

17.4.2024

A9-0149/325

**Amendment 325**

**Martin Häusling**

on behalf of the Verts/ALE Group

**Christophe Clergeau**

**Report**

**A9-0149/2024**

**Herbert Dorfmann**

Production and marketing of plant reproductive material  
(COM(2023)0414 – C9-0236/2023 – 2023/0227(COD))

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 27 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(d a) does not consist of a genetically modified organism within the meaning of Directive 2001/18/EC.***

Or. en

*Justification*

*Heterogeneous material is by definition plant reproductive material that is not homogeneous and not stable. Technically, it cannot be GMO.*

*An equivalent amendment was adopted in the ENVI Committee.*

17.4.2024

A9-0149/326

**Amendment 326**

**Martin Häusling**

on behalf of the Verts/ALE Group

**Christophe Clergeau**

**Report**

**Herbert Dorfmann**

Production and marketing of plant reproductive material  
(COM(2023)0414 – C9-0236/2023 – 2023/0227(COD))

**A9-0149/2024**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 29 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(b a) is not a genetically modified  
organism within the meaning of Directive  
2001/18/EC;***

Or. en

*Justification*

*A conservation variety is “locally bred under specific local conditions (...) and adapted to those condition”. Local adaptation is not obtained in laboratories which are necessary for breeding any GMOs or other NGT plants, but only by selection under the local cultivation conditions for which this material is intended. An equivalent amendment was adopted in the ENVI Committee.*

17.4.2024

A9-0149/327

**Amendment 327**

**Martin Häusling**

on behalf of the Verts/ALE Group

**Christophe Clergeau**

**Report**

**Herbert Dorfmann**

Production and marketing of plant reproductive material  
(COM(2023)0414 – C9-0236/2023 – 2023/0227(COD))

**A9-0149/2024**

**Proposal for a regulation**

**Article 30 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) not to belong to a to variety for which plant variety rights have been granted in accordance with Regulation (EU) 2100/94;

*Amendment*

(a) not to belong to a to variety for which plant variety rights have been granted in accordance with Regulation (EU) 2100/94 ***and where the right is still in force*** ;

Or. en

*Justification*

*This regulation should not be used to prolong artificially variety rights that have expired.*

17.4.2024

A9-0149/328

**Amendment 328**

**Martin Häusling**

on behalf of the Verts/ALE Group

**Christophe Clergeau**

**Report**

**Herbert Dorfmann**

Production and marketing of plant reproductive material  
(COM(2023)0414 – C9-0236/2023 – 2023/0227(COD))

**A9-0149/2024**

**Proposal for a regulation**

**Article 61 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***5 a. No authorisation shall be granted in cases where a variety is a genetically modified variety within the meaning of Directive 2001/18/EC, or a variety tolerant to herbicides pursuant to Article 47(1), point (f), or has particular characteristics that may lead to undesirable agronomic effects pursuant to Article 47(1), point (g).***

Or. en

*Justification*

*Genetically modified varieties and varieties tolerant to herbicide have specific risks regarding their impact on the environment, as recognized respectively by the GMO legislation and this specific regulation. It makes sense that in these cases, the applicants should not have access to the derogation allowing to carry out the technical examination for the VSCU by themselves but that competent authorities carry them out.*

17.4.2024

A9-0149/329

**Amendment 329**

**Martin Häusling**

on behalf of the Verts/ALE Group

**Christophe Clergeau**

**Report**

**Herbert Dorfmann**

Production and marketing of plant reproductive material  
(COM(2023)0414 – C9-0236/2023 – 2023/0227(COD))

**A9-0149/2024**

**Proposal for a regulation**

**Article 67 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

5. The decisions referred to in paragraph 1 and 2 may be appealed, ***in accordance with the administrative rules of the Member State*** concerned. Any appeal against a decision referred to in paragraph 1 shall have a suspensory effect on the registration of the respective variety.

5. The decisions referred to in paragraph 1 and 2 may be appealed ***by any*** concerned ***natural or legal person at any time***. Any appeal ***by the applicant or third parties*** against a decision referred to in paragraph 1 shall have a suspensory effect on the registration of the respective variety.

Or. en

*Justification*

*The alignment of grounds to appeal a variety registration decision at EU level is very welcome and will contribute to ensuring a more democratic level playing field for all PRM actors. However, this Regulation needs to ensure that the appeal procedure is open to any natural or legal person that is concerned by the matter at hand, and cannot be restricted solely to the applicant or a directly affected operator. Seed conservation networks, civil society organisations or private persons engaged in the conservation should all be allowed to contest decisions to register a plant variety and bring in evidence to contest the decision.*

17.4.2024

A9-0149/330

**Amendment 330**  
**Martin Häusling**  
on behalf of the Verts/ALE Group  
**Christophe Clergeau**

**Report**  
**Herbert Dorfmann**  
Production and marketing of plant reproductive material  
(COM(2023)0414 – C9-0236/2023 – 2023/0227(COD))

A9-0149/2024

**Proposal for a regulation**  
**Article 68 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 68a**

***Prohibition of specified reproductive material by Member States***

***A Member State may, upon application, be authorised to prohibit the use of the variety in all or in part of its territory or to lay down appropriate conditions for cultivating the variety in accordance, in cases provided for in subparagraph (c), with the conditions for using the products resulting from such cultivation:***

***(a) where it is established that the cultivation of the variety could be harmful from the point of view of plant health to the cultivation of other varieties or species; or***

***(b) where official growing trials carried out in the applicant Member States show that the variety does not, in any part of its territory, produce results corresponding to those obtained from a comparable variety accepted in the territory of that Member State or, where it is well known that the variety is not suitable for cultivation in any part of its territory because of its type of maturity class. The application shall be lodged before the end of the third calendar year following that of acceptance;***

***(c) where it has valid reasons other than***

***those already mentioned for considering that the variety presents a risk for human health or the environment.***

Or. en

*Justification*

*This provision currently exists in all of the directives this regulation is meant to replace. It allows Member states to prohibit the use of a specific variety when it can be harmful, for example because of a specific interaction with the local ecosystem or to avoid the spreading of a plant disease.*

17.4.2024

A9-0149/331

**Amendment 331**

**Martin Häusling**

on behalf of the Verts/ALE Group

**Christophe Clergeau**

**Report**

**Herbert Dorfmann**

Production and marketing of plant reproductive material  
(COM(2023)0414 – C9-0236/2023 – 2023/0227(COD))

**A9-0149/2024**

**Proposal for a regulation**

**Article 77 – paragraph 1 – point k a (new)**

*Text proposed by the Commission*

*Amendment*

***(k a) progress made in the conservation and sustainable use of plant genetic resources for food and agriculture, i.e. through the number of entities having notified their use of Article 29 and other related data.***

Or. en



17.4.2024

A9-0149/332

**Amendment 332**  
**Martin Häusling**  
on behalf of the Verts/ALE Group  
**Christophe Clergeau**

**Report**  
**Herbert Dorfmann**  
Production and marketing of plant reproductive material  
(COM(2023)0414 – C9-0236/2023 – 2023/0227(COD))

**A9-0149/2024**

**Proposal for a regulation**  
**Article 77 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 77a*

***Commission report***

***Not later than ... [the date entry into force of this Regulation], the Commission shall submit a report to the European Parliament and to the Council assessing the adequacy of the provisions introduced by this Regulation and the resources available to the competent authorities to implement them. In its assessment, the Commission shall pay particular attention to the VSCU technical test as the derogation provided for in Article 61 of this Regulation should be used with great care in order to ensure the credibility of VSCU testing. Where appropriate, the Commission shall put forward proposals, including budgetary proposals, to balance the needs and resources of the competent authorities.***

Or. en

*Justification*

*ENVI adopted position. By assessing the adequacy of provisions and available resources, the Commission can address any potential gaps early on.*

17.4.2024

A9-0149/333

**Amendment 333**

**Martin Häusling**

on behalf of the Verts/ALE Group

**Christophe Clergeau**

**Report**

**Herbert Dorfmann**

Production and marketing of plant reproductive material  
(COM(2023)0414 – C9-0236/2023 – 2023/0227(COD))

**A9-0149/2024**

**Proposal for a regulation**

**Article 80 – paragraph 1 – point 1**

Regulation (EU) 2017/625

Article 1 – paragraph 2 – point k (new)

*Text proposed by the Commission*

*Amendment*

(k) production and marketing of plant reproductive material.;

(k) production and marketing of plant reproductive material;

***(ka) the cultivation of varieties tolerant to herbicides;***

***(kb) cultivation of varieties with particular characteristics that may lead to undesirable agronomic effects.***

***(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)***

Or. en

*Justification*

*ENVI adopted position, ENVI shared competence (rule 57). It is to allow Member States to control cultivation conditions of herbicide tolerant varieties and varieties with undesirable agronomic effects to ensure both food security and sustainability.*

17.4.2024

A9-0149/334

**Amendment 334**

**Martin Häusling**

on behalf of the Verts/ALE Group

**Christophe Clergeau**

**Report**

**A9-0149/2024**

**Herbert Dorfmann**

Production and marketing of plant reproductive material  
(COM(2023)0414 – C9-0236/2023 – 2023/0227(COD))

**Proposal for a regulation**

**Annex III – Part A – point 1 – Part A – point f**

*Text proposed by the Commission*

*Amendment*

(f) Where appropriate, the production of seeds ***shall take place separately from*** the cultivation of seeds belonging to the same genera or species intended for the production of food or feed, to ensure health of the material concerned.

(f) Where appropriate, ***particular attention should be given to*** the production of seeds ***in parallel with*** the cultivation of seeds belonging to the same genera or species intended for the production of food or feed, to ensure health of the material concerned, ***separating the plots when it is necessary to do so to maintain the health of the material.***

Or. en

*Justification*

*Professional operators, especially smaller-scale seed producers and maintainers, should have the freedom to make appropriate decisions on the destination of their production. If faced by cancellation of orders or other difficulties of supply or demand, professional operators should be able to decide to sell some of their production as food or feed. Small seed producers and maintainers of varieties with small and local markets need such flexibility to continue to operate.*