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REPORT

on the proposal for a Council directive amending Directives 66/401/EEC on the marketing of fodder plant seed, 66/402/EEC on the marketing of cereal seed, 68/193/EEC on the marketing of material for the vegetative propagation of the vine, 92/33/EEC on the marketing of vegetable propagating and planting material, other than seed, 92/34/EEC on the marketing of propagating and planting material of fruit plants, 98/56/EC on the marketing of propagating material of ornamental plants, 2002/54/EC on the marketing of beet seed, 2002/55/EC on the marketing of vegetable seed, 2002/56/EC on the marketing of seed potatoes and 2002/57/EC on the marketing of seed of oil and fibre plants as regards Community comparative tests and trials (COM(2002) 523 – C5-0476/2002 – 2002/0232(CNS))

Committee on Agriculture and Rural Development

Rapporteur: Danielle Auroi

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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PROCEDURAL PAGE

By letter of 9 October 2002 the Council consulted Parliament, pursuant to Article 37 of the EC Treaty, on the proposal for a Council directive amending Directives 66/401/EEC on the marketing of fodder plant seed, 66/402/EEC on the marketing of cereal seed, 68/193/EEC on the marketing of material for the vegetative propagation of the vine, 92/33/EEC on the marketing of vegetable propagating and planting material, other than seed, 92/34/EEC on the marketing of propagating and planting material of fruit plants, 98/56/EC on the marketing of propagating material of ornamental plants, 2002/54/EC on the marketing of beet seed, 2002/55/EC on the marketing of vegetable seed, 2002/56/EC on the marketing of seed potatoes and 2002/57/EC on the marketing of seed of oil and fibre plants as regards Community comparative tests and trials (COM(2002) 523 – 2002/0232(CNS)).

At the sitting of 10 October 2002 the President of Parliament announced that he had referred the proposal to the Committee on Agriculture and Rural Development as the committee responsible and the Committee on Budgets for its opinion (C5-0476/2002).

The Committee on Agriculture and Rural Development appointed Danielle Auroi rapporteur at its meeting of 5 November 2002.

The committee considered the Commission proposal and draft report at its meetings of 2 December 2002, 17 February 2003 and 19 March 2003.

At the last meeting it adopted the draft legislative resolution by 18 votes to 11.

The following were present for the vote: Joseph Daul (chairman), Friedrich-Wilhelm Graefe zu Baringdorf, Albert Jan Maat, María Rodríguez Ramos (vice-chairmen), Danielle Auroi (rapporteur), Gordon J. Adam, Carlos Bautista Ojeda, Sergio Berlato, Arlindo Cunha, Christel Fiebiger, Francesco Fiori, Christos Folias, Jean-Claude Fruteau, Georges Garot, Lutz Goepel, Willi Görlach, María Esther Herranz García (for Encarnación Redondo Jiménez), Elisabeth Jeggle, Salvador Jové Peres, Heinz Kindermann, Dimitrios Koulourianos, Wolfgang Kreissl-Dörfler (for António Campos), Astrid Lulling (for Agnes Schierhuber), Véronique Mathieu, Hans-Peter Mayer (for Michl Ebner), Xaver Mayer, Karl Erik Olsson, Neil Parish, Mikko Pesälä, Christa Prets (for María Izquierdo Rojo) and Dominique F.C. Souchet.

The Committee on Budgets decided on 12 November 2002 not to deliver an opinion.

The report was tabled on 20 March 2003.

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a Council directive amending Directives 66/401/EEC on the marketing of fodder plant seed, 66/402/EEC on the marketing of cereal seed, 68/193/EEC on the marketing of material for the vegetative propagation of the vine, 92/33/EEC on the marketing of vegetable propagating and planting material, other than seed, 92/34/EEC on the marketing of propagating and planting material of fruit plants, 98/56/EC on the marketing of propagating material of ornamental plants, 2002/54/EC on the marketing of beet seed, 2002/55/EC on the marketing of vegetable seed, 2002/56/EC on the marketing of seed potatoes and 2002/57/EC on the marketing of seed of oil and fibre plants as regards Community comparative tests and trials (COM(2002) 523 – C5-0476/2002 – 2002/0232(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2002) 523)¹,
 - having regard to Article 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C5-0476/2002),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Agriculture and Rural Development (A5-0078/2003),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 5. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission

Amendments by Parliament

Amendment 1 TITLE

Proposal for a Council Directive amending

Proposal for a Council Directive amending

¹ OJ C 20, 28.1.2003, p.208.

Directives 66/401/EEC on the marketing of fodder plant seed, 66/402/EEC on the marketing of cereal seed, 68/193/EEC on the marketing of material for the vegetative propagation of the vine, 92/33/EEC on the marketing of vegetable propagating and planting material, other than seed, 92/34/EEC on the marketing of propagating and planting material of fruit plants, 98/56/EC on the marketing of propagating material of ornamental plants, 2002/54/EC on the marketing of beet seed, 2002/55/EC on the marketing of vegetable seed, 2002/56/EC on the marketing of seed potatoes and 2002/57/EC on the marketing of seed of oil and fibre plants as regards Community comparative tests and trials

Directives 66/401/EEC on the marketing of fodder plant seed, 66/402/EEC on the marketing of cereal seed, 68/193/EEC on the marketing of material for the vegetative propagation of the vine, 92/33/EEC on the marketing of vegetable propagating and planting material, other than seed, 92/34/EEC on the marketing of propagating and planting material of fruit plants, 98/56/EC on the marketing of propagating material of ornamental plants, 2002/54/EC on the marketing of beet seed, 2002/55/EC on the marketing of vegetable seed, 2002/56/EC on the marketing of seed potatoes and 2002/57/EC on the marketing of seed of oil and fibre plants as regards Community comparative tests and trials ***and the adventitious or technically unavoidable presence of genetically modified seed in conventional varieties of seed***

Justification

The directive already stipulates that genetically modified varieties (GMV) types of seed must be labelled. What has not been regulated, to date, is how non-GMV seed should be handled if it contains traces of genetically modified organisms. It is proposed that, normally, non-GMV seed should not contain GMOs. That principle is very important for agriculture: the marketing of contaminated seed may bring about unforeseeable economic consequences for farming and food producers.

Amendment 2 Recital 4 a (new)

The comparative tests funded by the Union must not be limited to the species and varieties of certified seed and plants included in the Union's common catalogue. Conservation varieties and seed originating in organic farming should benefit from these tests.

Justification

Self-explanatory.

Amendment 3
Recital 4 b (new)

The issues surrounding GMO contamination must be addressed in the context of the directives on the marketing of plants and seeds and cannot be dealt with under the committee procedure, which excludes Parliament from all debate, and prevents it from making proposals, on this sensitive matter.

Justification

In the interests of democracy, Parliament cannot be excluded from the decision-taking procedure.

Amendment 4
Recital 4 c (new)

Seed marketed for use in organic farming must be tested in an environment specific to that type of farming and be given more funding. Such seed must be free of all traces of GMOs and pesticides and therefore calls for special tests.

Justification

The quality of the organic label must be guaranteed at Community level, which requires an appropriate level of funding.

Amendment 5
Recital 4 d (new)

The ‘conservation’ types and varieties referred to in Directive 98/95/EC must be defined and tested in order to be marketed in accordance with specific criteria and require an implementing regulation.

Justification

Effective application of Directive 98/95/EC must be guaranteed in all Member States.

Amendment 6
Recital 4 e (new)

The problem of farm seed must be resolved by giving flexibility to farmers and selectors in accordance with established contracts and needs of farmers.

Justification

Self-explanatory.

Amendment 7
Recital 4 f (new)

Member States should increase their contributions and step up their commitments in the long term as regards conservation of genetic resources at national and international levels.

Justification

Maintenance of biodiversity requires additional efforts on the part of domestic authorities.

Amendment 8
Recital 4 g (new)

Member States should step up their financial support and their commitment as regards all non-institutional agricultural research into enhancement

of plants and genetic resource conservation on the farm; they should also step up their support for NGOs working in this area.

Justification

Maintenance of biodiversity requires additional efforts on the part of domestic authorities.

Amendment 9
Recital 4 h (new)

Member States should recognise the complementarity of ex situ and in situ conservation strategies. Both methods are essential for conservation of germoplasm for future generations; they need increased assistance, in particular for in situ or on-farm conservation.

Justification

Self-explanatory.

Amendment 10
Recital 4 i (new)

Member States should lay down measures intended to promote and step up farmer-based and farmer-led science, including 'participatory plant breeding' as defined by the FAO.

Justification

Farmer-based and farmer-led activities must be supported.

Amendment 11
Recital 4 j (new)

Member States should give a legal undertaking to acknowledge the collective rights of communities and their knowledge concerning local genetic resources. They should acknowledge the traditional practices of those communities when they have developed certain genetic resources. Member States should ensure, in this connection, that there is effective application of Directive 98/95/EC, in respect of 'amateur' varieties.

Justification

Effective application of Directive 98/95/EC must be guaranteed in all Member States.

Amendment 12
Article 1, paragraph 1

1. Directive 66/401/EEC is hereby amended as follows:

1. Directive 66/401/EEC is hereby amended as follows:

In Article 3, after paragraph 4 the following paragraphs are added:

"4a. Member States shall stipulate that non-genetically modified varieties of seed which contain genetically modified organisms may not be placed on the market. Where traces of genetically modified organisms authorised under Community law to be placed on the market are adventitiously or technically unavoidably present in seed, however, a threshold may be set beneath which the seed may be placed on the market.

4b. The threshold, which shall be determined pursuant to Article 21, shall be set at as low a level as is possible in line with the latest scientific and research findings.

4c. In order to establish that the presence of traces of genetically modified organisms is adventitious or technically unavoidable, supporting evidence shall be supplied that

during and after seed production, and in particular also during transport and storage, suitable measures were taken to prevent the presence of genetically modified organisms. Suitable measures shall be laid down in accordance with Article 21."

In Article 20, after paragraph 3 the following paragraphs are added:

"3a. The Community may make a financial contribution to the performance of the tests foreseen in paragraphs 1 and 2.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.

3b. The tests which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 21.

3c. Only state authorities, or legal persons, acting under the responsibility of the State, may be the beneficiaries of this contribution."

In Article 20, after paragraph 3 the following paragraphs are added:

"3a. The Community may make a financial contribution to the performance of the tests foreseen in paragraphs 1 and 2.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.

3b. The tests which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 21.

3c. Only state authorities, or legal persons, acting under the responsibility of the State, may be the beneficiaries of this contribution.

3d. Comparative tests shall be carried out in a specific manner on seed and plants produced and grown for organic farming and for conservation and use of the genetic diversity of seed and plants.

3e. The European Union budget headings for the tests – A 703 (staff) and headings under B1-33 (plant health, comparative tests) – shall be amended, the amount to increase from EUR 800 000 to EUR 1 000 000."

Justification

The directive already stipulates that genetically modified varieties (GMV) types of seed must be labelled. What has not been regulated, to date, is how non-GMV seed should be handled if it contains traces of genetically modified organisms. It is proposed that, normally, non-GMV seed should not contain GMOs. That principle is very important for agriculture: the marketing of contaminated seed may bring about unforeseeable economic consequences for

farming and food producers.

Amendment 13
Article 1, paragraph 2

2. Directive 66/402/EEC is hereby amended as follows:

2. Directive 66/402/EEC is hereby amended as follows:

In Article 3, after paragraph 3 the following paragraphs are added:

"3a. Member States shall stipulate that non-genetically modified varieties of seed which contain genetically modified organisms may not be placed on the market. Where traces of genetically modified organisms authorised under Community law to be placed on the market are adventitiously or technically unavoidably present in seed, however, a threshold may be set beneath which the seed may be placed on the market.

3b. The threshold, which shall be determined pursuant to Article 21, shall be set at as low a level as is possible in line with the latest scientific and research findings.

3c. In order to establish that the presence of traces of genetically modified organisms is adventitious or technically unavoidable, supporting evidence shall be supplied that during and after seed production, and in particular also during transport and storage, suitable measures were taken to prevent the presence of genetically modified organisms. Suitable measures shall be laid down in accordance with Article 21."

In Article 20, after paragraph 3 the following paragraphs are added:

"3a. The Community may make a financial contribution to the performance of the tests foreseen in paragraphs 1 and 2.

The financial contribution shall not exceed the annual appropriations decided by the

In Article 20, after paragraph 3 the following paragraphs are added:

"3a. The Community may make a financial contribution to the performance of the tests foreseen in paragraphs 1 and 2.

The financial contribution shall not exceed the annual appropriations decided by the

budgetary authority.

3b. The tests which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 21.

3c. Only state authorities, or legal persons, acting under the responsibility of the State, may be the beneficiaries of this contribution."

budgetary authority.

3b. The tests which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 21.

3c. Only state authorities, or legal persons, acting under the responsibility of the State, may be the beneficiaries of this contribution.

3d. Comparative tests shall be carried out in a specific manner on seed and plants produced and grown for organic farming and for conservation and use of the genetic diversity of seed and plants.

3e. The European Union budget headings for the tests – A 703 (staff) and headings under B1-33 (plant health, comparative tests) – shall be amended, the amount to increase from EUR 800 000 to EUR 1 000 000."

Justification

The directive already stipulates that genetically modified varieties (GMV) types of seed must be labelled. What has not been regulated, to date, is how non-GMV seed should be handled if it contains traces of genetically modified organisms. It is proposed that, normally, non-GMV seed should not contain GMOs. That principle is very important for agriculture: the marketing of contaminated seed may bring about unforeseeable economic consequences for farming and food producers.

Amendment 14 ARTICLE 1, PARAGRAPH 3

Article 16 (Directive 68/193/EEC)

3. Directive 68/193/EEC is hereby amended as follows~~shall be replaced by the following~~:

In Article 16, ~~the~~after paragraph 3 the following paragraphs are added~~shall be replaced by the following~~:

3. Directive 68/193/EEC is hereby amended as follows~~shall be replaced by the following~~:

In Article 16, ~~the~~after paragraph 3 the following paragraphs are added~~shall be replaced by the following~~:

"3a. The Community may make a financial contribution to the performance of the tests foreseen in paragraphs 1 and 2.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority. The financial contribution from the Community for the performance of the tests foreseen in paragraphs 1 and 2 shall be decided each year as a part of the budgetary procedure.

3b. The tests which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 17(1).

3c. Only state authorities, or legal persons, acting under the responsibility of the State, may be the beneficiaries of this contribution."

"3a. The Community may make a financial contribution to the performance of the tests foreseen in paragraphs 1 and 2.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority. The financial contribution from the Community for the performance of the tests foreseen in paragraphs 1 and 2 shall be decided each year as a part of the budgetary procedure.

3b. The tests which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 17(1).

3c. Only state authorities, or legal persons, acting under the responsibility of the State, may be the beneficiaries of this contribution.

3d. Comparative tests shall be carried out in a specific manner on seed and plants produced and grown for organic farming and for conservation and use of the genetic diversity of seed and plants.

3e. The European Union budget headings for the tests– A-703 (staff) and headings under B1-33 (plant health, comparative tests) – shall be amended, the amount to increase from EUR 800 000 to EUR 1 000 000."

Justification

The directive already stipulates that genetically modified varieties (GMV) of seed must be labelled. What has not been regulated, to date, is how non-GMV seed should be handled if it contains traces of genetically modified organisms. It is proposed that, normally, non-GMV seed should not contain GMOs. That principle is very important for agriculture: the marketing of contaminated seed may bring about unforeseeable economic consequences for farming and food producers.

Amendment 15 ARTICLE 1, PARAGRAPH 4

Article 20 (Directive 92/33/EEC)

4. Directive 92/33/EEC is hereby amended as follows~~shall be replaced by the following~~:

In Article 20, ~~the after~~ paragraph 4 the following paragraphs are added~~shall be replaced by the following~~:

"4a. The Community may make a financial contribution to the performance of the trials and tests foreseen in paragraph 2.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.~~The financial contribution from the Community for the performance of the tests foreseen in paragraph 2 shall be decided each year as a part of the budgetary procedure.~~

4b. The trials and tests which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 21.

4c. Only state authorities, or legal persons, acting under the responsibility of the State, may be the beneficiaries of this contribution."

4. Directive 92/33/EEC is hereby amended as follows~~shall be replaced by the following~~:

In Article 20, ~~the after~~ paragraph 4 the following paragraphs are added~~shall be replaced by the following~~:

"4a. The Community may make a financial contribution to the performance of the trials and tests foreseen in paragraph 2.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.~~The financial contribution from the Community for the performance of the tests foreseen in paragraph 2 shall be decided each year as a part of the budgetary procedure.~~

4b. The trials and tests which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 21.

4c. Only state authorities, or legal persons, acting under the responsibility of the State, may be the beneficiaries of this contribution.

4d. Comparative tests shall be carried out in a specific manner on seed and plants produced and grown for organic farming and for conservation and use of the genetic diversity of seed and plants.

4e. The European Union budget headings for the tests – A-703 (staff) and headings under B1-33 (plant health, comparative tests) – shall be amended, the amount to increase from EUR 800 000 to EUR 1 000 000."

Justification

The directive already stipulates that genetically modified varieties (GMV) of seed must be

labelled. What has not been regulated, to date, is how non-GMV seed should be handled if it contains traces of genetically modified organisms. It is proposed that, normally, non-GMV seed should not contain GMOs. That principle is very important for agriculture: the marketing of contaminated seed may bring about unforeseeable economic consequences for farming and food producers.

Amendment 16
ARTICLE 1, PARAGRAPH 5

Article 20 (Directive 92/34/EEC)

5. Directive 92/34/EEC is hereby amended as follows~~shall be replaced by the following~~:

In Article 20, ~~the after~~ paragraph 4 the following paragraphs are added~~shall be replaced by the following~~:

"4a. The Community may make a financial contribution to the performance of the trials and tests foreseen in paragraph 2.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.

4b. The trials and tests which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 21.

4c. Only state authorities, or legal persons, acting under the responsibility of the State, may be the beneficiaries of this contribution."

5. Directive 92/34/EEC is hereby amended as follows~~shall be replaced by the following~~:

In Article 20, ~~the after~~ paragraph 4 the following paragraphs are added~~shall be replaced by the following~~:

"4a. The Community may make a financial contribution to the performance of the trials and tests foreseen in paragraph 2.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.

4b. The trials and tests which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 21.

4c. Only state authorities, or legal persons, acting under the responsibility of the State, may be the beneficiaries of this contribution.

4d. Comparative tests shall be carried out in a specific manner on seed and plants produced and grown for organic farming and for conservation and use of genetic diversity of seed and plants.

4e. The European Union budget headings for the tests – A-703 (staff) and headings under B 1-33 (plant health, comparative tests) – shall be amended, the amount to increase from EUR 800 0000 to EUR 1 000 000."

Justification

The directive already stipulates that genetically varieties (GMV) of seed must be labelled. What has not been regulated, to date, is how non-GMV seed should be handled if it contains traces of genetically modified organisms. It is proposed that, normally, non-GMV seed should not contain GMOs. That principle is very important for agriculture: the marketing of contaminated seed may bring about unforeseeable economic consequences for farming and food producers.

Amendment 17 ARTICLE 1, PARAGRAPH 6

Article 14 (Directive 98/56/EC)

6. Council Directive 98/56/EC is hereby amended as follows~~shall be replaced by the following~~:

In Article 14, ~~the~~after paragraph 4 the following paragraphs are added~~shall be replaced by the following~~:

"4a. The Community may make a financial contribution to the performance of the trials and tests foreseen in paragraph 2.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority. The financial contribution from the Community for the performance of the tests foreseen in paragraph 2 shall be decided each year as a part of the budgetary procedure.

4b. The trials and tests which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 17.

4c. Only state authorities, or legal persons, acting under the responsibility of the State, may be the beneficiaries of this contribution."

6. Council Directive 98/56/EC is hereby amended as follows~~shall be replaced by the following~~:

In Article 14, ~~the~~after paragraph 4 the following paragraphs are added~~shall be replaced by the following~~:

"4a. The Community may make a financial contribution to the performance of the trials and tests foreseen in paragraph 2.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority. The financial contribution from the Community for the performance of the tests foreseen in paragraph 2 shall be decided each year as a part of the budgetary procedure.

4b. The trials and tests which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 17.

4c. Only state authorities, or legal persons, acting under the responsibility of the State, may be the beneficiaries of this contribution.

4d. Comparative tests shall be carried out in a specific manner on seed and plants produced and grown for organic farming and for conservation and use of genetic

diversity of seed and plants.

4e. The European Union budget headings for the tests – A-703 (staff) and headings under B 1-33 (plant health, comparative tests) – shall be amended, the amount to increase from EUR 800 0000 to EUR 1 000 000.”

Justification

The directive already stipulates that modified varieties (GMV) of seed must be labelled. What has not been regulated, to date, is how non-GMV seed should be handled if it contains traces of genetically modified organisms. It is proposed that, normally, non-GMV seed should not contain GMOs. That principle is very important for agriculture: the marketing of contaminated seed may bring about unforeseeable economic consequences for farming and food producers.

Amendment 18 **Article 1, paragraph 7**

2. Directive 2002/54/EC is hereby amended as follows:

2. Directive 2002/54/EC is hereby amended as follows:

In Article 3, after paragraph 2 the following paragraphs are added:

"2a. Member States shall stipulate that non-genetically modified varieties of seed which contain genetically modified organisms may not be placed on the market. Where traces of genetically modified organisms authorised under Community law to be placed on the market are adventitiously or technically unavoidably present in seed, however, a threshold may be set beneath which the seed may be placed on the market.

2b. The threshold, which shall be determined pursuant to Article 28(2), shall be set at as low a level as is possible in line with the latest scientific and research findings.

2c. In order to establish that the presence of traces of genetically modified organisms is adventitious or technically unavoidable,

supporting evidence shall be supplied that during and after seed production, and in particular also during transport and storage, suitable measures were taken to prevent the presence of genetically modified organisms. Suitable measures shall be laid down in accordance with Article 28(2)."

In Article 26, after paragraph 3 the following paragraphs are added:

"3a. The Community may make a financial contribution to the performance of the tests foreseen in paragraphs 1 and 2.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.

3b. The tests which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 28(2).

3c. Only state authorities, or legal persons, acting under the responsibility of the State, may be the beneficiaries of this contribution."

In Article 26, after paragraph 3 the following paragraphs are added:

"3a. The Community may make a financial contribution to the performance of the tests foreseen in paragraphs 1 and 2.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.

3b. The tests which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 28(2).

3c. Only state authorities, or legal persons, acting under the responsibility of the State, may be the beneficiaries of this contribution.

Justification

The directive already stipulates that genetically modified varieties (GMV) types of seed must be labelled. What has not been regulated, to date, is how non-GMV seed should be handled if it contains traces of genetically modified organisms. It is proposed that, normally, non-GMV seed should not contain GMOs. That principle is very important for agriculture: the marketing of contaminated seed may bring about unforeseeable economic consequences for farming and food producers.

Amendment 19 Article 1, paragraph 8

2. Directive 2002/55/EC is hereby amended as follows:

2. Directive 2002/55/EC is hereby amended as follows:

In Article 3, after paragraph 4 the

following paragraphs are added:

"4a. Member States shall stipulate that non-genetically modified varieties of seed which contain genetically modified organisms may not be placed on the market. Where traces of genetically modified organisms authorised under Community law to be placed on the market are adventitiously or technically unavoidably present in seed, however, a threshold may be set beneath which the seed may be placed on the market.

4b. The threshold, which shall be determined pursuant to Article 46(3), shall be set at as low a level as is possible in line with the latest scientific and research findings.

4c. In order to establish that the presence of traces of genetically modified organisms is adventitious or technically unavoidable, supporting evidence shall be supplied that during and after seed production, and in particular also during transport and storage, suitable measures were taken to prevent the presence of genetically modified organisms. Suitable measures shall be laid down in accordance with Article 46(3)."

In Article 43, after paragraph 3 the following paragraphs are added:

"3a. The Community may make a financial contribution to the performance of the tests foreseen in paragraphs 1 and 2.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.

3b. The tests which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 46(2).

3c. Only state authorities, or legal persons, acting under the responsibility of the State,

In Article 43, after paragraph 3 the following paragraphs are added:

"3a. The Community may make a financial contribution to the performance of the tests foreseen in paragraphs 1 and 2.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.

3b. The tests which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 46(2).

may be the beneficiaries of this contribution."

3c. Only state authorities, or legal persons, acting under the responsibility of the State, may be the beneficiaries of this contribution.

3d. Comparative tests shall be carried out in a specific manner on seed and plants produced and grown for organic farming and for conservation and use of the genetic diversity of seed and plants.

3e. The European Union budget headings for the tests – A 703 (staff) and headings under B1-33 (plant health, comparative tests) – shall be amended, the amount to increase from EUR 800 000 to EUR 1 000 000."

Justification

The directive already stipulates that genetically modified varieties (GMV) types of seed must be labelled. What has not been regulated, to date, is how non-GMV seed should be handled if it contains traces of genetically modified organisms. It is proposed that, normally, non-GMV seed should not contain GMOs. That principle is very important for agriculture: the marketing of contaminated seed may bring about unforeseeable economic consequences for farming and food producers.

Amendment 20 *Article 1, paragraph 9*

2. Directive 2002/56/EC is hereby amended as follows:

2. Directive 2002/56/EC is hereby amended as follows:

In Article 3, after paragraph 4 the following paragraphs are added:

"4a. Member States shall stipulate that non-genetically modified varieties of seed which contain genetically modified organisms may not be placed on the market. Where traces of genetically modified organisms authorised under Community law to be placed on the market are adventitiously or technically unavoidably present in seed, however, a threshold may be set beneath which the seed may be placed on the market.

4b. The threshold, which shall be

determined pursuant to Article 25(2), shall be set at as low a level as is possible in line with the latest scientific and research findings.

4c. In order to establish that the presence of traces of genetically modified organisms is adventitious or technically unavoidable, supporting evidence shall be supplied that during and after seed production, and in particular also during transport and storage, suitable measures were taken to prevent the presence of genetically modified organisms. Suitable measures shall be laid down in accordance with Article 25(2)."

In Article 26, after paragraph 3 the following paragraphs are added:

"3a. The Community may make a financial contribution to the performance of the tests foreseen in paragraphs 1 and 2.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.

3b. The tests which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 46(2).

3c. Only state authorities, or legal persons, acting under the responsibility of the State, may be the beneficiaries of this contribution."

In Article 26, after paragraph 3 the following paragraphs are added:

"3a. The Community may make a financial contribution to the performance of the tests foreseen in paragraphs 1 and 2.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.

3b. The tests which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 28(2).

3c. Only state authorities, or legal persons, acting under the responsibility of the State, may be the beneficiaries of this contribution.

3d. Comparative tests shall be carried out in a specific manner on seed and plants produced and grown for organic farming and for conservation and use of the genetic diversity of seed and plants.

3e. The European Union budget headings for the tests – A 703 (staff) and headings under B1-33 (plant health, comparative tests) – shall be amended, the amount to

***increase from EUR 800 000 to
EUR 1 000 000.”***

Justification

The directive already stipulates that genetically modified varieties (GMV) types of seed must be labelled. What has not been regulated, to date, is how non-GMV seed should be handled if it contains traces of genetically modified organisms. It is proposed that, normally, non-GMV seed should not contain GMOs. That principle is very important for agriculture: the marketing of contaminated seed may bring about unforeseeable economic consequences for farming and food producers.

Amendment 21 Article 1, paragraph 10

2. Directive 2002/57/EC is hereby amended as follows:

2. Directive 2002/57/EC is hereby amended as follows:

In Article 3, after paragraph 4 the following paragraphs are added:

"4a. Member States shall stipulate that non-genetically modified varieties of seed which contain genetically modified organisms may not be placed on the market. Where traces of genetically modified organisms authorised under Community law to be placed on the market are adventitiously or technically unavoidably present in seed, however, a threshold may be set beneath which the seed may be placed on the market.

4b. The threshold, which shall be determined pursuant to Article 25(2), shall be set at as low a level as is possible in line with the latest scientific and research findings.

4c. In order to establish that the presence of traces of genetically modified organisms is adventitious or technically unavoidable, supporting evidence shall be supplied that during and after seed production, and in particular also during transport and storage, suitable measures were taken to prevent the presence of genetically modified organisms. Suitable measures

In Article 23, after paragraph 3 the following paragraphs are added:

"3a. The Community may make a financial contribution to the performance of the tests foreseen in paragraphs 1 and 2.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.

3b. The tests which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 25(2).

3c. Only state authorities, or legal persons, acting under the responsibility of the State, may be the beneficiaries of this contribution."

shall be laid down in accordance with Article 25(2)."

In Article 23, after paragraph 3 the following paragraphs are added:

"3a. The Community may make a financial contribution to the performance of the tests foreseen in paragraphs 1 and 2.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.

3b. The tests which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 25(2).

3c. Only state authorities, or legal persons, acting under the responsibility of the State, may be the beneficiaries of this contribution.

3d. Comparative tests shall be carried out in a specific manner on seed and plants produced and grown for organic farming and for conservation and use of the genetic diversity of seed and plants.

3e. The European Union budget headings for the tests – A 703 (staff) and headings under B1-33 (plant health, comparative tests) – shall be amended, the amount to increase from EUR 800 000 to EUR 1 000 000."

Justification

The directive already stipulates that genetically modified varieties (GMV) types of seed must be labelled. What has not been regulated, to date, is how non-GMV seed should be handled if it contains traces of genetically modified organisms. It is proposed that, normally, non-GMV seed should not contain GMOs. That principle is very important for agriculture: the marketing of contaminated seed may bring about unforeseeable economic consequences for farming and food producers.

Amendment 22
ARTICLE 1 A (new)

Article 1a

New specific directives concerning the marketing of seed and plants for conservation and diversity of genetic resources in Europe, based on Directive 98/95/EC, shall be adopted to supplement these arrangements.

Justification

The proposal for a directive is to go before only the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry. That is contrary to Article 21(2) of the Directive on the deliberate release into the environment of genetically modified organisms (2001/18/EC).

Amendment 23
ARTICLE 1 B (new)

Article 1b

Directive 2001/18/EC on the deliberate release into the environment of GMOs shall be taken into consideration in the future in that any terminator technology depriving farmers of seed rights will be rejected.

Justification

The proposal for a directive is to go before only the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry. That is contrary to Article 21(2) of the Directive on the intentional release into the environment of genetically modified organisms (2001/18/EC).

EXPLANATORY STATEMENT

The Commission wishes to tidy up 10 directives concerning Community comparative tests for the marketing of various conventional seeds.

As it asserts, ‘in the past 25 years Community comparative tests and trials have been carried out for agricultural crops as cereals, potatoes, fodder and oil and fibre plants on the basis of the relevant legislation. In the last years new legislation on the marketing of propagating material of fruit, vegetables and ornamental plants laying down, inter alia, detailed rules for Community comparative tests and trials, increased the size of the exercise. This post control system on seeds and propagating materials marketed in the Community is recognised as a very important tool for the harmonisation of marketing by Member States.’

However, the planned tidying-up provided for will be neither comprehensive nor relevant if the comparative tests funded by the Union are confined to the presently certified varieties of seed and plants in the Union’s common catalogue.

Seed marketed for use in organic farming must be dealt with in a specific manner; it must be tested in an environment reflecting that type of farming and more funding must therefore be provided. The fact is that such seed cannot be coated and must be free of all traces of GMOs.

The same type of tests is required, firstly, for plants at risk from GMO contamination. This proposal for a directive provides an opportunity to regulate, once and for all, issues concerning the known presence of genetically modified seed in conventional seed. The Commission has been working for some considerable time on a directive to lay down the additional conditions and requirements as regards the presence of genetically modified seed in portions of seed, planting locations and detailed arrangements for the labelling of such seed. Regrettably, the most recent draft directive does not take sufficient consideration of Directive 2001/18/EC, which has now entered into force, on the deliberate release into the environment of genetically modified organisms.

By the same token, it is important that the conservation species and varieties referred to in Directive 98/95/EC should be defined and tested in order to be marketed in accordance with specific criteria; and that calls for an implementing regulation (which we are still waiting for).

Lastly, farm seed or seed of local origin must be able to benefit from special flexibility and must be covered by specific contracts, relating to Directive 98/95/EC, for what are termed ‘amateur’ varieties.

Some of the tests and trials referred to above have enjoyed a financial contribution from the Community; the others must also be able to qualify for such a contribution. In the interests of transparency, a clear legal basis for a type of financial contribution is needed and provision for Community financial measures for carrying out Community comparative tests and trials, which involve compulsory Community budget expenditure, should therefore be made.