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*Committee on the Environment, Public Health and Food Safety*

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**2013/0137(COD)**

7.11.2013

## **DRAFT OPINION**

of the Committee on the Environment, Public Health and Food Safety

for the Committee on Agriculture and Rural Development

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

Rapporteur: Pilar Ayuso

PA\_Legam

## SHORT JUSTIFICATION

The wide variety of plant reproductive material in existence lies at the root of the fact that the EU has currently 12 technical directives in this field. To date, these directives have enabled legislation to be adapted to suit each specific case. During the consultations held prior to this legislative proposal being drafted, both the sectors concerned and the Member States said the existing legislative structure was generally satisfactory, although they were open to it being reviewed when appropriate. In proposing that all the current directives be unified in one single legislative act therefore, the Commission is not acting in response to a specific request from the parties concerned.

The Commission's proposal is just the start of what will be a long and complex process since a further 90 delegated or implementing acts are also planned, for some of which there is no real justification.

The inclusion of what are very disparate sectors within one and the same regulation creates distortions, as sometimes the requirements demanded are not appropriate for certain materials. Furthermore, the Commission's proposal contains vague definitions and leaves plenty of scope for interpretation, which could be a problem when it comes to harmonised implementation of the new regulation in the European Union. Nor does the rapporteur consider it right to repeal legislation that has only recently come into force.

This draft report clarifies some of the definitions, e.g. for the different types of reproductive materials, and reintroduces the commercial category which the Commission had removed. The rapporteur also believes that an official inspection of standard materials after they have been placed on the market needs to be guaranteed.

The rapporteur considers it inadmissible that species subjected to mandatory certification do not appear in the basic act. They are left awaiting a Commission delegated act. The delay this would entail is unacceptable and would seriously distort some markets.

As regards varieties that are not registered, maximum time limits should be set for the marketing of limited quantities of their reproductive materials. The very existence of the variety register will be placed in jeopardy otherwise.

The rapporteur does not agree either with the idea that members of a conservation organisation who produce and market seeds and plants may remain outside the scope of this regulation as this could create an unofficial network for propagation materials. As regards exchanges in kind between individuals, these would have to be restricted to small quantities, as otherwise it would be assumed that exchanges do not in general constitute a commercial transaction.

Turning to exemptions from registration for niche market local varieties, the latter must be clearly defined to prevent indiscriminate use being made of this provision. Microenterprises (employing fewer than 10 people and with a turnover of less than EUR 2 million) should not be exempted from this register as they represent a large part of the sector for plant propagation material. The maximum quantities that may benefit from these exemptions must

be established as otherwise an unofficial circuit of operators marketing seed from unregistered varieties will be created.

In the rapporteur's view it is not necessary to have audits at least once a year. Their frequency ought to be determined by the likelihood of operators not meeting the requirements demanded.

There should, moreover, be a justified reason for increasing the number of inspections, sampling or testing. This should not be a random decision made by the operator.

The Commission is using this piece of legislation to introduce the clone register, a measure which the rapporteur opposes as it may give rise to an unjustified administrative burden.

## AMENDMENTS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Agriculture and Rural Development, as the committee responsible, to incorporate the following amendments in its report:

### Amendment 1

#### Proposal for a regulation

##### Recital 7

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

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

###### *Amendment*

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

Or. es

###### *Justification*

*Members of a conservation organisation should not be able to produce and market seeds and plants outside the scope of this regulation as this could create an unofficial system for*

*propagation materials. Exchanges in kind between individuals need to be restricted to small quantities, as to do otherwise would mean accepting that exchanges in general are not viewed as trade.*

## **Amendment 2**

### **Proposal for a regulation**

#### **Recital 11**

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

(11) Experience has shown that the reliability and quality of reproductive material made available on the market can be jeopardised where it is impossible to trace reproductive material not complying with applicable standards. It is therefore necessary to establish a comprehensive system of traceability allowing withdrawals to be undertaken or information to be given to consumers or competent authorities. For that reason, the keeping of the necessary information and records on transfers from and to professional *users* should be mandatory. On the basis of the principle of proportionality, that rule should not apply in case that supply is part of making available on the market in retail.

##### *Amendment*

(11) Experience has shown that the reliability and quality of reproductive material made available on the market can be jeopardised where it is impossible to trace reproductive material not complying with applicable standards. It is therefore necessary to establish a comprehensive system of traceability allowing withdrawals to be undertaken or information to be given to consumers or competent authorities. For that reason, the keeping of the necessary information and records on transfers from and to professional *operators* should be mandatory. On the basis of the principle of proportionality, that rule should not apply in case that supply is part of making available on the market in retail.

Or. es

##### *Justification*

*The reference is to operators, the only competent parties here.*

## **Amendment 3**

### **Proposal for a regulation**

#### **Recital 13**

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

(13) In order to ensure transparency and enable informed choices by consumers,

##### *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”,

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”, “**commercial**” and “standard”.

Or. es

#### *Justification*

*The materials are not clearly defined. The commercial materials category does not appear in the Commission’s proposal and so must be added.*

#### **Amendment 4**

##### **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. 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. ***There should be a specific list for genera and species subject to mandatory official certification.***

Or. es

*Justification*

*There are currently sectors in which certification of materials placed on the market is mandatory and this market cannot be allowed to suffer adverse effects while awaiting Commission legislation following this draft regulation. Genera and species subject to mandatory official certification ought to be included in a specific list set out in Annex Ia.*

**Amendment 5**

**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 (“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. es

*Justification*

*‘Niche market’ needs to be clearly defined to prevent its indiscriminate use. A niche market is a small local market for varieties that are of local interest. As most operators in the plant*

*propagation materials sector have fewer than 10 employees, indiscriminate use of the term cannot be allowed.*

## **Amendment 6**

### **Proposal for a regulation**

#### **Recital 38**

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

(38) Rules should be established concerning the procedures for the registration of varieties **and clones** in the national variety registers to ensure uniform conditions for all applications and a transparent framework for all interested parties.

##### *Amendment*

(38) Rules should be established concerning the procedures for the registration of varieties in the national variety registers to ensure uniform conditions for all applications and a transparent framework for all interested parties.

Or. es

##### *Justification*

*The clone concept is incompatible with the way varieties are processed. Cloned material is genetically indistinguishable, has no name apart from its varietal reference and is not examined for registration.*

## **Amendment 7**

### **Proposal for a regulation**

#### **Recital 41**

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

(41) Rules should be adopted for the registration of varieties **and clones** in the Union variety register. For the purposes of consistency, those rules should be similar to the rules on registration in national variety registers.

##### *Amendment*

(41) Rules should be adopted for the registration of varieties in the Union variety register. For the purposes of consistency, those rules should be similar to the rules on registration in national variety registers.

Or. es

##### *Justification*

*The clone concept is incompatible with the way varieties are processed. Cloned material is*



*genetically indistinguishable, has no name apart from its varietal reference and is not examined for registration.*

## **Amendment 8**

### **Proposal for a regulation Recital 51 a (new)**

*Text proposed by the Commission*

*Amendment*

***(51a) In order to ensure that Annexes I and Ia of this Regulation are adapted to technical and scientific developments, the Commission shall bring forward a legislative proposal under the ordinary legislative procedure in respect of amending Annexes I and Ia of this Regulation.***

Or. es

*Justification*

*Given the importance of Annexes I and Ia of this Regulation, the ordinary legislative procedure should be used to amend them.*

## **Amendment 9**

### **Proposal for a regulation Recital 52**

*Text proposed by the Commission*

*Amendment*

(52) In order to ensure that ***the*** Annexes of this Regulation are adapted to the technical and scientific developments, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amending the Annexes of this Regulation.

(52) In order to ensure that Annexes ***II to XII*** of this Regulation are adapted to the technical and scientific developments, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amending the Annexes of this Regulation.

Or. es

## Amendment 10

### Proposal for a regulation Recital 53

*Text proposed by the Commission*

(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.**

*Amendment*

(53) In order to follow the technical and economic developments of the sector, the Commission **shall bring forward a legislative proposal under the ordinary legislative procedure to adapt, amend, update or include species in the list of genera and species subject to mandatory official certification.**

Or. es

#### *Justification*

*There are currently sectors in which certification of materials placed on the market is mandatory and this market cannot be allowed to suffer adverse effects while awaiting Commission legislation following this draft regulation. Given the importance of the list in Annex Ia of genera and species subject to mandatory official certification, the ordinary legislative procedure should be used to amend it.*

## Amendment 11

### Proposal for a regulation Article 2 – 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, **not-for-profit** gene banks, organisations and networks of conservation of genetic resources;

Or. es

#### *Justification*

*Members of a conservation organisation should not be able to produce and market seeds and plants outside the scope of this regulation as this could create an unofficial system for*

*propagation materials.*

## **Amendment 12**

### **Proposal for a regulation Article 2 – 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 need to be restricted to small quantities, as to do otherwise would mean accepting that exchanges in general are not viewed as trade.*

## **Amendment 13**

### **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 ***the 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 current legislation in the plant and seed sector.*

## Amendment 14

### 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*

*There is some uncertainty as to the exact meaning of 'ensure'. Professional operators must take responsibility for their materials complying with the requirements of this Regulation and must, therefore, guarantee this.*

## Amendment 15

### 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 come under a category and are named as such when they have an established origin and also when they comply with the requirements laid down in the legislation. Both conditions must exist for a material to be defined as belonging in a specific category. Compliance with the requirements laid down in the regulations in force must be included in the definitions.*

## Amendment 16

### 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**;

Or. es

*Justification*

*The materials come under a category and are named as such when they have an established origin and also when they comply with the requirements laid down in the legislation. Both conditions must exist for a material to be defined as belonging in a specific category. Compliance with the requirements laid down in the regulations in force must be included in the definitions.*

## Amendment 17

### 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**;

Or. es

*Justification*

*The definitions for these materials are not clear.*

## Amendment 18

### 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, ***which has sufficient varietal identity and purity and meets the requirements of this Regulation.***

Or. es

*Justification*

*The materials come under a category and are named as such when they have an established origin and also when they comply with the requirements laid down in the legislation. Both conditions must exist for a material to be defined as belonging in a specific category. Compliance with the requirements laid down in the regulations in force must be included in the definitions.*

## Amendment 19

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

*Text proposed by the Commission*

*Amendment*

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

Or. es

*Justification*

*The definitions for these materials are not clear. The commercial materials category does not appear in the Commission's proposal and so must be added.*

## Amendment 20

### Proposal for a regulation Article 10 – point 10

*Text proposed by the Commission*

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

*Amendment*

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

Or. es

#### *Justification*

*A definition should define the object concerned, not list instead the parts which may make it up.*

## Amendment 21

### Proposal for a regulation Article 11 – paragraph 3

*Text proposed by the Commission*

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 economic data*.

*Amendment*

3. The Commission shall *bring forward a legislative proposal under the ordinary legislative procedure to adapt, amend, update or include the species in Annex I*.

Or. es

#### *Justification*

*Given the importance of the list in Annex I of plant genera and species, the ordinary legislative procedure should be used to amend it.*

## Amendment 22

### 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 materials, as referred to in paragraph 2, **shall be listed in Annex Ia. The Commission shall bring forward a legislative proposal under the ordinary legislative procedure to adapt, amend, update or include the species in Annex Ia.**

Or. es

*Justification*

*There are currently sectors in which certification of materials placed on the market is mandatory and this market cannot be allowed to suffer adverse effects while awaiting Commission legislation following this draft regulation. Given the importance of the list in Annex Ia of genera and species subject to mandatory official certification, the ordinary legislative procedure should be used to amend it.*

## Amendment 23

### Proposal for a regulation Article 15

*Text proposed by the Commission*

**Article 15**

**Requirement to belong to registered clones**

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

*Amendment*

*deleted*

Or. es



*Justification*

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

**Amendment 24**

**Proposal for a regulation  
Article 16 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. Those delegated acts shall take into account **the** relevant international technical and scientific standard recommendations:

3. Those delegated acts shall take into account relevant international technical and scientific standard recommendations, **including the following:**

Or. es

*Justification*

*The list of international technical and scientific standards in paragraph 3 should not be restricted as there may be others in the future.*

**Amendment 25**

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

*Text proposed by the Commission*

*Amendment*

**(5a) Standard materials shall be subjected to subsequent random, risk-based official checks.**

Or. es

*Justification*

*This additional paragraph is needed for standard material produced under the operator's control but which must be subsequently checked by the official services, even if this is through random inspections based on the likely risk.*

## Amendment 26

### Proposal for a regulation Article 20 – paragraph 3

*Text proposed by the Commission*

3. Those delegated acts shall take into account **the** applicable international technical and scientific standard recommendations **such as**:

*Amendment*

3. Those delegated acts shall take into account applicable international technical and scientific standard recommendations, **including the following**:

Or. es

*Justification*

*The list of international technical and scientific standards in paragraph 3 should not be restricted as there may be others in the future.*

## Amendment 27

### Proposal for a regulation Article 23 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

*(Does not affect English version)*

Or. es

*Justification*

*The reference is to operators, the only competent parties here.*

## Amendment 28

### Proposal for a regulation Article 24 – paragraph 1

*Text proposed by the Commission*

1. For the purposes of the official supervision referred to in point (a) of Article 22, competent authorities shall, **at least once per year**, conduct audits to ensure that the professional operator fulfils the requirements referred to in Article 23.

*Amendment*

1. For the purposes of the official supervision referred to in point (a) of Article 22, competent authorities shall conduct audits to ensure that the professional operator fulfils the requirements referred to in Article 23. ***The frequency of the audits shall be determined by the likelihood of these requirements not being fulfilled.***

Or. es

*Justification*

*There is no need for audits to be conducted every year. What is important is that audits can be done whenever there is due cause to warrant one.*

## Amendment 29

### Proposal for a regulation Article 24 – paragraph 3

*Text proposed by the Commission*

3. In addition to the inspection, sampling and testing referred to in paragraph 2, the competent authorities may carry out further field inspections, sampling or testing, if ***requested so by the professional operator.***

*Amendment*

3. In addition to the inspection, sampling and testing referred to in paragraph 2, the competent authorities may carry out further field inspections, sampling or testing, if ***these are deemed necessary.***

Or. es

*Justification*

*There has to be a justified reason for holding additional inspections or tests. A random decision by the operator will not suffice.*

## Amendment 30

### Proposal for a regulation

#### Article 36 – paragraph 1 – point a

*Text proposed by the Commission*

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

*Amendment*

(a) ***the varieties concerned are local and of lesser interest, and*** it is made available on the market in small quantities by persons other than professional operators, or by professional operators.

Or. es

#### *Justification*

*'Niche market' needs to be clearly defined to prevent its indiscriminate use. A niche market is a small local market for varieties that are of local interest. As most operators in the plant propagation materials sector have fewer than 10 employees, indiscriminate use of the term cannot be allowed.*

## Amendment 31

### Proposal for a regulation

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

*Text proposed by the Commission*

*Amendment*

***(ca) the maximum quantities per species and per operator to be placed on the market each year.***

Or. es

#### *Justification*

*The maximum quantities that may be placed on the market must be specified, otherwise an unofficial network of operators marketing seeds from unregistered varieties would be created.*

## Amendment 32

### Proposal for a regulation Article 40 – paragraph 1

*Text proposed by the Commission*

1. The Commission may authorise Member States, by means of implementing acts, to adopt more stringent production and quality requirements than those referred to in Article 16(2), or more stringent certification rules than those referred to in Article 20(1).

*Amendment*

1. The Commission may authorise Member States, by means of implementing acts, to adopt more stringent production and quality requirements than those referred to in Article 16(2), or more stringent certification rules than those referred to in Article 20(1) **or the national species regulations referred to in Title III.**

Or. es

*Justification*

*Community rules are normally generic or minimal and may therefore be incomplete in some specific cases. There are many species of national interest for which there are specific regulations and even national certification systems and reference needs to be made to these in this Regulation. Species of this kind come under Title III and therefore this addition to this article is proposed.*

## Amendment 33

### Proposal for a regulation Article 48 – paragraph 1 – point c

*Text proposed by the Commission*

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

*Amendment*

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

Or. es

*Justification*

*The current wording only refers to germination, but specific purity is very important as seeds containing a high level of impurities or weed seeds cannot be placed on the market. Requirements as to what is satisfactory need to be made more specific. It is proposed therefore that they be similar to the requirements for related species in Annex I.*

**Amendment 34**

**Proposal for a regulation**  
**Article 48 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

Or. es

*Justification*

*The list of international technical and scientific standards in paragraph 2 should not be restricted as there may be others in the future.*

**Amendment 35**

**Proposal for a regulation**  
**Article 51 – paragraph 1**

*Text proposed by the Commission*

1. Each Member State shall establish, publish and update a single national register of varieties ***and clones*** (hereinafter 'national variety register').

*Amendment*

1. Each Member State shall establish, publish and update a single national register of varieties (hereinafter 'national variety register').

Or. es

*Justification*

*The clone concept is incompatible with the way varieties are processed. Cloned material is genetically indistinguishable, has no name apart from its varietal reference and is not*

*examined for registration.*

### **Amendment 36**

#### **Proposal for a regulation Article 52 – paragraph 1**

*Text proposed by the Commission*

1. The Agency shall establish, publish and update a single register of varieties **and clones** (hereinafter "Union variety register"). The Union variety register shall include the following:

*Amendment*

1. The Agency shall establish, publish and update a single register of varieties (hereinafter "Union variety register"). The Union variety register shall include the following:

Or. es

*Justification*

*The clone concept is incompatible with the way varieties are processed. Cloned material is genetically indistinguishable, has no name apart from its varietal reference and is not examined for registration.*

### **Amendment 37**

#### **Proposal for a regulation Article 52 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) varieties **and clones** directly registered in the Union variety register in accordance with Chapter V; and

*Amendment*

(a) varieties directly registered in the Union variety register in accordance with Chapter V; and

Or. es

*Justification*

*The clone concept is incompatible with the way varieties are processed. Cloned material is genetically indistinguishable, has no name apart from its varietal reference and is not examined for registration.*

## Amendment 38

### Proposal for a regulation

#### Article 52 – paragraph 1 – point b

*Text proposed by the Commission*

(b) varieties **and clones** registered in national variety registers in accordance with Chapter IV, as notified by the Member States to the Agency in accordance with Chapter VI.

*Amendment*

(b) varieties registered in national variety registers in accordance with Chapter IV, as notified by the Member States to the Agency in accordance with Chapter VI.

Or. es

#### *Justification*

*The clone concept is incompatible with the way varieties are processed. Cloned material is genetically indistinguishable, has no name apart from its varietal reference and is not examined for registration.*

## Amendment 39

### Proposal for a regulation

#### Article 54

*Text proposed by the Commission*

*Amendment*

*Article 54*

*deleted*

#### *Data concerning clones*

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

- a) the name of the genus or species to which the clone belongs;*
- b) the reference under which the variety, to which the clone belongs, is registered in the national variety register or Union variety register;*
- c) the denomination of the variety to which the clone belongs and, for varieties made available on the market before the entry into force of this Regulation, where applicable its synonyms;*
- d) the date of the registration of the clone*



*and, where applicable, of the renewal of the registration;*

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

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

*g) where applicable, the indication that the clone contains, or consists of, a genetically modified organism.*

Or. es

*Justification*

*The clone concept is incompatible with the way varieties are processed. Cloned material is genetically indistinguishable, has no name apart from its varietal reference and is not examined for registration.*

**Amendment 40**

**Proposal for a regulation**

**Article 55 – paragraph 1**

*Text proposed by the Commission*

In the case of a variety *or clone*, notified by a Member State to the Agency in accordance with Chapter VI, the Union variety register shall include, in addition to the data required pursuant to Articles 53 and 54:

*Amendment*

In the case of a variety notified by a Member State to the Agency in accordance with Chapter VI, the Union variety register shall include, in addition to the data required pursuant to Articles 53 and 54:

Or. es

*Justification*

*This concept is not consistent with the definition of a clone. Cloned material is genetically indistinguishable, has no name apart from its varietal reference and is not examined for registration.*

## Amendment 41

### Proposal for a regulation

#### Article 55 – paragraph 1 – point b

*Text proposed by the Commission*

*Amendment*

(b) the reference under which the variety **or clone** has been registered in the national variety register(s).

(b) the reference under which the variety has been registered in the national variety register(s).

Or. es

#### *Justification*

*This concept is not consistent with the definition of a clone. Cloned material is genetically indistinguishable, has no name apart from its varietal reference and is not examined for registration.*

## Amendment 42

### Proposal for a regulation

#### Article 65

*Text proposed by the Commission*

*Amendment*

*Article 65*

*deleted*

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

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

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

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

*d) it bears a suitable denomination.*

*2. For the purpose of establishing whether a denomination is suitable as referred to in paragraph 1(d) of this Article, the*

*provisions of Article 64 shall apply with the necessary modifications. References made in Article 64 to varieties shall be construed as references to clones.*

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

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

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

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

Or. es

#### *Justification*

*The clone concept is incompatible with the way varieties are processed. Cloned material is genetically indistinguishable, has no name apart from its varietal reference and is not examined for registration.*

#### **Amendment 43**

##### **Proposal for a regulation Article 70**

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

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

###### *Amendment*

The date of application for registration shall be the date ***on which*** an application ***is entered in the register of the competent authority for the purposes of verifying its compliance*** with the requirements laid down in Article 67 and the format adopted pursuant to Article 68.

Or. es

*Justification*

*The date of application cannot be the date on which it is submitted to the competent authority, as this may not be the same as the date on which it is sent. It is therefore more logical to make it the date on which it is received.*

**Amendment 44**

**Proposal for a regulation**  
**Article 73 – paragraph 1**

*Text proposed by the Commission*

1. The applicant may carry out the technical examination referred to in Article 71(1), or part of it, only if it has been authorised thereto by the competent authority. Technical examination by the applicant shall be carried out in particular premises, which are dedicated to this purpose.

*Amendment*

1. The applicant may carry out the technical examination referred to in Article 71(1), or part of it, only if it has been authorised thereto by the competent authority ***or by the Agency if the competent authority has not been audited by the Agency for the species concerned in accordance with Article 72.*** Technical examination by the applicant shall be carried out in particular premises, which are dedicated to this purpose.

Or. es

*Justification*

*It may be that the competent authority of a Member State is not qualified to conduct the audit and this will then have to be done by the EU Agency.*

**Amendment 45**

**Proposal for a regulation**  
**Article 73 – paragraph 2**

*Text proposed by the Commission*

2. Prior to granting the authorisation to carry out the technical examination, the competent authority shall audit the premises and the organisation of the applicant. That audit shall verify whether the premises and organisation are suitable for carrying out the technical examination

*Amendment*

2. Prior to granting the authorisation to carry out the technical examination, the competent authority, ***or where applicable the Agency,*** shall audit the premises and the organisation of the applicant. That audit shall verify whether the premises and organisation are suitable for carrying out

as regards:

the technical examination as regards:

Or. es

*Justification*

*It may be that the competent authority of a Member State is not qualified to conduct the audit and this will then have to be done by the EU Agency.*

**Amendment 46**

**Proposal for a regulation**  
**Article 73 – paragraph 4**

*Text proposed by the Commission*

4. On the basis of the audit referred to in paragraph 1, the competent authority may recommend to the applicant, if appropriate, actions to ensure the suitability of the applicant's premises and organisation.

*Amendment*

4. On the basis of the audit referred to in paragraph 1, the competent authority, **or where applicable the Agency**, may recommend to the applicant, if appropriate, actions to ensure the suitability of the applicant's premises and organisation.

Or. es

*Justification*

*It may be that the competent authority of a Member State is not qualified to conduct the audit and this will then have to be done by the EU Agency.*

**Amendment 47**

**Proposal for a regulation**  
**Article 73 – paragraph 5**

*Text proposed by the Commission*

5. Further to the authorisation and audit referred to in paragraph 1, the competent authority may carry out additional audits and, where applicable, recommend to the applicant, within a specific period of time, corrective actions concerning the applicant's premises and the organisation.

*Amendment*

5. Further to the authorisation and audit referred to in paragraph 1, the competent authority, **or where applicable the Agency**, may carry out additional audits and, where applicable, recommend to the applicant, within a specific period of time, corrective actions concerning the applicant's premises

and the organisation.

Or. es

*Justification*

*It may be that the competent authority of a Member State is not qualified to conduct the audit and this will then have to be done by the EU Agency.*

**Amendment 48**

**Proposal for a regulation**  
**Article 73 – paragraph 5**

*Text proposed by the Commission*

In case the competent authority concludes that the applicant's premises and organisation are not suitable, it may revoke or modify the authorisation referred to in paragraph 1.

*Amendment*

In case the competent authority **or the Agency** concludes that the applicant's premises and organisation are not suitable, it may revoke or modify the authorisation referred to in paragraph 1.

Or. es

*Justification*

*It may be that the competent authority of a Member State is not qualified to conduct the audit and this will then have to be done by the EU Agency.*

**Amendment 49**

**Proposal for a regulation**  
**Article 80 – paragraph 1**

*Text proposed by the Commission*

Already registered varieties **and clones**  
1. By way of derogation from Articles 66 to 79, the competent authorities shall register in their national variety registers all varieties officially accepted or registered, before the entry into force of this Regulation, in the catalogues, lists or registers established by their Member States

*Amendment*

Already registered varieties  
1. By way of derogation from Articles 66 to 79, the competent authorities shall register in their national variety registers all varieties officially accepted or registered, before the entry into force of this Regulation, in the catalogues, lists or registers established by their Member

pursuant to Article 3 of Directive 2002/53/EC, Article 3(2) of Directive 2002/55/EC, Article 7(4) of Directive 2008/90/EC and Article 5 of Directive 68/193/EEC **and all clones registered pursuant to Article 5 of Directive 68/193/EEC, Article 7(4) of Directive 2008/90/EC, Chapter II of Directive 2008/62/EC and Section I of Chapter II and Section I of Chapter III of Directive 2009/145/EC.**

States pursuant to Article 3 of Directive 2002/53/EC, Article 3(2) of Directive 2002/55/EC, Article 7(4) of Directive 2008/90/EC and Article 5 of Directive 68/193/EEC.

Or. es

#### *Justification*

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

#### **Amendment 50**

##### **Proposal for a regulation Article 90**

*Text proposed by the Commission*

*Amendment*

**Article 90**

**deleted**

##### **Applicable provisions**

**1. For the registration of a clone in a national variety register, Sections 1, 2 and 3 shall apply with the necessary modifications, excluding the following provisions:**

- a) the provisions on the content of applications as set out in Article 67;**
- b) the provisions referring to varieties provided with officially recognised descriptions;**
- c) the provisions referring to varieties with sustainable or satisfactory value for cultivation and/or use.**

**2. As regards the content of applications, Article 92 shall apply instead of Article 67.**

Or. es

*Justification*

*The clone concept is incompatible with the way varieties are processed. Cloned material is genetically indistinguishable, has no name apart from its varietal reference and is not examined for registration.*

**Amendment 51**

**Proposal for a regulation  
Article 91**

*Text proposed by the Commission*

*Amendment*

**Article 91**

**deleted**

**References**

***When applying Sections 1, 2 and 3 for the registration of a clone in a national variety register, references shall be construed as follows:***

- a) references to varieties shall be construed as references to clones;***
- b) references to Article 56 shall be construed as references to Article 65;***
- c) references to the requirements set out in Articles 60, 61 and 62 shall be construed as references to requirements set out in Article 65(1)(b) and (3);***
- d) references to Article 67, concerning the content of applications, shall be construed as references to Article 92.***

Or. es

*Justification*

*The clone concept is incompatible with the way varieties are processed. Cloned material is genetically indistinguishable, has no name apart from its varietal reference and is not*



*examined for registration.*

## **Amendment 52**

### **Proposal for a regulation Article 92**

*Text proposed by the Commission*

*Amendment*

#### **Article 92**

*deleted*

#### **Content of applications**

**1. The application for registration of a clone in a national variety register shall contain the following items:**

- a) a request for registration;**
- b) the identification of the variety to which the clone belongs;**
- c) the name and address of the applicant, or, where appropriate, the joint applicants, and the credentials of any procedural representative;**
- d) a provisional denomination;**
- e) the name and address of the person responsible for the maintenance of the clone, and, where applicable, the reference number of that person;**
- f) a description of the main characteristics of the clone and, if available, a completed technical questionnaire;**
- g) the geographic origin of the clone;**
- h) information on whether the clone is registered in another national variety register or Union variety register, and on whether it is known to the applicant that an application for registration of the clone in those registers is pending;**
- i) in the case of a clone containing or consisting of a genetically modified organism, evidence that the genetically modified organism in question is authorised for cultivation pursuant to Directive 2001/18/EC or Regulation (EC)**

*No 1829/2003.*

**2. The application for the registration of a clone in a national variety register shall be accompanied by the submission of a sample of sufficient quality and quantity of the clone.**

Or. es

*Justification*

*The clone concept is incompatible with the way varieties are processed. Cloned material is genetically indistinguishable, has no name apart from its varietal reference and is not examined for registration.*

**Amendment 53**

**Proposal for a regulation  
Article 93 – title**

*Text proposed by the Commission*

*Amendment*

Relevant varieties **and clones**

Relevant varieties

Or. es

*Justification*

*The clone concept is incompatible with the way varieties are processed. Cloned material is genetically indistinguishable, has no name apart from its varietal reference and is not examined for registration.*

**Amendment 54**

**Proposal for a regulation  
Article 93**

*Text proposed by the Commission*

*Amendment*

This Chapter shall apply to varieties **and clones** not registered in any national variety register pursuant to Article 79.

This Chapter shall apply to varieties not registered in any national variety register pursuant to Article 79.

Or. es

*Justification*

*The clone concept is incompatible with the way varieties are processed. Cloned material is genetically indistinguishable, has no name apart from its varietal reference and is not examined for registration.*

**Amendment 55**

**Proposal for a regulation**  
**Article 94 – paragraph 1**

*Text proposed by the Commission*

1. For the registration of a variety *or clone* in the Union variety register, Chapter IV shall apply with the necessary modifications, excluding the following provisions:

*Amendment*

1. For the registration of a variety in the Union variety register, Chapter IV shall apply with the necessary modifications, excluding the following provisions:

Or. es

*Justification*

*This concept is not consistent with the definition of a clone. Cloned material is genetically indistinguishable, has no name apart from its varietal reference and is not examined for registration.*

**Amendment 56**

**Proposal for a regulation**  
**Article 94 – paragraph 2**

*Text proposed by the Commission*

2. For the examination of denominations, for variety *and clone* maintenance and for exemptions from the payment of registration fees, Articles 95, 96 and 97 shall apply instead of the provisions referred to in paragraph 1(a), (b) and (d).

*Amendment*

2. For the examination of denominations, for variety maintenance and for exemptions from the payment of registration fees, Articles 95, 96 and 97 shall apply instead of the provisions referred to in paragraph 1(a), (b) and (d).

Or. es

*Justification*

*This concept is not consistent with the definition of a clone. Cloned material is genetically indistinguishable, has no name apart from its varietal reference and is not examined for registration.*

**Amendment 57**

**Proposal for a regulation**  
**Article 94 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. When applying Chapter IV for the registration of a variety *or clone* in the Union variety register, references shall be construed as follows:

3. When applying Chapter IV for the registration of a variety in the Union variety register, references shall be construed as follows:

Or. es

*Justification*

*This concept is not consistent with the definition of a clone. Cloned material is genetically indistinguishable, has no name apart from its varietal reference and is not examined for registration.*

**Amendment 58**

**Proposal for a regulation**  
**Article 96 – title**

*Text proposed by the Commission*

*Amendment*

Maintenance of varieties *and clones*

Maintenance of varieties

Or. es

*Justification*

*This concept is not consistent with the definition of a clone. Cloned material is genetically indistinguishable, has no name apart from its varietal reference and is not examined for registration.*

## Amendment 59

### Proposal for a regulation

#### Article 96 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

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

Or. es

*Justification*

*This concept is not consistent with the definition of a clone. Cloned material is genetically indistinguishable, has no name apart from its varietal reference and is not examined for registration.*

## Amendment 60

### Proposal for a regulation

#### Article 96 – paragraph 3

*Text proposed by the Commission*

3. The person referred to in paragraph 1 shall keep records concerning the maintenance of the variety **or the clone**. It shall at all times be possible for the Agency to check the maintenance of the variety or the clone from those records. Those records shall also cover the production of pre-basic, basic, certified and standard material, and stages of production prior to pre-basic material.

*Amendment*

3. The persons referred to in paragraph 1 shall keep records concerning the maintenance of the variety. It shall at all times be possible for the Agency to check the maintenance of the variety or the clone from those records. Those records shall also cover the production of pre-basic, basic, certified and standard material, and stages of production prior to pre-basic material.

Or. es

*Justification*

*This concept is not consistent with the definition of a clone. Cloned material is genetically indistinguishable, has no name apart from its varietal reference and is not examined for*

registration.

## **Amendment 61**

### **Proposal for a regulation Article 96 – paragraph 4**

*Text proposed by the Commission*

4. The Agency shall check the way the maintenance is carried out and may, to this purpose, take samples of the varieties **and the clones**.

*Amendment*

4. The Agency shall check the way the maintenance is carried out and may, to this purpose, take samples of the varieties.

Or. es

*Justification*

*This concept is not consistent with the definition of a clone. Cloned material is genetically indistinguishable, has no name apart from its varietal reference and is not examined for registration.*

## **Amendment 62**

### **Proposal for a regulation Article 96 – paragraph 5**

*Text proposed by the Commission*

5. The competent authorities of the Member State where the maintenance of the variety **or the clone** concerned takes place, shall assist the Agency as regards controls on maintenance.

*Amendment*

5. The competent authorities of the Member State where the maintenance of the variety concerned takes place, shall assist the Agency as regards controls on maintenance.

Or. es

*Justification*

*This concept is not consistent with the definition of a clone. Cloned material is genetically indistinguishable, has no name apart from its varietal reference and is not examined for registration.*

## Amendment 63

### Proposal for a regulation

#### Article 106 – paragraph 1 – point k

*Text proposed by the Commission*

(k) "provenance" means the place in which any stand is growing;

*Amendment*

(k) "provenance" means the place in which any **seed source or** stand is growing;

Or. es

#### *Justification*

*Seed sources should not just have a region of provenance but also a place of provenance, as with origin.*

## Amendment 64

### Proposal for a regulation

#### Article 106 – paragraph 1 – point q

*Text proposed by the Commission*

(q) "tested": means derived from basic forest material consisting of stands, seed orchards, parents of families, clones or clonal mixtures of superior quality;

*Amendment*

(q) "tested": means derived from basic forest material consisting of stands, seed orchards, parents of families, clones or clonal mixtures of superior quality, **which must have been demonstrated by comparative testing or estimated from the genetic evaluation of the components of the basic forest material**;

Or. es

#### *Justification*

*As stipulated in the current Directive.*

## Amendment 65

### Proposal for a regulation Article 110 – paragraph 1

*Text proposed by the Commission*

1. The Member States shall demarcate the regions of provenance of basic forest material consisting of stands or seed sources and intended for the production of forest reproductive material under the ‘source-identified’ and ‘selected’ categories.

*Amendment*

1. The Member States shall **for species in Annex IX** demarcate the regions of provenance of basic forest material consisting of stands or seed sources and intended for the production of forest reproductive material under the ‘source-identified’ and ‘selected’ categories.

Or. es

*Justification*

*The species for which regions of provenance must be established should be made clear.*

## Amendment 66

### Proposal for a regulation Article 112 – paragraph 2

*Text proposed by the Commission*

2. Each Member State shall establish, publish and update a summary of the national register in the form of a national list.

*Amendment*

2. Each Member State shall establish, publish and update a summary of the national register in the form of a national list **or catalogue**.

Or. es

*Justification*

*Inclusion of the term catalogue is proposed as this is the term that has been used until now and it is widely recognised.*



## Amendment 67

### Proposal for a regulation

#### Article 112 – paragraph 4 – point b

*Text proposed by the Commission*

*Amendment*

(b) category ***for the production of which the basic*** forest material ***is intended***;

(b) category ***of*** forest ***reproductive*** material;

Or. es

#### *Justification*

*Referring to the standards of reproductive material based on intended use is better than referring to the intended use of the basic material.*

## Amendment 68

### Proposal for a regulation

#### Article 112 – paragraph 4 – point f – subpoint i

*Text proposed by the Commission*

*Amendment*

i) for basic forest material intended for production of the ‘source-identified’ category, region of provenance and geographical position defined by the latitudinal and longitudinal range;

i) for basic forest material intended for production of the ‘source-identified’ category, region of provenance and geographical position defined by ***latitude and longitude or*** the latitudinal and longitudinal range;

Or. es

#### *Justification*

*This should be the same as for the 'selected' category.*

## Amendment 69

### Proposal for a regulation

#### Article 117 – paragraph 4

*Text proposed by the Commission*

*Amendment*

4. Forest reproductive material belonging to the species and artificial hybrids listed in

4. Forest reproductive material belonging to the species and artificial hybrids listed in

Annex IX may only be made available on the market under ‘selected’ category if it has been mass propagated from seeds

Annex IX , **which propagate vegetatively**, may only be made available on the market under **the** ‘selected’ category if it has been mass propagated from seeds.

Or. es

*Justification*

*The specific feature of the case in question has been omitted.*

**Amendment 70**

**Proposal for a regulation**

**Article 124 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

**a) the master certificate number(s) issued under Article 122(1) or the reference to the other document available according to Article 122(4);**

**deleted**

Or. es

*Justification*

*The purpose of this point is not clear. This information has already been asked for in Article 123 and there is no need to clarify the reference to how the master certificate was issued.*

**Amendment 71**

**Proposal for a regulation**

**Article 140 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. The delegation of power referred to in Articles **11(3)**, **13(3)**, 14(3), **15(5)**, 16(2), 17(4), 18(4), 18(6), 20(4), 21(5), 23(3), 30(4), 32(1), 33(3), 34(6), 36(4), 38(4), 39(3), **44(1)**, 56(5), 56(6), 59(2), 64(4), **65(3)**, 67(2), 72(2), 74(1), 119, 124(4), 127, 131(2) and 135(4) **and 138(1)** shall be conferred on the Commission for **an**

2. The delegation of power referred to in Articles 14(3), 16(2), **16(4)**, 17(4), 18(4), 18(5), **20(2)**, 20(4), 21(5), 23(3), **24(4)**, 30(4), 32(1), 33(3), 34(6), 36(3), 38(6), 39(3), 56(5), 56(6), 59(2), 64(4), 67(3), 72(2), **73(3)**, 74(1), **87(3)**, **107(4)**, 119, 124(4), 127, 131(2) and 135(3) shall be conferred on the Commission for **a** period

*indeterminate* period of *time* from the date of the entry into force of this Regulation.

of *five years* from the date of the entry into force of this Regulation. ***The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.***

Or. es

#### *Justification*

*Some of the references in this Article are incorrect or incomplete and must be amended. Furthermore, the period of time during which the Commission has power to adopt delegated acts should not be indeterminate. It should be limited to five years and then tacitly extended unless Parliament or the Council opposes this extension.*

#### **Amendment 72**

##### **Proposal for a regulation Article 140 – paragraph 3**

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

3. The delegation of power referred to in Articles **11(3), 13(3)**, 14(3), **15(5)**, 16(2), 17(4), 18(4), 18(6), 20(4), 21(5), 23(3), 30(4), 32(1), 33(3), 34(6), 36(4), 38(4), 39(3), **44(1)**, 56(5), 56(6), 59(2), 64(4), **65(3)**, 67(2), 72(2), 74(1), 119, 124(4), 127, 131(2), 135(4) **and 138(1)** may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

###### *Amendment*

3. The delegation of power referred to in Articles 14(3), 16(2), **16(4)**, 17(4), 18(4), 18(5), **20(2)**, 20(4), 21(5), 23(3), **24(4)**, 30(4), 32(1), 33(3), 34(6), 36(3), 38(6), 39(3), 56(5), 56(6), 59(2), 64(4), 67(3), 72(2), **73(3)**, 74(1), **87(3), 107(4)**, 119, 124(4), 127, 131(2) **and 135(3)** may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

*Justification*

*Some of the references in this Article are incorrect or incomplete and must be amended.*

**Amendment 73****Proposal for a regulation  
Article 140 – paragraph 5***Text proposed by the Commission*

5. A delegated act adopted pursuant to Articles **11(3)**, **13(3)**, 14(3), **15(5)**, 16(2), 17(4), 18(4), 18(6), 20(4), 21(5), 23(3), 30(4), 32(1), 33(3), 34(6), 36(4), 38(4), 39(3), **44(1)**, 56(5), 56(6), 59(2), 64(4), **65(3)**, 67(2), 72(2), 74(1), 119, 124(4), 127, 131(2) **135(4) and 138(1)** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

*Amendment*

5. A delegated act adopted pursuant to Articles 14(3), 16(2), **16(4)**, 17(4), 18(4), 18(5), **20(2)**, 20(4), 21(5), 23(3), **24(4)**, 30(4), 32(1), 33(3), 34(6), 36(3), 38(6), 39(3), 56(5), 56(6), 59(2), 64(4), 67(3), 72(2), **73(3)**, 74(1), **87(3)**, **107(4)**, 119, 124(4), 127, 131(2) **and 135(3)** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

*Justification*

*Some of the references in this Article are incorrect or incomplete and must be amended.*

**Amendment 74**

**Proposal for a regulation  
Annex I (a) new**

*Text proposed by the Commission*

*Amendment*

***Annex Ia***

***GENERA AND SPECIES SUBJECT TO  
MANDATORY OFFICIAL  
CERTIFICATION***

***Agrostis canina L.***

***Agrostis capillaris L.***

***Agrostis gigantea Roth***

***Agrostis stolonifera L.***

***Alopecurus pratensis L.***

***Arachis hypogaea L.***

***Arrhenatherum elatius (L.) P. Beauv. ex  
J. Presl & C. Presl***

***Avena nuda L.***

***Avena sativa L. (incluye A. byzantina K.  
Koch)***

***Avena strigosa Schreb.***

***Beta vulgaris L.***

***Brassica juncea (L.) Czern.***

***Brassica napus L.***

***Brassica nigra (L.) W. D. J. Koch***

***Brassica oleracea L.***

***Brassica rapa L.***

***Bromus catharticus Vahl***

***Bromus sitchensis Trin.***

***Cannabis sativa L.***

***Carthamus tinctorius L.***

***Citrus L.***

***Cynodon dactylon (L.) Pers.***

***Dactylis glomerata L.***

***Festuca arundinacea Schreb.***

*Festuca filiformis* Pourr.  
*Festuca ovina* L.  
*Festuca pratensis* Huds.  
*Festuca rubra* L.  
*Festuca trachyphylla* (Hack.) Krajina  
× *Festulolium* Asch. et Graebn.  
*Galega orientalis* Lam.  
*Glycine max* (L.) Merrill  
*Gossypium* L.  
*Hedysarum coronarium* L.  
*Helianthus annuus* L.  
*Hordeum vulgare* L.  
*Linum usitatissimum* L.  
*Lolium* × *boucheanum* Kunth  
*Lolium multiflorum* Lam.  
*Lolium perenne* L.  
*Lotus corniculatus* L.  
*Lupinus albus* L.  
*Lupinus angustifolius* L.  
*Lupinus luteus* L.  
*Medicago lupulina* L.  
*Medicago sativa* L.  
*Medicago* × *varia* T. Martyn  
*Onobrychis viciifolia* Scop.  
*Oryza sativa* L.  
*Papaver somniferum* L.  
*Phalaris aquatica* L.  
*Phalaris canariensis* L.  
*Phleum nodosum* L. (antes *Phleum bertolonii* DC.)  
*Phleum pratense* L.  
*Pisum sativum* L.  
*Poa annua* L.

*Poa nemoralis* L.  
*Poa palustris* L.  
*Poa pratensis* L. *Poa trivialis* L.  
*Raphanus sativus* L.  
*Secale cereale* L.  
*Sinapis alba* L.  
*Solanum tuberosum* L.  
*Sorghum bicolor* (L.) Moench  
*Sorghum bicolor* (L.) Moench × *Sorghum*  
*sudanense* (Piper) Stapf  
*Sorghum sudanense* (Piper) Stapf  
*Trifolium alexandrinum* L.  
*Trifolium hybridum* L.  
*Trifolium incarnatum* L.  
*Trifolium pratense* L.  
*Trifolium repens* L.  
*Trifolium resupinatum* L.  
*Trigonella foenum-graecum* L.  
× *Triticosecale* Wittm. ex A. Camus  
*Triticum aestivum* L.  
*Triticum durum* Desf.  
*Triticum spelta* L.  
*Vicia faba* L.  
*Vicia pannonica* Crantz  
*Vicia sativa* L.  
*Vicia villosa* Roth  
*Vitis* L., solo patrones ó barbados  
*Zea mays* L.

Or. es