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REPORT

on the proposal for a Council directive on the marketing of fruit plant propagating material and fruit plants intended for fruit production (Recast version)
(COM(2007)0031 – C6-0093/2007 – 2007/0014(CNS))

Committee on Agriculture and Rural Development

Rapporteur: Ioannis Gklavakis

(Recast version - Rule 80a)

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.

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	4
EXPLANATORY STATEMENT.....	17
ANNEX.....	21
PROCEDURE.....	23

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a Council directive on the marketing of fruit plant propagating material and fruit plants intended for fruit production (Recast version)
(COM(2007)0031 – C6-0093/2007 – 2007/0014(CNS))**

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2007)0031),
 - having regard to Article 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0093/2007),
 - having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts¹
 - having regard to Rule 51 and Rule 80a of its Rules of Procedure,
 - having regard to the report of the Committee on Agriculture and Rural Development and the opinion of the Committee on Legal Affairs (A6-0480/2007),
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 should it intend to depart from the text approved by Parliament;
 4. Asks to be consulted again if the Council 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 Recital 6

(6) It is appropriate to establish Community rules for those genera and species of fruit plant which are of major

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¹ OJ C 77, 28.3.2002, p. 1.

economic importance in the Community, with a Community procedure for adding further genera and species later to the list of genera and species to which this Directive applies. The genera and species listed should be those which are widely grown in Member States and for whose propagating material there is a substantial market ***which covers more than one Member State.***

economic importance in the Community, with a Community procedure for adding further genera and species later to the list of genera and species to which this Directive applies. The genera and species listed should be those which are widely grown in Member States and for whose propagating material there is a substantial.

Justification

The directive's list should contain all genera and species which are of commercial interest. To draw up a list including only those genera and species for which there is a substantial market which covers more than one Member State would limit the effectiveness of the directive.

Amendment 2 Recital 11

(11) Genetically modified fruit plants should not be accepted for registration in the catalogue ***unless*** all the appropriate measures have been taken to avoid any risk to human health or the environment as referred to in Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed.

(11) Genetically modified fruit plants should not be accepted for registration in the catalogue, ***except as stock onto which the desired varieties are to be grafted and providing*** all the appropriate measures have been taken to avoid any risk to human health or the environment as referred to in Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed. ***In this case the purpose of genetic modification should be mentioned.***

Justification

Scientific development, notably research aimed at finding stock which is resistant to pathogenic organisms and requires only the limited use of pesticides, must not stop. However, we must confine ourselves strictly to material intended for use as stock for grafting varieties and not for use in fruit production, so as to avoid the uncontrolled spread of genetically modified organisms in the environment.

Trade in genetically modified propagating material for fruit plants should be permitted only where the purpose of genetic modification is sufficiently justified.

Amendment 3
Recital 14

(14) In the first instance it is the responsibility of the suppliers of propagating material and/or fruit plants to ensure that their products fulfil the conditions laid down in this Directive. It is appropriate to define the role of the suppliers and the conditions to which they are to refer. Suppliers should be officially registered in order to create a transparent and economically valid process of certification of propagating material and fruit plants.

(14) In the first instance it is the responsibility of the suppliers of propagating material and/or fruit plants to ensure that their products fulfil the conditions laid down in this Directive. It is appropriate to define the role of the suppliers and the conditions to which they are to refer. Suppliers should be officially registered ***in a register*** in order to create a transparent and economically valid process of certification of propagating material and fruit plants.

Justification

The registration of suppliers in a register which will be available to stakeholders would ensure the reliability and transparency of the system.

Amendment 4
Recital 15

(15) Suppliers who only market fruit plants or propagating material to persons not professionally engaged in the production or sale of fruit plants or propagating material should be exempted from the obligation of registration. ***deleted***

Justification

The cost of registering suppliers would not be substantial. However, if that were the case, it would be more difficult to establish whether the propagating material being traded ends in the hands of professionals or not. At the same time it ensures the transparency of the system.

Amendment 5
Recital 15 a (new)

(15a) Suppliers marketing propagating

material or fruit plants should be specialised in this sector.

Justification

Suppliers possessing propagating material or fruit plants should be specialised in this sector.

Amendment 6
Recital 16 a (new)

(16a) Furthermore, and in order for a producer to receive Community funding for the planting of orchards, the propagating material to be used must originate from officially registered suppliers.

Justification

Where funding is sought for the planting of orchards, it is essential that high quality and healthy propagating material be used so as to ensure that Community funding is available.

Amendment 7
Recital 17

(17) That objective can best be achieved either through common knowledge of the variety, in particular for old varieties, or through the availability of a description based on Community Plant Variety Office (CPVO) protocols or in their absence on other international or national rules.

(17) That objective can best be achieved either through common knowledge of the variety, in particular for old varieties, or through the availability of a description based on Community Plant Variety Office (CPVO) protocols or in their absence on other international or national rules. ***To this end varieties which are marketed must be entered in the relevant list.***

Justification

The entry of varieties in lists is one way to publicise the existence of existing varieties and constitutes a reference point for marketing.

Amendment 8
Recital 22

(22) Rules should be established

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permitting, in the case of temporary supply difficulties due to natural disasters, such as fire, gales **and failure of the flower crop**, or unforeseen circumstances, the marketing of propagating material and fruit plants subject to requirements less stringent than those contained in this Directive for a limited period and subject to specific conditions.

permitting, in the case of temporary supply difficulties due to natural disasters, such as fire, gales **(deletion)** or unforeseen circumstances, the marketing of propagating material and fruit plants subject to requirements less stringent than those contained in this Directive for a limited period and subject to specific conditions .

Justification

The reference to the difficulties in supplying propagating material and fruit plants owing to 'failure of the flower crop' is scientifically meaningless.

Amendment 9
Recital 23

(23) In accordance with the principle of proportionality, provision should be made to allow Member States to exempt small producers all of whose production and sales of propagating material and fruit plants is intended for final use by persons on the local market who are not professionally involved in plant production ('local circulation') from the conditions on labelling and from the checks and official inspections.

deleted

Justification

The costs of labelling would not be substantial. However, without it, it would be more difficult to establish whether the propagating material ends in the hands of professionals or not. It would also ensure the transparency of the system. Exemption from checks would invite suspicion and encourage producers not to comply with the directive's requirements.

Amendment 10
Recital 25

(25) Provision should be made for authorising the marketing, within the Community, of propagating material and fruit plants produced in third countries, provided always that they afford the same

(25) Provision should be made for authorising the marketing, within the Community, of propagating material and fruit plants produced in third countries, provided always that they afford the same

guarantees as propagating material and fruit plants produced in the Community and complying with Community rules.

guarantees as propagating material and fruit plants produced in the Community and complying with Community rules.

Firms exporting propagating material and fruit plants in third countries shall be entered in registers.

Justification

By analogy with Community suppliers, producers of propagating material and fruit plants from third countries from which EU imports originate should be entered in registers so as to allow the traceability, and controls on, propagating material and fruit plants produced for export.

Amendment 11
Article 2, point 4

(4) “Clone” means the vegetative progeny of a variety which is true to a fruit plant stock chosen on account of varietal identity, its phenotypic characters and its state of health;

(4) “Clone” means the vegetative progeny of a variety ***of a species of fruit plant*** which is true to a fruit plant stock chosen on account of varietal identity, its phenotypic characters and its state of health;

Justification

The definition of 'clone' must be completed as appropriate so as to be scientifically correct and in line with the definition which was adopted in the Directive on the vegetative propagation of the vine.

Amendment 12
Article 2, point 8 (e)

(e) have been found ***by*** official inspection to satisfy the conditions in (a) to (d);

(e) have been found ***in spot checks made during official inspections*** to satisfy the conditions in (a) to (d);

Amendment 13
Article 2, point 11 (a)

(a) an authority, established or designated by the Member State under the supervision of the national government and responsible for questions concerning the quality of

(a) an authority, established or designated by the Member State under the supervision of the national government and responsible for ***carrying out inspections and controls***

propagating material and fruit plants:

in respect of questions concerning the quality, **certification and plant health** of propagating material and fruit plants:

Justification

The 'responsible official body' must be charged with the responsibility for conducting plant health and quality controls and inspections.

Amendment 14

Article 3, paragraph 1(a)

(a) the propagating material **has been** officially certified as “pre-basic material”, “basic material” or “certified material” or **if it is found to be** CAC material **by official inspection**;

(a) the propagating material **is** officially certified as “pre-basic material”, “basic material” or “certified material” or **fulfils the criteria for** CAC material;

Or. de

Justification

An additional requirement for the lowest CAC category (standard material) means that the authorities responsible must carry out or have carried out a spot-check-based inspection of all the material produced. This would be far too costly in practice, particularly for checking variety trueness and purity, and would make production unacceptably costly.

It is primarily the job of suppliers to ensure that their products meet requirements (recital 14). An additional new requirement for CAC material would mean that the entire product (including propagating material) had to be officially recorded and categorised.

The distinction made between categories of propagating materials and fruit plants is not justified and runs contrary to Article 9 of the Labelling Directive, which makes no provision for such a distinction.

Amendment 15

Article 3, paragraph 1, point (b)

(b) the fruit plants have been officially certified as certified material or are found to be CAC material by official inspection.

deleted

Amendment 16
Article 3, paragraph 2

2. In the case of a variety which consists of a genetically modified organism within the meaning of points 1 and 2 of Article 2 of Directive 2001/18/EC the variety shall be accepted for registration in the catalogue only if has been authorised pursuant to that Directive or pursuant to Regulation (EC) No 1829/2003.

2. In the case of a variety which consists of a genetically modified organism within the meaning of points 1 and 2 of Article 2 of Directive 2001/18/EC the variety shall be accepted for registration in the catalogue only if has been authorised pursuant to that Directive or pursuant to Regulation (EC) No 1829/2003 **and subject to the precondition that it will be used as stock onto which the desired variety will be grafted.**

Justification

Scientific development, particularly research aimed at finding stock which is resistant to pathogenic organisms and requires only the limited use of pesticides, must not be brought to a stop. However, we must confine ourselves strictly to material intended for use as stock for grafting varieties and not for use in fruit production, so as to avoid the uncontrolled spread of genetically modified organisms in the environment.

Amendment 17
Article 3, paragraph 2 a (new)

2a. In the case of a genetically modified variety, within the meaning of paragraph 2, a special risk assessment shall take place, chiefly regarding human health and the environment, it must be appropriately labelled so that the purchaser is informed that genetically modified material is being supplied and the purpose of genetic modification must be mentioned.

Justification

The delivery of genetically modified propagating material for fruit plants should take place only after a special assessment and providing all the necessary measures have been taken to avoid risks to human health and the environment. Appropriate labelling will inform the purchaser that the material being delivered is genetically modified and also about the purpose of genetic modification.

Amendment 18
Article 3, point 3 a (new)

3a. Marketing by officially registered suppliers of propagating material and fruit plants, duly documented, shall be considered an indispensable condition for the inclusion of a producer in co-funded programmes for planting orchards.

Justification

In the event that Community co-funding is requested for planting orchards, it is essential that high quality and healthy propagating material be used so as to ensure the availability of Community spending.

Amendment 19
Article 4, point (ca) (new)

(ca) supplementary or more stringent conditions for propagating material and fruit plants, which Member States may lay down for their own domestic production.

Justification

This provision will allow Member States to impose more stringent on their own production so as to address serious viral problems which occur in some pomological varieties on their territory.

Amendment 20
Article 5, paragraph 1

1. Suppliers shall be officially registered in relation to the activities which they carry out under this Directive.

1. Suppliers shall be officially registered in relation to the activities which they carry out under this Directive ***and shall hold a marketing licence for propagating material, issued as specified in each Member State.***

Justification

Propagating material and fruit plants should be marketed only by suppliers who hold a special licence issued by Member States to those entered in the registers. This will ensure the reliability of suppliers.

Amendment 21
Article 5, paragraph 1 a (new)

1a. Suppliers who market propagating material or fruit plants should have a specialisation in this field sector and be agronomists or undertakings employing persons with such specialisations.

Justification

The suppliers of propagating material and fruit plants should have a specialisation relevant to the subject; this will ensure that they have the requisite knowledge to carry out this activity.

Amendment 22
Article 5, paragraph 1 b (new)

1b. Member States shall ensure and check that suppliers take all the necessary measures to ensure compliance with the standards of this directive at all stages of the production and marketing of propagating material and fruit plants.

Justification

Checks to ensure the high quality of the propagating material or fruit plants on the market should be supervised by the official authorities of the Member State concerned.

Amendment 23
Article 5, paragraph 2

2. Paragraph 1 shall not apply to suppliers marketing only to persons not professionally engaged in the production, reproduction or sale of propagating material or fruit plants. ***deleted***

Justification

The cost of registering suppliers is not substantial. If it were not done it would be more

difficult to establish whether the propagating material ends in the hands of professionals or not. At the same time it ensures the transparency of the system.

Amendment 24

Article 6, paragraph 3, subparagraph 1

3. When propagating material or fruit plants are marketed, suppliers shall keep records of their sales or purchases for at least **12 months**.

3. When propagating material or fruit plants are marketed, suppliers shall keep records of their sales or purchases for at least **five years**.

Justification

Any problems with propagating material and fruit plants begin to appear after the second year. Consequently, if the obligation to keep a record of sales applies for one year only, official controls will be unable to find records to check.

Amendment 25

Article 7, paragraph 2

2. In the case of propagating material of a variety which has been genetically modified, any label and document, official or otherwise, which is affixed to or accompanies the material under this Directive shall clearly indicate that the variety has been genetically modified and shall name the genetically modified organisms.

2. In the case of propagating material of a variety which has been genetically modified, any label and document, official or otherwise, which is affixed to or accompanies the material under this Directive shall clearly indicate that the variety has been genetically modified and shall name the genetically modified organisms **and clarify the purpose of genetic modification**.

Justification

Scientific development particularly research aimed at finding stock which is resistant to pathogenic organisms and requires only the limited use of pesticides must not stop. However, labelling should be informative for purchasers and provide information on the purpose of genetic modification.

Amendment 26

Article 12, paragraph 1 a (new)

1a. Exporters of propagating material and

fruit plants from third countries shall be registered so as to ensure traceability at all stages.

Justification

Similarly to Community suppliers, producers of propagating material and fruit plants from third countries which export to the EU should also be registered so as to allow traceability and checks on imported material.

Amendment 27
Article 19, title

Committee

Comitology

Justification

Article 19 refers to the executive powers of various Commission bodies. In particular, in addition to The Standing Committee on Propagating Material and Plants of Fruit Genera and Species, referred to in paragraph 1, paragraphs 2 and 3 refer to the management committee procedure (Article 4 of Regulation 1999/468) and the regulatory committee procedure (Article 5 of Regulation 1999/468), respectively.

Amendment 28
Article 19 a (new)

Article 19a

Application assessment

Within five years from the date of entry into force of this Directive, the Commission shall examine the results of its application and submit to the European Parliament and the Council a report accompanied by any necessary proposals for amendments.

Justification

Five years after the adoption of the implementing regulations of the new directive, a report should be submitted by the Commission evaluating its application and followed by proposals for addressing any problems that have arisen. This proposal also existed in Directive 92/34 (Article 25) which is under review.

Amendment 29
Article 21

Member States may, as a transitional measure until *1 January XXX*, allow the marketing in their own territory of certified and CAC material taken from parent plants in existence at the date of entry into force of this Directive.

Member States may, as a transitional measure until *10 years after the entry into force of this directive*, allow the marketing in their own territory of certified and CAC material taken from parent plants in existence at the date of entry into force of this Directive.

Justification

A ten-year transitional period after the adoption of the implementing regulations, corresponding to that adopted in respect of the propagating material for forest plants, will allow the parties concerned to adapt to the new conditions set out in this directive.

Amendment 30
Article 22, paragraph 2 a (new)

The implementing directives of Directive 92/34 which is to be abolished shall continue to apply until new directives are adopted.

Justification

The entry into force of the new directive on the twentieth day after adoption (Article 23) leaves no time for adopting new implementing regulations. Provision therefore must be made for extending the validity of implementing directives of Directive 92/34 so as to provide a legal basis.

EXPLANATORY STATEMENT

Introduction

(a) The cultivation of fruit plants is a very dynamic area of Community agriculture. Pomological research carried out by Eurostat in 2002, provides statistics showing that some 8.9 million hectares in EU-15 are planted with fruit plants. It is also important to note the distribution of these areas within the EU: 87.5% of these areas are concentrated in four Member States (41.8% in Spain, 28.0% in Italy, 9.1% in Greece and 8.6% in France), with only 12.5% in the other Member States. For the new Member States, the cultivation of small soft fruit is an exceptionally important area of production, and covers some 1.5 million hectares, including 1.3 million hectares in Poland alone. The above statistics indicate the importance of this agricultural activity for employment in certain Community regions.

B) Propagating material for fruit plants is of key importance for producers. While demand for healthy and certified material is justified, for ornamental plants, for example, which are usually annuals and even for forest plants - categories of plant for which an updating of the legal framework was recently deemed necessary -, the question of revising the arrangements governing the propagating material for fruit plants must be treated with much greater circumspection. These plants are, of course, perennials, and any mistake in choosing varieties appears at least two years after the planting of an orchard: the financial consequences for growers are easy to imagine.

C) The production of propagating material is an important activity in Spain (with some 590 million plants), Italy (360 million plants), the Netherlands (240 million plants), France (140 million plants) and the United Kingdom which has 29 000 hectares producing propagating material. Demand for certified propagating material from these countries, and fruit plants is inexorably rising, and substantial amounts are imported from third countries.

Since 1992 when Directive 92/34 on the marketing of fruit plant propagating material and fruit plants intended for fruit production was adopted, it has acted as an instrument to achieve maximum harmonisation in this sector within the EU. However, in the intervening 15 years, conditions have changed, and it is now thought indispensable to re-examine the Directive with the aim of clarifying and simplifying it in the light of the CAP reforms of 2003 and 2004. In particular, an attempt is being made to improve the legislative framework within which this commercial activity takes place, on the basis of scientific developments and the new approach adopted by the CAP which aims, on the one hand, to boost the competitiveness of Community agriculture and, on the other, to protect the environment by reducing the use of pesticides.

The content of the proposal

The initiative to recast Directive 92/34 was launched in 2004. Attention focused on the need to bring the definitions and terminology in general in line with the recently revised directives on the marketing of propagating material of ornamental plants (Directive 98/56), on the marketing of forestry productive material (Directive 99/105) and on the marketing of material

for vegetative propagation of the vine (Directive 2002/11). This was followed by public consultation with stakeholders by means of a questionnaire: an intense debate took place on the possibility of adopting a regulation instead of a directive and the possibility of maintaining the principle of subsidiarity.

In preparing for the legislative proposal, the following four options were examined:

A) Repealing the existing legislation: there was a risk that different approaches in the Member States could create conflict in the internal market;

B) No action: keeping the existing legislation: However this is deemed obsolete for the above reasons:

C) Alternative regulation of the sector and achieving a balance through market forces. This option is not regarded as realistic, owing to the particular organisation of this sector in which many professionals are active, without however having the same scope to dominate the market; and

D) Simplification of existing legislation through the recasting of Directive 92/34/EEC. This last option was ultimately chosen since it ensures transparency and effectiveness in the operation of the market. This objective will be reached with the adoption of a harmonised procedure for propagating material certification and the creation of a legal basis which will provide increased guarantees for the identification of the varieties and material on the market. At the same time implementing directives will contain many detailed rules, thereby ensuring greater harmonisation and management of the sector.

Assessment of the proposal

The proposal for a Council directive on the marketing of fruit plant propagating material and fruit plants intended for fruit production is necessary in order to address developments in this sector.

The positive points of the proposal include: (a) the introduction of a new definition for marketing which covers all entrepreneurial activities involving the marketing of propagating material and fruit plants, (b) the extension of the definition of 'supplier' to include the importer, (c) the implementation of certification in accordance with international systems of certification and identification of varieties based on the protocols of the Community Plant Variety Office and the guidelines for the protection of New Varieties of Plant and (d) an examination of plant health issues in accordance with the provisions of Directive 2000/29.

Your rapporteur would also like to draw attention to the definitions of 'variety' and 'clone' and the reference to the term 'pomological value' in respect of the yield of plants and the quality of fruit, although an element of subjectivity is involved here. The different conditions obtaining in individual Member States would make it difficult to ensure objectivity in evaluating pomological value.

The legal basis of the directive is Article 37 of the Treaty establishing the European Community which rules out the principle of subsidiarity. However, it complies with the principle of proportionality which means that the proposal does not go beyond what is deemed indispensable to achieve its objectives; the administrative burden for the national and Community authorities is limited. Finally, this directive has no substantial impact on the

Community budget.

Special comments

A) Your rapporteur takes the view that the procedure of recasting the existing Directive 92/34 - the procedure chosen by the Commission instead of revision - significantly restricts the scope for substantive changes. In particular, this means that Parliament and Council may only make changes and suggest improvements in respect of points where the Commission itself has intervened to correct the original (shaded in grey in the proposal for a directive). However, at some points where your rapporteur deemed it necessary he has gone a little further, taking the view that it was worth examining other areas of the directive so as to obtain integrated legislation on the marketing of fruit plant propagating material and fruit plants. He hopes that the Commission will give its consent, this being, of course, a precondition for adoption under the recasting procedure.

B) After examining the Commission's proposal for recasting the directive, your rapporteur concludes that it has not been fully successful in aligning this proposal with corresponding directives on propagating material for other categories, for example vine, despite the fact that one of the declared objectives of the recast directive is to 'permit the harmonisation of this Directive with the other Directives on the marketing of propagating material which have recently been amended in the framework of the new Common Agricultural Policy'. If no effort is made in this direction, we will have four directives (on propagating material for ornamental plants, forest plants, vines and fruit plants), each with its own definitions, implementing methods and control and supervision methods: this would merely perpetuate the confusion of those working in this sector. It is well known that the same suppliers often are involved in marketing propagating material of different categories, and it is an appallingly complex task for them to apply the different rules applicable to each category. Besides, such an approach would be totally antithetical to the Commission's objective of simplifying Community legislation.

C) The marketing of CAC material (minimum Community standards) is desirable and is rightly maintained, since it has its own market in the EU. However, it must be clearly distinguished from certified material, and it must also be upgraded in the directive from the point of view of quality and plant health. The requisite checks should take the form of spot checks and not necessarily comprehensive checks before marketing, as has been proposed, because this would create market supply problems.

D) As far as imports are concerned, the constant derogations accorded to imports from third countries are undermining this system, but, more importantly, mean that there is a danger of pathogens being spread within the EU. It is therefore proposed that third country suppliers should be entered in a register and the provisions should be made for controls.

E) As regards genetically modified organisms, your rapporteur proposes that they should be used only as stock onto which the required varieties are to be grafted and only after evaluation studies have been carried out to limit the hazards for human health and the environment, while at the same time clarifying the purpose of genetic modification.

F) A basic element is the correct certification of marketed material through provisions to be

contained in the directive. Propagating material and fruit plants, during packaging, storage, transport and reproduction, must be kept in separate lots and appropriately labelled so as to ensure traceability.

G) Other issues addressed by your rapporteur are: the need to register marketed varieties in lists so that they can be used as a reference point for stakeholders, the entry of suppliers' names in official registers, and the possibility of conducting controls by the official authorities of the Member State concerned which must be solely responsible for supervision. An important point is the opportunity provided to safeguard the profession of agronomist and the need to employ specialised personnel in undertakings in this branch so as to address issues raised by propagating material in a responsible manner.

H) Finally, as regarding comitology, nothing must be done to undermine the role of the Standing Committee on Propagating Material and Plants of Fruit Genera and Species, because its contribution so far has been shown to be very constructive in addressing the specific features of this sector.

COMMITTEE ON LEGAL AFFAIRS
CHAIRMAN

Ref.: D(2007)73259

Mr Neil PARISH
Chairman of the Committee on Agriculture
and Rural Development
ASP 05H359
Brussels

Subject: Proposal for a Council directive on the marketing of fruit plant propagating material and fruit plants intended for fruit production (2007/0014(CNS)) (recast)

Dear Sir,

The Committee on Legal Affairs, which I am honoured to chair, has examined the proposal referred to above, pursuant to Rule 80a on Recasting, as introduced into the Parliament's Rules of Procedure by its Decision of 10 May 2007.

Paragraph 3 of that Rule reads as follows:

"If the committee responsible for legal affairs considers that the proposal does not entail any substantive changes other than those identified as such in the proposal, it shall inform the committee responsible.

In such a case, over and above the conditions laid down in Rules 150 and 151, amendments shall be admissible within the committee responsible only if they concern those parts of the proposal which contain changes.

However, amendments to the parts which have remained unchanged may be admitted by way of exception and on a case-by-case basis by the chairman of the above committee if he considers that this is necessary for pressing reasons relating to the internal logic of the text or because the amendments are inextricably linked to other admissible amendments. Such reasons must be stated in a written justification to the amendments".

Following the opinion of the Legal Service, whose representatives participated in the meetings of the Consultative Working Party examining the recast proposal, and in keeping with the recommendations of the draftsman, the Committee on Legal Affairs considers that

the proposal in question does not include any substantive changes other than those identified as such in the proposal and that, as regards the codification of the unchanged provisions of the earlier acts with those changes, the proposal contains a straightforward codification of the existing texts, without any change in their substance.

In conclusion, the Committee on Legal Affairs recommends your Committee, as the committee responsible, to proceed to examine the above proposal in accordance with Rule 80a.

Yours faithfully,

Giuseppe GARGANI

PROCEDURE

Title	Marketing of fruit plant propagating material and fruit plants intended for fruit production (recast version)			
References	COM(2007)0031 - C6-0093/2007 - 2007/0014(CNS)			
Date of consulting Parliament	20.3.2007			
Committee responsible Date announced in plenary	AGRI 29.3.2007			
Committee(s) asked for opinion(s) Date announced in plenary	JURI 12.7.2007			
Not delivering opinions Date of decision	JURI 20.11.2007			
Rapporteur(s) Date appointed	Ioannis Gklavakis 26.2.2007			
Discussed in committee	21.3.2007	17.7.2007	9.10.2007	
Date adopted	21.11.2007			
Result of final vote	+: -: 0:	29 0 0		
Members present for the final vote	Vincenzo Aita, Peter Baco, Bernadette Bourzai, Niels Busk, Luis Manuel Capoulas Santos, Giuseppe Castiglione, Albert Deß, Duarte Freitas, Ioannis Gklavakis, Lutz Goepel, Bogdan Golik, Friedrich-Wilhelm Graefe zu Baringdorf, Elisabeth Jeggle, Heinz Kindermann, Diamanto Manolakou, Jean-Claude Martinez, Véronique Mathieu, Mairead McGuinness, Rosa Miguélez Ramos, Neil Parish, María Isabel Salinas García, Agnes Schierhuber, Willem Schuth, Czesław Adam Siekierski, Petya Stavreva, Donato Tommaso Veraldi			
Substitute(s) present for the final vote	Katerina Batzeli, Esther De Lange, Wiesław Stefan Kuc, Zdzisław Zbigniew Podkański			