from remaining Member States must be listed on the appropriate Member State National List.***

***The label of the plant reproductive material made available on the market pursuant to this paragraph shall be brown. It shall state that the reproductive material in question complies with lower quality requirements than those referred to in Article 16(2).***

*Justification*

*To ensure adequate supply of plant varieties appropriate for cultivation in an individual Member State, at times of severe shortage in supply, specific elements of the certification process must be omitted at the request of the Member State.*

**Amendment 312**

**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

**Proposal for a regulation**

**Article 38 – paragraph 2**

*Text proposed by the Commission*

2. Plant reproductive material referred to in paragraph 1 may be made available on the market ***only once from one professional operator to another, without being further transferred to any other person.***

*Amendment*

2. Plant reproductive material referred to in paragraph 1 may be made available on the market ***by the operator who is authorised according to Article 23 or under the official supervision of the Competent Authority.***

Or. en

*Justification*

*This paragraph could restrict farmers' access to plant reproductive material, therefore it should be adjusted to prevent this.*

**Amendment 313**

**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

**Proposal for a regulation**

**Article 39 – paragraph 1**

*Text proposed by the Commission*

1. ***Competent authorities may authorise the making*** available on the market ***of*** seeds for a specific period of time, as pre-basic, basic or certified material, without the germination requirements established pursuant to Article 16(2) having been yet confirmed, if this is considered necessary to make seed rapidly available on the

*Amendment*

1. ***Professional operators may make*** available on the market seeds for a specific period of time, as pre-basic, basic or certified material, without the germination requirements established pursuant to Article 16(2) having been yet confirmed, if this is considered necessary to make seed rapidly available on the market.

market.

Or. en

*Justification*

*The making available on the market of seeds for which the germination rate has not yet been confirmed, should not be required to have prior authorisation from the Competent Authorities.*

**Amendment 314**

**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

**Proposal for a regulation**

**Article 39 – paragraph 2**

*Text proposed by the Commission*

2. Seed referred to in paragraph 1 may be made available on the market ***only once, from one professional operator to another, without being further transferred to any other person***, on the basis of a provisional analytical report concerning germination.

*Amendment*

2. Seed referred to in paragraph 1 may be made available on the market on the basis of a provisional analytical report concerning germination.

Or. en

*Justification*

*These seeds should also be able to be transferred to several professional operators.*

**Amendment 315**

**Karin Kadenbach, Christel Schaldemose**

**Proposal for a regulation**

**Article 40 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 40a***

***Maintenance of a fair national market  
Member States may adopt emergency  
measures, by means of national***

*legislation, in the following situations.*

- 1. Measures are needed to ensure proportionality and subsidiarity;*
- 2. Measures are needed to ensure the availability of rare and traditional plant reproductive materials on the market;*
- 3. Measures are needed to protect the environment or presence of agricultural biodiversity;*
- 4. Measures are needed to protect indigenous rights and traditional ways of life.*

*Member States shall notify the Commission and the other Member States of each measure adopted pursuant to this Article.*

Or. en

*Justification*

*The seed market in each European country is different. This proposal is tailored to Member States where there is a highly developed seed industry. Big industry benefits from the proposed rules, while the few derogations specifically aimed at micro enterprises do not enable them to grow. Countries with a less developed seed industry shall be given the opportunity to adapt this legislation to their national situation.*

**Amendment 316**  
**Karin Kadenbach**

**Proposal for a regulation**  
**Article 41**

*Text proposed by the Commission*

*Amendment*

*[...]*

*deleted*

Or. en

*Justification*

*This article is problematic: it grants total power to the Commission to overrule Member States' choices. In contrast, instances where Member States can take action on their own territory are ambiguous. This article shall be deleted.*

**Amendment 317**

**Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver**

**Proposal for a regulation**

**Article 42 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The provisions of this regulation shall not apply to small undertakings and farms which supply local markets.***

Or. de

**Amendment 318**

**Satu Hassi, Karin Kadenbach**

**Proposal for a regulation**

**Article 42 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 42 a***

***Local circulation***

***Small producers making available on the market plant reproductive material only on the local market for local circulation shall be excluded from the obligations of this legislation.***

Or. en

*Justification*

*The proposal aims to ensure that PRM is traceable. This can easily be achieved at local level where PRM is sold directly. A derogation was provided for local circulation of PRM in the most recent directive (2008/90 on fruit reproductive material). This derogation has not been included in the present proposal. This is disproportional. Therefore local circulation must be excluded from the scope of this PRM Law.*

**Amendment 319**

**Satu Hassi, Karin Kadenbach**

**Proposal for a regulation**  
**Article 43**

*Text proposed by the Commission*

*Amendment*

**Article 43**

**deleted**

***Imports on the basis of Union equivalence***

***Plant reproductive material may be imported from third countries only if it is established, pursuant to Article 44, that it fulfils requirements equivalent to those applicable to plant reproductive material produced and made available on the market in the Union.***

Or. en

*Justification*

*This Article calls for an export of EU legislation through the equivalence system. In developing countries, where farmers' seeds play a crucial role for local food systems, such PRM legislation would be detrimental to traditional farming systems that feed 70% of the world's population. The third country should not have to implement costly regulations to export PRM to the EU. It is sufficient that the product quality complies with the requirements of the importing block, the EU.*

**Amendment 320**

**Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver**

**Proposal for a regulation**  
**Article 43 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

Plant reproductive material may be imported from third countries ***only if it is established, pursuant to Article 44, that it fulfils requirements equivalent to those applicable to plant reproductive material produced and made available on the market in the Union.***

Plant reproductive material may be imported from third countries ***that fulfil requirements equivalent to those applicable to plant reproductive material produced and made available on the market in the Union.***

***Import*** requirements

***Imports to the Union of*** Plant reproductive material ***shall not be prohibited or***



*restricted, except in one of the following cases:*

*(a) The PRM to be imported or its lot do not comply with the requirements of this Regulation for the respective species and categories and types of material.*

*(b) It is prohibited by an existing trade agreement.*

*(c) Import is explicitly prohibited by another Union act.*

*(d) A demonstrable risk exists in relation to plant disease, invasive species or other phytosanitary risk not already present and established in the Union.*

*(e) A demonstrable risk exists of consumer fraud.*

*(f) Materials are being made available on the market at subsidized prices or at a price so low that it constitutes dumping, and the total commercial value exceeds 1 million Euros.*

Or. en

**Amendment 321**  
**Satu Hassi, Karin Kadenbach**

**Proposal for a regulation**  
**Article 43 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 43 a*

*Import conditions*

*Imports to the Union of Plant reproductive material shall not be prohibited or restricted, except in one of the following cases:*

*(a) It is prohibited by an existing trade agreement.*

*(b) Import is explicitly prohibited by*

*another Union act.*

*(c) A demonstrable risk exists in relation to plant disease, invasive species or other phytosanitary risk not already present and established in the Union.*

*(d) A demonstrable risk of consumer fraud exists.*

*(e) Materials are being made available on the market at subsidized prices or at a price so low that it constitutes dumping, and the total commercial value exceeds 1 million Euros.*

*(f) The PRM to be imported or its lot do not comply with the quality requirements of this Regulation for the respective species and categories and types of material.*

Or. en

#### *Justification*

*In line with the previous amendment to art.43, it is necessary to outline the necessary conditions for the safe, fair, and legal import of PRM to the Union. Therefore imports of all safe, legal and fair material should be possible.*

#### **Amendment 322**

**Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver**

#### **Proposal for a regulation**

#### **Article 44 – paragraph 1 – subparagraph 1 – introductory part**

##### *Text proposed by the Commission*

The **Commission** may decide, by means of **implementing acts**, whether plant reproductive material of specific genera, species or categories produced in a third country, or particular areas of a third country, fulfils requirements equivalent with those applicable to plant reproductive material produced and made available on the market in the Union, on the basis of:

##### *Amendment*

The **Council and Parliament** may decide, by means of **the ordinary legislative procedure**, whether plant reproductive material of specific genera, species or categories produced in a third country, or particular areas of a third country, fulfils requirements equivalent with those applicable to plant reproductive material produced and made available on the market in the Union, on the basis of:

*Justification*

*The decision as to whether plant reproductive material produced in a third country meets European requirements must be taken by the Member States and by Parliament. This decision must take account of special national provisions.*

**Amendment 323**

**Satu Hassi, Karin Kadenbach**

**Proposal for a regulation**

**Article 46 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Where the export of plant reproductive material to a third country is neither governed by an agreement with a third country nor by the rules of the third country into which that plant reproductive material is to be exported, the requirements for production and making available on the market of plant reproductive material within the Union territory, as set out in Articles 13 to 42, shall apply.** **deleted**

*Justification*

*Exports have never been governed by existing legislation: Article 46 is a new measure, and so again, the regulation proposed goes beyond the scope of the directives it was intended to replace.*

**Amendment 324**

**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

**Proposal for a regulation**

**Article 47 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

This Title shall apply to the production and

This Title shall apply to the production and

making available on the market of plant reproductive material belonging to genera and species other than the ones listed in Annex I.

making available on the market of plant reproductive material:

*(a) belonging to genera and species other than the ones listed in Annex I;*

*(b) belonging to species listed in Annex I and marketed in small quantities to non-professional end users;*

*(c) belonging to species listed in Annex I but marketed solely for ornamental use.*

Or. en

*Justification*

*In line with changes to Article 11, plant reproductive material sold for ornamental purposes, and to non-professional end users should be excluded from the controls in Title II, but covered by Title III.*

**Amendment 325**

**Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund**

**Proposal for a regulation**

**Article 47 – paragraph 1**

*Text proposed by the Commission*

This Title shall apply to the **production and** making available on the market of plant reproductive material belonging to genera and species other than the ones listed in Annex I.

*Amendment*

This Title shall apply to the making available on the market of plant reproductive material belonging to genera and species other than the ones listed in Annex I **and to provisions of article 14 (3) (heterogeneous material), article 36 (niche markets) and article 57 (registration under officially recognised description).**

Or. en

*Justification*

*Labelling criteria for standard material are too strict for small actors and their PRM. Title III will lay down more appropriate criteria, ensuring better compliance for niche, heterogeneous, and officially recognized description material. Heterogeneous material, niche*

*markets, and officially recognized description seeds which protect biodiversity and safeguard small actors shall fulfil basic requirements. They should be covered by this title.*

### **Amendment 326**

**Linda McAvan**

#### **Proposal for a regulation**

#### **Article 47 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***This Title shall also apply to propagating material of genera and species listed in Annex I, when the material:***

- is marketed for ornamental purposes, or***
- is 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 327**

**Karin Kadenbach, Åsa Westlund, Jens Nilsson, Marita Ulvskog**

#### **Proposal for a regulation**

#### **Article 48 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) in the case of seeds, it shall have satisfactory germination, as appropriate for the genera and species concerned, to allow an appropriate number of plants per area after sowing, and to ensure the ***maximum*** yield and quality of the production;

(c) in the case of seeds, it shall have satisfactory germination, as appropriate for the genera and species concerned, to allow an appropriate number of plants per area after sowing, and to ensure the ***sufficient*** yield and quality of the production;

Or. en

### *Justification*

*Maximum yield is always difficult to evaluate and to reach. In addition, a maximum yield will have a maximum effect on the environment. 'Sufficient yield' is a more achievable state and may integrate goals other than solely yield.*

#### **Amendment 328**

**Satu Hassi, Karin Kadenbach**

#### **Proposal for a regulation**

**Article 48 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. Compliance with the requirements of points (a), (b), (c), (d) and (e) of paragraph 1 shall be assessed in light of the applicable international standard recommendations:** **deleted**

**(a) the Seed Scheme Rules and Regulations of OECD;**

**(b) the seed potato standards of UNECE;**

**(c) the rules on sampling and testing of the International seed testing association ISTA for the genera or species concerned;**

**(d) and the rules of EPPO.**

Or. en

### *Justification*

*Paragraphs 2 and 3 of Article 48 refer to industry standards which only make sense for Annex I genera and species and would have detrimental consequences to non-Annex I species. These references are not proportional.*

#### **Amendment 329**

**Satu Hassi, Karin Kadenbach**

#### **Proposal for a regulation**

**Article 48 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Where no international standard recommendations exist for genera or species concerned, compliance with the requirements of points (a), (b), (c), (d) and (e) of paragraph 1 shall be assessed in the light of, the relevant national standards of the Member State, where the plant reproductive material is for first time made available on the market**

**deleted**

Or. en

*Justification*

*Paragraphs 2 and 3 of Article 48 refers to industry standards which only make sense for Annex I genera and species and would have detrimental consequences to non-Annex I species. These references are not proportional.*

#### **Amendment 330**

**Satu Hassi, Karin Kadenbach**

#### **Proposal for a regulation**

**Article 49 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. Where the plant reproductive material concerned is not more than what is typically required to cultivate one hectare, the plant reproductive material is exempted from labelling requirements provided for in this Article.**

Or. en

*Justification*

*Operators producing plant reproductive material of non-Annex I species which is less than what is typically required to cultivate one hectare, ought not be forced to fulfil the detailed labelling requirements.*

**Amendment 331**  
**Satu Hassi, Karin Kadenbach**

**Proposal for a regulation**  
**Article 50**

*Text proposed by the Commission*

*Amendment*

**Article 50**

**deleted**

***Making available on the market with reference to varieties***

***1. Plant reproductive material shall be made available on the market with reference to a variety only in one or more of the following cases:***

***(a) the variety is legally protected by a plant variety right in accordance with the provisions of Regulation (EC) No 2100/94 or in accordance with national provisions;***

***(b) the variety is registered in a national variety register as referred to in Article 51 or in the Union variety register as referred to in Article 52;***

***(c) the variety has been entered in any other public or private list with an official or officially recognised description and a denomination.***

***2. Plant reproductive material made available on the market pursuant to points (a) and (b) of paragraph 1 shall bear the same variety denomination in all Member States.***

***Where the variety is not protected by a plant variety right or registered pursuant to Title IV, as referred to in points (a) and (b) of paragraph 1, but has been entered in a public or private list with an official or officially recognised description and a denomination as referred to in points (b) and (c) of that paragraph, the professional operator may request the advice of the Agency concerning the suitability of the denomination pursuant to the provisions of Article 64. Following that request, the Agency shall submit to***



*the applicant a recommendation on the suitability of the variety denomination, as requested by the applicant, taking into account the requirements set out in Article 64.*

Or. en

#### *Justification*

*This article states that only PRM of a registered variety can enter the market with reference to a variety denomination. This means that, unless they are registered, PRM of non-annex-I-listed species cannot be sold. Therefore all PRM of non-Annex-I-listed species must be allowed to have a denomination without having to be registered, to avoid excess bureaucracy and extra costs.*

#### **Amendment 332**

**João Ferreira**

on behalf of the GUE/NGL Group

#### **Proposal for a regulation**

#### **Article 50**

*Text proposed by the Commission*

*Amendment*

#### **Article 50**

**deleted**

***Making available on the market with reference to varieties***

***1. Plant reproductive material shall be made available on the market with reference to a variety only in one or more of the following cases:***

***(a) the variety is legally protected by a plant variety right in accordance with the provisions of Regulation (EC) No 2100/94 or in accordance with national provisions;***

***(b) the variety is registered in a national variety register as referred to in Article 51 or in the Union variety register as referred to in Article 52;***

***(c) the variety has been entered in any other public or private list with an official or officially recognised description and a denomination.***

**2. Plant reproductive material made available on the market pursuant to points (a) and (b) of paragraph 1 shall bear the same variety denomination in all Member States.**

***Where the variety is not protected by a plant variety right or registered pursuant to Title IV, as referred to in points (a) and (b) of paragraph 1, but has been entered in a public or private list with an official or officially recognised description and a denomination as referred to in points (b) and (c) of that paragraph, the professional operator may request the advice of the Agency concerning the suitability of the denomination pursuant to the provisions of Article 64. Following that request, the Agency shall submit to the applicant a recommendation on the suitability of the variety denomination, as requested by the applicant, taking into account the requirements set out in Article 64.***

Or. pt

### **Amendment 333**

**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

#### **Proposal for a regulation**

**Article 50 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) the variety ***has been entered in*** any other public or private list ***with an official or officially recognised description and a denomination.***

*Amendment*

(c) ***the professional operator making material available on the market provides sufficient assurance of the identity and denomination of the variety through information provided on any other public or private list and traceability of preceding cycles of multiplication;***

Or. en

**Amendment 334**  
**Linda McAvan**

**Proposal for a regulation**  
**Article 50 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) the variety ***has been entered in*** any other public or private list ***with an official or officially recognised description and a denomination.***

*Amendment*

(c) ***the professional operator provides sufficient assurance of the identity and denomination of the variety through information provided on any other public or private list and traceability of previous cycles of multiplication;***

Or. en

*Justification*

*The Commission's change for ornamental plant reproductive material could impose a financial burden on plant cultivars leading to a reduced number of ornamental plants on the market and thus to less consumer choice and loss of biodiversity. There is no evidence of consumer dissatisfaction in the ornamentals market and no evidence to support the need for more regulation, therefore the change should be reversed.*

**Amendment 335**  
**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

**Proposal for a regulation**  
**Article 50 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

***(ca) the variety can be shown to be commonly known to consumers from information available in the public domain.***

*Amendment*

Or. en

*Justification*

*An officially recognised description in this case will imply an increase in costs without a corresponding benefit to consumers.*

**Amendment 336**  
**Linda McAvan**

**Proposal for a regulation**  
**Article 50 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) the variety concerned is commonly known to consumers from information available in the public domain.***

Or. en

*Justification*

*The Commission's change for ornamental plant reproductive material could impose a financial burden on plant cultivars leading to a reduced number of ornamental plants on the market and thus to less consumer choice and loss of biodiversity. There is no evidence of consumer dissatisfaction in the ornamentals market and no evidence to support the need for more regulation, therefore the change should be reversed.*

**Amendment 337**  
**James Nicholson**

**Proposal for a regulation**  
**Article 50 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

Where the variety is not protected by a plant variety right or registered pursuant to Title IV, as referred to in points (a) and (b) of paragraph 1, but has been entered in a public or private list ***with an official or officially recognised description and a denomination*** as referred to in ***points (b) and (c)*** of that paragraph, the professional operator may request the advice of the Agency concerning the suitability of the denomination pursuant to the provisions of Article 64. Following that request, the Agency shall submit to the applicant a recommendation on the suitability of the variety denomination, as requested by the applicant, taking into account the

Where the variety is not protected by a plant variety right or registered pursuant to Title IV, as referred to in points (a) and (b) of paragraph 1, but has been entered in a public or private list as referred to in ***point (c)*** of that paragraph, the professional operator may request the advice of the Agency concerning the suitability of the denomination pursuant to the provisions of Article 64. Following that request, the Agency shall submit to the applicant a recommendation on the suitability of the variety denomination, as requested by the applicant, taking into account the requirements set out in Article 64.

requirements set out in Article 64.

Or. en

*Justification*

*ORD is too strict a requirement and will unnecessarily increase costs without benefitting consumers. Replacement (c) updates the current requirements by introducing assurance through traceability, with the producer having responsibility for identity of the variety. New (d) reintroduces the idea of commonly known, as is the current legislation, and explains the meaning.*

**Amendment 338**  
**Linda McAvan**

**Proposal for a regulation**  
**Article 50 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

Where the variety is not protected by a plant variety right or registered pursuant to Title IV, as referred to in points (a) and (b) of paragraph 1, but has been entered in a public or private list ***with an official or officially recognised description and a denomination*** as referred to in ***points (b) and (c)*** of that paragraph, the professional operator may request the advice of the Agency concerning the suitability of the denomination pursuant to the provisions of Article 64. Following that request, the Agency shall submit to the applicant a recommendation on the suitability of the variety denomination, as requested by the applicant, taking into account the requirements set out in Article 64.

*Amendment*

Where the variety is not protected by a plant variety right or registered pursuant to Title IV, as referred to in points (a) and (b) of paragraph 1, but has been entered in a public or private list as referred to in ***point (c)*** of that paragraph, the professional operator may request the advice of the Agency concerning the suitability of the denomination pursuant to the provisions of Article 64. Following that request, the Agency shall submit to the applicant a recommendation on the suitability of the variety denomination, as requested by the applicant, taking into account the requirements set out in Article 64.

Or. en

*Justification*

*The Commission's change for ornamental plant reproductive material could impose a financial burden on plant cultivars leading to a reduced number of ornamental plants on the market and thus to less consumer choice and loss of biodiversity. There is no evidence of consumer dissatisfaction in the ornamentals market and no evidence to support the need for*

*more regulation, therefore the change should be reversed.*

#### **Amendment 339**

**Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund**

#### **Proposal for a regulation**

#### **Article 51 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. The Commission shall adopt, by means of implementing acts, the format of the national variety registers. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(3).** *deleted*

Or. en

*Justification*

*This paragraph could demand changes to already well-functioning national systems, which is not cost effective. The installation of a data exchange format shall be sufficient. Point 2 of article 51 shall be deleted.*

#### **Amendment 340**

**Martin Kastler, Elisabeth Köstinger, Richard Seeber, Albert Deß, Milan Zver**

#### **Proposal for a regulation**

#### **Article 52 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. 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 341**  
**Christa Klaß**

**Proposal for a regulation**  
**Article 53 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) the form of registration used: official description or officially recognised description;***

Or. de

*Justification*

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

**Amendment 342**  
**Corinne Lepage, Andrea Zanoni**

**Proposal for a regulation**  
**Article 53 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) the method by which the variety was bred; if applicable, a statement that the variety is protected by plant breeders' rights or any other form of intellectual property right; all these data are kept available to the public;***

Or. en

**Amendment 343**  
**Andrea Zanoni**

**Proposal for a regulation**  
**Article 53 – paragraph 1 – point b b (new)**

*Text proposed by the Commission*

*Amendment*

***(bb) where applicable, the indication of the origin of the genetic material used and data required under the Regulation (EU) on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization in the Union [xxx]<sup>21d</sup>;***

<sup>21d</sup>***OJ*** .....,...

Or. en

*Justification*

*The European Union and its Member States have ratified the International Treaty on Plant Genetic Resources for Food and Agriculture and are in the process of implementing the Nagoya Protocol. At this end any variety listed in the registers should comply with the requirements of these International Treaties with regard to access and benefit sharing.*

**Amendment 344**  
**Giancarlo Scottà**

**Proposal for a regulation**  
**Article 53 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) the name, and, where applicable, the reference number, of the ***applicant***;

(c) the name, and, where applicable, the reference number, of the ***breeder***;

Or. it

*Justification*

*The inclusion of the term 'breeder' establishes a functional link with the variety.*

**Amendment 345**  
**Giancarlo Scottà**

**Proposal for a regulation**  
**Article 53 – paragraph 1 – point e**



*Text proposed by the Commission*

*Amendment*

***(e) the date of the end of validity of registration;***

***deleted***

Or. it

*Justification*

*The expiry date does not add any new information, given that, under Article 82, the period of validity of the registration is 30 years (renewable).*

### **Amendment 346**

**Satu Hassi, Karin Kadenbach**

#### **Proposal for a regulation**

**Article 53 – paragraph 1 – point f**

*Text proposed by the Commission*

*Amendment*

***(f) the official description of the variety, or, where, applicable, the officially recognised description of the variety **with an indication of the region(s) where the variety has historically been grown and to which it is naturally adapted** ('region(s) of origin');***

***(f) the official description of the variety, or, where, applicable, the officially recognised description of the variety;***

Or. en

*Justification*

*In many cases the region of origin is not known. Furthermore, this article is not the appropriate place for such requirements as these, which are anyway simply a repetition of articles 56 and 57 (further explanation under Article 57). This section contains no new information and simply constitutes more reading without furthering understanding. Therefore any detail, especially concerning the region of origin, should be deleted from this article.*

### **Amendment 347**

**Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver**

#### **Proposal for a regulation**

**Article 53 – paragraph 1 – point f**

*Text proposed by the Commission*

*Amendment*

(f) the official description of the variety, or, where, applicable, the officially recognised description of the variety ***with an indication of the region(s) where the variety has historically been grown and to which it is naturally adapted ("region(s) of origin")***;

(f) the official description of the variety, or, where applicable, the officially recognised description of the variety;

Or. de

*Justification*

*It may be that the place of origin of a variety is not known.*

**Amendment 348**  
**Giancarlo Scottà**

**Proposal for a regulation**  
**Article 53 – paragraph 1 – point f**

*Text proposed by the Commission*

*Amendment*

(f) the official description of the variety, or, where, applicable, the officially recognised description of the variety with an indication of the ***region(s) where the variety has historically been grown and to which it is naturally adapted ('region(s) of origin')***;

(f) the official description of the variety, or, where, applicable, the officially recognised description of the variety with an indication of the ***region of origin***;

Or. it

*Justification*

*For reasons of legal clarity, the definition of 'region of origin' is added to Article 3.*

**Amendment 349**  
**Satu Hassi, Karin Kadenbach**

**Proposal for a regulation**  
**Article 53 – paragraph 1 – point k a (new)**

*Text proposed by the Commission*

*Amendment*

***(ka) where applicable, the indication that the variety has been bred using non-traditional breeding methods, including an enumeration of all the methods used for obtaining that variety.***

Or. en

*Justification*

*Users must be enabled to make informed choices. It is essential that farmers know about breeding methods, especially as certain methods may not be compatible with the farmers' philosophy or with their preferred methods, such as organic farming. Therefore breeding methods not known before 1930 should be indicated by a breeder.*

#### **Amendment 350**

**Satu Hassi, Karin Kadenbach**

#### **Proposal for a regulation**

**Article 53 – paragraph 1 – point k b (new)**

*Text proposed by the Commission*

*Amendment*

***(kb) The genealogical components of the variety.***

Or. en

*Justification*

*Breeders and end users need the freedom of choice to exclude varieties where certain breeding techniques (e.g. protoplast fusion, CMS - Cytoplasmic male sterility) have been used during the breeding process, including the genealogical components used.*

#### **Amendment 351**

**Corinne Lepage, Satu Hassi, Karin Kadenbach, Andrea Zanoni**

#### **Proposal for a regulation**

**Article 54**

**Article 54**

**deleted**

**Data concerning clones**

**For clones, the national and Union variety registers shall include at least:**

- (a) the name of the genus or species to which the clone belongs;**
- (b) the reference under which the variety, to which the clone belongs, is registered in the national variety register or Union variety register;**
- (c) the denomination of the variety to which the clone belongs and, for varieties made available on the market before the entry into force of this Regulation, where applicable its synonyms;**
- (d) the date of the registration of the clone and, where applicable, of the renewal of the registration;**
- (e) the end of validity of the registration;**
- (f) where applicable, the indication that the variety to which the clone belongs has been registered with an officially recognised description, including the region of origin of that variety;**
- (g) where applicable, the indication that the clone contains, or consists of, a genetically modified organism.**

Or. en

*Justification*

*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. Also, 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 352**  
**Giancarlo Scottà**

**Proposal for a regulation**  
**Article 54 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

**(e) the end of validity of the registration;**                      **deleted**

Or. it

*Justification*

*The expiry date does not add any new information, given that, under Article 82, the period of validity of the registration is 30 years (renewable).*

**Amendment 353**  
**Satu Hassi, Karin Kadenbach**

**Proposal for a regulation**  
**Article 54 – paragraph 1 – point f**

*Text proposed by the Commission*

*Amendment*

(f) where applicable, the indication that the variety to which the clone belongs has been registered with an officially recognised description, ***including the region of origin of that variety***;

(f) where applicable, the indication that the variety to which the clone belongs has been registered with an officially recognised description;

Or. en

*Justification*

*In many cases the region of origin is not known. Furthermore, this article is not the appropriate place for such requirements as these, which are anyway simply a repetition of articles 56 and 57 (please see further explanation under Article 57). This section contains no new information and simply constitutes more reading without furthering understanding. Therefore any detail, especially concerning the region of origin, should be deleted from this Article.*

**Amendment 354**  
**Satu Hassi, Karin Kadenbach**

**Proposal for a regulation**  
**Article 56 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Varieties may be registered in a national variety register pursuant to Chapter IV, or in the Union variety register pursuant to Chapter V, **only** if they fulfil the following requirements:

*Amendment*

1. ***An operator may decide to apply for an official or an officially recognised description. If so,*** varieties may be registered in a national variety register pursuant to Chapter IV, or in the Union variety register pursuant to Chapter V, if they fulfil the following requirements:

Or. en

*Justification*

*The system of compulsory registration of varieties means that if varieties do not fulfil the criteria they will automatically be excluded from the market. However, this does not mean that these other plants do not have interesting qualities for seed breeders – in fact, there is a demand for them. Therefore a voluntary registration may be implemented by adding an introductory sentence.*

**Amendment 355**  
**João Ferreira**  
on behalf of the GUE/NGL Group

**Proposal for a regulation**  
**Article 56 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Varieties **may** be registered in a national variety register pursuant to Chapter IV, or in the Union variety register pursuant to Chapter V, only if they fulfil the following requirements:

*Amendment*

1. ***An operator may decide to apply for an official, or officially recognised, description for registration purposes. In that event,*** varieties ***shall*** be registered in a national variety register pursuant to Chapter IV, or in the Union variety register pursuant to Chapter V, only if they fulfil the following requirements:

Or. pt

**Amendment 356**  
**Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund**

**Proposal for a regulation**  
**Article 56 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) they bear a denomination deemed suitable pursuant to Article 64;

*Amendment*

(a) they bear a denomination deemed suitable pursuant to Article 64 **and Article 78 (3)**;

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. A process of registration and validation of the names is necessary.*

**Amendment 357**  
**Satu Hassi, Karin Kadenbach**

**Proposal for a regulation**  
**Article 56 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. In order to be registered in a national variety register pursuant to Chapter IV, varieties **shall** fulfil, in addition to the requirements set out in paragraph 1, the following requirements:

*Amendment*

2. In order to be registered in a national variety register pursuant to Chapter IV, varieties **may** fulfil, in addition to the requirements set out in paragraph 1, the following requirements:

Or. en

**Amendment 358**  
**Corinne Lepage, Andrea Zanoni**

**Proposal for a regulation**  
**Article 56 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) they have an official description showing compliance with the requirements of distinctiveness, uniformity and stability

*Amendment*

(a) they have an official description showing compliance with the requirements of distinctiveness, uniformity and stability

set out in Articles 60, 61 and 62, or are provided with an officially recognised description pursuant to Article 57;

set out in Articles 60, 61 and 62, or are provided with an officially recognised description pursuant to Article 57; ***the description is adapted to the variety type and mode of reproduction;***

Or. en

**Amendment 359**  
**Satu Hassi, Karin Kadenbach**

**Proposal for a regulation**  
**Article 56 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) in case they belong to genera or species with particular importance for the satisfactory development of agriculture in the Union, as referred to in paragraph 5, they ***have*** a satisfactory value for cultivation and/or use pursuant to Article 58;

*Amendment*

(b) in case they belong to genera or species with particular importance for the satisfactory development of agriculture in the Union, as referred to in paragraph 5, they ***may be tested for*** a satisfactory value for cultivation and/or use pursuant to Article 58;

Or. en

*Justification*

*A compulsory assessment of the value for cultivation and/or use means additional costs for breeders and does not necessarily help the end user to make informed choices for the right variety. The market should decide if a new variety has an added value for farmers*

**Amendment 360**  
**Corinne Lepage, Andrea Zanoni**

**Proposal for a regulation**  
**Article 56 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) in case they belong to genera or species with particular importance for the satisfactory development of agriculture in the Union, as referred to in paragraph 5,

*Amendment*

(b) in case they belong to genera or species with particular importance for the satisfactory development of agriculture in the Union, as referred to in paragraph 5,



they **have** a satisfactory value for cultivation and/or use pursuant to Article 58;

they **may be tested for** a satisfactory value for cultivation and/or use pursuant to Article 58;

Or. en

**Amendment 361**  
**James Nicholson**

**Proposal for a regulation**  
**Article 56 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

***(c) in case they belong to genera or species with particular importance for the sustainable development of agriculture in the Union, as referred to in paragraph 6, they have a sustainable value for cultivation and/or use pursuant to Article 59.***

***deleted***

Or. en

*Justification*

*It is unnecessary to have two type of VCU and the difference between ‘satisfactory’ and ‘sustainable’ is unclear. A better approach is to retain a single type of VCU and align it with sustainable objectives.*

**Amendment 362**  
**Corinne Lepage, Andrea Zanoni**

**Proposal for a regulation**  
**Article 56 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

(c) in case they belong to genera or species with particular importance for the sustainable development of agriculture in the Union, as referred to in paragraph 6, they **have** a sustainable value for cultivation and/or use pursuant to Article

(c) in case they belong to genera or species with particular importance for the sustainable development of agriculture in the Union, as referred to in paragraph 6, they **may be tested for** a sustainable value for cultivation and/or use pursuant to

59.

Article 59.

Or. en

**Amendment 363**  
**James Nicholson**

**Proposal for a regulation**  
**Article 56 – paragraph 4 – point b**

*Text proposed by the Commission*

(b) they do not belong to genera or species with particular importance for the *satisfactory* development of agriculture in the Union, as referred to in paragraph 5;

*Amendment*

(b) they do not belong to genera or species with particular importance for the development of agriculture in the Union, as referred to in paragraph 5;

Or. en

**Amendment 364**  
**James Nicholson**

**Proposal for a regulation**  
**Article 56 – paragraph 4 – point c**

*Text proposed by the Commission*

*(c) in case they belong to genera or species with particular importance for the sustainable development of agriculture in the Union, as referred to in paragraph 6, they have a sustainable value for cultivation and/or use pursuant to Article 59;*

*Amendment*

*deleted*

Or. en

*Justification*

*It is unnecessary to have two type of VCU and the difference between ‘satisfactory’ and ‘sustainable’ is unclear. A better approach is to retain a single type of VCU and align it with sustainable objectives.*

**Amendment 365**  
**Satu Hassi, Karin Kadenbach**

**Proposal for a regulation**  
**Article 56 – paragraph 4 – point c**

*Text proposed by the Commission*

(c) in case they belong to genera or species with particular importance for the sustainable development of agriculture in the Union, as referred to in paragraph 6, they **have** a sustainable value for cultivation and/or use pursuant to Article 59;

*Amendment*

(c) in case they belong to genera or species with particular importance for the sustainable development of agriculture in the Union, as referred to in paragraph 6, they **may be tested for** a sustainable value for cultivation and/or use pursuant to Article 59;

Or. en

*Justification*

*A compulsory assessment of the value for cultivation and/or use means additional costs for breeders and does not necessarily help the end user to make informed choices for the right variety. The market should decide if a new variety has an added value for farmers.*

**Amendment 366**  
**Satu Hassi**

**Proposal for a regulation**  
**Article 56 – paragraph 5**

*Text proposed by the Commission*

**5. The Commission shall be empowered to adopt delegated acts, in accordance with Article 140, listing the genera or species with particular importance for the satisfactory development of agriculture in the Union. Those genera or species shall be listed in accordance with the criteria set out in Part A of Annex IV.**

*Amendment*

**deleted**

Or. en

**Amendment 367**

**Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund**

**Proposal for a regulation**

**Article 56 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**5. The Commission shall be empowered to adopt delegated acts, in accordance with Article 140, listing the genera or species with particular importance for the satisfactory development of agriculture in the Union. Those genera or species shall be listed in accordance with the criteria set out in Part A of Annex IV.** **deleted**

Or. en

*Justification*

*This point makes it possible for the Commission to list the genera or species that are particularly important for the maintenance of rigorous agricultural standards in the Union. However, should such genera and species exist, they should be integrated into the body of the legislation. Delete paragraph 5.*

**Amendment 368**

**Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver**

**Proposal for a regulation**

**Article 56 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**5. The Commission shall be empowered to adopt delegated acts, in accordance with Article 140, listing the genera or species with particular importance for the satisfactory development of agriculture in the Union. Those genera or species shall be listed in accordance with the criteria set out in Part A of Annex IV.** **deleted**

Or. de

*Justification*

*Member States must be free to decide independently which genera or varieties are of particular importance for the development of agriculture. Such decisions must take account of national circumstances and growing traditions and may on no account be selective.*

**Amendment 369**

**James Nicholson**

**Proposal for a regulation**

**Article 56 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

**6. The Commission shall be empowered to adopt delegated acts, in accordance with Article 140, listing the genera or species with particular importance for the sustainable development of agriculture in the Union. Those genera or species shall be listed in accordance with the criteria set out in Part B of Annex IV.** **deleted**

Or. en

*Justification*

*It is unnecessary to have two type of VCU and the difference between ‘satisfactory’ and ‘sustainable’ is unclear. A better approach is to retain a single type of VCU and align it with sustainable objectives.*

**Amendment 370**

**Satu Hassi**

**Proposal for a regulation**

**Article 56 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

**6. The Commission shall be empowered to adopt delegated acts, in accordance with Article 140, listing the genera or species with particular importance for the sustainable development of agriculture in the Union. Those genera or species shall** **deleted**

*be listed in accordance with the criteria set out in Part B of Annex IV.*

Or. en

**Amendment 371**

**Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund**

**Proposal for a regulation**

**Article 56 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

**6. The Commission shall be empowered to adopt delegated acts, in accordance with Article 140, listing the genera or species with particular importance for the sustainable development of agriculture in the Union. Those genera or species shall be listed in accordance with the criteria set out in Part B of Annex IV.** **deleted**

Or. en

*Justification*

*This point makes it possible for the Commission to list the genera or species that are particularly important for the maintenance of rigorous agricultural standards in the Union. However, should such genera and species exist, they should be integrated into the body of the legislation. Delete paragraph 6.*

**Amendment 372**

**Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver**

**Proposal for a regulation**

**Article 56 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

**6. The Commission shall be empowered to adopt delegated acts, in accordance with Article 140, listing the genera or species with particular importance for the sustainable development of agriculture in** **deleted**

*the Union. Those genera or species shall be listed in accordance with the criteria set out in Part B of Annex IV.*

Or. de

*Justification*

*Member States must be free to decide independently which genera or varieties are of particular importance for the development of agriculture. Such decisions must take account of national circumstances and growing traditions and may on no account be selective.*

**Amendment 373**

**Christa Klaß**

**Proposal for a regulation**

**Article 57 – title**

*Text proposed by the Commission*

*Amendment*

Registration of varieties provided with an officially recognised description

Registration of varieties **and heterogeneous material** provided with an officially recognised description

Or. de

*Justification*

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

**Amendment 374**

**Christa Klaß**

**Proposal for a regulation**

**Article 57 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. A variety may be registered in a national variety register on the basis of an officially recognised description if one of the following conditions are complied with:

1. A variety **or heterogeneous material** may be registered in a national variety register on the basis of an officially recognised description if one of the

following conditions are complied with:

Or. de

*Justification*

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

**Amendment 375**

**Christa Klaß**

**Proposal for a regulation**

**Article 57 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) in case **the** variety had been previously **not** registered in a national variety register or in the Union variety register and plant reproductive material belonging to that variety has been made available on the market before the entry into force of this Regulation;

*Amendment*

(a) in case **it is a** variety **that** had **not** been previously registered in a national variety register or in the Union variety register and plant reproductive material belonging to that variety has been made available on the market before the entry into force of this Regulation;

Or. de

*Justification*

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

**Amendment 376**

**Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver**

**Proposal for a regulation**

**Article 57 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) in case the variety had been previously not registered in a national variety register or in the Union variety register **and plant**

*Amendment*

(a) in case the variety had been previously not registered in a national variety register



*reproductive material belonging to that variety has been made available on the market before the entry into force of this Regulation;*

or in the Union variety register,

Or. de

#### **Amendment 377**

**Corinne Lepage, Satu Hassi, Karin Kadenbach, Andrea Zanoni**

#### **Proposal for a regulation**

#### **Article 57 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

(a) in case the variety had been previously not registered in a national variety register or in the Union variety register *and plant reproductive material belonging to that variety has been made available on the market before the entry into force of this Regulation;*

(a) in case the variety had been previously not registered in a national variety register or in the Union variety register;

Or. en

#### *Justification*

*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. Therefore this limitation did not exist in the Commission green paper in July 2012. Any historic, geographic, or quantitative restrictions must be removed. Registration under ORD must be re-opened to all open pollinated plants not protected by IPRs.*

#### **Amendment 378**

**Christa Klaß**

#### **Proposal for a regulation**

#### **Article 57 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) in case *the* variety had been previously registered in any national variety register

(b) in case *it is a* variety *that* had been previously registered in any national

or in the Union variety register on the basis of a technical examination pursuant to Article 71, but has been deleted from those registers more than five years before the submission of the current application and would not fulfil the requirements laid down in Articles 60, 61 and 62 and, where applicable, Article 58(1) and Article 59(1).

variety register or in the Union variety register on the basis of a technical examination pursuant to Article 71 but **which** has been deleted from those registers more than five years before the submission of the current application and would not fulfil the requirements laid down in Articles 60, 61 and 62 and, where applicable, Article 58(1) and Article 59(1);

Or. de

#### *Justification*

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

#### **Amendment 379**

**Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver**

#### **Proposal for a regulation**

**Article 57 – paragraph 1 – point b**

#### *Text proposed by the Commission*

(b) in case the variety had been previously registered in any national variety register or in the Union variety register on the basis of a technical examination pursuant to Article 71, ***but has been deleted from those registers more than five years before the submission of the current application*** and would not fulfil the requirements laid down in Articles 60, 61 and 62 and, where applicable, Article 58(1) and Article 59(1).

#### *Amendment*

(b) in case the variety had been previously registered in any national variety register or in the Union variety register on the basis of a technical examination pursuant to Article 71 ***or*** would not fulfil the requirements laid down in Articles 60, 61 and 62 and, where applicable, Article 58(1) and Article 59(1).

Or. de

#### **Amendment 380**

**Corinne Lepage, Satu Hassi, Karin Kadenbach, Andrea Zanoni**

#### **Proposal for a regulation**

**Article 57 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) in case the variety had been previously registered in any national variety register or in the Union variety register on the basis of a technical examination pursuant to Article 71, but has been deleted from those registers ***more than five years before the submission of the current application and*** would not fulfil the requirements laid down in Articles 60, 61 and 62 and, where applicable, Article 58(1) and Article 59(1).

*Amendment*

(b) in case the variety had been previously registered in any national variety register or in the Union variety register on the basis of a technical examination pursuant to Article 71, but has been deleted from those registers ***or*** would not fulfil the requirements laid down in Articles 60, 61 and 62 and, where applicable, Article 58(1) and Article 59(1).

Or. en

*Justification*

*A waiting period of five years does not serve the public interest. In five years, a variety may be lost. A variety that has been taken off the register may still be of interest to users. Therefore a seed user should be able to reintroduce such a variety to the market. Unnecessary delays in registration must be avoided.*

**Amendment 381**

**Christa Klaß**

**Proposal for a regulation**

**Article 57 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) in case it is heterogeneous material as set out in Article 15a;***

Or. de

*Justification*

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

**Amendment 382**

**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

**Proposal for a regulation**  
**Article 57 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) in case the variety has been newly bred, it is of a species or type developed for specialised markets such as for organic production.***

Or. en

**Amendment 383**  
**Corinne Lepage, Andrea Zanoni**

**Proposal for a regulation**  
**Article 57 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) this variety has been obtained, selected and / or multiplied with traditional methods which respect natural crossing barriers.***

Or. en

**Amendment 384**  
**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

**Proposal for a regulation**  
**Article 57 – paragraph 1 – point b b (new)**

*Text proposed by the Commission*

*Amendment*

***(bb) in case it is a niche market variety as defined in Article 36.***

Or. en

**Amendment 385**  
**Christa Klaß**

**Proposal for a regulation**

**Article 57 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. In order to be registered on the basis of an officially recognised description, a variety shall comply, ***in addition to paragraph 1***, with the following conditions:

*Amendment*

2. In order to be registered on the basis of an officially recognised description, a variety ***in the meaning of paragraph 1 (a) and (b)*** shall comply with the following conditions:

Or. de

*Justification*

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

**Amendment 386**

**James Nicholson**

**Proposal for a regulation**

**Article 57 – paragraph 2 – point a**

*Text proposed by the Commission*

***(a) it is produced in the region(s) of origin;***

*Amendment*

***deleted***

Or. en

*Justification*

*It is unnecessary to have two type of VCU and the difference between ‘satisfactory’ and ‘sustainable’ is unclear. A better approach is to retain a single type of VCU and align it with sustainable objectives.*

**Amendment 387**

**Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver**

**Proposal for a regulation**

**Article 57 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

**(a) it is produced in the region(s) of origin;** **deleted**

Or. de

*Justification*

*It should be possible to produce rare or old varieties, for example for the niche market, in any region. It should be possible to register a variety irrespective of its place of origin.*

### **Amendment 388**

**Corinne Lepage, Satu Hassi, Karin Kadenbach, Andrea Zanoni**

#### **Proposal for a regulation**

**Article 57 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

**(a) it is produced in the region(s) of origin;** **deleted**

Or. en

*Justification*

*Confining the growth of a variety to its region of origin contradicts conservationist thinking. In some cases varieties are no longer cultivated in their region of origin, yet continue to flourish in other regions. In others, the region of origin is not known. In an era of accelerating climate change, it is unwise to limit varieties to certain regions. Also consider that neither wheat, nor the apple, nor the tomato, nor the potato originated in Europe.*

### **Amendment 389**

**Giancarlo Scottà**

#### **Proposal for a regulation**

**Article 57 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

**(a) it is produced in the region(s) of origin;** **(a) it has a region of origin;**

**Amendment 390**  
**Satu Hassi, Karin Kadenbach**

**Proposal for a regulation**  
**Article 57 – paragraph 2 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) a description of that variety is known to exist in literature or is accessible as traditional knowledge of local communities within the Union.***

Or. en

*Justification*

*This provision ensures that also traditional and local varieties which have never been registered can be used on the basis of an officially recognised description.*

**Amendment 391**  
**Christa Klaß**

**Proposal for a regulation**  
**Article 57 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. In order to be registered on the basis of an officially recognised description, heterogeneous material shall comply with the following conditions:***

***(a) the material is identifiable and described, including the breeding procedure and parental material used;***

***(b) the production scheme and the maintenance of the heterogeneous material is described and a sample has been made available;***

***(c) the accuracy of the officially recognised description is confirmed by the***

*results of an appropriate official examination by the competent authority on the basis of the sample.*

Or. de

*Justification*

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

**Amendment 392**

**Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver**

**Proposal for a regulation**

**Article 57 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. After the registration of a variety in a national variety register pursuant to paragraph 2(a), competent authorities may approve additional region(s) of origin for that variety.**

**deleted**

Or. de

*Justification*

*It should be possible to register a variety irrespective of its place of origin.*

**Amendment 393**

**Corinne Lepage, Satu Hassi, Karin Kadenbach, Andrea Zanoni**

**Proposal for a regulation**

**Article 57 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. After the registration of a variety in a national variety register pursuant to paragraph 2(a), competent authorities may approve additional region(s) of origin**

**deleted**



*for that variety.*

Or. en

*Justification*

*Confining the growth of a variety to its region of origin contradicts conservationist thinking. In some cases varieties are no longer cultivated in their region of origin, yet continue to flourish in other regions. In others, the region of origin is not known. In an era of accelerating climate change, it is unwise to limit varieties to certain regions. Also consider that neither wheat, nor the apple, nor the tomato, nor the potato originated in Europe.*

**Amendment 394**  
**Giancarlo Scottà**

**Proposal for a regulation**  
**Article 57 – paragraph 3**

*Text proposed by the Commission*

3. After the registration of a variety in a national variety register pursuant to paragraph 2(a), competent authorities may **approve** additional region(s) of origin for that variety.

*Amendment*

3. After the registration of a variety in a national variety register pursuant to paragraph 2(a), competent authorities may, **in agreement with the applicant, identify** additional region(s) of origin for that variety.

Or. it

**Amendment 395**  
**James Nicholson**

**Proposal for a regulation**  
**Article 57 – paragraph 4 – introductory part**

*Text proposed by the Commission*

4. The officially recognised description shall comply with the following requirements:

*Amendment*

4. **For varieties referred to paragraphs 1 (a) and (b)**, the officially recognised description shall comply with the following requirements:

Or. en

**Amendment 396**  
**Andrea Zanoni**

**Proposal for a regulation**  
**Article 57 – paragraph 4 – point a**

*Text proposed by the Commission*

(a) it is based, where available, on information from plant genetic resources authorities or from organisations recognised for that purpose by the Member States; and

*Amendment*

(a) it is based, where available, on information from plant genetic resources authorities or from organisations recognised for that purpose by the Member States, ***or it is based on a description delivered by the applicant which complies with the respective technical requirement;*** and

Or. en

*Justification*

*The ‘region of origin’ concept cannot be applied for most varieties, as often the region of origin is unknown or the variety is not anymore maintained in the region of origin.*

**Amendment 397**  
**Giancarlo Scottà**

**Proposal for a regulation**  
**Article 57 – paragraph 4 – point a**

*Text proposed by the Commission*

(a) it is based, where available, on information from plant genetic resources authorities or from organisations recognised for that purpose by the Member States; ***and***

*Amendment*

(a) it is based, where available, on information from plant genetic resources authorities or from organisations recognised for that purpose by the Member States; ***or***

Or. it

**Amendment 398**  
**Giancarlo Scottà**

**Proposal for a regulation**  
**Article 57 – paragraph 4 – point b**

*Text proposed by the Commission*

(b) ***its accuracy is supported by*** the results of previous official inspections or unofficial examinations or knowledge gained from practical experience during cultivation, reproduction and use.

*Amendment*

(b) ***it is based on*** the results of previous official inspections or unofficial examinations or knowledge gained from practical experience during cultivation, reproduction and use.

Or. it

**Amendment 399**  
**Satu Hassi, Karin Kadenbach**

**Proposal for a regulation**  
**Article 57 – paragraph 4 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) in the case of a newly bred variety, the description delivered by the applicant is examined for correctness according to the respective technical guidance by the competent authority.***

Or. en

*Justification*

*The version of this article in the Commission proposal restricts the registration of varieties on the basis of an officially recognised description to conservation varieties. This is a step back as compared to the current situation which allows the registration of new bred varieties as ‘amateur varieties’.*

**Amendment 400**  
**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

**Proposal for a regulation**  
**Article 57 – paragraph 4 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) the hybrid material shall be identifiable and described, including the breeding scheme and parental material used.***

Or. en

*Justification*

*The transparency of plant breeding and subsequent production of new varieties is central to ensuring a broad genetic pool within the seeds industry. Detailing parent lines of hybrids will ensure that knowledge is transferred across the industry benefitting breeders both large and small*

**Amendment 401**

**James Nicholson**

**Proposal for a regulation**

**Article 58 – title**

*Text proposed by the Commission*

*Amendment*

***Satisfactory*** value for cultivation and/or use

Value for cultivation and/or use

Or. en

*Justification*

*It is unnecessary to have two type of VCU and the difference between ‘satisfactory’ and ‘sustainable’ is unclear. A better approach is to retain a single type of VCU and align it with sustainable objectives.*

**Amendment 402**

**James Nicholson**

**Proposal for a regulation**

**Article 58 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. For the purpose of paragraph 2(b) of

1. For the purpose of paragraph 2(b) of

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Article 56, varieties shall be deemed to have a **satisfactory** value for cultivation and/or use if, compared to other varieties examined under similar agro-climatic conditions and similar production systems, their characteristics, taken as a whole, offer, at least as far as production in any region is concerned, a clear improvement either for cultivation in general or for the specific uses which can be made of the crops or the products derived therefrom.

Article 56, varieties shall be deemed to have a value for cultivation and/or use if, compared to other varieties examined under similar agro-climatic conditions and similar production systems, their characteristics, taken as a whole, offer, at least as far as production in any region is concerned, a clear improvement either for cultivation in general or for the specific uses which can be made of the crops or the products derived therefrom.

Or. en

#### **Amendment 403**

**Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver**

#### **Proposal for a regulation**

#### **Article 58 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Those varieties in particular which play a significant role in connection with climate change and the environment and/or regional markets or organic farming shall be deemed to have a satisfactory value for cultivation and/or use.***

Or. de

#### **Amendment 404**

**Corinne Lepage, Satu Hassi, Karin Kadenbach, Andrea Zanoni**

#### **Proposal for a regulation**

#### **Article 58 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The design, criteria and conditions of examination shall take into account the targeted use of the variety, in particular as regards climatic and environmental***

***conditions and/or low input or organic farming conditions.***

Or. en

*Justification*

*For varieties bred for organic farming or low input agriculture, the conditions of any examinations should take into account their particularities, as these varieties can perform differently in growth and yield under standardised conventional fertiliser application, as they are usually bred to be more robust and resilient to non-standardised conditions of nutrient availability, for example.*

**Amendment 405**  
**James Nicholson**

**Proposal for a regulation**  
**Article 58 – paragraph 2 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

Member States shall adopt rules concerning the examinations to determine the ***satisfactory*** value for cultivation and/or use of the varieties to be registered in their national variety register. Those rules shall concern the characteristics of the varieties in one or more of the following areas:

*Amendment*

Member States shall adopt rules concerning the examinations to determine the value for cultivation and/or use of the varieties to be registered in their national variety register. Those rules shall concern the characteristics of the varieties in one or more of the following areas:

Or. en

**Amendment 406**  
**James Nicholson**

**Proposal for a regulation**  
**Article 58 – paragraph 2 – subparagraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) resistance to pests;***

Or. en

**Amendment 407**  
**James Nicholson**

**Proposal for a regulation**  
**Article 58 – paragraph 2 – subparagraph 1 – point b b (new)**

*Text proposed by the Commission*

*Amendment*

***(bb) decreased content of undesirable substances; or***

Or. en

**Amendment 408**  
**James Nicholson**

**Proposal for a regulation**  
**Article 58 – paragraph 2 – subparagraph 1 – point b c (new)**

*Text proposed by the Commission*

*Amendment*

***(bc) increased adaptation to divergent agro-climatic environment.***

Or. en

*Justification*

*Updates VCU requirements to take account of sustainability.*

**Amendment 409**  
**James Nicholson**

**Proposal for a regulation**  
**Article 59**

*Text proposed by the Commission*

*Amendment*

***Article 59***

***deleted***

***Sustainable value for cultivation and/or use***

***1. For the purpose of paragraph 2(c) and paragraph 3(c) of Article 56, varieties shall be deemed to have a sustainable***

*value for cultivation and/or use if, compared to other varieties examined under similar agro-climatic conditions and similar production systems, their characteristics, taken as a whole, offer, at least as far as susceptibility to pests, input of resources, susceptibility to undesirable substances or adaptation to divergent agro-climatic conditions are concerned, a clear improvement either for cultivation in general or for the specific uses which can be made of the crops or the products derived there from.*

*2. The Commission shall be empowered to adopt delegated acts, in accordance with Article 140, setting out rules concerning the examinations to determine the sustainable value for cultivation and/or use of the varieties. Those rules shall concern the characteristics of the varieties in one or more of the following areas:*

*(a) resistance to pests;*

*(b) reduced need for input of specific resources;*

*(c) decreased content of undesirable substances; or*

*(d) increased adaptation to divergent agro-climatic environment.*

*Those rules shall take into account, where applicable, the available technical protocols.*

Or. en

*Justification*

*Unnecessary given the amendments changing the VCU.*

**Amendment 410**

**Corinne Lepage, Satu Hassi, Karin Kadenbach**

**Proposal for a regulation**

**Article 60 – paragraph 1**



*Text proposed by the Commission*

1. For the purposes of the official description, referred to in point (a) of Article 56(2) and (3), a variety shall be deemed to be distinct, if it is clearly distinguishable, by reference to the expression of **the characteristics** that results from a particular genotype or combination of genotypes, from any other variety whose existence is commonly known on the date of the application determined pursuant to Article 70.

*Amendment*

1. For the purposes of the official description, referred to in point (a) of Article 56(2) and (3), a variety shall be deemed to be distinct, if it is clearly distinguishable, by reference to the expression of **at least one characteristic** that results from a particular genotype or combination of genotypes, from any other variety whose existence is commonly known on the date of the application determined pursuant to Article 70, **whereas the variety type and mode of reproduction is recognised as a characteristic of distinctness.**

Or. en

*Justification*

*Open pollinated varieties are of great importance for organic farming, for example. Also for species and genera where hybrids are prevailing nowadays, the marketing of open pollinated varieties must remain possible.*

**Amendment 411**

**Martin Kastler, Elisabeth Köstinger**

**Proposal for a regulation**

**Article 60 – paragraph 1**

*Text proposed by the Commission*

1. For the purposes of the official description, referred to in point (a) of Article 56(2) and (3), a variety shall be deemed to be distinct, if it is **clearly** distinguishable, by reference to **the** expression of the characteristics that results from a particular genotype or combination of genotypes, from any other variety whose existence is commonly known on the date of the application determined pursuant to Article 70.

*Amendment*

1. For the purposes of the official description, referred to in point (a) of Article 56(2) and (3), a variety shall be deemed to be distinct, if it is distinguishable, by reference to **an** expression of the characteristics that results from a particular genotype or combination of genotypes, from any other variety whose existence is commonly known on the date of the application determined pursuant to Article 70. **Variety and means of reproduction shall be recognised as**

*distinguishing criteria.*

Or. de

**Amendment 412**

**Andrea Zanoni**

**Proposal for a regulation**

**Article 60 – paragraph 1**

*Text proposed by the Commission*

1. For the purposes of the official description, referred to in point (a) of Article 56(2) and (3), a variety shall be deemed to be distinct, if it is clearly distinguishable, by reference to the expression of ***the*** characteristics that results from a particular genotype or combination of genotypes, from any other variety whose existence is commonly known on the date of the application determined pursuant to Article 70.

*Amendment*

1. For the purposes of the official description, referred to in point (a) of Article 56(2) and (3), a variety shall be deemed to be distinct, if it is clearly distinguishable, by reference to the expression of ***one or more characteristics, including the variety type or mode of reproduction, or a frequency of*** characteristics, that results from a particular genotype or combination of genotypes from any other variety whose existence is commonly known on the date of the application determined pursuant to Article 70.

Or. en

*Justification*

*Open pollinated varieties are distinct from for example hybrid varieties, this must be recognised as a characteristic of distinctness. Distinctness must not necessarily be based on a uniform characteristic, but may also be based on a specific frequency of characteristics.*

**Amendment 413**

**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

**Proposal for a regulation**

**Article 60 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) that variety is included in ***a national***

*Amendment*

(a) that variety is included in ***an official***

variety register *or in a Union variety register*;

variety register *in any country*;

Or. en

#### **Amendment 414**

**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

#### **Proposal for a regulation**

#### **Article 60 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

(b) an application has been filed for registration of that variety in *a national variety register pursuant to Article 66, or in the Union variety register pursuant to Article 95(1), or for the granting of a plant variety right in respect of that variety in the Union*;

(b) an application has been filed for registration of that variety in *an official variety register, or for the granting of a plant variety right in respect of that variety in any country, as long as the application entails entrance into the official variety register or the granting of a plant variety right*;

Or. en

*Justification*

*This will lead to simplification and minimise costs for professional operators*

#### **Amendment 415**

**Satu Hassi, Karin Kadenbach**

#### **Proposal for a regulation**

#### **Article 60 – paragraph 2 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

*(ca) a description of that variety is known to exist in literature or is accessible as traditional knowledge of local communities within the Union*

Or. en

### *Justification*

*Article 60 deals with distinctness, but does not allow for reference to literature or traditional knowledge. Therefore traditional literature and knowledge should be considered valid references for the distinctiveness of varieties.*

#### **Amendment 416**

**Satu Hassi, Karin Kadenbach**

#### **Proposal for a regulation**

#### **Article 61 – paragraph 1**

##### *Text proposed by the Commission*

For the purposes of the official description, referred to in point (a) of Article 56(2) and (3), a variety shall be deemed to be uniform if, subject to the variation that may be expected from the particular features of its reproduction and type, it is sufficiently uniform in the expression of those characteristics which are ***included in*** the examination for distinctness, as well as in the expression of any other characteristics used for its official description.

##### *Amendment*

For the purposes of the official description, referred to in point (a) of Article 56(2) and (3), a variety shall be deemed to be uniform if, subject to the variation that may be expected from the particular features of its reproduction and type, it is sufficiently uniform in the expression of those characteristics which are ***necessary to pass*** the examination for distinctness, as well as in the expression of any other characteristics used for its official description.

Or. en

#### **Amendment 417**

**Corinne Lepage**

#### **Proposal for a regulation**

#### **Article 61 – paragraph 1**

##### *Text proposed by the Commission*

For the purposes of the official description, referred to in point (a) of Article 56(2) and (3), a variety shall be deemed to be uniform if, subject to the variation that may be expected from the particular features of its reproduction and type, it is sufficiently uniform in the expression of those

##### *Amendment*

For the purposes of the official description, referred to in point (a) of Article 56(2) and (3), a variety shall be deemed to be uniform if, subject to the variation that may be expected from the particular features of its reproduction and type, it is sufficiently uniform in the expression of those

characteristics which are included in the examination for distinctness, as well as in the expression of any other characteristics used for its official description.

characteristics which are included in the examination for distinctness, as well as in the expression of any other characteristics used for its official description. ***The respective trial designs shall take into account:***

***a) reference varieties must be equal to the tested variety regarding the particular features of its variety type and mode of reproduction;***

***b) in case of open pollinated varieties for which no variety protection is applied for, no more than 20 characteristics in total should be assessed, all of which should be relevant characteristics for the final user.***

Or. en

#### **Amendment 418**

**Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver**

#### **Proposal for a regulation**

#### **Article 61 – paragraph 1**

##### *Text proposed by the Commission*

For the purposes of the official description, referred to in point (a) of Article 56(2) and (3), a variety shall be deemed to be uniform if, subject to the variation that may be expected from the particular features of its reproduction and type, it is sufficiently uniform in the expression of those characteristics which are included in the examination for distinctness, as well as in the expression of ***any*** other characteristics used for its official description.

##### *Amendment*

For the purposes of the official description, referred to in point (a) of Article 56(2) and (3), a variety shall be deemed to be uniform if, subject to the variation that may be expected from the particular features of its reproduction and type ***or to variation within the variety***, it is sufficiently uniform in the expression of those characteristics which are included in the examination for distinctness, as well as in the expression of other characteristics used for its official description.

Or. de

##### *Justification*

*Features may vary substantially within a variety, so that the definition of variation must take account of all possible features and expressions of features.*

**Amendment 419**  
**Andrea Zanoni**

**Proposal for a regulation**  
**Article 61 – paragraph 1**

*Text proposed by the Commission*

For the purposes of the official description, referred to in point (a) of Article 56(2) and (3), a variety shall be deemed to be uniform if, subject to the variation that may be expected from the particular features of its reproduction and type, it is sufficiently uniform in the expression of **those** characteristics which are **included in the examination for distinctness, as well as in the expression of any other characteristics used for its official description.**

*Amendment*

For the purposes of the official description, referred to in point (a) of Article 56(2) and (3), a variety shall be deemed to be uniform if, subject to the variation that may be expected from the particular features of its **mode of** reproduction and **variety** type, it is sufficiently uniform in the expression of characteristics which are **of importance for the end user and used for its official description, whereas it is ensured that varieties are compared to an equal variety type in the examinations.**

Or. en

*Justification*

*To ensure fair market access for all variety types, it must be ensured that varieties are compared with equal types, as it is unacceptable that open pollinated varieties fail uniformity tests due to the fact that they are compared with hybrid varieties. Only characteristics that are relevant for the agronomic use of the variety and are used in the official description should be examined for uniformity.*

**Amendment 420**  
**Satu Hassi, Karin Kadenbach**

**Proposal for a regulation**  
**Article 61 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***The respective examination designs shall take into account that reference varieties must be equal to the tested variety regarding the particular features of its variety type and mode of reproduction.***

*Justification*

*Open pollinated varieties are of great importance for example for organic farming. Also for species and genera where hybrid varieties are prevailing nowadays, the marketing of open pollinated varieties must remain possible. Many hybrid varieties bred for conventional farming are very similar and can only be distinguished by minor characteristics, therefore a huge number of characteristics which are often not of interest for the end user are examined in order to define uniformity.*

**Amendment 421****Corinne Lepage, Satu Hassi, Karin Kadenbach****Proposal for a regulation****Article 62 – paragraph 1***Text proposed by the Commission*

For the purposes of the official description referred to in point (a) of Article 56(2) and (3), a variety shall be deemed to be stable if the expression of those characteristics which are included in the examination for distinctness, as well as any other characteristics used for the variety description, remains unchanged after repeated reproduction or, in the case of cycles of reproduction, at the end of each such cycle.

*Amendment*

For the purposes of the official description referred to in point (a) of Article 56(2) and (3), a variety shall be deemed to be stable if the expression of those characteristics which are included in the examination for distinctness, as well as any other characteristics used for the variety description, remains ***in principle*** unchanged after repeated reproduction or, in the case of cycles of reproduction, at the end of each such cycle. ***Variations that can be attributed to the particular features of its variety type, mode of reproduction or changed environmental conditions are to be accepted.***

*Justification*

*Open pollinated varieties are of great importance for example for organic farming. Also for species and genera where hybrid varieties are prevailing nowadays, the marketing of open pollinated varieties must remain possible. Hybrids for example are by definition never stable in the F2 generation.*

## Amendment 422

Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

### Proposal for a regulation

#### Article 62 – paragraph 1

##### *Text proposed by the Commission*

For the purposes of the official description referred to in point (a) of Article 56(2) and (3), a variety shall be deemed to be stable if the expression of those characteristics which are included in the examination for distinctness, as well as any other characteristics used for the variety description, remains unchanged after repeated reproduction or, in the case of cycles of reproduction, at the end of each such cycle.

##### *Amendment*

For the purposes of the official description referred to in point (a) of Article 56(2) and (3), a variety shall be deemed to be stable if the expression of those characteristics which are included in the examination for distinctness, as well as any other characteristics used for the variety description, remains ***fundamentally*** unchanged after repeated reproduction or, in the case of cycles of reproduction, at the end of each such cycle. ***Variations within a variety which constitute adaptations to changed environmental conditions shall be accepted in the official examination.***

Or. de

## Amendment 423

Andrea Zanoni

### Proposal for a regulation

#### Article 62 – paragraph 1

##### *Text proposed by the Commission*

For the purposes of the official description referred to in point (a) of Article 56(2) and (3), a variety shall be deemed to be stable if the expression of those characteristics which are included in the examination for distinctness, as well as any other characteristics used for the variety description, remains unchanged after repeated reproduction or, in the case of cycles of reproduction, at the end of each such cycle.

##### *Amendment*

For the purposes of the official description referred to in point (a) of Article 56(2) and (3), a variety shall be deemed to be stable if the expression of those characteristics which are included in the examination for distinctness, as well as any other characteristics used for the variety description, remains ***mainly*** unchanged after repeated reproduction or, in the case of cycles of reproduction, at the end of each such cycle, ***subject to the variation that may be expected from the particular features of its mode of reproduction and***



*variety type or from local conditions.*

Or. en

*Justification*

*Open pollinated varieties sometimes fail stability tests due to the fact that they are compared with hybrid varieties. To ensure fair market access for all variety types, it must be ensured that varieties are compared with equal types and that changes in local conditions (soil, climate) are taken into consideration.*

**Amendment 424**  
**James Nicholson**

**Proposal for a regulation**  
**Article 63 – paragraph 1**

*Text proposed by the Commission*

If a variety has been granted a plant variety right pursuant to Article 62 of Regulation (EC) No 2100/1994, or pursuant to the legislation of a Member State, that variety shall be deemed to be distinct, uniform and stable, for the purpose of the official description as referred to in point (a) of Article 56(2) and (3) and to have a suitable denomination for the purposes of point (a) of Article 56(1).

*Amendment*

If a variety has been granted a plant variety right pursuant to Article 62 of Regulation (EC) No 2100/1994, or pursuant to the legislation of a Member State, that variety shall be deemed to be distinct, uniform and stable, for the purpose of the official description as referred to in point (a) of Article 56(2) and (3) and to have a suitable denomination for the purposes of point (a) of Article 56(1) ***or species not subject to the requirements of Article 56(2)(b) and Article 56 for value for cultivation or use, a variety granted a plant variety right shall be added without further consideration to the national or Union register as appropriate under Articles 51 and 52. For species without a VCU requirement, the requirements for variety registration are met by the requirements for plant variety rights, making a separate application an unnecessary burden.***

Or. en

*Justification*

*For species without a VCU requirement, the requirements for variety registration are met by*

*the requirements for plant variety rights, making a separate application an unnecessary burden.*

#### **Amendment 425**

**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

#### **Proposal for a regulation**

#### **Article 63 – paragraph 1**

##### *Text proposed by the Commission*

If a variety has been granted a plant variety right pursuant to Article 62 of Regulation (EC) No 2100/1994, or pursuant to the legislation of a Member State, that variety shall be deemed to be distinct, uniform and stable, for the purpose of the official description as referred to in point (a) of Article 56(2) and (3) and to have a suitable denomination for the purposes of point (a) of Article **56(1)**.

##### *Amendment*

If a variety has been granted a plant variety right pursuant to Article 62 of Regulation (EC) No 2100/1994, or pursuant to the legislation of a Member State, that variety shall be deemed to be distinct, uniform and stable, for the purpose of the official description as referred to in point (a) of Article 56(2) and (3) and to have a suitable denomination for the purposes of point (a) of Article **56(1)**. ***For those species not subject to the requirements of Article 56(2)(b) and Article 56 for value for cultivation or use, a variety granted a plant variety right shall be added directly to the national or Union register as appropriate under Articles 51 and 52.***

Or. en

##### *Justification*

*A separate application for variety registration is an unnecessarily burdensome*

#### **Amendment 426**

**Giancarlo Scottà**

#### **Proposal for a regulation**

#### **Article 63 – paragraph 1 – subparagraph 1 a (new)**

##### *Text proposed by the Commission*

##### *Amendment*

***If a variety is included in a national variety register pursuant to Article 51, it shall be deemed to be distinct, uniform***

***and stable for the purpose of the recognition of the plant variety right pursuant to Regulation (EC) No 2100/1994 and shall be deemed to have a suitable denomination for the purpose of Article 63 of that Regulation.***

Or. it

*Justification*

*This new paragraph interlinks plant variety rights with inclusion on national registers.*

**Amendment 427**

**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

**Proposal for a regulation**

**Article 64 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. For the purposes of point (a) of Article 56(1), the denomination of a variety shall ***not be deemed suitable if:***

*Amendment*

1. For the purposes of point (a) of Article 56(1), the denomination of a variety shall ***comply with Article 63 of Regulation 2100/94 and the CPVO Guidelines on variety denomination***<sup>21e</sup>

<sup>21e</sup> *OJ L 227, 1.9.1994, p. 1 - 30*

Or. en

*Justification*

*Reference to article 63 of Regulation 2100/94 and CPVO Guidelines should be enough to ensure the same criteria is used for denomination. This is in order to have full harmonisation between plant breeders' rights requirements and variety registration.*

**Amendment 428**

**Giancarlo Scottà**

**Proposal for a regulation**

**Article 64 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. For the purposes of point (a) of Article 56(1), the denomination of a variety shall not be deemed suitable if:

1. ***The denomination of a variety may be expressed in the form of a code or an invented name.*** For the purposes of point (a) of Article 56(1), the denomination of a variety shall not be deemed suitable if:

Or. it

*Justification*

*This addition paves the way for paragraph 4(e).*

#### **Amendment 429**

**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

#### **Proposal for a regulation**

**Article 64 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

***(a) its use in the territory of the Union is precluded by the prior right of a third party;*** ***deleted***

Or. en

#### **Amendment 430**

**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

#### **Proposal for a regulation**

**Article 64 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

***(b) it may commonly cause its users difficulties as regards recognition or reproduction;*** ***deleted***

Or. en

**Amendment 431**

**Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund**

**Proposal for a regulation**

**Article 64 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

***(b) it may commonly cause its users difficulties as regards recognition or reproduction;*** ***deleted***

Or. en

*Justification*

*This paragraph unreasonably expects competent authorities to act as users. It would be a shame to restrict creativity by changing the names of the varieties. A Hungarian user may struggle to reproduce ‘Llangefni’, but not the Walisian inhabitant of the town of that name. Similarly, ‘Търговище’ might be difficult to reproduce for a French user, but not for a Bulgarian inhabitant of the town of that name. Delete this paragraph.*

**Amendment 432**

**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

**Proposal for a regulation**

**Article 64 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

***(c) it is identical to, or may be confused with, a variety denomination under which another variety of the same or of a closely related species is entered in a national variety register or in the Union variety register, or under which material of another variety has been made available on the market in a Member State or in a Member of the International Union for the Protection of New Varieties of Plants, unless that other variety no longer remains in existence and its denomination has acquired no special significance;*** ***deleted***

Or. en

**Amendment 433**

**Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund**

**Proposal for a regulation**

**Article 64 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) it is identical to, or may be confused with, a variety denomination under which another variety of the same or of a closely related species is entered in a national variety register or in the Union variety register, or under which material of another variety has been made available on the market in a Member State or in a Member of the International Union for the Protection of New Varieties of Plants, unless that other variety no longer remains in existence and its denomination has acquired no special significance;

*Amendment*

(c) it is identical to, or may be confused with, a variety denomination under which another variety of the same or of a closely related species is entered in a national variety register or in the Union variety register, or under which material of another variety has been made available on the market in a Member State or in a Member of the International Union for the Protection of New Varieties of Plants, unless that other variety no longer remains in existence and its denomination has acquired no special significance; ***or the name of that variety is known to exist in literature or is accessible as traditional knowledge of local communities within the Union;***

Or. en

*Justification*

*Paragraph 1(c) of article 64 does not take into consideration names that are preserved in literature or in the traditions of a place. Traditional literature and knowledge shall be considered valid references of varieties' names.*

**Amendment 434**

**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

**Proposal for a regulation**

**Article 64 – paragraph 1 – point d**

*Text proposed by the Commission*

***(d) it is identical to, or may be confused with, other designations which are***

*Amendment*

***deleted***

*commonly used for the making available on the market of goods or which have to be kept free pursuant to other Union legislation;*

Or. en

**Amendment 435**

**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

**Proposal for a regulation**

**Article 64 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

*(e) it is liable to give offence in one of the Member States or is contrary to public order;*      *deleted*

Or. en

**Amendment 436**

**Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund**

**Proposal for a regulation**

**Article 64 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

*(e) it is liable to give offence in one of the Member States or is contrary to public order;*      *(e) it is contrary to public order;*

Or. en

*Justification*

*This paragraph requires that Members States shall deal with denominations validated by other Member States, in that language. However, it is impossible for a competent authority to employ experts for every language of the Union.*

**Amendment 437**

**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

**Proposal for a regulation**

**Article 64 – paragraph 1 – point f**

*Text proposed by the Commission*

*Amendment*

*(f) it is liable to mislead or to cause confusion concerning the characteristics, the value or the identity of the variety, or the identity of the breeder.*

*deleted*

Or. en

**Amendment 438**

**Giancarlo Scottà**

**Proposal for a regulation**

**Article 64 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*1a. For the purposes of Article 57, where a variety is produced in an adaptation area, the denomination of that variety shall not be deemed suitable if it bears geographical references. This paragraph shall not apply where the variety in question is used as one of the products covered by Regulation (EU) No 1151/2012<sup>21f</sup>.*

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<sup>21f</sup>OJ L 343, 14.12.2012, p. 1.

Or. it

**Amendment 439**

**Giancarlo Scottà**

**Proposal for a regulation**

**Article 64 – paragraph 2**



*Text proposed by the Commission*

2. Without prejudice to **paragraph 1**, if a variety is already registered in other national variety registers, or in the Union variety register, the denomination shall only be deemed suitable if it is identical to that appearing in those registrations.

*Amendment*

2. Without prejudice to **paragraphs 1 and 1a**, if a variety is already registered in other national variety registers, or in the Union variety register, the denomination shall only be deemed suitable if it is identical to that appearing in those registrations.

Or. it

#### **Amendment 440**

**Satu Hassi, Karin Kadenbach**

#### **Proposal for a regulation**

#### **Article 64 – paragraph 4**

*Text proposed by the Commission*

**4. The Commission shall be empowered to adopt delegated acts, in accordance with Article 140, setting out specific rules concerning the suitability of variety denominations. Those rules may concern:**

**(a) their relation to denominations of trademarks;**

**(b) their relation to geographical indications or designations of origin for agricultural products;**

**(c) written consents of holders of prior rights to remove impediments to the suitability of a denomination;**

**(d) specific criteria to determine whether a denomination is misleading or confusing as referred to in paragraph 1(f); and**

**(e) the use of a denomination in the form of a code.**

*Amendment*

**deleted**

Or. en

## Amendment 441

James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling

### Proposal for a regulation

#### Article 64 – paragraph 4

*Text proposed by the Commission*

*Amendment*

**4. The Commission shall be empowered to adopt delegated acts, in accordance with Article 140, setting out specific rules concerning the suitability of variety denominations. Those rules may concern:**

**deleted**

**(a) their relation to denominations of trademarks;**

**(b) their relation to geographical indications or designations of origin for agricultural products;**

**(c) written consents of holders of prior rights to remove impediments to the suitability of a denomination;**

**(d) specific criteria to determine whether a denomination is misleading or confusing as referred to in paragraph 1(f); and**

**(e) the use of a denomination in the form of a code.**

Or. en

## Amendment 442

Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver

### Proposal for a regulation

#### Article 64 – paragraph 4 – introductory part

*Text proposed by the Commission*

*Amendment*

**4. The Commission shall be empowered to adopt delegated acts, in accordance with Article 140, setting out specific rules concerning the suitability of variety denominations. Those rules may concern:**

**4. The Council and Parliament may adopt under the ordinary legislative procedure provisions specifying the suitability of variety denominations. Those provisions shall concern:**

**Amendment 443**  
**Satu Hassi, Karin Kadenbach**

**Proposal for a regulation**  
**Part III – title IV – chapter III – section 2**

*Text proposed by the Commission*

*Amendment*

*Clones*

*deleted*

***Registration requirements for clones***

***1. A clone may be included in the national variety register, or in the Union variety register, only if it complies with the following requirements:***

***(a) it belongs to genera or species which have a particular value for particular market sectors and listed pursuant to paragraph 3;***

***(b) it belongs to a variety registered in a national variety register pursuant to Chapter IV or in the Union variety register pursuant to Chapter V;***

***(c) it has been subject to genetic selection;***

***(d) it bears a suitable denomination.***

***2. For the purpose of establishing whether a denomination is suitable as referred to in paragraph 1(d) of this Article, the provisions of Article 64 shall apply with the necessary modifications. References made in Article 64 to varieties shall be construed as references to clones.***

***3. The Commission shall be empowered to adopt delegated acts, in accordance with Article 140, listing the genera or species, the clones of which have a particular value for particular market sectors.***

***4. The Commission shall be empowered to adopt delegated acts, in accordance with Article 140, setting out the following:***

*(a) that clones belonging to particular genera or species shall be subject to sanitary selection for the purpose of inclusion in a national variety register or in the Union variety register; and*

*(b) the requirements for the sanitary selection referred to in point (a);*

Or. en

#### **Amendment 444**

**Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver**

#### **Proposal for a regulation**

#### **Article 65 – 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, the clones of which have a particular value for particular market sectors.** *deleted*

Or. de

#### *Justification*

*The listing of genera or species the clones of which have a particular value for particular market sectors constitutes discrimination against other varieties or clones.*

#### **Amendment 445**

**Giancarlo Scottà**

#### **Proposal for a regulation**

#### **Article 66 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

**1. Any person** may submit to the competent authority an application for registration of a variety in the national variety register.

**1. Breeders or their representatives** may submit to the competent authority an application for registration of a variety in the national variety register.

*Justification*

*The term 'any person' is too vague. This amendment re-establishes a functional link between the variety and those submitting applications for registration.*

**Amendment 446**

**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

**Proposal for a regulation**

**Article 66 – paragraph 2**

*Text proposed by the Commission*

2. The application referred to in paragraph 1 shall be submitted in writing. ***That submission may take place*** electronically.

*Amendment*

2. The application referred to in paragraph 1 shall be submitted in writing ***or*** electronically.

Or. en

**Amendment 447**

**Satu Hassi, Karin Kadenbach**

**Proposal for a regulation**

**Article 67 – paragraph 1 – point k a (new)**

*Text proposed by the Commission*

*Amendment*

***(ka) where applicable, the indication that the variety has been bred using non-traditional breeding methods, including an enumeration of all the methods used for obtaining that variety;***

Or. en

*Justification*

*Users must be enabled to make informed choices. It is essential that farmers know about breeding methods, especially as certain methods may not be compatible with the farmers' philosophy or with farming systems such as organic farming. Therefore breeding methods not known in the literature before 1930 should be indicated.*

**Amendment 448**  
**Andrea Zanoni**

**Proposal for a regulation**  
**Article 67 – paragraph 1 – point m a (new)**

*Text proposed by the Commission*

*Amendment*

***(ma) the methods and breeding techniques by which the variety was obtained;***

Or. en

*Justification*

*Organic breeders and some end users refuse certain breeding techniques (e.g. protoplast fusion, CMS). To ensure freedom of choice, the breeding methods must be made transparent.*

**Amendment 449**  
**Satu Hassi, Karin Kadenbach**

**Proposal for a regulation**  
**Article 67 – 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 additional items to be included in the application for particular genera or species, in relation with the particular features of the varieties belonging to those genera or species.***      ***deleted***

Or. en

*Justification*

*The Commission shall include important elements in the core of the text and not in delegated acts.*

**Amendment 450**  
**Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver**

**Proposal for a regulation**  
**Article 67 – 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 additional items to be included in the application for particular genera or species, in relation with the particular features of the varieties belonging to those genera or species.** **deleted**

Or. de

**Amendment 451**  
**Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver**

**Proposal for a regulation**  
**Article 68**

*Text proposed by the Commission*

*Amendment*

**Article 68** **deleted**

**Application format**

**The Commission shall adopt, by means of implementing acts, the format of the application referred to in Article 66. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(3).**

Or. de

**Amendment 452**  
**Karin Kadenbach**

**Proposal for a regulation**  
**Article 68 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

***The Commission shall adopt, by means of implementing acts, the format of the application referred to in Article 66. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 141(3).***      ***deleted***

Or. en

*Justification*

*Problem: National actors are used to working with national forms. Since an operator may register directly in the Union register, it would be a waste of time and of public funding to have the same application format in all EU countries.*

**Amendment 453**  
**Karin Kadenbach**

**Proposal for a regulation**  
**Article 69 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

(a) the content requirements laid down in Article 67; ***and***

(a) the content requirements laid down in Article 67

Or. en

*Justification*

*This article refers to article 68 which shall be deleted.*

**Amendment 454**  
**Karin Kadenbach**

**Proposal for a regulation**  
**Article 69 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

***(b) the format adopted pursuant to Article***      ***deleted***



68.

Or. en

*Justification*

*This article refers to article 68 which shall be deleted.*

**Amendment 455**

**Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver**

**Proposal for a regulation**

**Article 69 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

*(b) the format adopted pursuant to Article 68. deleted*

Or. de

**Amendment 456**

**Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver**

**Proposal for a regulation**

**Article 69 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

*2. If the application does not comply with the requirements laid down in Article 67 or the format adopted pursuant to Article 68, the competent authority shall give the applicant the possibility to make its application compliant within a given time. deleted*

Or. de

**Amendment 457**

**Karin Kadenbach**

**Proposal for a regulation**  
**Article 69 – paragraph 2**

*Text proposed by the Commission*

2. If the application does not comply with the requirements laid down in Article 67 *or the format adopted pursuant to Article 68*, the competent authority shall give the applicant the possibility to make its application compliant within a given time.

*Amendment*

2. If the application does not comply with the requirements laid down in Article 67 the competent authority shall give the applicant the possibility to make its application compliant within a given time.

Or. en

*Justification*

*This article refers to article 68 which shall be deleted.*

**Amendment 458**  
**Karin Kadenbach**

**Proposal for a regulation**  
**Article 70 – paragraph 1**

*Text proposed by the Commission*

The date of application for registration shall be the date on which an application complying with the content requirements laid down in Article 67 *and the format adopted pursuant to Article 68* was submitted to the competent authority.

*Amendment*

The date of application for registration shall be the date on which an application complying with the content requirements laid down in Article 67 was submitted to the competent authority.

Or. en

*Justification*

*This article refers to article 68 which shall be deleted.*

**Amendment 459**  
**Satu Hassi, Karin Kadenbach**

**Proposal for a regulation**  
**Article 71 – paragraph 1**

*Text proposed by the Commission*

1. Where, as a result of the formal examination, the application is found to comply with the content requirements referred to in Article 67 and the format adopted pursuant to Article 68, a technical examination of the variety shall be carried out for the purpose of establishing an official description.

*Amendment*

1. ***The description is adapted to the variety type and mode of reproduction.*** Where, as a result of the formal examination, the application is found to comply with the content requirements referred to in Article 67 and the format adopted pursuant to Article 68, a technical examination of the variety shall be carried out for the purpose of establishing an official description. ***The modes of technical examination and of establishing an official description shall take into account the variety type and mode of reproduction.***

Or. en

*Justification*

*It must be ensured, that the requirements of distinctiveness, uniformity and stability conditions or for the officially recognised description are adapted. For example, there must be no discrimination of open pollinated varieties in species where hybrids are prevalent nowadays.*

**Amendment 460**  
**Karin Kadenbach**

**Proposal for a regulation**  
**Article 71 – paragraph 1**

*Text proposed by the Commission*

1. Where, as a result of the formal examination, the application is found to comply with the content requirements referred to in Article 67 ***and the format adopted pursuant to Article 68***, a technical examination of the variety shall be carried out for the purpose of establishing an official description.

*Amendment*

1. Where, as a result of the formal examination, the application is found to comply with the content requirements referred to in Article 67, a technical examination of the variety shall be carried out for the purpose of establishing an official description.

Or. en

*Justification*

*This article refers to article 68 which shall be deleted.*

**Amendment 461**

**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

**Proposal for a regulation**

**Article 71 – paragraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

2. The technical examination referred to in paragraph 1 shall **verify**:

2. The technical examination referred to in paragraph 1 shall **assess**:

Or. en

**Amendment 462**

**James Nicholson**

**Proposal for a regulation**

**Article 71 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

(b) where applicable, that the variety has a **satisfactory** value for cultivation and/or use, according to Article 58(1) **and a sustainable value for cultivation and/or use according to Article 59(1)**.

(b) where applicable, that the variety has a value for cultivation and/or use, according to Article 58(1).

Or. en

*Justification*

*Follows on from amendments changing to a single type of VCU.*

**Amendment 463**

**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

**Proposal for a regulation**

**Article 71 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

***On request submitted by the applicant to the competent authority***, the technical examination, or part of it, ***may be carried out by the applicant***, in accordance with the provisions of Article 73 and the requirements referred to in Article 74.

***The competent authority may allow the applicant or any legal person acting on their behalf, to carry out*** the technical examination, or part of it, in accordance with the provisions of Article 73 and the requirements referred to in Article 74.

Or. en

#### **Amendment 464**

**Satu Hassi, Karin Kadenbach**

#### **Proposal for a regulation**

**Article 71 – paragraph 3 – subparagraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***On request submitted by the applicant to the competent authority, the technical examination shall be carried out under specific climatic conditions in the member state the competent authority is responsible for.***

Or. en

#### *Justification*

*It must be ensured by the competent authority that - in case the applicant cannot conduct the technical examination themselves - examinations take place under climatic conditions which are identical to those in the region where the variety has been bred and will be marketed, as otherwise open pollinated varieties would face significant and unfair disadvantages in the technical examination.*

#### **Amendment 465**

**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

#### **Proposal for a regulation**

**Article 71 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. ***In case an official description of the variety, produced by the Agency or a competent authority, is already available, the competent authority shall decide that the technical examination referred to in paragraph 1 is not necessary.***

4. ***Where a DUS result has been accepted by the Agency or other competent authority, the competent authority shall not require the technical examination described in paragraph 2(a).***

Or. en

#### **Amendment 466**

**Satu Hassi, Karin Kadenbach**

#### **Proposal for a regulation**

**Article 71 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

5. ***By way of derogation from paragraph 4, the competent authority may decide that the technical examination referred to in paragraph 1 is necessary in the case of a variety the registration of which is requested pursuant to point (b) Article 57(1).***

***deleted***

Or. en

#### *Justification*

*This paragraph offers the competent authority the possibility to rule that a variety that has already been registered and then deleted from the register needs to be tested for registration a second time (DUS and potentially VCU tests). This is a waste of resources and there is no reason to suppose the variety's characteristics have changed.*

#### **Amendment 467**

**Andrea Zanoni**

#### **Proposal for a regulation**

**Article 71 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**5. By way of derogation from paragraph 4, the competent authority may decide that the technical examination referred to in paragraph 1 is necessary in the case of a variety the registration of which is requested pursuant to point (b) Article 57(1).**

*deleted*

Or. en

*Justification*

*It is not justifiable or logical to require a technical examination for the registration or conservation of other varieties which are registered on the basis of an officially recognised description.*

#### **Amendment 468**

**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

#### **Proposal for a regulation**

#### **Article 71 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

5. By way of derogation from paragraph 4, the competent authority may decide that the technical examination referred to in paragraph 1 is necessary in the case of a variety the registration of which is requested pursuant to point (b) Article 57(1).

5. By way of derogation from paragraph 4, the competent authority may decide that the technical examination referred to in paragraph 2 **(b)** is necessary in the case of a variety the registration of which is requested pursuant to point (b) Article 57(1).

Or. en

#### **Amendment 469**

**Giancarlo Scottà**

#### **Proposal for a regulation**

#### **Article 73**

*Text proposed by the Commission*

*Amendment*

[...]

*deleted*

Or. it

**Amendment 470**

**Martin Kastler, Elisabeth Köstinger, Albert Deß, Milan Zver**

**Proposal for a regulation**

**Article 73**

*Text proposed by the Commission*

*Amendment*

[...]

*deleted*

Or. de

**Amendment 471**

**Corinne Lepage, Satu Hassi, Karin Kadenbach, Andrea Zanoni**

**Proposal for a regulation**

**Article 73**

*Text proposed by the Commission*

*Amendment*

[...]

*deleted*

Or. en

*Justification*

*The technical examination should stay in the competence of the official authority.*

**Amendment 472**

**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

**Proposal for a regulation**

**Article 73 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The applicant may carry out the technical examination referred to in Article 71(1), or part of it, only if it has been

1. The applicant, ***or other legal person acting on their behalf***, may carry out the technical examination referred to in Article



authorised thereto by the competent authority. ***Technical examination by the applicant shall be carried out in particular premises, which are dedicated to this purpose.***

71(1), or part of it, only if it has been authorised thereto by the competent authority.

Or. en

*Justification*

*Authorities should be able to delegate the work to legal persons other than the applicant*

**Amendment 473**

**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

**Proposal for a regulation**

**Article 73 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. Prior to granting the authorisation to carry out the technical examination, the competent authority shall audit the premises and the organisation of the applicant. That audit shall verify whether the premises and organisation are suitable for carrying out the technical examination as regards:

*Amendment*

2. Prior to granting the authorisation to carry out the technical examination, the competent authority ***or delegated body*** shall audit the premises and the organisation ***of the applicant or legal person acting on behalf*** of the applicant. That audit shall verify whether the premises and organisation are suitable for carrying out the technical examination as regards:

Or. en

**Amendment 474**

**James Nicholson, Vicky Ford, Anthea McIntyre, Julie Girling**

**Proposal for a regulation**

**Article 73 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) compliance with the requirements for distinctiveness, uniformity and stability referred to in Articles 60, 61 and 62; ***and***

*Amendment*

(a) compliance with the requirements for distinctiveness, uniformity and stability referred to in Articles 60, 61 and 62; ***or***

