



EUROPEAN PARLIAMENT

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Committee on Agriculture and Rural Development

2013/0137(COD)

18.12.2013

AMENDMENTS

91 - 461

Draft report

Sergio Paolo Francesco Silvestris
(PE514.766v01-00)

on the proposal for a regulation of the European Parliament and of the Council
on the production and making available on the market of plant reproductive
material (plant reproductive material law)

Proposal for a regulation
(COM(2013)0262 – C7-0121/2013 – 2013/0137(COD))

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PE514.767v01-00

EN

United in diversity

EN

AM_Com_LegReport

Amendment 91
Vicky Ford, Julie Girling

Proposal for a regulation

—

Proposal for rejection

***The European Parliament rejects the
Commission proposal.***

Or. en

Amendment 92
Corinne Lepage

Proposal for a regulation

—

Proposal for rejection

***The European Parliament rejects the
Commission proposal.***

Or. en

Justification

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

Amendment 93
**Karin Kadenbach, Brian Simpson, Kriton Arsenis, Paolo De Castro, Marita Ulvskog,
Jens Nilsson, Pavel Poc, Åsa Westlund**

Proposal for a regulation

—

Proposal for rejection

The European Parliament rejects the Commission proposal.

Or. en

Justification

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

Amendment 94
Satu Hassi

Proposal for a regulation

–

Proposal for rejection

The European Parliament rejects the Commission proposal.

Or. en

Justification

The proposed regulation is not serving sufficiently the objectives for sustainable agriculture in the European Union. It does not keep sufficient space for practices that protect biodiversity in agriculture. It would not leave room for manoeuvre in a field where national practices and flexibility need to be emphasised. Moreover, the commission proposes to swap many provisions to delegated acts, which would leave much room for the Commission without proper involvement of the co-legislators.

Amendment 95
Julie Girling, James Nicholson, Anthea McIntyre

Proposal for a regulation

–

Proposal for rejection

***The European Parliament rejects the
Commission proposal.***

Or. en

Amendment 96

Alfreds Rubiks

on behalf of the GUE/NGL Group

João Ferreira

Proposal for a regulation

–

Proposal for rejection

***The European Parliament rejects the
Commission proposal.***

Or. lv

Amendment 97

Satu Hassi

Proposal for a regulation

–

Proposal for rejection

***The European Parliament rejects the
Commission proposal.***

Or. en

Justification

The proposed regulation is not serving sufficiently the objectives for sustainable agriculture in the European Union. It does not keep sufficient space for practices that protect biodiversity in agriculture. It would not leave room for manoeuvre in a field where national practices and flexibility need to be emphasised. Moreover, the commission proposes to swap many

provisions to delegated acts, which would leave much room for the Commission without proper involvement of the co-legislators.

Amendment 98

Elisabeth Köstinger, Elisabeth Jeggle, Peter Jahr, Albert Deß, Britta Reimers, Birgit Collin-Langen, Martin Kastler, Giovanni La Via, Milan Zver

Proposal for a regulation

—

Proposal for rejection

The European Parliament rejects the Commission proposal.

Or. de

Justification

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

Amendment 99

Martin Häusling, Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund, Janusz Wojciechowski, Ulrike Rodust, Kriton Arsenis

Proposal for a regulation

Title

Text proposed by the Commission

Amendment

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL

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

(Text with EEA relevance)

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL

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

(Text with EEA relevance)

Or. en

Justification

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

Amendment 100

Wojciech Michał Olejniczak, Czesław Adam Siekierski, Jarosław Kalinowski, Karin Kadenbach

Proposal for a regulation

Recital 1 – introductory part

Text proposed by the Commission

(1) The following Directives set out rules for the production and marketing of seeds and propagating material of agricultural crops, vegetables, vine, fruit plants, **forest reproductive material** and ornamental plants:

Amendment

(1) The following Directives set out rules for the production and marketing of seeds and propagating material of agricultural crops, vegetables, vine, fruit plants and ornamental plants:

Or. en

Justification

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

Amendment 101

João Ferreira

on behalf of the GUE/NGL Group

Proposal for a regulation

Recital 1 – introductory part

Text proposed by the Commission

(1) The following Directives set out rules for the production and marketing of seeds and propagating material of agricultural crops, vegetables, vine, fruit plants, **forest reproductive material** **and** ornamental

Amendment

(1) The following Directives set out rules for the production and marketing of seeds and propagating material of agricultural crops, vegetables, vine, fruit plants **and** reproductive material **of** ornamental plants:

plants:

Or. pt

Amendment 102

Wojciech Michał Olejniczak, Czesław Adam Siekierski, Jarosław Kalinowski, Karin Kadenbach

Proposal for a regulation

Recital 1 – point e

Text proposed by the Commission

Amendment

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

⁶ *OJ L 11, 15.1.2000, p. 17.*

Or. en

Justification

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

Amendment 103

João Ferreira

on behalf of the GUE/NGL Group

Proposal for a regulation

Recital 1 – point e

Text proposed by the Commission

Amendment

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

⁶ *OJ L 11, 15.1.2000, p. 17.*

Amendment 104

Elisabeth Köstinger, Elisabeth Jeggle, Britta Reimers, Albert Deß, Martin Kastler, Giovanni La Via, Milan Zver

Proposal for a regulation

Recital 1 – point e

Text proposed by the Commission

Amendment

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

deleted

⁶ *OJ L 11, 15.1.2000, p. 17.*

Amendment 105

Wojciech Michał Olejniczak, Czesław Adam Siekierski, Jarosław Kalinowski, Karin Kadenbach

Proposal for a regulation

Recital 2

Text proposed by the Commission

Amendment

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

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

the protection of agro-biodiversity.

the protection of agro-biodiversity.

Or. en

Justification

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

Amendment 106 Karin Kadenbach

Proposal for a regulation Recital 2

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

cannot be considered as ensuring diversity of PRM.

Amendment 107

Wojciech Michał Olejniczak, Czesław Adam Siekierski, Jarosław Kalinowski, Karin Kadenbach

Proposal for a regulation

Recital 3

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 108

Karin Kadenbach

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) Evolution in the areas of agriculture, horticulture, forestry, plant breeding and making available on the market of plant reproductive material has shown that the

Amendment

(3) Agriculture faces new environmental challenges including climate change and loss of biodiversity. The legislation needs to take better into account this current

legislation needs to be simplified and further adapted to the developments of the sector. Therefore, the above Directives should be replaced by a single Regulation on the production, with a view to making available on the market, and the making available on the market, of plant reproductive material within the Union.

situation as well as consumers' changes in terms of consumption. In addition, evolution in the areas of agriculture, horticulture, forestry, plant breeding and making available on the market of plant reproductive material has shown that the legislation needs to be simplified and further adapted to the developments of the sector. Therefore, the above Directives should be replaced by a single Regulation on the production, with a view to making available on the market, and the making available on the market, of plant reproductive material within the Union.

Or. en

Justification

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

Amendment 109 **Karin Kadenbach**

Proposal for a regulation **Recital 3**

Text proposed by the Commission

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

Amendment

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

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. Delete the expression “the production, with a view to making available on the market”.

Amendment 110
Karin Kadenbach

Proposal for a regulation
Recital 6

Text proposed by the Commission

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

Amendment

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

Farmers exchanging seeds from their own farm on their own behalf and for their own account should not be regarded as professional operators.

Justification

To be in accordance with proposal for amendment concerning recital 2 and the not needed extension of the scope of the legislation. Farmers exchanging farm saved seeds (or other PRM) should be excluded from the scope of the legislation. These are not commercial

activities as per the legislation and are vital for biodiversity.

Amendment 111

Wojciech Michał Olejniczak, Czesław Adam Siekierski, Jarosław Kalinowski, Karin Kadenbach

Proposal for a regulation

Recital 6

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 112

João Ferreira

on behalf of the GUE/NGL Group

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) In order to determine the scope of the

PE514.767v01-00

Amendment

(6) In order to determine the scope of the

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

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

Or. pt

Amendment 113

Elisabeth Köstinger, Elisabeth Jeggle, Albert Deß, Martin Kastler, Giovanni La Via, Milan Zver

Proposal for a regulation

Recital 6

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 114

Karin Kadenbach

Proposal for a regulation
Recital 6

Text proposed by the Commission

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

Amendment

(6) In order to determine the scope of the several provisions of this Regulation it is necessary to define the concepts of ‘professional operator’ and ‘making available on the market’. In particular, the definition of ‘making available on the market’ should be ***concise to cover*** all forms of transactions ***aiming at commercial exploitation*** of plant reproductive material. That definition should include inter alia persons concluding sales through distance contracts (e.g. electronically) and persons who collect basic forest material.

Or. en

Justification

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

Amendment 115
Karin Kadenbach

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) In order to determine the scope of the several provisions of this Regulation it is necessary to define the concepts of ‘professional operator’ and ‘making available on the market’. In particular, in view of the marketing developments of the sector, the definition of ‘making available on the market’ should be as wide as possible to ensure all forms of transactions

Amendment

(6) In order to determine the scope of the several provisions of this Regulation it is necessary to define the concepts of ‘professional operator’ and ‘making available on the market’. In particular, in view of the marketing developments of the sector, the definition of ‘making available on the market’ should be as wide as possible to ensure all forms of transactions

of plant reproductive material. That definition should include inter alia persons concluding sales through distance contracts (e.g. electronically) **and persons who collect basic forest** material.

of plant reproductive material. That definition should include inter alia persons concluding **volume** sales through distance contracts (e.g. electronically). **By concern of proportionality, non-professionals and farmers exchanging seeds between each other or with individuals should not be considered as "making plant reproductive material available on the market"**.

Or. en

Justification

The activities of individuals and farmers exchanging seeds between each other and to individuals shall be excluded from the scope of the legislation, starting from the amendments. Also Forest reproductive material (FRM) shall be excluded from the legislation.

Amendment 116 **Brian Simpson**

Proposal for a regulation **Recital 6 a (new)**

Text proposed by the Commission

Amendment

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

Or. en

Amendment 117 **Karin Kadenbach**

Proposal for a regulation **Recital 9**

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 118
Karin Kadenbach

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) In order to ensure transparency and more effective controls on the production and making available on the market of plant reproductive material, professional operators should be registered. However, in order to reduce the administrative burden for professional operators, by allowing them to register only once in a single register, it is appropriate that they register

Amendment

(9) In order to ensure transparency and more effective controls on the production and making available on the market of plant reproductive material, professional operators should be registered. **Farmers should not be considered as professional operators.** However, in order to reduce the administrative burden for professional operators, by allowing them to register

in the public registers established by the Member States pursuant to Regulation (EU) No .../... (Office of Publication, please insert number of Regulation on protective measures against pests of plants).

only once in a single register, it is appropriate that they register in the public registers established by the Member States pursuant to Regulation (EU) No .../... (Office of Publication, please insert number of Regulation on protective measures against pests of plants).

Or. en

Justification

Farmers' daily work is already very much administrative. This is a burden for the smallest farmers. Therefore, farmers should not be considered as professional operator and they should not comply with obligations which are aimed for the industry.

Amendment 119 **Brian Simpson**

Proposal for a regulation **Recital 12**

Text proposed by the Commission

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

Amendment

(12) Certain genera and species of plant reproductive material, ***with the exception of those marketed exclusively for ornamental use and those intended for sale to home gardeners***, should be subject to enhanced requirements concerning their production and making available on the market due to their increased economic, health or environmental importance. That importance should be determined through the area or value of production of those genera or species, the number of professional operators or the content of substances which present a potential risk for health or the environment. The majority of those genera and species is currently regulated by the above Directives. Those genera and species should be inserted in a specific list (hereinafter: 'listed genera and species').

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 be therefore excluded from the controls in Title II and covered by provisions in Title III, which will provide consumer protection.

Amendment 120
Karin Kadenbach

Proposal for a regulation
Recital 13

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 121
George Lyon, Julie Girling, Phil Bennion, Anthea McIntyre

Proposal for a regulation

Recital 14

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 122

Christel Schaldemose

Proposal for a regulation

Recital 24

Text proposed by the Commission

(24) For the preservation of the natural environment in the context of the conservation of genetic resources, it is desirable to allow the mixture of plant reproductive material belonging to listed genera or species with non-listed genera or species. ***Those mixtures should be permitted only if their composition is naturally linked to a certain region***. In order to ensure transparency and better control concerning the quality of the

Amendment

(24) For the preservation of the natural environment in the context of the conservation of genetic resources, it is desirable to allow the mixture of plant reproductive material belonging to listed genera or species with non-listed genera or species. In order to ensure transparency and better control concerning the quality of the mixtures concerned, the production and making available on the market of those mixtures should be subject to the

mixtures concerned, the production and making available on the market of those mixtures should be subject to the authorisation by the competent authorities.

authorisation by the competent authorities.

Or. en

Amendment 123
Astrid Lulling

Proposal for a regulation
Recital 27

Text proposed by the Commission

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

Amendment

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

Or. fr

Amendment 124
Marc Tarabella

Proposal for a regulation
Recital 27

Text proposed by the Commission

(27) Plant reproductive material which is made available on the market only in limited quantities **by small producers** (“niche market plant reproductive material”) should be exempted from the requirement of belonging to a registered variety. That derogation is necessary to prevent undue constraints to the making available on the market of plant reproductive material, which is of lesser commercial interest, but is important for the maintenance of genetic diversity.

However, it should be ensured that that derogation is not regularly used by a wide range of professional operators and it is only used by professional operators which cannot afford the costs and administrative burden of variety registration. This is important to avoid abuses of that derogation and to ensure the application of the rules of this Regulation. Therefore, niche market material should only be made available on the market by professional operators employing a small number of persons and with a small annual turnover.

Amendment

(27) Plant reproductive material which is made available on the market only in limited quantities **and is in the public domain** (“niche market plant reproductive material”) should be exempted from the requirement of belonging to a registered variety. That derogation is necessary to prevent undue constraints to the making available on the market of plant reproductive material, which is of lesser commercial interest, but is important for the maintenance of genetic diversity.

Or. fr

Justification

It would be arbitrary to restrict the scope of this derogation to micro-enterprises alone. A limitation based on the small quantity of plant material that can be placed on the market is sufficient to ensure that this derogation will only apply to a niche market. A requirement for the material to be in the public domain would ensure that no unofficial market in conventional commercial varieties, most of which are protected by intellectual property rights, would develop on the basis of this derogation.

Amendment 125

Eric Andrieu

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) Plant reproductive material which is made available on the market only in limited quantities **by small producers** (“niche market plant reproductive material”) should be exempted from the requirement of belonging to a registered variety. That derogation is necessary to prevent undue constraints to the making available on the market of plant reproductive material, which is of lesser commercial interest, but is important for the maintenance of genetic diversity.

However, it should be ensured that that derogation is not regularly used by a wide range of professional operators and it is only used by professional operators which cannot afford the costs and administrative burden of variety registration. This is important to avoid abuses of that derogation and to ensure the application of the rules of this Regulation. Therefore, niche market material should only be made available on the market by professional operators employing a small number of persons and with a small annual turnover.

Amendment

(27) Plant reproductive material which is made available on the market only in limited quantities **and is in the public domain** (“niche market plant reproductive material”) should be exempted from the requirement of belonging to a registered variety. That derogation is necessary to prevent undue constraints to the making available on the market of plant reproductive material, which is of lesser commercial interest, but is important for the maintenance of genetic diversity.

Or. fr

Justification

It would be arbitrary to restrict the scope of this derogation to micro-enterprises alone. A limitation based on the small quantity of plant material that can be placed on the market is sufficient to ensure that this derogation will only apply to a niche market. A requirement for the material to be in the public domain would ensure that no unofficial market in conventional commercial varieties, most of which are protected by intellectual property rights, would develop on the basis of this derogation.

Amendment 126
Brian Simpson

Proposal for a regulation
Recital 30

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 127
Christel Schaldemose

Proposal for a regulation
Recital 36

Text proposed by the Commission

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

Amendment

(36) The Union is a party ***to both the International Treaty on Plant Genetic Resources for Food and Agriculture and to the Convention on Biological Diversity and have in the context of these committed to maintain the genetic diversity of cultivated plants and their wild relatives, and to minimize genetic***

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

erosion and to maintain farmers' right to save, use, exchange and sell farm-saved seed/propagating material.

Or. en

Amendment 128
Kriton Arsenis

Proposal for a regulation
Recital 36

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 129
Martin Kastler

Proposal for a regulation
Recital 36

Text proposed by the Commission

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

Amendment

(36) In the context of the Convention on Biological Diversity to which the Union is a party, the Union has committed to maintain the genetic diversity of cultivated plants, and of wild relatives, and to minimise genetic erosion. That commitment complements the objective of the Union to halt biodiversity loss by 2020 ***and take action to safeguard biodiversity.*** In that context, certain varieties should be allowed to be produced and made available on the market even if they do not comply with the requirements concerning distinctiveness, uniformity or stability, to ensure their conservation and sustainable use and thus contribute to the sustainability of agriculture and the adaptation to climate change. Therefore, those varieties should only be registered on the basis of an officially recognised description. ***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 130
Martin Kastler

Proposal for a regulation
Recital 40

Text proposed by the Commission

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

Amendment

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

Or. de

Amendment 131
Marc Tarabella

Proposal for a regulation
Recital 43

Text proposed by the Commission

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

Amendment

(43) In order to facilitate the registration of varieties which serve at combating genetic erosion in the Union, Member States should ***not charge any fees*** for varieties ***in the public domain, whether they are varieties*** with ***an*** officially recognised description ***or*** heterogeneous material.

Or. fr

Justification

It should be free to register varieties in the public domain, since, without an intellectual

property right, a variety registered by an operator can be sold by all other operators, which is unfair. Furthermore, the registration of this common heritage, if mandatory, should be the responsibility of the state. The operators concerned are of a modest size and their collections are too extensive for them to be able to pay fees, even if they are only very small.

Amendment 132
Eric Andrieu

Proposal for a regulation
Recital 43

Text proposed by the Commission

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

Amendment

(43) In order to facilitate the registration of varieties which serve at combating genetic erosion in the Union, Member States should ***not charge any fees*** for varieties ***in the public domain, whether they are varieties*** with ***an*** officially recognised description ***or*** heterogeneous material.

Or. fr

Justification

It should be free to register varieties in the public domain, since, without an intellectual property right, a variety registered by an operator can be sold by all other operators, which is unfair. Furthermore, the registration of this common heritage, if mandatory, should be the responsibility of the state. The operators concerned are of a modest size and their collections are too extensive for them to be able to pay fees, even if they are only very small.

Amendment 133
Wojciech Michał Olejniczak, Czesław Adam Siekierski, Jarosław Kalinowski, Karin Kadenbach

Proposal for a regulation
Recital 45

Text proposed by the Commission

Amendment

(45) Forests cover a large area of the Union and fulfil social, economic, environmental, ecological and cultural functions. There is, therefore, a need for specific approaches and actions for the different types of forests, considering the wide range of conditions characterising the forests in the Union.

deleted

Or. en

Justification

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

Amendment 134

João Ferreira

on behalf of the GUE/NGL Group

Proposal for a regulation

Recital 45

Text proposed by the Commission

Amendment

(45) Forests cover a large area of the Union and fulfil social, economic, environmental, ecological and cultural functions. There is, therefore, a need for specific approaches and actions for the different types of forests, considering the wide range of conditions characterising the forests in the Union.

deleted

Or. pt

Amendment 135

Wojciech Michał Olejniczak, Czesław Adam Siekierski, Jarosław Kalinowski, Karin Kadenbach

Proposal for a regulation
Recital 46

Text proposed by the Commission

Amendment

(46) Forest reproductive material of tree species and artificial hybrids which are important for forestry purposes should be genetically suited to local conditions and of high quality. The conservation and enhancement of biodiversity of forests, including the genetic diversity of the trees, are essential to sustainable forest management.

deleted

Or. en

Justification

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

Amendment 136

João Ferreira

on behalf of the GUE/NGL Group

Proposal for a regulation
Recital 46

Text proposed by the Commission

Amendment

(46) Forest reproductive material of tree species and artificial hybrids which are important for forestry purposes should be genetically suited to local conditions and of high quality. The conservation and enhancement of biodiversity of forests, including the genetic diversity of the trees, are essential to sustainable forest management.

deleted

Or. pt

Amendment 137

Wojciech Michał Olejniczak, Czesław Adam Siekierski, Jarosław Kalinowski, Karin Kadenbach

Proposal for a regulation

Recital 47

Text proposed by the Commission

Amendment

(47) Requirements should be set for forest reproductive material as regards basic material, categories under which the material may be made available on the market, lots, labelling, small packages, to ensure the appropriate quality and marketing standards, and to adapt to the technical and scientific developments of the sector. *deleted*

Or. en

Justification

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

Amendment 138

João Ferreira

on behalf of the GUE/NGL Group

Proposal for a regulation

Recital 47

Text proposed by the Commission

Amendment

(47) Requirements should be set for forest reproductive material as regards basic material, categories under which the material may be made available on the market, lots, labelling, small packages, to ensure the appropriate quality and marketing standards, and to adapt to the technical and scientific developments of *deleted*

the sector.

Or. pt

Amendment 139

Wojciech Michał Olejniczak, Czesław Adam Siekierski, Jarosław Kalinowski, Karin Kadenbach

Proposal for a regulation

Recital 48

Text proposed by the Commission

Amendment

(48) In order to ensure flexibility and adaptation to particular circumstances, derogations should be provided, under conditions, for the production and making available on the market of forest reproductive material. Those derogations should concern the possibility for Member States to adopt more stringent requirements, the case of temporary difficulties of supply, the need of making seed rapidly available on the market, the conduct of temporary experiments and the adoption of emergency measures.

deleted

Or. en

Justification

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

Amendment 140

João Ferreira

on behalf of the GUE/NGL Group

Proposal for a regulation

Recital 48

Text proposed by the Commission

Amendment

(48) In order to ensure flexibility and adaptation to particular circumstances, derogations should be provided, under conditions, for the production and making available on the market of forest reproductive material. Those derogations should concern the possibility for Member States to adopt more stringent requirements, the case of temporary difficulties of supply, the need of making seed rapidly available on the market, the conduct of temporary experiments and the adoption of emergency measures.

deleted

Or. pt

Amendment 141

Wojciech Michał Olejniczak, Czesław Adam Siekierski, Jarosław Kalinowski, Karin Kadenbach

Proposal for a regulation

Recital 49

Text proposed by the Commission

Amendment

(49) In order to serve the interest of conservation and sustainable use of forestry plant genetic resources, Member States should be allowed to adopt less stringent requirements on forest reproductive material which is naturally adapted to the local and regional conditions and threatened by genetic erosion.

deleted

Or. en

Justification

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

Amendment 142

João Ferreira

on behalf of the GUE/NGL Group

Proposal for a regulation

Recital 49

Text proposed by the Commission

Amendment

(49) In order to serve the interest of conservation and sustainable use of forestry plant genetic resources, Member States should be allowed to adopt less stringent requirements on forest reproductive material which is naturally adapted to the local and regional conditions and threatened by genetic erosion.

deleted

Or. pt

Amendment 143

Wojciech Michał Olejniczak, Czesław Adam Siekierski, Jarosław Kalinowski, Karin Kadenbach

Proposal for a regulation

Recital 50

Text proposed by the Commission

Amendment

(50) The competent authorities should charge fees for the registration/approval of basic forest material and the issuance of master certificates for the forest material derived from registered/approved basic forest material. This would be necessary to ensure the necessary resources for the certification of forest reproductive material, and that the main beneficiaries of that certification bear the respective costs. In order to provide support to micro-enterprises, they should be fully exempted from the payment of fees. The rules concerning those fees

deleted

should be set out in this Regulation, as they concern the effective production, registration and making available on the market of forest reproductive material.

Or. en

Justification

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

Amendment 144

João Ferreira

on behalf of the GUE/NGL Group

Proposal for a regulation

Recital 50

Text proposed by the Commission

Amendment

(50) The competent authorities should charge fees for the registration/approval of basic forest material and the issuance of master certificates for the forest material derived from registered/approved basic forest material. This would be necessary to ensure the necessary resources for the certification of forest reproductive material, and that the main beneficiaries of that certification bear the respective costs. In order to provide support to micro-enterprises, they should be fully exempted from the payment of fees. The rules concerning those fees should be set out in this Regulation, as they concern the effective production, registration and making available on the market of forest reproductive material.

deleted

Or. pt

Amendment 145
Kriton Arsenis

Proposal for a regulation
Recital 53

Text proposed by the Commission

Amendment

(53) In order to follow the technical and economic developments of the sector, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of listing the genera or species whose plant reproductive material may not be placed on the market as standard material.

deleted

Or. en

Amendment 146
Wojciech Michał Olejniczak, Czesław Adam Siekierski, Jarosław Kalinowski, Karin Kadenbach

Proposal for a regulation
Recital 55

Text proposed by the Commission

Amendment

(55) In order to ensure that plant reproductive material of listed genera or species, and certain types of forest reproductive material, fulfils the highest possible identity, quality and health requirements, as appropriate for the characteristics of the genera, species or categories concerned, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of adopting production and quality requirements, and certification schemes, for those genera or species, and in respect of adopting quality requirements for making available on the market specific parts of plants and planting stock of species and artificial hybrids of forest reproductive material.

deleted

Justification

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

Amendment 147

João Ferreira

on behalf of the GUE/NGL Group

Proposal for a regulation

Recital 55

Text proposed by the Commission

(55) In order to ensure that plant reproductive material of listed genera or species, ***and certain types of forest reproductive material***, fulfils the highest possible identity, quality and health requirements, as appropriate for the characteristics of the genera, species or categories concerned, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of adopting production and quality requirements, and certification schemes, for those genera or species, ***and in respect of adopting quality requirements for making available on the market specific parts of plants and planting stock of species and artificial hybrids of forest reproductive material.***

Amendment

(55) In order to ensure that plant reproductive material of listed genera or species fulfils the highest possible identity, quality and health requirements, as appropriate for the characteristics of the genera, species or categories concerned, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of adopting production and quality requirements, and certification schemes, for those genera or species.

Or. pt

Amendment 148

Kriton Arsenis

Proposal for a regulation

Recital 67

Text proposed by the Commission

Amendment

(67) In order to ensure updated standards for the registration of varieties as appropriate for the characteristics of genera or species with particular importance for the sustainable development of agriculture in the Union, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of setting out rules for the registration of varieties of those genera or species concerning resistance to pests, reduced need for input of specific resources, decreased content of undesirable substances and increased adaptation to divergent agro-climatic environment. *deleted*

Or. en

Amendment 149

Wojciech Michał Olejniczak, Czesław Adam Siekierski, Jarosław Kalinowski, Karin Kadenbach

**Proposal for a regulation
Recital 74**

Text proposed by the Commission

Amendment

(74) In order to ensure a comprehensive submission of information for particular categories or species of forest reproductive material, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of setting out conditions under which the operator's label be supplemented by another document produced by the professional operator. *deleted*

Or. en

Justification

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

Amendment 150

Wojciech Michał Olejniczak, Czesław Adam Siekierski, Jarosław Kalinowski, Karin Kadenbach

Proposal for a regulation

Recital 75

Text proposed by the Commission

Amendment

(75) In order to avoid risks in relation to quality and health of the forest reproductive material concerned, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of supplementing the requirements set out in this Regulation concerning clones and clonal mixtures, by determining the maximum number of years or the maximum number of ramets to which the approval of clones or clonal mixtures should be restricted.

deleted

Or. en

Justification

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

Amendment 151

Wojciech Michał Olejniczak, Czesław Adam Siekierski, Jarosław Kalinowski, Karin Kadenbach

Proposal for a regulation

Recital 76

Text proposed by the Commission

Amendment

(76) In order to ensure that the exemption of small quantities of seeds of forest reproductive material, from the information requirements concerning germination or viability, is applied in a proportionate manner, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of setting out the maximum quantities of those small quantities for particular types of forest reproductive material. *deleted*

Or. en

Justification

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

Amendment 152

João Ferreira

on behalf of the GUE/NGL Group

Proposal for a regulation

Recital 76

Text proposed by the Commission

Amendment

(76) In order to ensure that the exemption of small quantities of seeds of forest reproductive material, from the information requirements concerning germination or viability, is applied in a proportionate manner, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of setting out the maximum quantities of those small quantities for particular types of forest reproductive material. *deleted*

Amendment 153

Wojciech Michał Olejniczak, Czesław Adam Siekierski, Jarosław Kalinowski, Karin Kadenbach

Proposal for a regulation

Recital 77

Text proposed by the Commission

Amendment

(77) In order to ensure that the cost items for the fees charged by the competent authorities on the registration of approved basic forest material and the issuance of master certificates are appropriate to the conducted work and updated, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of setting out those items. ***deleted***

Or. en

Justification

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

Amendment 154

Elisabeth Köstinger, Elisabeth Jeggle, Peter Jahr, Albert Deß, Martin Kastler, Giovanni La Via, Milan Zver

Proposal for a regulation

Recital 79

Text proposed by the Commission

Amendment

(79) Implementing powers should be conferred on the Commission in order to ensure uniform conditions for the implementation of the provisions of this ***deleted***

Regulation concerning the following:

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

(b) adoption of emergency measures,

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

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

(e) the organisation of temporary experiments,

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

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

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

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

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

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

Or. de

Amendment 155

Wojciech Michał Olejniczak, Czesław Adam Siekierski, Jarosław Kalinowski, Karin Kadenbach

Proposal for a regulation

Recital 79 – point a

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 156

João Ferreira

on behalf of the GUE/NGL Group

Proposal for a regulation

Recital 79 – point a

Text proposed by the Commission

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

Amendment

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

Or. pt

Amendment 157

Wojciech Michał Olejniczak, Czesław Adam Siekierski, Jarosław Kalinowski, Karin Kadenbach

Proposal for a regulation

Recital 79 – point i

Text proposed by the Commission

Amendment

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

Or. en

Justification

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

Amendment 158

João Ferreira

on behalf of the GUE/NGL Group

Proposal for a regulation

Recital 79 – point i

Text proposed by the Commission

Amendment

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

Or. pt

Amendment 159

Wojciech Michał Olejniczak, Czesław Adam Siekierski, Jarosław Kalinowski, Karin Kadenbach

Proposal for a regulation

Recital 79 – point j

Text proposed by the Commission

Amendment

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

Or. en

Justification

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

Amendment 160

João Ferreira

on behalf of the GUE/NGL Group

Proposal for a regulation

Recital 79 – point j

Text proposed by the Commission

Amendment

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

Or. pt

Amendment 161

Wojciech Michał Olejniczak, Czesław Adam Siekierski, Jarosław Kalinowski, Karin Kadenbach

Proposal for a regulation

Recital 79 – point k

Text proposed by the Commission

Amendment

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

Or. en

Justification

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

Amendment 162

João Ferreira

on behalf of the GUE/NGL Group

Proposal for a regulation

Recital 79 – point k

Text proposed by the Commission

Amendment

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

deleted

Or. pt

Amendment 163

Martin Häusling, Karin Kadenbach, Åsa Westlund, Marita Ulvskog, Jens Nilsson, Janusz Wojciechowski, Ulrike Rodust, Kriton Arsenis

Proposal for a regulation

Article 1 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the production, with a view to making available on the market, of plant reproductive material; and

deleted

Or. en

Justification

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

Amendment 164
Herbert Dorfmann

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

Text proposed by the Commission

(a) the production, with a view to making available on the market, of plant reproductive material; **and**

Amendment

(a) the production, with a view to making available on the market, of plant reproductive material **aiming at commercial exploitation; and**

Or. en

Amendment 165
Kriton Arsenis

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

Text proposed by the Commission

(a) the production, with a view to making available on the market, **of plant reproductive material**; and

Amendment

(a) the production **of plant reproductive material**, with a view to making **it** available on the market; and

Or. en

Amendment 166
Guido Milana

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

Text proposed by the Commission

(a) the production, with a view to making available on the market, of plant reproductive material; and

Amendment

(a) the production, with a view to making **it** available on the market, of plant reproductive material; and

Or. en

Amendment 167
Herbert Dorfmann

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

Text proposed by the Commission

(b) the making available on the market of plant reproductive material.

Amendment

(b) the making available on the market of plant reproductive material ***aiming at commercial exploitation.***

Or. en

Amendment 168
Eric Andrieu, Marc Tarabella

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

Text proposed by the Commission

(a) ***intended solely for testing or scientific purposes;***

Amendment

(a) ***obtained through open pollination and which is in the public domain;***

Or. fr

Justification

This legislation, which is designed to meet the needs of industrial agriculture, is not suitable for open-pollinated varieties in the public domain – currently illegal – which, by offering more choice, can meet the needs of smaller scale agriculture or amateur gardeners. Their compulsory registration would entail excessive costs for the administration and for the operators. Furthermore, they are still subject to common consumer law.

Amendment 169
Eric Andrieu

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

Text proposed by the Commission

Amendment

(aa) which is forest reproductive material;

Or. fr

Justification

Given the fundamentally different issues which separate agriculture and forestry, it makes sense to exclude forest reproductive material in Article 2 in order to maintain a specific regulation for forestry.

Amendment 170

Pilar Ayuso, Esther Herranz García, Gabriel Mato Adrover, María Auxiliadora Correa Zamora

Proposal for a regulation

Article 2 – paragraph 1 – point c

Text proposed by the Commission

Amendment

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

(c) intended solely for, and maintained by, ***not-for-profit*** gene banks, organisations and networks of conservation of genetic resources;

Or. es

Justification

Members of a conservation organisation should not be allowed to produce and market seeds and plants outside the scope of the regulation, as this could create an unofficial system for propagation materials.

Amendment 171

Brian Simpson

Proposal for a regulation

Article 2 – paragraph 1 – point c

Text proposed by the Commission

Amendment

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

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

Or. en

Justification

There are organisations and networks that, although not statutory, fulfil the objective of genetic resources' conservation, are recognised by Member States as such, and therefore should not be excluded.

Amendment 172

Iratxe García Pérez, Sergio Gutiérrez Prieto

Proposal for a regulation

Article 2 – paragraph 1 – point c

Text proposed by the Commission

Amendment

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

(c) intended solely for, and maintained by, **not-for-profit** gene banks, organisations and networks of conservation of genetic resources;

Or. es

Amendment 173

Kriton Arsenis

Proposal for a regulation

Article 2 – paragraph 1 – point c

Text proposed by the Commission

Amendment

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

(c) intended solely for, **maintained and distributed by, natural persons and** gene banks, organisations and networks of

persons belonging to those organisations or networks;

conservation of genetic resources,
including in situ conservation on-farm;

Or. en

Amendment 174
Spyros Danellis, Theodoros Skylakakis

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

Text proposed by the Commission

Amendment

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

(c) intended solely for *conservation purposes, and maintenance for conservation, including in situ conservation, by officially recognised gene banks, organisations or persons;*

Or. en

Justification

More clarity is required in order to indeed exclude material that is only intended for conservation purposes by dedicated organisations that are recognised for that purpose.

Amendment 175
Rareş-Lucian Niculescu

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

Text proposed by the Commission

Amendment

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

(c) intended solely for, and maintained by, *officially recognised* gene banks, organisations and networks of conservation of genetic resources;

Or. ro

Amendment 176
Guido Milana

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

Text proposed by the Commission

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

Amendment

(c) intended solely for, and maintained by, *natural persons*, gene banks, organisations and networks *working for the* conservation of genetic resources, *including the conservation in situ on farms*;

Or. en

Amendment 177
Michel Dantin, Agnès Le Brun

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

Text proposed by the Commission

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

Amendment

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

Or. fr

Amendment 178
George Lyon, Vicky Ford, Julie Girling, Anthea McIntyre

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

Text proposed by the Commission

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

Amendment

(c) intended for, and maintained by, gene banks, organisations and networks of conservation of genetic resources, or

persons belonging to those organisations or networks;

persons belonging to those organisations or networks;

Or. en

Amendment 179
Georges Bach, Astrid Lulling

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 180
Christel Schaldemose

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 181
Ewald Stadler

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

Text proposed by the Commission

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

Amendment

(d) exchanged between persons other than professional operators, ***or natural persons acting as professional operators engaged in activities outside the scope of their profession or employment.***

Or. en

Amendment 182
Pilar Ayuso, Esther Herranz García, Gabriel Mato Adrover, María Auxiliadora Correa Zamora

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

Text proposed by the Commission

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

Amendment

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

Or. es

Justification

Exchanges in kind between individuals should be restricted to small quantities, as the implication otherwise would be that exchanges in general are not to be viewed as trade. The maximum quantities should be laid down either in an implementing act or by the Member States.

Amendment 183
Rareş-Lucian Niculescu

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

Text proposed by the Commission

(d) exchanged in kind between persons

Amendment

(d) exchanged in kind ***in small quantities***

other than professional operators.

between persons other than professional operators *for their own needs, without prejudice to legislation on plant variety protection. Such exchanges in kind between persons may take place only once without the plant reproductive material being further transferred to any other person;*

Or. ro

Amendment 184
Herbert Dorfmann

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

Text proposed by the Commission

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

Amendment

(d) exchanged between persons other than professional operators.

Or. en

Amendment 185
Béla Glattfelder

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

Text proposed by the Commission

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

Amendment

(d) exchanged in kind between persons other than professional operators *acquiring for their own use plants or plant products.*

Or. en

Amendment 186
Iratxe García Pérez, Sergio Gutiérrez Prieto

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

Text proposed by the Commission

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

Amendment

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

Or. es

Justification

Exchange is trade. The exception allowed under point d should remain in place for small quantities.

Amendment 187
Oldřich Vlasák

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

Text proposed by the Commission

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

Amendment

(d) exchanged between persons other than professional operators;

Or. cs

Justification

Seed growers, gardeners and other small-scale growers who are not professional operators contribute to the preservation and development of agrobiodiversity, at no cost whatsoever to the taxpayer. In this sense, their work is a public service. They should be encouraged by being allowed to sell their own produce. The exchange of plant reproductive material between natural persons who are not professional operators should therefore be excluded from the scope of the regulation.

Amendment 188
Czesław Adam Siekierski, Jarosław Kalinowski, Wojciech Michał Olejniczak

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

Text proposed by the Commission

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

Amendment

(d) exchanged in kind between persons other than professional operators, ***in accordance with provisions on the legal protection of varieties.***

Or. pl

Amendment 189
Riikka Pakarinen

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

Text proposed by the Commission

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

Amendment

(d) exchanged in kind between persons other than professional operators ***or where the activities in question are of an amateur nature and on a very small scale and are aimed at end users who are not professional operators.***

Or. fi

Amendment 190
Theodoros Skylakakis, Spyros Danellis

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

Text proposed by the Commission

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

Amendment

(d) exchanged in kind between persons ***acting for purposes which are outside their trade, business or profession and acquire for their own use plants or plant products.***

Or. en

Justification

Private use and exchange between final users (e.g. private gardeners and amateurs) should be excluded from the scope of the regulation.

Amendment 191

Vicky Ford, James Nicholson

Proposal for a regulation

Article 2 – paragraph 1 – point d

Text proposed by the Commission

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

Amendment

(d) exchanged in kind ***or marketed in trivial quantities*** between persons other than professional operators.

Or. en

Amendment 192

Michel Dantin, Agnès Le Brun

Proposal for a regulation

Article 2 – paragraph 1 – point d

Text proposed by the Commission

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

Amendment

(d) exchanged in kind between ***final users;***

Or. fr

Amendment 193

Robert Dušek

Proposal for a regulation

Article 2 – paragraph 1 – point d

Text proposed by the Commission

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

Amendment

(d) exchanged in kind between persons other than professional operators ***and other than professional operators defined in the***

**Article 2, paragraph 7 of the Proposal
European Parliament and of the Council
on protective measures against pests of
plants**

Or. en

Justification

This proposal could prohibit from the illegal exchange of FSS.

Amendment 194

**Martin Häusling, Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund,
Janusz Wojciechowski, Ulrike Rodust, Kriton Arsenis**

Proposal for a regulation

Article 2 – paragraph 1 – point d

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 195

**Julie Girling, James Nicholson, George Lyon, Anthea McIntyre, Phil Bennion, Chris
Davies**

Proposal for a regulation

Article 2 – paragraph 1 – point d

Text proposed by the Commission

(d) exchanged in kind between persons

Amendment

(d) exchanged in kind, ***or marketed in***

other than professional operators.

small non-commercial quantities, between persons other than professional operators.

Or. en

Justification

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

Amendment 196

Martin Häusling, Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund, Janusz Wojciechowski, Kriton Arsenis, Brian Simpson

Proposal for a regulation

Article 2 – paragraph 1 – point d

Text proposed by the Commission

Amendment

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

(d) exchanged between persons other than professional operators.

Or. en

Justification

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

Amendment 197

Christofer Fjellner

Proposal for a regulation

Article 2 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) intended for forestry purposes.

Or. en

Justification

Inclusion of forest reproductive material would increase the administrative burden both for forest owners and authorities, and new fees for approving basic material and issuing certificates would increase cost. Including forest reproductive material would likely lead to the use of fewer species and trees with a lower intra-genetic variation. This negative effect is the result of the increasing costs of a diversified forestry, both directly, as minor tree species and small seed lots are more costly to manage, and indirectly, through an increased administrative burden. The loss in variation would be highly unfortunate, as it would reduce the capacity of new forests to cope with forest damage and climate change.

Amendment 198

Kriton Arsenis

Proposal for a regulation

Article 2 – paragraph 1 – point d b (new)

Text proposed by the Commission

Amendment

(db) produced by a farmer on his own farm on his own behalf and for his own account.

Or. en

Amendment 199

Esther de Lange

Proposal for a regulation

Article 2 – paragraph 1 – point d c (new)

Text proposed by the Commission

Amendment

(dc) intended for (re-)export

Or. en

Amendment 200

Elisabeth Köstinger, Elisabeth Jeggle, Britta Reimers, Albert Deß, Martin Kastler, Giovanni La Via, Milan Zver

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

Text proposed by the Commission

Amendment

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

Or. de

Amendment 201
Vicky Ford, James Nicholson

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

Text proposed by the Commission

Amendment

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

Or. en

Justification

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

Amendment 202
Jens Nilsson, Åsa Westlund, Marita Ulvskog

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

Text proposed by the Commission

Amendment

(df) that is intended for forestry purposes

Or. en

Justification

Including FRM in the Regulation on PRM would strongly increase the administrative burden for the professional operators as well as the authorities. In some MS the number of operators that the Regulation considers as “professional operators” would triple. This is contrary to the aim of simplification and smart regulation. Furthermore, the proposed inclusion of FRM would lead to the use of fewer tree species and trees with a lower intra-genetic variation.

Amendment 203

Martin Häusling, Karin Kadenbach, Marita Ulvskog, Jens Nilsson, Åsa Westlund, José Bové, Janusz Wojciechowski, Kriton Arsenis

Proposal for a regulation

Article 2 – paragraph 1 – point d g (new)

Text proposed by the Commission

Amendment

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

Or. en

Justification

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

Amendment 204

Maria do Céu Patrão Neves

Proposal for a regulation

Article 2 – paragraph 1 – point d h (new)

Text proposed by the Commission

Amendment

(dh) open-pollinated plants and seeds;

Or. pt

Amendment 205
Sandra Kalniete

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

Text proposed by the Commission

Amendment

(da) intended for forestation and reforestation.

Or. lv

Justification

To be inserted as Article 2(e).

Amendment 206
Oldřich Vlasák

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

Text proposed by the Commission

Amendment

(dj) produced and used exclusively for personal usage.

Or. cs

Justification

Using one's own seeds is an old tradition and the natural right of farmers. It is, for instance, important in organic farming, which seeks to create a closed loop system and self-sufficient organic farms which do not need additional intensive farming inputs from outside. With regard to the diversity of life, this also creates an opportunity to gradually create new resistant varieties that are adapted to local condition.

Amendment 207
Vicky Ford, James Nicholson

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

Text proposed by the Commission

Amendment

***(dk) which would be defined as
"ornamental"***

Or. en

Justification

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

**Amendment 208
Herbert Dorfmann**

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

Text proposed by the Commission

Amendment

***(dl) produced by a farmer on his own
farm on his own behalf and for own
account;***

Or. en

**Amendment 209
Pilar Ayuso, Esther Herranz García, Gabriel Mato Adrover, María Auxiliadora Correa
Zamora**

**Proposal for a regulation
Article 3 – point 1**

Text proposed by the Commission

Amendment

***(1) ‘plants’ means plants as defined in
Article 2(1) of Regulation (EU) No .../...
(Office of Publications, please insert
number of Regulation on protective
measures against pests of plants) on
protective measures against pests of
plants;***

***(1) ‘plant’ means a complete botanical
individual;***

Justification

The plain and simple definition being proposed for the term 'plant' is clearly linked to the definition of 'reproductive materials' covered by other amendments to Article 3.

Amendment 210

Iratxe García Pérez, Sergio Gutiérrez Prieto

Proposal for a regulation

Article 3 – point 1

Text proposed by the Commission

(1) *'plants'* means *plants as defined in Article 2(1) of Regulation (EU) No .../... (Office of Publications, please insert number of Regulation on protective measures against pests of plants) on protective measures against pests of plants;*

Amendment

(1) *'plant'* means *a complete botanical individual;*

Amendment 211

Peter Jahr, Britta Reimers

Proposal for a regulation

Article 3 – point 2

Text proposed by the Commission

(2) 'plant reproductive material' means plant(s) capable of, and intended for, producing entire plants;

Amendment

(2) 'plant reproductive material' means plant(s) capable of, and intended for, producing entire plants *for commercial purposes;*

Amendment 212

Martin Häusling, Karin Kadenbach, Janusz Wojciechowski, Ulrike Rodust, Kriton

Arsenis

Proposal for a regulation

Article 3 – point 2

Text proposed by the Commission

(2) ‘plant reproductive material’ means plant(s) capable of, and intended for, producing entire plants;

Amendment

(2) ‘plant reproductive material’ means ***seed and other propagating material***; ‘***seed***’ means ***seeds of plants intended for cultivation***; ‘***other propagating material***’ means ***parts of*** plant(s) capable of, and intended for, producing entire plants;

Or. en

Justification

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

Amendment 213

Pilar Ayuso, Esther Herranz García, Gabriel Mato Adrover, María Auxiliadora Correa Zamora

Proposal for a regulation

Article 3 – point 2

Text proposed by the Commission

(2) ‘plant reproductive ***material***’ means ***plant(s) capable of, and*** intended for, ***producing entire*** plants;

Amendment

(2) ‘plant reproductive ***materials***’ means ***seeds, parts of plants, and any plant material*** intended for ***the propagation and production of*** plants;

Or. es

Justification

This matches the definition agreed on for existing legislation in the plant and seed sector.

Amendment 214
Iratxe García Pérez, Sergio Gutiérrez Prieto

Proposal for a regulation
Article 3 – point 2

Text proposed by the Commission

(2) ‘plant reproductive *material*’ means *plant(s) capable of, and intended for, producing entire* plants;

Amendment

(2) ‘plant reproductive *materials*’ means *seeds, parts of plants, and any plant material* intended for *the propagation and production of* plants;

Or. es

Justification

The text proposed matches the definition agreed on for existing legislation in the plant and seed sector.

Amendment 215
Michel Dantin, Agnès Le Brun

Proposal for a regulation
Article 3 – point 2 a (new)

Text proposed by the Commission

Amendment

(2a) ‘niche material’ means plant reproductive material producing varieties intended solely to be produced and made available on the local market and in limited quantities or intended for final users;

Or. fr

Amendment 216
Michel Dantin

Proposal for a regulation
Article 3 – point 2 b (new)

Text proposed by the Commission

Amendment

(2b) ‘heterogeneous material’ means plant reproductive material not belonging to a variety within the meaning of point 1 of Article 10 and not fulfilling the requirements relating to distinctiveness, uniformity and stability laid down in Articles 60, 61 and 62;

Or. fr

Amendment 217

Pilar Ayuso, Esther Herranz García, Gabriel Mato Adrover, María Auxiliadora Correa Zamora

**Proposal for a regulation
Article 3 – point 3**

Text proposed by the Commission

Amendment

(3) ‘mother plant’ means an identified plant from which plant reproductive material is taken for reproduction of new plants;

(Does not affect the English version.)

Or. es

Justification

(Does not affect the English version.)

Amendment 218

Iratxe García Pérez, Sergio Gutiérrez Prieto

**Proposal for a regulation
Article 3 – point 3**

Text proposed by the Commission

Amendment

(3) ‘mother plant’ means an identified plant from which plant reproductive material is taken for reproduction of new

(Does not affect the English version.)

plants;

Or. es

Justification

(Does not affect the English version.)

Amendment 219

Vicky Ford, James Nicholson

Proposal for a regulation

Article 3 – point 3 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 220

Béla Glattfelder

Proposal for a regulation

Article 3 – point 5

Text proposed by the Commission

Amendment

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

(5) ‘making available on the market’ means the holding for the purpose of sale within the Union, including offering for sale or for any other form of transfer, and the sale, distribution, import into the Union and other forms of transfer ***within the Union***, whether free of charge or not, ***with a view to commercial exploitation of plant reproductive material***;

Or. en

Amendment 221
Esther de Lange

Proposal for a regulation
Article 3 – point 5

Text proposed by the Commission

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

Amendment

(5) ‘making available on the market’ means the holding for the purpose of sale within the Union, including offering for sale or for any other form of transfer, and the sale, distribution, import into **the Union and other forms of transfer in the EU to third parties (other than providers of services for processing or packaging who do not acquire title to plant reproductive material thus supplied) aimed at commercial exploitation of plant reproductive material** whether free of charge or not;

Or. en

Amendment 222
Michel Dantin, Agnès Le Brun

Proposal for a regulation
Article 3 – point 5

Text proposed by the Commission

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

Amendment

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

Or. fr

Amendment 223
Herbert Dorfmann

Proposal for a regulation
Article 3 – point 5

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 224
Kriton Arsenis

Proposal for a regulation
Article 3 – point 5

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 225
Elisabeth Köstinger, Elisabeth Jeggle, Albert Deß, Martin Kastler, Giovanni La Via,
Milan Zver

Proposal for a regulation
Article 3 – point 5

Text proposed by the Commission

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

Amendment

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

Or. de

Amendment 226

Guido Milana

Proposal for a regulation

Article 3 – point 5

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 227

José Bové

Proposal for a regulation

Article 3 – point 5

Text proposed by the Commission

(5) ‘making available on the market’ means the holding for the purpose of sale

Amendment

(5) ‘making available on the market’ means the holding for the purpose of sale

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

within the Union, including offering for sale or for any other form of transfer, and the sale, distribution, import into, and export out of, the Union and other forms of transfer ***aimed at commercial exploitation***, whether free of charge or not;

Or. en

Amendment 228

Martin Häusling, Karin Kadenbach, Brian Simpson, Janusz Wojciechowski, Ulrike Rodust, Kriton Arsenis

Proposal for a regulation

Article 3 – point 5

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 229

Julie Girling, James Nicholson, Anthea McIntyre, Phil Bennion

Proposal for a regulation

Article 3 – point 5

Text proposed by the Commission

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

Amendment

(5) "Making available on the market", **unless on an "own holding" as defined in Article 3**, means the holding for the purpose of sale within the Union, including offering for sale or for any other form of transfer **within the Union**, and the sale, distribution, import into, and export out of, the Union and other forms of transfer **in the course of commercial activity related to plant reproductive material**, whether **in return for payment or** free of charge;

Or. en

Amendment 230

Eric Andrieu, Marc Tarabella

Proposal for a regulation

Article 3 – point 5

Text proposed by the Commission

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

Amendment

(5) ‘making available on the market’ means the holding for the purpose of sale within the Union, including offering for sale or for any other form of transfer, and the sale, distribution, import into, and export out of, the Union and other forms of transfer, **with a view to the commercial exploitation of the plant reproductive material in question**;

Or. fr

Justification

The Commission proposal extends the scope of the legislation to include transactions whose purpose is not the commercial exploitation of the products exchanged, which seems to be disproportionate, particularly as regards the objective of reducing the administrative burden of this reform. The reference to ‘commercial exploitation’ should be retained, following the example, in current legislation, of Article 2(a) of Directive 2002/55 on the marketing of vegetable seed.

Amendment 231
Peter Jahr, Britta Reimers

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

Text proposed by the Commission

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

Amendment

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

Or. de

(Clarification of the definition of 'professional operator')

Amendment 232
Kriton Arsenis

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 233
João Ferreira
on behalf of the GUE/NGL Group

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

Text proposed by the Commission

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

Amendment

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

Or. pt

Amendment 234

Elisabeth Köstinger, Albert Deß, Elisabeth Jeggle, Martin Kastler, Giovanni La Via, Milan Zver

Proposal for a regulation

Article 3 – point 6 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. de

Amendment 235

Guido Milana

Proposal for a regulation

Article 3 – point 6 – introductory part

Text proposed by the Commission

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

Amendment

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

Amendment 236
Georges Bach, Astrid Lulling

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 237
José Bové

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 238
Martin Häusling, Karin Kadenbach, Brian Simpson, José Bové, Janusz Wojciechowski, Ulrike Rodust, Kriton Arsenis

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

Text proposed by the Commission

Amendment

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

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

Or. en

Justification

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

Amendment 239

Elisabeth Köstinger, Elisabeth Jeggle, Albert Deß, Martin Kastler, Giovanni La Via, Milan Zver

**Proposal for a regulation
Article 3 – point 6 – point a**

Text proposed by the Commission

Amendment

(a) producing;

deleted

Or. de

Justification

Production must be regulated in another context.

Amendment 240

Martin Häusling, Karin Kadenbach, Brian Simpson, Janusz Wojciechowski, Ulrike Rodust, Kriton Arsenis

**Proposal for a regulation
Article 3 – point 6 – point a**

Text proposed by the Commission

Amendment

(a) producing;

deleted

Or. en

Justification

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

Amendment 241

Guido Milana

Proposal for a regulation

Article 3 – point 6 – point a

Text proposed by the Commission

Amendment

(a) producing;

(a) production, propagation

Or. en

Amendment 242

George Lyon, Julie Girling, Phil Bennion, Anthea McIntyre

Proposal for a regulation

Article 3 – point 6 – point a

Text proposed by the Commission

Amendment

(a) producing;

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

Or. en

Justification

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

Amendment 243

Pilar Ayuso, Esther Herranz García, Gabriel Mato Adrover, María Auxiliadora Correa Zamora

Proposal for a regulation

Article 3 – point 6 – point a

Text proposed by the Commission

Amendment

(a) producing;

(a) producing, *excluding assisting farmer-breeders*;

Or. es

Justification

Farmers who help to produce plant reproductive material should not be considered professional operators for the purposes of the regulation, since production is carried out by a firm with a farmer's assistance, but responsibility should invariably lie with the producing firm.

Amendment 244

Iratxe García Pérez, Sergio Gutiérrez Prieto

Proposal for a regulation

Article 3 – point 6 – point a

Text proposed by the Commission

Amendment

(a) producing;

(a) producing, *excluding assisting farmer-breeders*;

Or. es

Amendment 245

Ewald Stadler

Proposal for a regulation

Article 3 – point 6 – point b

Text proposed by the Commission

Amendment

(b) breeding;

deleted

Amendment 246

Martin Häusling, Karin Kadenbach, Brian Simpson, Janusz Wojciechowski, Ulrike Rodust, Kriton Arsenis

Proposal for a regulation

Article 3 – point 6 – point b

Text proposed by the Commission

Amendment

(b) breeding;

deleted

Or. en

Justification

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

Amendment 247

Elisabeth Köstinger, Elisabeth Jeggle, Albert Deß, Martin Kastler, Giovanni La Via, Milan Zver

Proposal for a regulation

Article 3 – point 6 – point c

Text proposed by the Commission

Amendment

(c) maintaining;

deleted

Or. de

Justification

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

Amendment 248

Martin Häusling, Karin Kadenbach, Brian Simpson, Janusz Wojciechowski, Ulrike Rodust, Kriton Arsenis

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

Text proposed by the Commission

Amendment

(c) maintaining;

deleted

Or. en

Justification

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

Amendment 249

Martin Häusling, Karin Kadenbach, Brian Simpson, Janusz Wojciechowski, Ulrike Rodust, Kriton Arsenis

Proposal for a regulation
Article 3 – point 6 – point d

Text proposed by the Commission

Amendment

(d) providing services;

deleted

Or. en

Justification

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

Amendment 250

George Lyon, Julie Girling, Anthea McIntyre

Proposal for a regulation
Article 3 – point 6 – point d

Text proposed by the Commission

Amendment

(d) providing services;

(d) providing services *excluding transport*;

Or. en

Justification

Including transport of PRM is unnecessarily burdensome

Amendment 251

Martin Häusling, Karin Kadenbach, Janusz Wojciechowski, Ulrike Rodust, Kriton Arsenis, Brian Simpson

Proposal for a regulation

Article 3 – point 6 – point e

Text proposed by the Commission

Amendment

(e) preserving, including storing; and

deleted

Or. en

Justification

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

Amendment 252

Guido Milana

Proposal for a regulation

Article 3 – point 6 – point e

Text proposed by the Commission

Amendment

(e) preserving, including storing; and

**(e) preserving, including storing and
*making it available on the market***

Or. en

Amendment 253

Pilar Ayuso, Esther Herranz García, Gabriel Mato Adrover, María Auxiliadora Correa Zamora

Proposal for a regulation

Article 3 – point 6 – point e

Text proposed by the Commission

Amendment

(e) preserving, ***including storing; and***

(e) preserving;

Or. es

Justification

Farmers who help to produce plant reproductive material should not be considered professional operators for the purposes of the regulation, since production is carried out by a firm with a farmer's assistance, but responsibility should invariably lie with the producing firm.

Amendment 254

Guido Milana

Proposal for a regulation

Article 3 – point 6 – point f

Text proposed by the Commission

Amendment

(f) making available on the market.

deleted

Or. en

Amendment 255

Georges Bach, Astrid Lulling

Proposal for a regulation

Article 3 – point 6 – point f

Text proposed by the Commission

Amendment

(f) making available on the market.

deleted

Or. en

Amendment 256

Peter Jahr, Britta Reimers

Proposal for a regulation
Article 3 – point 6 – point f

Text proposed by the Commission

Amendment

(f) making available on the market.

(f) making available on the market ***in accordance with the provisions of this article.***

Or. de

(Clarification that the definition of ‘professional operator’ also covers fulfilment of the criteria under Article 3(5) on ‘making available on the market’)

Amendment 257
José Bové

Proposal for a regulation
Article 3 – point 6 – point f

Text proposed by the Commission

Amendment

(f) making available on the market.

(f) ***its*** making available on the market.

Or. en

Amendment 258
Maria do Céu Patrão Neves

Proposal for a regulation
Article 3 – point 6 – point f

Text proposed by the Commission

Amendment

(f) making available on the market.

(f) making available on the market, ***with a view to marketing and not for the purpose of commercial exploitation.***

Or. pt

Amendment 259
Rareş-Lucian Niculescu

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

Text proposed by the Commission

Amendment

(fa) propagation;

Or. ro

Amendment 260
João Ferreira
on behalf of the GUE/NGL Group

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

Text proposed by the Commission

Amendment

Farmers who exchange seeds from their own farm, on their own account, are not professional operators.

Or. pt

Amendment 261
Herbert Dorfmann

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

Text proposed by the Commission

Amendment

Farmers exchanging seeds from their own farm on their own behalf and for their own account are not professional operators;

Or. en

Amendment 262
Vicky Ford, James Nicholson

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 263

Wojciech Michał Olejniczak, Czesław Adam Siekierski, Jarosław Kalinowski

Proposal for a regulation
Article 3 – point 9

Text proposed by the Commission

Amendment

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

Or. en

Justification

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

Amendment 264

João Ferreira

on behalf of the GUE/NGL Group

Proposal for a regulation
Article 3 – point 9

Text proposed by the Commission

Amendment

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

deleted

Or. pt

Amendment 265

Julie Girling, James Nicholson, George Lyon, Anthea McIntyre, Phil Bennion, Chris Davies

Proposal for a regulation

Article 3 – point 10 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Justification

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

Amendment 266

Julie Girling, James Nicholson, Anthea McIntyre, Phil Bennion

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

The seed produced shall be suitable for use on land managed within the same common business entity, where the

business entity shares in the financial risks and rewards of the crop.

Or. en

Justification

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

Amendment 267

Eric Andrieu, Marc Tarabella

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(10c) 'material or variety in the public domain' means plant reproductive material which is not protected by any type of intellectual property right.

Or. fr

Justification

The expression 'in the public domain' needs to be formally defined because it has legal consequences for certain categories of plant reproductive material, as defined in the Regulation. The 'public domain' is a classic legal concept indicating the absence of protection by means of any kind of intellectual property rights.

Amendment 268

Michel Dantin, Agnès Le Brun

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(10d) 'final users' means final users as defined in Article 2(8) of Regulation (EU) No .../... on protective measures against

pests of plants;

Or. fr

Amendment 269
Ewald Stadler

Proposal for a regulation
Article 4

Text proposed by the Commission

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

Amendment

Plant reproductive material shall be subject to no restrictions concerning its production and making available on the market, other than those laid down in this Regulation, in Directive 94/62/EC, Regulation (EC) No 338/97, Directive 2001/18/EC, Regulation (EC) No 1829/2003, Regulation (EC) No 1830/2003, Regulation (EU) **on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization in the Union and Regulation (EU) No .../...** [Office of Publication, please insert number of Regulation on protective measures against pests of plants].

Or. en

Amendment 270
Rareş-Lucian Niculescu

Proposal for a regulation
Article 4

Text proposed by the Commission

Plant reproductive material shall be subject to no restrictions concerning its production and making available on the market, other than those laid down in this Regulation, in Directive 94/62/EC, Regulation (EC) No 338/97, Directive 2001/18/EC, Regulation

Amendment

Plant reproductive material shall be subject to no restrictions concerning its production and making available on the market, other than those laid down in this Regulation, in Directive 94/62/EC, Regulation (EC) No 338/97, Directive 2001/18/EC, Regulation

(EC) No 1829/2003, Regulation (EC) No 1830/2003, Regulation (EU) No .../... [Office of Publication, please insert number of Regulation on protective measures against pests of plants] and in Union legislation restricting the production or making available on the market of invasive alien species.

(EC) No 1829/2003, Regulation (EC) No 1830/2003, **Regulation (EC) No 1107/2009**, Regulation (EU) No .../... [Office of Publication, please insert number of Regulation on protective measures against pests of plants] and in Union legislation restricting the production or making available on the market of invasive alien species.

Or. ro

Amendment 271

Julie Girling, James Nicholson, Anthea McIntyre, George Lyon

Proposal for a regulation

Article 4

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Addition of reference to the Community Plant Variety Rights Regulation.

Amendment 272

Pilar Ayuso, Esther Herranz García, Gabriel Mato Adrover, María Auxiliadora Correa Zamora

Proposal for a regulation

Article 5

Text proposed by the Commission

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

Amendment

Professional operators shall be registered in *an official register of reproductive material operators. Member States may combine that register on their territory with other existing registers of operators in accordance with Regulation (EU) No .../...*

The above obligation shall not apply to retailers.

Or. es

Justification

The register of operators is central to the seed and nursery plant sector. It would be possible to combine with registers of other sectors that might in some way be linked to the proposed action, and Member States are accordingly given the option of doing so. Retailers should not be included in the register.

Amendment 273

Ewald Stadler

Proposal for a regulation

Article 5

Text proposed by the Commission

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

Amendment

Professional operators, *with the exception of farmers exchanging seeds from their own farm on their own behalf and for their own account directly with other farmers or with end users and operators whose annual turnover or annual balance sheet total does not exceed EUR 2 million,* shall be registered in the registers referred

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

Or. en

Amendment 274
Herbert Dorfmann

Proposal for a regulation
Article 5

Text proposed by the Commission

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

Amendment

Professional operators, *with the exception of farmers exchanging seeds from their own farm on their own behalf and for their own account directly with other farmers or with end users*, shall be registered in the registers referred to in Article 61 of Regulation (EC) No .../... (Office of Publication, please insert number of Regulation on protective measures against pests of plants) in accordance with the provisions of Article 62 of that Regulation.

Or. en

Amendment 275
Iratxe García Pérez, Sergio Gutiérrez Prieto

Proposal for a regulation
Article 5

Text proposed by the Commission

Professional operators shall be registered in the registers referred to in Article 61 of Regulation (EC) No .../... (Office of Publication, please insert number of

Amendment

Professional operators shall be registered in the registers referred to in Article 61 of Regulation (EC) No .../... (Office of Publication, please insert number of

Regulation on protective measures against pests of plants) in accordance with the provisions of Article 62 of that Regulation.

Regulation on protective measures against pests of plants) in accordance with the provisions of Article 62 of that Regulation.

Retailers shall be exempt from the obligation laid down in this Article.

Or. es

Justification

The fact that Spain has a specific register of retail traders does not rule out the general obligation to register operators.

Amendment 276
Kriton Arsenis

Proposal for a regulation
Article 5

Text proposed by the Commission

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

Amendment

Professional operators ***with the exception of farmers exchanging seeds from their own farm on their own behalf and for their own account directly with other farmers or with end users*** shall be registered in the registers referred to in Article 61 of Regulation (EC) No .../... (Office of Publication, please insert number of Regulation on protective measures against pests of plants) in accordance with the provisions of Article 62 of that Regulation.

Or. en

Amendment 277
Julie Girling, James Nicholson, George Lyon, Anthea McIntyre, Chris Davies

Proposal for a regulation
Article 5

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 278

Rareş-Lucian Niculescu

Proposal for a regulation

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

If, on the date of entry into force of this Regulation, the professional operators are already registered by the competent authority in registers other than those referred to above, those registers shall remain valid;

Or. ro

Amendment 279

Julie Girling, James Nicholson, George Lyon, Anthea McIntyre, Phil Bennion

Proposal for a regulation

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Justification

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

Amendment 280

Pilar Ayuso, Esther Herranz García, Gabriel Mato Adrover, María Auxiliadora Correa Zamora

Proposal for a regulation

Article 6

Text proposed by the Commission

Amendment

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

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

Or. es

Justification

There is some uncertainty as to the exact meaning of 'ensure'. The responsibility of professional operators must be such that their materials will comply with the requirements of the regulation and they must, therefore, give a guarantee to that effect.

Amendment 281

Iratxe García Pérez, Sergio Gutiérrez Prieto

Proposal for a regulation
Article 6

Text proposed by the Commission

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

Amendment

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

Or. es

Justification

The responsibility of producers means that their materials must meet the requirements of the regulation.

Amendment 282
Rareş-Lucian Niculescu

Proposal for a regulation
Article 6

Text proposed by the Commission

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

Amendment

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

Or. ro

Amendment 283
Elisabeth Köstinger, Elisabeth Jeggle, Britta Reimers, Albert Deß, Martin Kastler, Giovanni La Via, Milan Zver

Proposal for a regulation
Article 6

Text proposed by the Commission

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

Amendment

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

Or. de

Justification

Production should not be covered by this Regulation.

Amendment 284

Karin Kadenbach, Kriton Arsenis, Ulrike Rodust, Marita Ulvskog, Jens Nilsson, Åsa Westlund, Christel Schaldemose

Proposal for a regulation

Article 6

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 285

Elisabeth Köstinger, Elisabeth Jeggle, Albert Deß, Martin Kastler, Giovanni La Via, Milan Zver

Proposal for a regulation
Article 7 – title

Text proposed by the Commission

Amendment

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

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

Or. de

Amendment 286

Karin Kadenbach, Kriton Arsenis, Ulrike Rodust, Marita Ulvskog, Jens Nilsson, Åsa Westlund, Christel Schaldemose

Proposal for a regulation
Article 7 – title

Text proposed by the Commission

Amendment

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

Specific responsibilities of professional operators

Or. en

Justification

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

Amendment 287

Herbert Dorfmann

Proposal for a regulation
Article 7 – introductory part

Text proposed by the Commission

Amendment

Professional operators producing plant

Professional operators producing plant

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reproductive material shall:

reproductive material, *with the exception of farmers producing plant reproductive material on their own farm on their own behalf and for their own account and operators exclusively marketing small quantities of plant reproductive material to final users*, shall:

Or. en

Amendment 288

João Ferreira

on behalf of the GUE/NGL Group

Proposal for a regulation

Article 7 – introductory part

Text proposed by the Commission

Professional operators producing plant reproductive material shall:

Amendment

Professional operators producing plant reproductive material, *with the exception of farmers producing plant reproductive material from their own farm on their own behalf and on their own account*, shall:

Or. pt

Amendment 289

Elisabeth Köstinger, Elisabeth Jeggle, Albert Deß, Martin Kastler, Giovanni La Via, Milan Zver

Proposal for a regulation

Article 7 – introductory part

Text proposed by the Commission

Professional operators *producing* plant reproductive material shall:

Amendment

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

Or. de

Amendment 290

Karin Kadenbach, Kriton Arsenis, Ulrike Rodust, Marita Ulvskog, Jens Nilsson, Åsa Westlund, Christel Schaldemose

Proposal for a regulation

Article 7 – introductory part

Text proposed by the Commission

Amendment

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

Professional operators shall:

Or. en

Justification

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

Amendment 291

Vicky Ford, James Nicholson

Proposal for a regulation

Article 7 – point h

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 292

Julie Girling, James Nicholson, Anthea McIntyre, Phil Bennion, Chris Davies

Proposal for a regulation

Article 7 – point h

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 293

Michel Dantin, Agnès Le Brun

Proposal for a regulation

Article 7 – point h

Text proposed by the Commission

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

Amendment

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

Or. fr

Amendment 294

Robert Dušek

Proposal for a regulation

Article 7 – point h a (new)

Text proposed by the Commission

Amendment

(ha) where the variety is protected by a Plant Variety Right (PVR), a professional operator must have the consent of the holder to produce seed of the variety.

Or. en

Justification

Variety is protected by National Plant Variety Right or Plant Variety Right of the European

Community.

Amendment 295

Elisabeth Köstinger, Elisabeth Jeggle, Peter Jahr, Albert Deß, Martin Kastler, Giovanni La Via, Milan Zver

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. de

Amendment 296

Karin Kadenbach, Kriton Arsenis, Ulrike Rodust, Marita Ulvskog, Åsa Westlund, Jens Nilsson, Christel Schaldemose

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 297

João Ferreira

on behalf of the GUE/NGL Group

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Professional operators, ***with the exception of farmers who exchange seeds from their own farm on their behalf and on their own account***, shall ensure that plant reproductive material is traceable at all stages of production and making available on the market.

Or. pt

Amendment 298

Herbert Dorfmann

Proposal for a regulation

Article 8 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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

Amendment

For the purpose of paragraph 1, professional operators, ***with the exception of farmers exchanging seeds from their own farm on their own behalf and for their own account***, shall keep information allowing them to identify the professional operators, which have supplied them with plant reproductive material, and the material concerned.

Or. en

Amendment 299

Ewald Stadler

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 300
Karin Kadenbach, Kriton Arsenis, Ulrike Rodust, Marita Ulvskog, Jens Nilsson, Åsa Westlund

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

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 301 **Herbert Dorfmann**

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

Text proposed by the Commission

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

Amendment

For the purpose of paragraph 1, professional operators ***with the exception of farmers exchanging seeds from their own farm on their own behalf and for their own account***, shall keep information allowing them to identify the persons to whom they have supplied plant reproductive material and the material concerned, unless that material has been supplied in retail.

Or. en

Amendment 302 **Eric Andrieu**

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

Text proposed by the Commission

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

Amendment

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

Justification

The details of who the material has been supplied to should be retained by the professional operators until it is supplied to non-professional final users.

Amendment 303

Julie Girling, James Nicholson, Anthea McIntyre

Proposal for a regulation

Article 8 – paragraph 3 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 304

João Ferreira

on behalf of the GUE/NGL Group

Proposal for a regulation

Article 8 – paragraph 3 – subparagraph 1

Text proposed by the Commission

For the purpose of paragraph 1, professional operators shall keep information allowing them to identify the persons to whom they have supplied plant

Amendment

For the purpose of paragraph 1, ***with the exception of farmers producing plant reproductive material from their own farm on their own behalf and on their***

reproductive material and the material concerned, unless that material has been supplied in retail.

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

Or. pt

Amendment 305

George Lyon, Edward McMillan-Scott, Chris Davies, Phil Bennion, Catherine Bearder

Proposal for a regulation

Article 8 – paragraph 3 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 306

João Ferreira

on behalf of the GUE/NGL Group

Proposal for a regulation

Article 8 – paragraph 4

Text proposed by the Commission

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

Amendment

deleted

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

Or. pt

Amendment 307

Wojciech Michał Olejniczak, Czesław Adam Siekierski, Jarosław Kalinowski, Karin Kadenbach

Proposal for a regulation

Article 8 – paragraph 4 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 308

Elisabeth Köstinger, Elisabeth Jeggle, Peter Jahr, Albert Deß, Birgit Collin-Langen, Martin Kastler, Giovanni La Via, Milan Zver

Proposal for a regulation

Article 8 – paragraph 4 – subparagraph 1

Text proposed by the Commission

In the case of plant reproductive material, ***other than forest reproductive material***, professional operators shall keep records of

Amendment

In the case of plant reproductive material, professional operators shall keep records of the plant reproductive material referred to

the plant reproductive material referred to in paragraphs 2 and 3 for three years after that material has been respectively supplied to or by them.

in paragraphs 2 and 3 for three years after that material has been respectively supplied to or by them.

Or. de

Amendment 309
Ewald Stadler

Proposal for a regulation
Article 8 – paragraph 4 – subparagraph 1

Text proposed by the Commission

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

Amendment

In the case of plant reproductive material, other than forest reproductive material, professional operators ***with the exception of farmers exchanging seeds from their own farm on their own behalf and for their own account, and operators whose annual turnover or annual balance sheet total does not exceed EUR 2 million***, shall keep records of the plant reproductive material referred to in paragraphs 2 and 3 for three years after that material has been respectively supplied to or by them.

Or. en

Amendment 310
Herbert Dorfmann

Proposal for a regulation
Article 8 – paragraph 4 – subparagraph 1

Text proposed by the Commission

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

Amendment

In the case of plant reproductive material, other than forest reproductive material, professional operators ***with the exception of farmers exchanging seeds from their own farm on their own behalf and for their own account***, shall keep records of

to or by them.

the plant reproductive material referred to in paragraphs 2 and 3 for three years after that material has been respectively supplied to or by them.

Or. en

Amendment 311
Rareş-Lucian Niculescu

Proposal for a regulation
Article 8 – paragraph 4 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Or. ro

Amendment 312
Wojciech Michał Olejniczak, Czesław Adam Siekierski, Jarosław Kalinowski, Karin Kadenbach

Proposal for a regulation
Article 8 – paragraph 4 – subparagraph 2

Text proposed by the Commission

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

Amendment

deleted

Or. en

Justification

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

Amendment 313

Elisabeth Köstinger, Elisabeth Jeggle, Peter Jahr, Albert Deß, Birgit Collin-Langen, Martin Kastler, Giovanni La Via, Milan Zver

Proposal for a regulation

Article 8 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Amendment

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

deleted

Or. de

Justification

Forest reproductive material should be completely excluded from this Regulation.

Amendment 314

Rareş-Lucian Niculescu

Proposal for a regulation

Article 8 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Amendment

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

In the case of forest, **orchard and vineyard** reproductive material, the respective period shall be ten years.

Or. ro

Amendment 315

João Ferreira

on behalf of the GUE/NGL Group

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Proposal for a regulation
Article 8 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(4a) This provision shall not apply to plant propagating material not listed in accordance with Title IV, or to heterogeneous material as specified in Article 14(3).

Or. pt

Amendment 316
Marc Tarabella

Proposal for a regulation
Article 8 a (new)

Text proposed by the Commission

Amendment

Article 8a

Articles 5, 7 and 8 shall not apply to operators producing or distributing exclusively niche plant reproductive material and/or heterogeneous material and/or varieties with an officially recognised description.

Or. fr

(See proposal for a Regulation of the European Parliament and of the Council on protective measures against pests of plants (COM(2013) 267 - 2013/0141 (COD)), Article 61: 'Official register of professional operators')

Justification

The requirements set out in Part II of the proposal, and particularly in Articles 5, 7 and 8, are disproportionate for operators producing or distributing niche plant reproductive material and/or heterogeneous material and/or varieties with an officially recognised description. A new article has been drafted to exempt them from these excessive burdens.

Amendment 317
Eric Andrieu

Proposal for a regulation
Article 8 a (new)

Text proposed by the Commission

Amendment

Article 8a

Articles 5, 7 and 8 shall not apply to operators producing or distributing exclusively niche plant reproductive material and/or heterogeneous material and/or varieties with an officially recognised description.

Or. fr

((See proposal for a Regulation of the European Parliament and of the Council on protective measures against pests of plants (COM(2013) 267 - 2013/0141 (COD)), Article 61: 'Official register of professional operators')

Justification

The requirements set out in Part II of the proposal, and particularly in Articles 5, 7 and 8, are disproportionate for operators producing or distributing niche plant reproductive material and/or heterogeneous material and/or varieties with an officially recognised description. A new article has been drafted to exempt them from these excessive burdens.

Amendment 318
Wojciech Michał Olejniczak, Czesław Adam Siekierski, Jarosław Kalinowski

Proposal for a regulation
Part III

Text proposed by the Commission

Amendment

PLANT REPRODUCTIVE MATERIAL
**OTHER THAN FOREST
REPRODUCTIVE MATERIAL**

PLANT REPRODUCTIVE MATERIAL

Or. en

Justification

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

Amendment 319

João Ferreira

on behalf of the GUE/NGL Group

Proposal for a regulation

Article 9

Text proposed by the Commission

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

Amendment

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

Or. pt

Amendment 320

Wojciech Michał Olejniczak, Czesław Adam Siekierski, Jarosław Kalinowski

Proposal for a regulation

Article 9

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 321

Karin Kadenbach, Kriton Arsenis, Ulrike Rodust, Marita Ulvskog, Jens Nilsson, Åsa Westlund, Christel Schaldemose

Proposal for a regulation

Article 9

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 322

Guido Milana

Proposal for a regulation

Article 10 – point 1 – introductory part

Text proposed by the Commission

(1) ‘variety’ means a plant grouping within a single botanical taxon of the lowest known rank, which fulfils all of the following requirements:

Amendment

(1) ‘**DUS** variety’ means a plant grouping within a single botanical taxon of the lowest known rank, which fulfils all of the following requirements:

Or. en

Amendment 323

Guido Milana

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

Text proposed by the Commission

Amendment

(1a) "Heterogeneous variety" means a plant grouping within a single botanical taxon, which fulfils all of the following requirements:

(a) it is defined by the expression of the characteristics that results from a variable combination of different genotypes;

(b) it is distinguished from any other plant grouping by the expression of at least one of the characteristics referred to in point (a);

(c) it is considered as a unit with regard to its suitability for being reproduced unchanged within a determined mode of production, region and environment;

(d) is not a mixture of varieties protected by a PBR, and does not contain any patented plant;

Or. en

Amendment 324
Sergio Paolo Francesco Silvestris

Proposal for a regulation
Article 10 – point 2

Text proposed by the Commission

Amendment

(2) 'official description' means a variety description that has been produced by a competent authority, includes the specific characteristics of the variety and makes the variety identifiable by examination of its distinctiveness, uniformity and stability;

(2) 'official description' means a variety description that has been produced by a competent authority, includes the specific characteristics of the variety and makes the variety identifiable by examination of its distinctiveness, uniformity and stability, ***identified further to the technical examination referred to in Article 71.1;***

Amendment 325
Rareș-Lucian Niculescu

Proposal for a regulation
Article 10 – point 3

Text proposed by the Commission

(3) 'officially recognised description' means a description of a variety, which has been recognised by a competent authority, includes the specific characteristics of the variety, makes it identifiable and has been obtained by means other than examination of the variety's distinctiveness, uniformity and stability ***pursuant to the rules applicable at the time of registration of that variety in accordance with Article 79;***

Amendment

(3) 'officially recognised description' means a description of a variety, which has been recognised by a competent authority, includes the specific characteristics of the variety, makes it identifiable and has been obtained by means other than examination of the variety's distinctiveness, uniformity and stability ***and meets the requirements laid down in Article 57;***

Amendment 326
Ewald Stadler

Proposal for a regulation
Article 10 – point 3

Text proposed by the Commission

(3) 'officially recognised description' means a description of a variety, which has been recognised by a competent authority, includes the specific characteristics of the variety, makes it identifiable and has been obtained by means other than examination of the variety's distinctiveness, uniformity and stability ***pursuant to the rules applicable at the time of registration of that variety in accordance with Article 79;***

Amendment

(3) 'officially recognised description' means a description of a variety, which has been recognised by a competent authority, includes the specific characteristics of the variety, makes it identifiable and has been obtained by means other than examination of the variety's distinctiveness, uniformity and stability;

Amendment 327

Martin Häusling, Karin Kadenbach, Janusz Wojciechowski, Ulrike Rodust, Kriton Arsenis

Proposal for a regulation

Article 10 – point 4

Text proposed by the Commission

Amendment

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

deleted

Or. en

Justification

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

Amendment 328

Ewald Stadler

Proposal for a regulation

Article 10 – point 4

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 329

Eric Andrieu, Marc Tarabella

Proposal for a regulation
Article 10 – point 4 a (new)

Text proposed by the Commission

Amendment

(4a) ‘heterogeneous material’ means material resulting from the crossing of two or more varieties, strains or other identified material and having common characteristics;

Or. fr

Justification

A definition of ‘heterogeneous material’ is proposed in line with the conditions laid down in the new Article 15(a) for the making of such material available on the market.

Amendment 330

João Ferreira

on behalf of the GUE/NGL Group

Proposal for a regulation
Article 10 – point 5

Text proposed by the Commission

Amendment

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

(5) 'variety maintenance' means the actions to ensure that a variety remains consistent with its **characteristics of use**;

Or. pt

Amendment 331

Martin Häusling, Karin Kadenbach, Janusz Wojciechowski, Ulrike Rodust

Proposal for a regulation
Article 10 – point 5

Text proposed by the Commission

Amendment

(5) ‘variety maintenance’ means the actions to ensure that a variety remains

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

consistent with its *description*;

characteristics;

Or. en

Justification

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

Amendment 332

Rareş-Lucian Niculescu

Proposal for a regulation

Article 10 – point 6

Text proposed by the Commission

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

Amendment

(6) 'pre-basic material' means plant reproductive material which is at the first step of production ***under official supervision*** and is intended for the production ***pre-basic material*** or other categories of plant reproductive material

Or. ro

Amendment 333

George Lyon, Julie Girling, Phil Bennion, Anthea McIntyre

Proposal for a regulation

Article 10 – point 6

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 334

Pilar Ayuso, Esther Herranz García, Gabriel Mato Adrover, María Auxiliadora Correa Zamora

Proposal for a regulation**Article 10 – point 6***Text proposed by the Commission*

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

Amendment

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

Or. es

Justification

The materials belong to a category and are called by that name when they have an established origin and comply with the legal requirements. Both conditions have to apply if a material is to be placed in a given category. The definitions must refer to compliance with the requirements laid down in the regulations in force.

Amendment 335

Rareș-Lucian Niculescu

Proposal for a regulation**Article 10 – point 7***Text proposed by the Commission*

(7) 'basic material' means plant reproductive material which has been produced from pre-basic material, and is

Amendment

(7) 'basic material' means plant reproductive material which has been produced from pre-basic **or basic** material,

intended for the production of certified material;

and is intended for the production of *basic or* certified material;

Or. ro

Amendment 336

George Lyon, Phil Bennion, Julie Girling, Anthea McIntyre

Proposal for a regulation

Article 10 – point 7

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 337

Pilar Ayuso, Esther Herranz García, Gabriel Mato Adrover, María Auxiliadora Correa Zamora

Proposal for a regulation

Article 10 – point 7

Text proposed by the Commission

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

Amendment

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

Justification

The materials belong to a category and are called by that name when they have an established origin and comply with the legal requirements. Both conditions have to apply if a material is to be placed in a given category. The definitions must refer to compliance with the requirements laid down in the regulations in force.

Amendment 338

Rareş-Lucian Niculescu

Proposal for a regulation

Article 10 – point 8

Text proposed by the Commission

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

Amendment

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

Amendment 339

George Lyon, Phil Bennion, Julie Girling, Anthea McIntyre

Proposal for a regulation

Article 10 – point 8

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 340

Pilar Ayuso, Esther Herranz García, Gabriel Mato Adrover, María Auxiliadora Correa Zamora

Proposal for a regulation

Article 10 – point 8

Text proposed by the Commission

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

Amendment

(8) ‘certified material’ means plant reproductive material which has been produced from basic material, ***from other certified material, or, where applicable, from material from a generation prior to that of the basic material, and which meets the requirements for this category;***

Justification

The definitions of these materials are not clear. The commercial category has disappeared, and the definition of the standard category is not right, given that a thing cannot be defined according to what it is not.

Amendment 341

Pilar Ayuso, Esther Herranz García, Gabriel Mato Adrover, María Auxiliadora Correa Zamora

Proposal for a regulation

Article 10 – point 9

Text proposed by the Commission

(9) ‘standard material’ means plant reproductive material ***other than pre-basic,***

Amendment

(9) ‘standard material’ means plant reproductive material ***which is sufficiently***

basic or certified material;

identifiable as belonging to a variety and correspondingly pure, meets the requirements of this Regulation, and is subject to an official ex post sample check;

Or. es

Justification

The materials belong to a category and are called by that name when they have an established origin and comply with the legal requirements. Both conditions have to apply if a material is to be placed in a given category. The definitions must refer to compliance with the requirements laid down in the regulations in force.

Amendment 342

Iratxe García Pérez, Sergio Gutiérrez Prieto

Proposal for a regulation

Article 10 – point 9

Text proposed by the Commission

(9) ‘standard material’ means plant reproductive material *other than pre-basic, basic or certified material;*

Amendment

(9) ‘standard material’ means plant reproductive material *which is sufficiently identifiable as belonging to a variety and correspondingly pure, meets the requirements of this Regulation, and is subject to an official ex post sample check;*

Or. es

Justification

Standard material cannot be defined according to what it is not.

Amendment 343

Sergio Paolo Francesco Silvestris

Proposal for a regulation

Article 10 – point 9

Text proposed by the Commission

(9) 'standard material' means plant reproductive material other than pre-basic, basic or certified material;

Amendment

(9) 'standard material' means plant reproductive material other than pre-basic, basic or certified material, ***provided that one or more of the following conditions are met:***

- it belongs to a variety having an officially recognised description pursuant to Article 57;

- it is heterogeneous material pursuant to Article 14.3;

- it is niche market material pursuant to Article 36.1;

Or. it

(According to the reclassification in Mr Silvestris's report, it is heterogeneous material pursuant to Article 15b; - it is niche market material pursuant to Article 15a.)

Amendment 344

Pilar Ayuso, Esther Herranz García, Gabriel Mato Adrover, María Auxiliadora Correa Zamora

Proposal for a regulation

Article 10 – point 9 a (new)

Text proposed by the Commission

Amendment

(9a) 'commercial material' means plant reproductive material which is identifiable solely as belonging to a species and meets the requirements of this Regulation;

Or. es

Justification

The definitions of these materials are not clear. The commercial category does not appear in the Commission's proposal and thus needs to be added.

Amendment 345
Iratxe García Pérez, Sergio Gutiérrez Prieto

Proposal for a regulation
Article 10 – point 9 a (new)

Text proposed by the Commission

Amendment

(9a) ‘commercial material’ means plant reproductive material which is identifiable solely as belonging to a species and meets the requirements of this Regulation;

Or. es

Amendment 346
Pilar Ayuso, Esther Herranz García, Gabriel Mato Adrover, María Auxiliadora Correa Zamora

Proposal for a regulation
Article 10 – point 10

Text proposed by the Commission

Amendment

(10) ‘category’ means ***pre-basic material, basic material, certified material or standard material.***

(10) ‘category’ means ***each of the classes for plant materials laid down in this Regulation.***

Or. es

Justification

A definition should define the thing concerned, rather than listing the parts of which it might consist.

Amendment 347
Iratxe García Pérez, Sergio Gutiérrez Prieto

Proposal for a regulation
Article 10 – point 10

Text proposed by the Commission

Amendment

(10) ‘category’ means ***pre-basic material,***

(10) ‘category’ means ***each of the classes***

basic material, certified material or standard material.

for plant materials laid down in this Regulation.

Or. es

Amendment 348
Kriton Arsenis

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

Text proposed by the Commission

Amendment

(10a) 'Landrace' means the varieties which are created by farmers, are adapted to the environmental conditions of their region and are characterised by high genetic diversity.

Or. en

Amendment 349
Maria do Céu Patrão Neves

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 350
Eric Andrieu, Marc Tarabella

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

Text proposed by the Commission

Amendment

(10a) ‘material or variety in the public domain’ means plant reproductive material which is not protected by any type of intellectual property right.

Or. fr

Justification

The expression ‘in the public domain’ needs to be formally defined because it has legal consequences for certain categories of plant reproductive material, as defined in the Regulation. The ‘public domain’ is a classic legal concept indicating the absence of protection by means of any kind of intellectual property rights.

Amendment 351

Martin Häusling, Karin Kadenbach, José Bové, Ulrike Rodust, Kriton Arsenis

Proposal for a regulation

Article 10 – point 10 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 352

Karin Kadenbach, Kriton Arsenis, Ulrike Rodust, Marita Ulvskog, Jens Nilsson, Åsa Westlund, Christel Schaldemose

Proposal for a regulation

Part III – Title II

Text proposed by the Commission

Amendment

Production and making available on the

Making available on the market of plant

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market of plant reproductive material
belonging to genera and species listed in
Annex I

reproductive material belonging to genera
and species listed in Annex I

Or. en

Justification

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

Amendment 353

Karin Kadenbach, Kriton Arsenis, Ulrike Rodust, Marita Ulvskog, Jens Nilsson, Åsa Westlund, Christel Schaldemose

Proposal for a regulation

Article 11 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 354

Michel Dantin, Agnès Le Brun

Proposal for a regulation
Article 11 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

1. This Title shall apply to the production and making available on the market of plant reproductive material belonging to genera and species which comply with one or more of the following criteria ***in one or more Member States, with the exception of material intended exclusively for ornamental use:***

Or. fr

Amendment 355
Georges Bach, Astrid Lulling

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

Text proposed by the Commission

(a) they represent a significant area of production;

Amendment

(a) they represent a significant area of production, ***larger than 0.1% of the total agricultural area of the European Union;***

Or. en

Amendment 356
Karin Kadenbach, Kriton Arsenis, Ulrike Rodust, Marita Ulvskog, Jens Nilsson, Åsa Westlund

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

Text proposed by the Commission

(a) they represent a significant area of production;

Amendment

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

Or. en

Justification

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

Amendment 357

João Ferreira

on behalf of the GUE/NGL Group

Proposal for a regulation

Article 11 – paragraph 1 – point a

Text proposed by the Commission

(a) they represent a significant area of production;

Amendment

(a) they represent a significant area of production, ***more than 0.1% of the European Union's total agricultural area;***

Or. pt

Amendment 358

Georges Bach, Astrid Lulling

Proposal for a regulation

Article 11 – paragraph 1 – point b

Text proposed by the Commission

(b) they represent a significant value of production;

Amendment

(b) they represent a significant value of production, ***larger than 0.1% of the total value of agricultural production of the European Union;***

Or. en

Amendment 359

Karin Kadenbach, Kriton Arsenis, Ulrike Rodust, Marita Ulvskog, Jens Nilsson, Åsa Westlund

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

Text proposed by the Commission

(b) they represent a significant value of production;

Amendment

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

Or. en

Justification

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

Amendment 360
João Ferreira
on behalf of the GUE/NGL Group

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

Text proposed by the Commission

(b) they represent a significant value of production;

Amendment

(b) they represent a significant value of production, ***more than 0.1% of the total value of the European Union's agricultural production***;

Or. pt

Amendment 361
Georges Bach, Astrid Lulling

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

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 362

Karin Kadenbach, Kriton Arsenis, Ulrike Rodust, Marita Ulvskog, Jens Nilsson, Åsa Westlund

Proposal for a regulation

Article 11 – paragraph 1 – point c

Text proposed by the Commission

Amendment

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

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

Or. en

Justification

The regulation should apply only to those species and genera that are marketed by more than 100 professional operators in the European Union.

Amendment 363

Martin Häusling, Karin Kadenbach, Janusz Wojciechowski, Ulrike Rodust, Kriton Arsenis

Proposal for a regulation

Article 11 – paragraph 1 – point c

Text proposed by the Commission

Amendment

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

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

Or. en

Justification

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

Amendment 364

João Ferreira

on behalf of the GUE/NGL Group

Proposal for a regulation

Article 11 – paragraph 1 – point c

Text proposed by the Commission

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

Amendment

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

Or. pt

Amendment 365

Georges Bach, Astrid Lulling

Proposal for a regulation

Article 11 – paragraph 1 – point d

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 366

Martin Häusling, Karin Kadenbach, Janusz Wojciechowski, Ulrike Rodust

Proposal for a regulation

Article 11 – paragraph 1 – point d

Text proposed by the Commission

Amendment

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

Or. en

Justification

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

Amendment 367

Pilar Ayuso, Esther Herranz García, Gabriel Mato Adrover, María Auxiliadora Correa Zamora

Proposal for a regulation

Article 11 – paragraph 1 – point d

Text proposed by the Commission

Amendment

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

Or. es

Justification

This point does not correspond to any of the criteria observed in the component segments of the reproductive material sector.

Amendment 368

Iratxe García Pérez, Sergio Gutiérrez Prieto

Proposal for a regulation

Article 11 – paragraph 1 – point d

Text proposed by the Commission

Amendment

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

deleted

Or. es

Justification

It is proposed to delete point d, as it does not match any criterion applied in the reproductive material sector.

Amendment 369

Peter Jahr, Britta Reimers

Proposal for a regulation

Article 11 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. This Title shall not apply if the genera and species listed in Annex I are produced and made available on the market for ornamental use.

Or. de

Amendment 370

Sergio Paolo Francesco Silvestris

Proposal for a regulation

Article 11 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission ***shall be empowered to adopt delegated acts***, in accordance with ***Article 140***, amending Annex I in order to adapt it to the developments of technical knowledge, scientific knowledge and

3. The Commission ***may submit legislative proposals*** in accordance with ***the ordinary legislative procedure***, amending Annex I in order to adapt it to the developments of technical knowledge, scientific knowledge

economic data.

and economic data, *with the exception of scientific reclassification, for which the Commission shall be empowered to adopt delegated acts pursuant to Article 140.*

Or. it

Amendment 371
George Lyon, Julie Girling, Anthea McIntyre

Proposal for a regulation
Article 11 – paragraph 4

Text proposed by the Commission

4. This Title shall also apply to rootstocks and other parts of plants (hereinafter jointly referred to as ‘rootstocks’), which belong to genera and species not listed in Annex I, if material of one of the genera or species listed in Annex I, or their hybrids, is grafted on them.

Amendment

4. This Title shall also apply to rootstocks and other parts of plants (hereinafter jointly referred to as ‘rootstocks’), which belong to genera and species not listed in Annex I, if material of one of the genera or species listed in Annex I, or their hybrids, is grafted on them. *Should the material not belong to variety in the case of rootstocks, the species or interspecific hybrid concerned shall be referenced.*

Or. en

Justification

All rootstocks, with the exception of fruit and vine, should be registered.

Amendment 372
Esther de Lange

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

Text proposed by the Commission

Amendment

4a. This Title shall not apply to the production and making available on the market of plant reproductive material belonging to genera and species listed in

Annex 1, if the final use is as cutflowers or potplants for ornamental purposes and which is labelled as such.

Or. en

Amendment 373
Brian Simpson

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

Text proposed by the Commission

Amendment

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

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

That material will be covered by Title III provisions.

Or. en

Justification

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

Amendment 374
Vicky Ford, James Nicholson

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

Text proposed by the Commission

Amendment

4a. Species used exclusively as ornamentals are excluded.

Amendment 375

Julie Girling, James Nicholson, George Lyon, Anthea McIntyre, Phil Bennion, Chris Davies

Proposal for a regulation

Article 11 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. This Title shall not apply to:

- Species exclusively for ornamental use;

- Plant reproductive material of Annex I species intended for ornamental uses or for use solely by non-professional users, unless a higher level of control is needed for plant health purposes.

- Plant reproductive material of Annex I species intended for ornamental use or marketed in small quantities to non-professional users, such as home gardeners.

Or. en

Justification

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

Amendment 376

Czesław Adam Siekierski, Jarosław Kalinowski, Wojciech Michał Olejniczak

Proposal for a regulation

Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11a

Varieties which are solely exploited for ornamental use shall be excluded from

the list of species covered by Annex I to the Regulation.

Or. pl

Justification

The production and marketing of such varieties should be carried out in accordance with provisions concerning material intended for the reproduction of decorative plants.

Amendment 377

Martin Häusling, Karin Kadenbach, Janusz Wojciechowski, Kriton Arsenis

Proposal for a regulation

Article 12 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

1. ***Operators may take the decision to make available on the market*** plant reproductive material ***as standard material or as material undergoing certification. In the case of material undergoing certification, plant reproductive material shall be*** made available on the market, under one of the following categories:

Or. en

Justification

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

Amendment 378

Georges Bach, Astrid Lulling

Proposal for a regulation

Article 12 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 379

Martin Häusling, Karin Kadenbach, Janusz Wojciechowski, Kriton Arsenis

Proposal for a regulation

Article 12 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) standard material.

deleted

Or. en

Amendment 380

Peter Jahr, Britta Reimers

Proposal for a regulation

Article 12 – paragraph 2

Text proposed by the Commission

Amendment

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

deleted

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

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

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

Or. de

(Simplification of the rules)

Amendment 381

João Ferreira

on behalf of the GUE/NGL Group

Proposal for a regulation

Article 12 – paragraph 2

Text proposed by the Commission

Amendment

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

deleted

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

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

Or. pt

Amendment 382

Elisabeth Köstinger, Elisabeth Jeggle, Albert Deß, Birgit Collin-Langen, Martin Kastler, Giovanni La Via, Milan Zver

Proposal for a regulation
Article 12 – paragraph 2

Text proposed by the Commission

Amendment

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

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

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

Or. de

Amendment 383
Ewald Stadler

Proposal for a regulation
Article 12 – paragraph 2

Text proposed by the Commission

Amendment

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

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

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

Or. en

Amendment 384

Martin Häusling, Karin Kadenbach, José Bové, Janusz Wojciechowski, Kriton Arsenis

Proposal for a regulation

Article 12 – paragraph 2

Text proposed by the Commission

Amendment

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

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

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

Or. en

Justification

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

Amendment 385
Christel Schaldemose

Proposal for a regulation
Article 12 – paragraph 2 – point a

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 386
Pilar Ayuso, Esther Herranz García, Gabriel Mato Adrover, María Auxiliadora Correa Zamora

Proposal for a regulation
Article 12 – paragraph 2 – point a

Text proposed by the Commission

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

Amendment

(a) to the purpose of ensuring security **in terms of the health status of the plant material and the risk of spreading diseases;**

Or. es

Justification

Mandatory certification is one way to guarantee both the quality of the plant material sold to farmers and the success of sowing or planting. The supply of food and feed has to do with many other factors apart from plant material as such.

Amendment 387
Iratxe García Pérez, Sergio Gutiérrez Prieto

Proposal for a regulation
Article 12 – paragraph 2 – point a

Text proposed by the Commission

Amendment

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

(a) to the purpose of ensuring security **in terms of the health status of the plant material and the risk of spreading diseases**; and

Or. es

Justification

The supply of food and feed depends on many other factors apart from plant material as such.

Amendment 388

Michel Dantin, Agnès Le Brun

Proposal for a regulation

Article 12 – paragraph 2 – point a

Text proposed by the Commission

Amendment

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

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

Or. fr

Amendment 389

Elisabeth Köstinger, Elisabeth Jeggle, Britta Reimers, Albert Deß, Birgit Collin-Langen, Martin Kastler, Giovanni La Via, Milan Zver

Proposal for a regulation

Article 12 – paragraph 2 – point b

Text proposed by the Commission

Amendment

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

deleted

Amendment 390
Michel Dantin, Agnès Le Brun

Proposal for a regulation
Article 12 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The genera and species referred to in paragraph 2 are listed in Annex Ia.

Or. fr

Amendment 391
Rareş-Lucian Niculescu

Proposal for a regulation
Article 12 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts, in accordance with Article 140, listing the genera or species whose plant reproductive material may not be placed on the market as standard material, as referred to in paragraph 2.

deleted

Or. ro

Amendment 392
Peter Jahr, Britta Reimers

Proposal for a regulation
Article 12 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts, in accordance with

deleted

Article 140, listing the genera or species whose plant reproductive material may not be placed on the market as standard material, as referred to in paragraph 2.

Or. de

Amendment 393

João Ferreira

on behalf of the GUE/NGL Group

Proposal for a regulation

Article 12 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts, in accordance with Article 140, listing the genera or species whose plant reproductive material may not be placed on the market as standard material, as referred to in paragraph 2. *deleted*

Or. pt

Amendment 394

Ewald Stadler

Proposal for a regulation

Article 12 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts, in accordance with Article 140, listing the genera or species whose plant reproductive material may not be placed on the market as standard material, as referred to in paragraph 2. *deleted*

Or. en

Amendment 395

Martin Häusling, Karin Kadenbach, Janusz Wojciechowski, Kriton Arsenis

Proposal for a regulation

Article 12 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts, in accordance with Article 140, listing the genera or species whose plant reproductive material may not be placed on the market as standard material, as referred to in paragraph 2. **deleted**

Or. en

Justification

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

Amendment 396

Michel Dantin, Agnès Le Brun

Proposal for a regulation

Article 12 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts, in accordance with Article 140, listing the genera or species whose plant reproductive material may not be placed on the market as standard material, as referred to in paragraph 2.

3. The Commission shall be empowered to adopt delegated acts, in accordance with Article 140 to amend Annex Ia in order to bring it into line with developments in technical knowledge, scientific knowledge and economic data.

Or. fr

Amendment 397

Pilar Ayuso, Esther Herranz García, Gabriel Mato Adrover, María Auxiliadora Correa Zamora

**Proposal for a regulation
Article 12 – paragraph 3**

Text proposed by the Commission

3. The Commission shall be empowered to adopt delegated acts, in accordance with Article 140, listing the genera or species whose plant reproductive material may not be placed on the market as standard material, as referred to in paragraph 2.

Amendment

3. The genera or species whose plant reproductive material may not be placed on the market as standard material, as referred to in paragraph 2, shall be listed in Annex Ia. The Commission shall submit a legislative proposal under the ordinary legislative procedure to adapt, amend, update, or include the species in Annex Ia.

Or. es

Justification

At present there are sectors in which materials placed on the market have to be certified, and this market cannot be allowed to suffer adverse effects until such time as the Commission has produced legislation to follow up its draft regulation. Given the importance of the list of genera and species subject to mandatory official certification, as set out in in Annex Ia, any amendments should be made by the ordinary legislative procedure.

Amendment 398

João Ferreira

on behalf of the GUE/NGL Group

**Proposal for a regulation
Article 12 – paragraph 4**

Text proposed by the Commission

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

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

Amendment

deleted

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

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

Or. pt

Amendment 399

Elisabeth Köstinger, Elisabeth Jeggle, Albert Deß, Birgit Collin-Langen, Martin Kastler, Giovanni La Via, Milan Zver

**Proposal for a regulation
Article 12 – paragraph 4**

Text proposed by the Commission

Amendment

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

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

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

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

Or. de

Amendment 400

Ewald Stadler

**Proposal for a regulation
Article 12 – paragraph 4**

Text proposed by the Commission

Amendment

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

more of the following cases apply:

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

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

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

Or. en

Amendment 401

Martin Häusling, Karin Kadenbach, Janusz Wojciechowski, Kriton Arsenis

Proposal for a regulation Article 12 – paragraph 4

Text proposed by the Commission

Amendment

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

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

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

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

Or. en

Justification

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

Amendment 402

Pilar Ayuso, Esther Herranz García, Gabriel Mato Adrover, María Auxiliadora Correa Zamora

Proposal for a regulation

Article 12 – paragraph 4 – point a

Text proposed by the Commission

Amendment

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

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

Or. es

Justification

The implications of point 4(a) are not clear, given that varieties with an official description can likewise be marketed as standard material, as is the case with horticultural species.

Amendment 403

Eric Andrieu, Marc Tarabella

Proposal for a regulation

Article 12 – paragraph 4 – point b

Text proposed by the Commission

Amendment

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

(b) it is heterogeneous material in the meaning of Article **15a (new)**;

Or. fr

Justification

A new Article 15(a) lays down the conditions under which heterogeneous material may be made available on the market.

Amendment 404

Michel Dantin, Agnès Le Brun

Proposal for a regulation

Article 12 – paragraph 4 – point b

Text proposed by the Commission

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

Amendment

(b) it is heterogeneous material in the meaning of **point 2b of Article 3(1)**.

Or. fr

Amendment 405

Ewald Stadler

Proposal for a regulation

Article 12 – paragraph 4 – point c

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 406

Michel Dantin, Agnès Le Brun

Proposal for a regulation

Article 12 – paragraph 4 – point c

Text proposed by the Commission

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

Amendment

(c) it is niche market material in the meaning of **point 2a of Article 3(1)**;

Or. fr

Amendment 407

Elisabeth Köstinger, Elisabeth Jeggle, Peter Jahr, Albert Deß, Birgit Collin-Langen, Martin Kastler, Giovanni La Via, Milan Zver

Proposal for a regulation

Article 13 – title

Text proposed by the Commission

Amendment

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

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

Or. de

Justification

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

Amendment 408

Karin Kadenbach, Kriton Arsenis, Ulrike Rodust, Marita Ulvskog, Jens Nilsson, Åsa Westlund, Christel Schaldemose

Proposal for a regulation

Article 13 – title

Text proposed by the Commission

Amendment

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

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

Or. en

Justification

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

Amendment 409

Ewald Stadler

Proposal for a regulation

Article 13 – title

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 410

Elisabeth Köstinger, Elisabeth Jeggle, Albert Deß, Birgit Collin-Langen, Martin Kastler, Giovanni La Via, Milan Zver

Proposal for a regulation

Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

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

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

Or. de

Amendment 411

Karin Kadenbach, Kriton Arsenis, Ulrike Rodust, Marita Ulvskog, Jens Nilsson, Åsa Westlund, Christel Schaldemose

Proposal for a regulation

Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

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

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

Or. en

Justification

Existing directives do not regulate the production of PRM. It is not always clear whether all or part of the harvest should be used as PRM, or sold as food or feed, in which latter case

restrictions should not apply. Because it is neither feasible nor realistic to subject the production of seeds and other plants which can be used as PRM to this legislation, the words "Produced and" shall be deleted from Article 13.

Amendment 412

Ewald Stadler

Proposal for a regulation

Article 13 – paragraph 1 – point a

Text proposed by the Commission

Amendment

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

(a) the registration requirements set out in **Articles 14 and 15**;

Or. de

Amendment 413

Martin Häusling, Karin Kadenbach, Janusz Wojciechowski

Proposal for a regulation

Article 13 – paragraph 1 – point a

Text proposed by the Commission

Amendment

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

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

Or. en

Justification

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

Amendment 414

João Ferreira

on behalf of the GUE/NGL Group

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

Text proposed by the Commission

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

Amendment

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

Or. pt

Amendment 415
Ewald Stadler

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

Text proposed by the Commission

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

Amendment

(b) the quality requirements set out in Section 2 for the relevant category;

Or. de

Amendment 416
Elisabeth Köstinger, Elisabeth Jeggle, Albert Deß, Martin Kastler, Giovanni La Via, Milan Zver

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

Text proposed by the Commission

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

Amendment

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

Or. de

Amendment 417
Ewald Stadler

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

Text proposed by the Commission

(c) the handling requirements set out in Section 4;

Amendment

(c) the handling requirements set out in Section 3;

Or. de

Amendment 418
Ewald Stadler

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

Text proposed by the Commission

(d) the identification, and, where applicable, certification requirements set out in Section 5.

Amendment

(d) the identification, and, where applicable, certification requirements set out in Section 4.

Or. de

Amendment 419
Michel Dantin, Agnès Le Brun

Proposal for a regulation
Article 13 – paragraph 2

Text proposed by the Commission

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

Amendment

deleted

Or. fr

Amendment 420
Elisabeth Köstinger, Elisabeth Jeggle, Albert Deß, Martin Kastler, Giovanni La Via,

Milan Zver

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

Text proposed by the Commission

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

Amendment

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

Or. de

Amendment 421

João Ferreira

on behalf of the GUE/NGL Group

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

Text proposed by the Commission

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

Amendment

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

Or. pt

Amendment 422

Karin Kadenbach, Kriton Arsenis, Ulrike Rodust, Marita Ulvskog, Jens Nilsson, Åsa Westlund

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

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 423

Martin Häusling, Karin Kadenbach, Janusz Wojciechowski, Kriton Arsenis

Proposal for a regulation

Article 13 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 424

Martin Häusling, Karin Kadenbach, Janusz Wojciechowski, Ulrike Rodust, Kriton Arsenis

Proposal for a regulation

Article 14 – paragraph 1

Text proposed by the Commission

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

Amendment

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

available to the purchaser.

Or. en

Justification

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

Amendment 425

Elisabeth Köstinger, Elisabeth Jeggle, Britta Reimers, Albert Deß, Martin Kastler, Giovanni La Via, Milan Zver

Proposal for a regulation

Article 14 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. de

Justification

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

Amendment 426

Karin Kadenbach, Kriton Arsenis, Ulrike Rodust, Marita Ulvskog, Jens Nilsson, Åsa Westlund, Christel Schaldemose

Proposal for a regulation

Article 14 – paragraph 1

Text proposed by the Commission

1. Plant reproductive material may **be**

Amendment

1. Plant reproductive material may made

produced and made available on the market only if it belongs to a variety registered in a national variety register referred to in Article 51 or in the Union variety register referred to in Article 52.

available on the market only if it belongs to a variety registered in a national variety register referred to in Article 51 or in the Union variety register referred to in Article 52.

Or. en

Justification

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

Amendment 427 **Rareş-Lucian Niculescu**

Proposal for a regulation **Article 14 – paragraph 1**

Text proposed by the Commission

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

Amendment

1. Plant reproductive material may be produced and made available on the market only if it belongs to a variety registered in a national variety register referred to in Article 51 or in the Union variety register referred to in Article 52, ***with the exception of varieties intended for ornamental purposes.***

Or. ro

Amendment 428 **Rareş-Lucian Niculescu**

Proposal for a regulation **Article 14 – paragraph 2**

Text proposed by the Commission

Amendment

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

Or. ro

Amendment 429

Pilar Ayuso, Esther Herranz García, Gabriel Mato Adrover, María Auxiliadora Correa Zamora

**Proposal for a regulation
Article 14 – paragraph 2**

Text proposed by the Commission

Amendment

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

2. By way of derogation to paragraph 1 of this Article, rootstocks may be produced and made available on the market ***with reference to the species or hybrid concerned where they do not conform to any variety.***

Or. es

Justification

Some rootstocks may not have any particular varieties and they are referred to by their species. In other cases, however, specific varieties of rootstocks have been developed and their inclusion in the variety register remains a legitimate requirement.

Amendment 430

Iratxe García Pérez, Sergio Gutiérrez Prieto

**Proposal for a regulation
Article 14 – paragraph 2**

Text proposed by the Commission

Amendment

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

2. By way of derogation to paragraph 1 of this Article, rootstocks may be produced and made available on the market ***with reference to the species or hybrid concerned where they do not conform to any variety.***

Or. es

Justification

The exemption from the registration requirement should not apply to rootstocks as a whole, but only in cases where there are no developed varieties on the market.

Amendment 431

Eric Andrieu

Proposal for a regulation

Article 14 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. By way of derogation from paragraph 1 of this Article, varieties intended exclusively for export or re-export outside the Union shall be exempt from the registration requirement referred to in paragraph 1.

Or. fr

Justification

Material intended exclusively for export or re-export should not have to meet the EU's requirements relating to placement on the market and production, but those of the destination country.

Amendment 432

Michel Dantin, Agnès Le Brun

Proposal for a regulation
Article 14 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. By way of derogation from paragraph 1 of this Article, varieties intended exclusively for export or re-export to third countries shall be exempt from the requirement to belong to a variety included in a national variety register as referred to in Article 51 or in the Union variety register referred to in Article 52.

Or. fr

Amendment 433
Marc Tarabella

Proposal for a regulation
Article 14 – paragraph 3

Text proposed by the Commission

Amendment

[...]

deleted

Or. fr

Justification

The definition of ‘heterogeneous material’ and the conditions for its placement on the market cannot be left entirely to the discretion of the Commission by means of delegated acts. A new article specifically concerning heterogeneous material (Article 15(a)) should be included.

Amendment 434
Michel Dantin, Agnès Le Brun

Proposal for a regulation
Article 14 – paragraph 3

Text proposed by the Commission

Amendment

[...]

deleted

Amendment 435
Eric Andrieu

Proposal for a regulation
Article 14 – paragraph 3

Text proposed by the Commission

Amendment

[...]

deleted

Justification

The definition of ‘heterogeneous material’ and the conditions for its placement on the market cannot be left entirely to the discretion of the Commission by means of delegated acts. A new article specifically concerning heterogeneous material (Article 15(a)) should be included.

Amendment 436
Ewald Stadler

Proposal for a regulation
Article 14 – paragraph 3

Text proposed by the Commission

Amendment

[...]

deleted

Amendment 437
Martin Häusling, Karin Kadenbach, Wojciech Michał Olejniczak, Janusz Wojciechowski, Ulrike Rodust, Kriton Arsenis

Proposal for a regulation
Article 14 – paragraph 3

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Justification

Like the rapporteur, the deputies above wish to create a separate article on heterogeneous material (see Article 15). Furthermore the needed information should be in the basic act and not delegated acts.

Amendment 438

Robert Dušek

Proposal for a regulation

Article 14 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

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

3. The Commission shall be empowered to adopt delegated acts, in accordance with Article 140, setting out that, by way of derogation to paragraph 1 of this Article, plant reproductive material may be produced and made available on the market without belonging to a variety in the meaning of point (1) of Article 10 ('hereafter 'heterogeneous material') and not fulfilling the requirements on uniformity as set out in ***Article 61.***

Or. en

Amendment 439

Georges Bach

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 440
Guido Milana

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

Text proposed by the Commission

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

Amendment

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

Amendment 441
Georges Bach

Proposal for a regulation
Article 14 – paragraph 3 – subparagraph 2 – point a

Text proposed by the Commission

Amendment

(a) rules on labelling and packaging;

(a) rules on labelling *including the region of selection, as well as the date and place of multiplication*, and packaging *that meet the needs of professional users*;

Or. en

Amendment 442
Guido Milana

Proposal for a regulation
Article 14 – paragraph 3 – subparagraph 2 – point a

Text proposed by the Commission

Amendment

(a) rules on labelling *and* packaging;

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

Or. en

Amendment 443
Guido Milana

Proposal for a regulation
Article 14 – paragraph 3 – subparagraph 2 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 444
Robert Dušek

Proposal for a regulation
Article 14 – paragraph 3 – subparagraph 2 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 445
Georges Bach, Astrid Lulling

Proposal for a regulation

Article 14 – paragraph 3 – subparagraph 2 – point b

Text proposed by the Commission

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

Amendment

(b) rules concerning description of the material, including the breeding methods and parental material used, description of the production scheme for the plant reproductive material and availability of standard samples, ***as well as common characteristics of constant characteristics (at the time of growing or harvest) of the population;***

Or. en

Amendment 446

Pilar Ayuso, Esther Herranz García, Gabriel Mato Adrover, María Auxiliadora Correa Zamora

Proposal for a regulation

Article 14 – paragraph 3 – subparagraph 2 – point d

Text proposed by the Commission

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

Amendment

deleted

Or. es

Justification

Many professional operators have serious doubts about the possibility of registering and marketing heterogeneous materials.

Amendment 447

Georges Bach

Proposal for a regulation

Article 14 – paragraph 3 – subparagraph 2 – point d

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 448
Guido Milana

Proposal for a regulation
Article 14 – paragraph 3 – subparagraph 2 – point d

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 449
Astrid Lulling

Proposal for a regulation
Article 14 – paragraph 3 – subparagraph 2 – point d

Text proposed by the Commission

Amendment

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

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

Or. fr

Amendment 450
Pilar Ayuso, Esther Herranz García, Gabriel Mato Adrover, María Auxiliadora Correa

Zamora

Proposal for a regulation

Article 14 – paragraph 3 – subparagraph 2 – point e

Text proposed by the Commission

Amendment

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

Or. es

Justification

Many professional operators have serious doubts about the possibility of registering and marketing heterogeneous materials.

Amendment 451

Eric Andrieu

Proposal for a regulation

Article 14 – paragraph 3 – subparagraph 2 – point e

Text proposed by the Commission

Amendment

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

Or. fr

Justification

Heterogeneous material, because of its heterogeneity, is not susceptible to being protected by intellectual property rights. It will therefore automatically be in the public domain and can be

commercially exploited in Europe by anyone. It must therefore be exempted from registration fees on the same basis as old varieties which are in the public domain (see explanation under amended Article 89).

Amendment 452

Guido Milana

Proposal for a regulation

Article 14 – paragraph 3 – subparagraph 3

Text proposed by the Commission

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

Amendment

Those delegated acts shall be adopted by [Office of Publications, please insert date of application of this Regulation...] ***per every genera or species for which a demand is formulated. To be made available on the market as heterogeneous hardware, the plant reproductive material must be freely reproduced and obtained, selected and propagated without the use of microbiological processes.***

Or. en

Amendment 453

Georges Bach, Astrid Lulling

Proposal for a regulation

Article 14 – paragraph 3 – subparagraph 3

Text proposed by the Commission

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

Amendment

Those delegated acts shall be adopted by [Office of Publications, please insert date of application of this Regulation...] ***for all genera or species where a request is made. Heterogeneous populations have to fulfil the following requirements: freely reproducible and bred, selected and multiplied without microbiological methods.***

Or. en

Amendment 454
Robert Dušek

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 455
Christel Schaldemose

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

Text proposed by the Commission

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

Amendment

Those delegated acts shall be adopted by [Office of Publications, please insert date of application of this Regulation...]. They may be adopted per particular genera or species, ***except for genera and species already marketed as populations and mainly in mixtures, as is the case for grass and clover. Material protected by plant variety right, patented, or genetically modified can not be marketed as heterogeneous plant material.***

Or. en

Amendment 456
Ewald Stadler

Proposal for a regulation
Article 14 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Heterogeneous material shall be defined under one of the following categories:

(a) "Population" means genetically diverse material of plant species bred through half diallel crossing of several (or at least xx) identified varieties, lines or other material.

(b) "Compose cross populations" (CCPS) mean populations that are generated by intercrossing genetically diverse varieties, lines or other material, bulking the F1 or F2 progeny and then exposing the stock to natural selection in successive generations. Other dynamic populations may be generated by variations on the CCPs model which may include different crossing protocols, or the introduction plant or mass selection among the generations of natural selection.

Populations may also be generated from a mixture of varieties mixed and additionally growing the mixture for at least one year.

Or. en

Amendment 457
Ewald Stadler

Proposal for a regulation
Article 14 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. Heterogenous material, when made available on the market, shall be accompanied by a label, containing the information set out in Part B to Annex

III. The label shall include the notion "Heterogenous material".

The label referred to in subparagraph 1 shall be produced by the professional operator and shall be clear and indelible. It shall be affixed on the outside of the package, the container or the bundle of heterogenous material. It shall be printed in at least one of the official languages of the Union.

The professional operator shall indicate on the label referred to in paragraph 1 the species or group of species in such a way as to avoid confusion with any varietal denomination.

The colour and form of the label shall be substantially distinct from the colour and the form of the official labels referred to in Article 19 paragraph 1.

This article shall apply without prejudice to Article 49 paragraph 4 of Regulation (EC) 1107/2009 concerning the label and documents accompanying treated seeds in the meaning of that Regulation.

Or. en

Amendment 458
Ewald Stadler

Proposal for a regulation
Article 14 – paragraph 3 c (new)

Text proposed by the Commission

Amendment

3c. Heterogenous material may be made available on the market if a description of the plant reproductive material is available to the purchaser including:

(a) the breeding methods and parantel material used; and when relevant

(b) a description of the production scheme for the heterogeneous material; and

(c) the availability of the standard samples.

Registration of heterogeneous material:

Heterogeneous material may be registered in a national catalogue pursuant the same rules concerning officially recognised description concerning:

(a) registration procedure of articles 66 to 75 and 78 to 81;

(b) registration period of articles 82 to 85;

(c) registration fees of articles 88 and 89.

Or. en

Amendment 459

Michel Dantin, Agnès Le Brun

Proposal for a regulation

Article 14 a (new)

Text proposed by the Commission

Amendment

Article 14a

Derogations applicable to heterogeneous material

1. Article 13(1)(b) shall not apply to the requirements concerning the production of heterogeneous material.

2. Heterogeneous material shall be registered in the national variety register referred to in Article 51. However, its inclusion in the national register shall not prevent the subsequent registration of any uniform and stable variety, including those sharing common characteristics with the heterogeneous material in question.

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 140 in order to determine:

(a) by way of derogation from Article 14(1), the conditions under which the heterogeneous material may be produced

and made available on the market without belonging to a variety registered in a national variety register referred to in Article 51 or in the Union variety register referred to in Article 52, and without fulfilling the requirements relating to satisfactory value for cultivation and/or use or sustainable value for cultivation and/or use as set out in Articles 58 and 59;

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

(c) the rules concerning the labelling and packaging of heterogeneous material;

(d) the rules concerning the description of the material, including the breeding methods, the number of starting components of the same species, the parental material used, a description of the production system, the generation to be tested and the availability of standard samples;

(e) the rules on traceability and lots;

(f) the rules relating to information and samples of material which must be retained by professional operators and the maintenance of the material;

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

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

Or. fr

Amendment 460
Eric Andrieu, Marc Tarabella

Proposal for a regulation
Article 14 a (new)

Text proposed by the Commission

Amendment

Article 14a

1. Article 56(2) shall not apply to plant reproductive material where all of the following conditions are fulfilled:

(a) it does not comply with the definition of a variety within the meaning of Article 10, point 1;

(b) it results from the crossing of two or more varieties, strains or other identified material and exposure of this stock to natural selection or mass selection over one or more successive generations;

(c) it bears a denomination deemed suitable pursuant to Article 64;

(d) it is labelled with the indication 'heterogeneous material'.

This plant reproductive material is hereinafter referred to as 'heterogeneous material'.

2. The heterogeneous material may be registered in a national variety register on the basis of a description of the essential characteristics of the material, including the breeding methods, the parental material used and the production system for the plant reproductive material. The methods used to ensure the maintenance of the material and the name of the production region must also be communicated to the competent authority of the Member State. The registration shall give rise to the submission of standard samples, under conditions which do not jeopardise the economic feasibility of the registration or the making of the material available on the market.

3. The persons who produce heterogeneous material shall keep records of the quantities of the material produced and made available on the market, for each genus, species or type of material. On request, they shall make those records available to the competent authorities.

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 140 to lay down requirements concerning traceability, lots, packaging and labelling of the heterogeneous material concerned.

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

Or. fr

Justification

A new article is proposed for the description and registration of 'heterogeneous material' in the national variety registers, following a simple procedure in line with the objective of proportionality and reducing the administrative burden of this reform. It incorporates the provisions contained in the Commission document of 11 July 2013 on a derogation from Directive 66/402 on cereals, with a view to authorising heterogeneous 'populations'.

Amendment 461
Michel Dantin, Agnès Le Brun

Proposal for a regulation
Article 14 b (new)

Text proposed by the Commission

Amendment

Article 14b

Derogations applicable to niche material

1. Article 13(1)(b) shall not apply to the requirements concerning the production of niche material.

2. Niche material shall be registered free of charge in the national variety register

referred to in Article 51 and labelled with the indication ‘niche material’.

3. The persons who produce niche market varieties shall keep records of the quantities of the material produced and made available on the market, for each genus, species or type of material. On request, they shall make those records available to the competent authorities.

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 140 in order to determine:

(a) by way of derogation from Article 14(1), the conditions under which the niche material may be produced and made available on the market without belonging to a variety registered in a national variety register referred to in Article 51 or in the Union variety register referred to in Article 52;

(b) the maximum size of packages, containers or bundles for the different genera or species concerned;

(c) requirements concerning traceability, lots and labelling of the niche varieties concerned;

(d) the modalities for making the material available on the market;

(e) the rules concerning maintenance;

(f) the rules concerning the local nature of the market.

Or. fr