



2023/0227(COD)

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AMENDMENTS

433 - 790

Draft report
Herbert Dorfmann
(PE756.010v01-00)

Production and marketing of plant reproductive material in the Union, amending Regulations (EU) 2016/2031, 2017/625 and 2018/848 of the European Parliament and of the Council, and repealing Council Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 2002/53/EC, 2002/54/EC, 2002/55/EC, 2002/56/EC, 2002/57/EC, 2008/72/EC and 2008/90/EC (Regulation on plant reproductive material)

Proposal for a regulation
(COM(2023)0414 – C9-0236/2023 – 2023/0227(COD))

Amendment 433

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 27 – paragraph 4

Text proposed by the Commission

Amendment

4. *Any professional operator producing and/or intending to market PRM of heterogeneous material shall submit a notification to the competent authority prior to marketing. If no further information is requested by the national competent authority within a time determined by the competent authority, the PRM of heterogeneous material may be marketed.* **deleted**

Or. en

Justification

Heterogeneous material will be already notified pursuant to paragraph 1. This obligation to notify the production prior to marketing comes directly from the rules defined for organic heterogeneous material, where it makes sense as any organic production has to be notified prior to marketing to the control body. This does not make sense for conventional heterogeneous material.

Amendment 434

Irène Tolleret

Proposal for a regulation

Article 27 – paragraph 4

Text proposed by the Commission

Amendment

4. Any professional operator producing and/or intending to market PRM of heterogeneous material shall submit a notification to the competent authority prior to marketing. If no further information is requested by the national competent authority within *a time determined by the competent authority*, the PRM of heterogeneous material may be

4. Any professional operator producing and/or intending to market PRM of heterogeneous material shall submit a notification to the competent authority prior to marketing. If no further information is requested by the national competent authority within **3 months** the PRM of heterogeneous material may be

marketed.

marketed.

Or. en

Justification

To be coherent with the deadline established in Annex VI.

Amendment 435
Isabel Carvalhais

Proposal for a regulation
Article 27 – paragraph 4

Text proposed by the Commission

4. Any professional operator producing and/or intending to market PRM of heterogeneous material shall submit a notification to the competent authority prior to marketing. If no further information is requested by the national competent authority within *a time determined by the competent authority*, the PRM of heterogeneous material may be marketed.

Amendment

4. Any professional operator producing and/or intending to market PRM of heterogeneous material shall submit a notification to the competent authority prior to marketing. If no further information is requested by the national competent authority within **3 months**, the PRM of heterogeneous material may be marketed.

Or. en

Amendment 436
Isabel Carvalhais

Proposal for a regulation
Article 27 – paragraph 5 – subparagraph 3 – introductory part

Text proposed by the Commission

The professional operator producing PRM of heterogeneous material intended for marketing shall also record and keep the following information:

Amendment

The professional operator producing PRM of heterogeneous material intended for marketing shall also record and keep the following information:

Or. en

Amendment 437
Isabel Carvalhais

Proposal for a regulation
Article 27 – paragraph 5 – subparagraph 3 – point d

Text proposed by the Commission

Amendment

(d) the breeding location of the PRM of heterogeneous material **and production location**;

(d) **where applicable**, the breeding **or production** location of the PRM of heterogeneous material;

Or. en

Amendment 438
Martin Häusling
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 27 – paragraph 5 – subparagraph 3 – point d

Text proposed by the Commission

Amendment

(d) the breeding location of the PRM of heterogeneous material **and production location**;

(d) the breeding **or production** location of the PRM of heterogeneous material;

Or. en

Justification

The current wording of Article 27, read together with Article 81, effectively replaces the definition of organic heterogeneous material, the result of a lengthy negotiation process between European institutions with co-decision powers. This amendment and the following ones mirror the content of Article 13 of the Organic Regulation, and of Commission Regulation 2021/1189 so that what has been successfully implemented by stakeholders and competent authorities these last 2 years is not modified again.

Amendment 439
Martin Häusling

Proposal for a regulation
Article 27 – paragraph 5 – subparagraph 4

Text proposed by the Commission

Amendment

The competent authorities shall have access to the information referred to in this paragraph.

The competent authorities shall have access to the information referred to in this paragraph, ***in the context of post-marketing controls***.

Or. en

Justification

The current wording of Article 27, read together with Article 81, effectively replaces the definition of organic heterogeneous material, the result of a lengthy negotiation process between European institutions with co-decision powers. This amendment and the following ones mirror the content of Article 13 of the Organic Regulation, and of Commission Regulation 2021/1189 so that what has been successfully implemented by stakeholders and competent authorities these last 2 years is not modified again.

Amendment 440
Isabel Carvalhais

Proposal for a regulation
Article 27 – paragraph 5 – subparagraph 4

Text proposed by the Commission

The competent authorities shall have access to the information referred to in this paragraph.

Amendment

The competent authorities shall have access to the information referred to in this paragraph ***in the context of post-marketing controls***.

Or. en

Amendment 441
Martin Häusling
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 27 – paragraph 7 – subparagraph 1

Text proposed by the Commission

Heterogeneous material as notified pursuant to paragraph 1, shall be registered by the competent authorities in a dedicated register ('heterogeneous material register').

Amendment

Heterogeneous material as notified pursuant to paragraph 1, shall be registered by the competent authorities in a dedicated register ('heterogeneous material register').
The registration should be free of charge

to the professional operator.

Or. en

Justification

The current wording of Article 27, read together with Article 81, effectively replaces the definition of organic heterogeneous material, the result of a lengthy negotiation process between European institutions with co-decision powers. This amendment and the following ones mirror the content of Article 13 of the Organic Regulation, and of Commission Regulation 2021/1189 so that what has been successfully implemented by stakeholders and competent authorities these last 2 years is not modified again.

Amendment 442

Isabel Carvalhais

Proposal for a regulation

Article 27 – paragraph 7 – subparagraph 1

Text proposed by the Commission

Heterogeneous material as notified pursuant to paragraph 1, shall be registered by the competent authorities in a dedicated register ('heterogeneous material register').

Amendment

Heterogeneous material as notified pursuant to paragraph 1, shall be registered by the competent authorities in a dedicated register ('heterogeneous material register').
The register shall be free of charge to the professional operator.

Or. en

Amendment 443

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 27 – paragraph 7 – subparagraph 2

Text proposed by the Commission

The competent authorities shall keep, update and publish that register, and notify immediately its content and updates to the Commission.

Amendment

The competent authorities shall keep, update and publish that register, ***accessible in online format***, and notify immediately its content and updates to the Commission.

Or. en

Justification

The current wording of Article 27, read together with Article 81, effectively replaces the definition of organic heterogeneous material, the result of a lengthy negotiation process between European institutions with co-decision powers. This amendment mirror the content of Article 13 of the Organic Regulation, and of Commission Regulation 2021/1189 so that what has been successfully implemented by stakeholders and competent authorities these last 2 years is not modified again.

Amendment 444 **Isabel Carvalhais**

Proposal for a regulation **Article 27 – paragraph 7 – subparagraph 2**

Text proposed by the Commission

The competent authorities shall keep, update and publish that register, and notify immediately its content and updates to the Commission.

Amendment

The competent authorities shall keep, update and publish that register, ***make it accessible online*** and notify immediately its content and updates to the Commission.

Or. en

Amendment 445 **Isabel Carvalhais**

Proposal for a regulation **Article 28 – paragraph 1 – subparagraph 1 – introductory part**

Text proposed by the Commission

By way of derogation from Articles 5 - **12**, **14**, 15 and 20, PRM may be marketed to final users, if it complies with all of the following requirements:

Amendment

By way of derogation from Articles 5 - 15 and 20, PRM may be marketed to final users, if it complies with all of the following requirements:

Or. en

Amendment 446 **Luke Ming Flanagan** on behalf of The Left Group

Proposal for a regulation

Article 28 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) to bear an operator's label with the denomination of the PRM and the indication 'Plant reproductive material for final users – ***not officially certified***' or, in the case of seeds, 'Seeds for final users – ***not officially certified***';

(a) to bear an operator's label with the denomination of the PRM and the indication 'Plant reproductive material for final users or, in the case of seeds, 'Seeds for final users';

Or. en

Justification

This information is also not useful to home gardeners, who do not understand the certification system. The reference to final users is sufficient.

Amendment 447

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 28 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) to bear an operator's label with the denomination of the PRM and the indication 'Plant reproductive material for final users – ***not officially certified***' or, in the case of seeds, 'Seeds for final users – ***not officially certified***';

(a) to bear an operator's label with the denomination of the PRM and the indication 'Plant reproductive material for final users' or, in the case of seeds, 'Seeds for final users';

Or. en

Justification

The reference to official certification is misleading, as vegetable seeds of registered DUS varieties are also generally not officially certified. This information is also not useful to home gardeners, who do not understand the certification system. The reference to final users is sufficient.

Amendment 448

Isabel Carvalhais

Proposal for a regulation

Article 28 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

(a) to bear an operator's label with the denomination of the PRM and the indication 'Plant reproductive material for final users – ***not officially certified***' or, in the case of seeds, 'Seeds for final users – ***not officially certified***';

Amendment

(a) to bear an operator's label with the denomination of the PRM and the indication 'Plant reproductive material for final users ' or, in the case of seeds, 'Seeds for final users ';

Or. en

Amendment 449

Isabel Carvalhais

Proposal for a regulation

Article 28 – paragraph 1 – subparagraph 1 – point d

Text proposed by the Commission

(d) to be marketed as individual plants, or, in the case of seeds and tubers, in small packages.

Amendment

(d) to be marketed as individual plants, or, in the case of seeds and tubers, in small packages, ***as defined in Article 3 (35a new)***.

Or. en

Amendment 450

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 28 – paragraph 1 – subparagraph 2

Text proposed by the Commission

A professional operator who uses this derogation shall annually notify this activity to the competent authority, with regard to the species and quantities concerned

Amendment

deleted

Or. en

Justification

Each reporting requirement must bring enough benefit to justify the burden for the operators (and authorities / tax payer) in particular for small, local operators who specialise in producing a high diversity of varieties and/or species and who lack the resources to cope with such requirements.

There is no clear reason why data on the species and quantities sold to home gardeners should be registered - most products marketed directly to final users are not registered in this way.

Amendment 451

Luke Ming Flanagan

on behalf of The Left Group

Proposal for a regulation

Article 28 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

*A professional operator who uses this
derogation shall annually notify this
activity to the competent authority, with
regard to the species and quantities
concerned*

deleted

Or. en

Justification

Small, local operators who specialise in producing a high diversity of varieties and/or species can lack the resources to cope with such requirements. Reporting burdens generally rise with the range of PRM offered, effectively deterring the production of diversity. Further, where PRM is sold in a “real life” setting such as a farmer’s market or seed swap, as opposed to online, it is more burdensome to record the exact quantities of species sold.

Amendment 452

Isabel Carvalhais

Proposal for a regulation

Article 28 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

*The Commission shall, by means of
implementing acts, adopt rules*

deleted

concerning the size, form, sealing and handling requirements concerning the small packages referred to in paragraph 1 point (d).

Or. en

Amendment 453

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 28 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The Commission shall, by means of implementing acts, adopt rules concerning the size, form, sealing and handling requirements concerning the small packages referred to in paragraph 1 point (d).

Amendment

Small packages *means packages containing seed up to a maximum net weight of:*

- (i) 30 kg for cereals, seed potatoes;*
- (ii) 10 kg for fodder plants, beet, oil and fibre plants;*
- (iii) 5 kg for legumes;*
- (iv) 500 g for onions, chervil, asparagus, spinach beet or chard, red beet or beetroot, turnips, water melon, gourd, marrows, carrots, radishes, scorzonera or black salsify, spinach, corn-salad or lamb's lettuce;*
- (v) 100 g for all other species of vegetable.*

Or. en

Justification

To provide for maximum legal certainty and democratic oversight, the provisions on PRM marketed to final users should be included in the proposal, and not left to secondary legislation. It is sufficient to limit these provisions to the definition of small packages. To allow for innovation and competition, there should be freedom for operators to decide themselves on the form, sealing and handling of seed packets marketed to final users.

The definitions of small packages are drawn from the existing definition in Directive

Amendment 454

Luke Ming Flanagan

on behalf of The Left Group

Proposal for a regulation

Article 28 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The Commission shall, by means of implementing acts, adopt rules concerning the size, form, sealing and handling requirements concerning the small packages referred to in paragraph 1 point (d).

Amendment

Small packages ***means packages containing seed up to a maximum net weight of:***

(i) 30 kg for cereals, seed potatoes;

(ii) 10 kg for fodder plants, beet, oil and fibre plants;

(iii) 5 kg for legumes;

(iv) 500 g for onions, chervil, asparagus, spinach beet or chard, red beet or beetroot, turnips, water melon, gourd, marrows, carrots, radishes, scorzonera or black salsify, spinach, corn-salad or lamb's lettuce;

(v) 100 g for all other species of vegetable.

Or. en

Justification

To provide for legal certainty, the provisions on PRM marketed to final users should be included in the proposal, and not left to secondary legislation. It is also sufficient and proportionate for these provisions to be limited to a definition of small packages. To allow for innovation and competition, there should be freedom for operators to decide themselves on the form, sealing and handling of seed packets. It is in their commercial interest to offer the PRM in a way that is most attractive to the consumer, and this does not need to be dictated by EU rules.

Amendment 455

Luke Ming Flanagan

on behalf of The Left Group

Proposal for a regulation

Article 28 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2). *deleted*

Or. en

Justification

No longer required

Amendment 456

Isabel Carvalhais

Proposal for a regulation

Article 28 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2). *deleted*

Or. en

Amendment 457

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 29

Text proposed by the Commission

Amendment

Article 29

deleted

PRM marketed to and between gene banks, organisations and networks

1.

By way of derogation from Articles 5 to 25, PRM may be marketed to, or between, gene banks, organisations and networks with a statutory objective, or an objective official notified to the competent authority, to conserve plant genetic resources, whereby any of the activities are carried out for non-profit purposes.

It can be marketed as well from those gene banks, organisations and networks to persons who carry out conservation of that PRM as final consumers, for non-profit purposes.

In the cases provided for in the first and the second subparagraphs, PRM shall fulfil the following requirements:

(a) be listed in a register kept by those gene banks, organisations and networks with an appropriate description of that PRM;

(b) be conserved by those gene banks, organisations and networks, and samples of that PRM be made available by them to the competent authorities upon request; and

(c) be practically free from quality pests and any defects likely to impair its quality as a reproductive material, and have satisfactory vigour and dimensions in respect of its usefulness as PRM, and, in the case of seeds, have satisfactory germination capacity.

2. The gene banks, organisations and networks shall notify the competent authority of the use of the derogation referred to in paragraph 1 and the species concerned.

Or. en

Justification

The transfer of PRM whether free of charge or not, for the purpose of the conservation and sustainable use of plant genetic resources and agro-biodiversity, should rather be out of the scope of the regulation. Based on this amendment, the derogatory rules in Article 29, which are not fit for purpose for conservation initiatives, are no longer necessary.

Amendment 458
Isabel Carvalhais

Proposal for a regulation
Article 29 – title

Text proposed by the Commission

PRM marketed **to and** between **gene banks**, organisations and networks

Amendment

PRM marketed **by**, between **and within** organisations and networks **dedicated to the dynamic conservation, enrichment and sustainable use of plant genetic resources**

Or. en

Amendment 459
Luke Ming Flanagan
on behalf of The Left Group

Proposal for a regulation
Article 29 – title

Text proposed by the Commission

PRM marketed **to** and between gene banks, organisations and networks

Amendment

Article 29 PRM marketed **by, to, within** and between gene banks, organisations and networks;

Or. en

Amendment 460
Maria Noichl

Proposal for a regulation
Article 29 – title

Text proposed by the Commission

PRM marketed **to** and between gene banks, organisations and networks

Amendment

PRM marketed **by, to, within** and between gene banks, organisations and networks

Or. en

Justification

The changes made to this article shall further help to contribute to conservation and sustainable use of genetic resources and agro-biodiversity. The proposal would drastically restrict the transfer and exchange of plant genetic resources and agro-biodiversity by public gene banks as well as community seed banks. The amendments made in this article underline that exchanges and transfers of genetic material involving gene banks and seed conservation networks are not subject to the same rules as the marketing of seeds.

Amendment 461

Irène Tolleret

Proposal for a regulation

Article 29 – title

Text proposed by the Commission

PRM marketed to and between **gene banks**, organisations and networks

Amendment

PRM marketed to and between **conservation** organisations and networks

Or. en

Justification

Public gene banks are not marketing PRM, but giving access to their PGRFA conserved, according to the rules of the International Treaty on PGRFA.

Amendment 462

Luke Ming Flanagan

on behalf of The Left Group

Proposal for a regulation

Article 29 – paragraph 1 – subparagraph 1

Text proposed by the Commission

By way of derogation from Articles 5 to 25, PRM may be marketed **to**, or between, gene banks, organisations and networks with a statutory objective, or an objective **official** notified to the competent authority, to conserve plant genetic resources, whereby any of the activities are carried out for non-profit purposes.

Amendment

Without prejudice to the transfer of PRM for the purpose of the conservation of plant genetic resources and agro-biodiversity and by way of derogation from Articles 5 to 25, PRM may be marketed **by, to, within**, or between, gene banks, organisations and networks, with a statutory objective, or an objective **officially** notified to the competent authority, to conserve plant genetic

resources, whereby any of the activities are carried out for non-profit purposes.

Or. en

Justification

It is amongst the proposal's objectives "to contribute to conservation and sustainable use of plant genetic resources and agro-biodiversity" (Article 2 (d)). However, rather than contributing to diversity, the foreseen rules would impede the conservation and sustainable use of plant genetic resources and agro-biodiversity.

Amendment 463

Irène Tolleret

Proposal for a regulation

Article 29 – paragraph 1 – subparagraph 1

Text proposed by the Commission

By way of derogation from Articles 5 to 25, PRM may be marketed to, or between, **gene banks**, organisations and networks with a statutory objective, or an objective official notified to the competent authority, to conserve plant genetic resources, whereby any of the activities are carried out for non-profit purposes.

Amendment

By way of derogation from Articles 5 to 25, PRM may be marketed to, or between **conservation** organisations and networks, **including inter alia farmers**, with a statutory objective, or an objective official notified to the competent authority, to conserve plant genetic resources, whereby any of the activities are carried out for non-profit purposes.

Or. en

Justification

Farmers should be mention for better clarity.

Amendment 464

Maria Noichl

Proposal for a regulation

Article 29 – paragraph 1 – subparagraph 1

Text proposed by the Commission

By way of derogation from Articles 5 to 25, PRM may be marketed **to**, or between,

Amendment

By way of derogation from Articles 5 to 25, PRM may be marketed **by, to, within** or

gene banks, organisations and networks with a statutory objective, or an objective official notified to the competent authority, to conserve plant genetic resources, whereby any of the activities are carried out for non-profit purposes.

between, gene banks, organisations and networks with a statutory objective, or an objective official notified to the competent authority, to conserve plant genetic resources, whereby any of the activities are carried out for non-profit purposes.

Or. en

Amendment 465
Isabel Carvalhais

Proposal for a regulation
Article 29 – paragraph 1 – subparagraph 1

Text proposed by the Commission

By way of derogation from Articles 5 to 25, PRM may be marketed ***to, or*** between, ***gene banks***, organisations and networks with a statutory objective, or an objective official notified to the competent authority, to conserve plant genetic resources, ***whereby any of the activities are carried out for non-profit purposes.***

Amendment

By way of derogation from Articles 5 to 25, PRM may be marketed ***by***, between ***and within not- for-profit purposes*** organisations and networks with a statutory objective, or an objective official notified to the competent authority, to ***dynamically*** conserve, ***enrich and sustainably use*** plant genetic resources.

Or. en

Amendment 466
Luke Ming Flanagan
on behalf of The Left Group

Proposal for a regulation
Article 29 – paragraph 1 – subparagraph 2

Text proposed by the Commission

It can be marketed as well from those gene banks, organisations and networks to persons who carry out conservation of that PRM as final consumers, for non-profit purposes.

Amendment

deleted

Or. en

Justification

There is inherent costs in this type of work, Seed savers should not be prevented from recouping part of their cost in carrying out this important work on behalf of society.

Amendment 467

Maria Noichl

Proposal for a regulation

Article 29 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

*It can be marketed as well from those **gene banks, organisations and networks** to persons who carry out conservation of that PRM as final consumers, for non-profit purposes.* **deleted**

Or. en

Justification

The changes made to this article shall further help to contribute to conversation and sustainable use of genetic resources and agro-biodiversity. The proposal would drastically restrict the transfer and exchange of plant genetic resources and agro-biodiversity by public gene banks as well as community seed banks. The amendments made in this article underline that exchanges and transfers of genetic material involving gene banks and seed conservation networks are not subject to the same rules as the marketing of seeds.

Amendment 468

Isabel Carvalhais

Proposal for a regulation

Article 29 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

It can be marketed as well from those **gene banks**, organisations and networks to persons who **carry out** conservation of that PRM as final consumers, **for non-profit** purposes.

It can be marketed as well from those organisations and networks, **or their members**, to persons who **also contribute to the dynamic** conservation of that PRM as final consumers **or for professional farming** purposes.

Or. en

Amendment 469
Irène Tolleret

Proposal for a regulation
Article 29 – paragraph 1 – subparagraph 2

Text proposed by the Commission

It can be marketed as well from those **gene banks**, organisations and networks to persons who carry out conservation of that PRM as final consumers, for non-profit purposes.

Amendment

It can be marketed as well from those **conservation** organisations and networks to persons who carry out conservation of that PRM as final consumers, for non-profit purposes.

Or. en

Amendment 470
Luke Ming Flanagan
on behalf of The Left Group

Proposal for a regulation
Article 29 – paragraph 1 – subparagraph 3 – introductory part

Text proposed by the Commission

In the cases provided for in the first and the second subparagraphs, PRM shall fulfil the following requirements:

Amendment

PRM marketed according to paragraph 1 shall:

Or. en

Amendment 471
Maria Noichl

Proposal for a regulation
Article 29 – paragraph 1 – subparagraph 3 – introductory part

Text proposed by the Commission

In the cases provided for in the first and the second subparagraphs, PRM shall fulfil the following requirements:

Amendment

PRM marketed according to paragraph 1 shall:

Justification

The changes made to this article shall further help to contribute to conservation and sustainable use of genetic resources and agro-biodiversity. The proposal would drastically restrict the transfer and exchange of plant genetic resources and agro-biodiversity by public gene banks as well as community seed banks. The amendments made in this article underline that exchanges and transfers of genetic material involving gene banks and seed conservation networks are not subject to the same rules as the marketing of seeds.

Amendment 472 **Isabel Carvalhais**

Proposal for a regulation **Article 29 – paragraph 1 – subparagraph 3 – point a**

Text proposed by the Commission

(a) *be listed* in a register kept by those *gene banks*, organisations and networks *with an appropriate* description *of that PRM*;

Amendment

(a) *have a basic description made publicly available on the package or in a private documentation or* in a register kept by those organisations and networks, *in case of not belonging to a variety registered in a national variety register referred to in Article 44. This* description *shall be made available by the natural or legal person placing the PRM on the market upon request to the competent authority*;

Amendment 473 **Irène Tolleret**

Proposal for a regulation **Article 29 – paragraph 1 – subparagraph 3 – point a**

Text proposed by the Commission

(a) be listed in a register kept by those *gene banks*, organisations and networks with an appropriate description of that PRM;

Amendment

(a) be listed in a register kept by those *conservation* organisations and networks with an appropriate description of that PRM;

Amendment 474
Luke Ming Flanagan
on behalf of The Left Group

Proposal for a regulation
Article 29 – paragraph 1 – subparagraph 3 – point b

Text proposed by the Commission

Amendment

(b) be conserved by those gene banks, organisations and networks, and samples of that PRM be made available by them to the competent authorities upon request; and **deleted**

Or. en

Justification

Exchanges and transfers of genetic material involving gene banks and seed conservation networks are not subject to the same rules as the marketing of seeds. The availability of samples, especially in PRM that are conserved in extremely small quantities, and for which every single unit is precious, cannot be guaranteed, but should rather be based on a register to which competent authorities as well as the general public could have access.

Amendment 475
Maria Noichl

Proposal for a regulation
Article 29 – paragraph 1 – subparagraph 3 – point b

Text proposed by the Commission

Amendment

(b) be conserved by those gene banks, organisations and networks, and samples of that PRM be made available by them to the competent authorities upon request; and **deleted**

Or. en

Justification

The changes made to this article shall further help to contribute to conversation and

sustainable use of genetic resources and agro-biodiversity. The proposal would drastically restrict the transfer and exchange of plant genetic resources and agro-biodiversity by public gene banks as well as community seed banks. The amendments made in this article underline that exchanges and transfers of genetic material involving gene banks and seed conservation networks are not subject to the same rules as the marketing of seeds.

Amendment 476

Irène Tolleret

Proposal for a regulation

Article 29 – paragraph 1 – subparagraph 3 – point b

Text proposed by the Commission

Amendment

(b) be conserved by those **gene banks**, organisations and networks, and samples of that PRM be made available by them to the competent authorities upon request; and

(b) be conserved by those **conservation** organisations and networks, and samples of that PRM be made available by them to the competent authorities upon request; and

Or. en

Amendment 477

Isabel Carvalhais

Proposal for a regulation

Article 29 – paragraph 1 – subparagraph 3 – point b

Text proposed by the Commission

Amendment

(b) be conserved by those **gene banks**, organisations and networks, and samples of that PRM be made available by them to the competent authorities upon request; and

(b) be conserved by those organisations and networks, and samples of that PRM be made available by them to the competent authorities upon request; and

Or. en

Amendment 478

Isabel Carvalhais

Proposal for a regulation

Article 29 – paragraph 1 – subparagraph 3 – point c

Text proposed by the Commission

Amendment

(c) *be practically free from quality pests and any defects likely to impair its quality as a reproductive material, and have satisfactory vigour and dimensions in respect of its usefulness as PRM, and, in the case of seeds, have satisfactory germination capacity.* *deleted*

Or. en

Amendment 479

Luke Ming Flanagan

on behalf of The Left Group

Proposal for a regulation

Article 29 – paragraph 1 – subparagraph 3 – point c

Text proposed by the Commission

Amendment

(c) *be practically free from quality pests and any defects likely to impair its quality as a reproductive material, and have satisfactory vigour and dimensions in respect of its usefulness as PRM, and, in the case of seeds, have satisfactory germination capacity.* *deleted*

Or. en

Justification

It is disproportionate to impose phytosanitary rules that go beyond the rules of the plant health Regulation 2016/2031 for seeds and PRM that will not circulate on the formal seed market, but rather solely be exchanged and sold for monetary compensation of the multiplication or conservation costs.

Amendment 480

Maria Noichl

Proposal for a regulation

Article 29 – paragraph 1 – subparagraph 3 – point c

Text proposed by the Commission

Amendment

(c) *be practically free from quality pests and any defects likely to impair its quality as a reproductive material, and have satisfactory vigour and dimensions in respect of its usefulness as PRM, and, in the case of seeds, have satisfactory germination capacity.* *deleted*

Or. en

Justification

The changes made to this article shall further help to contribute to conservation and sustainable use of genetic resources and agro-biodiversity. The proposal would drastically restrict the transfer and exchange of plant genetic resources and agro-biodiversity by public gene banks as well as community seed banks. The amendments made in this article underline that exchanges and transfers of genetic material involving gene banks and seed conservation networks are not subject to the same rules as the marketing of seeds.

Amendment 481

Luke Ming Flanagan

on behalf of The Left Group

Proposal for a regulation

Article 29 – paragraph 2

Text proposed by the Commission

Amendment

2. *The gene banks, organisations and networks shall notify the competent authority of the use of the derogation referred to in paragraph 1 and the species concerned.* *deleted*

Or. en

Justification

Any PRM availing of the derogation are listed in a register kept by those gene banks, organizations and networks with an appropriate description of that PRM

Amendment 482

Maria Noichl

Proposal for a regulation

Article 29 – paragraph 2

Text proposed by the Commission

Amendment

2. ***The gene banks, organisations and networks shall notify the competent authority of the use of the derogation referred to in paragraph 1 and the species concerned.*** ***deleted***

Or. en

Justification

The changes made to this article shall further help to contribute to conservation and sustainable use of genetic resources and agro-biodiversity. The proposal would drastically restrict the transfer and exchange of plant genetic resources and agro-biodiversity by public gene banks as well as community seed banks. The amendments made in this article underline that exchanges and transfers of genetic material involving gene banks and seed conservation networks are not subject to the same rules as the marketing of seeds.

Amendment 483

Irène Tolleret

Proposal for a regulation

Article 29 – paragraph 2

Text proposed by the Commission

Amendment

2. The ***gene banks***, organisations and networks shall notify the competent authority of the use of the derogation referred to in paragraph 1 and the species concerned.

2. The ***conservation*** organisations and networks shall notify the competent authority of the use of the derogation referred to in paragraph 1 and the species concerned.

Or. en

Amendment 484

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 30 – title

Text proposed by the Commission

Amendment

Seed exchanged *in kind* between farmers

PRM exchanged between farmers

Or. en

Amendment 485

Isabel Carvalhais

Proposal for a regulation

Article 30 – title

Text proposed by the Commission

Amendment

Seed exchanged *in kind* between farmers

PRM exchanged between farmers

Or. en

Amendment 486

Luke Ming Flanagan

on behalf of The Left Group

Proposal for a regulation

Article 30 – title

Text proposed by the Commission

Amendment

Seed exchanged *in kind* between farmers

PRM exchanged between farmers

Or. en

Justification

It is illogical to limit the provision to seeds, and not apply it to PRM other than seeds, e.g. seed potatoes, or cuttings from fruit plants. The amendment corrects these shortcomings.

Amendment 487

Maria Noichl

Proposal for a regulation

Article 30 – title

Text proposed by the Commission

Amendment

Seed exchanged *in kind* between farmers

PRM exchanged between farmers

Justification

Changes in this article aim to permit the sale of PRM and to take out limitations in the Commission's proposal on exchange of PRM. Further in order to implement Article 19 of the United Nations Declaration on the rights of peasants and other people working in rural areas it is illogical to limit the provision to seeds and not apply it to PRM other than seeds, as for example seed potatoes or cuttings from fruit plants.

Amendment 488**Daniel Buda****Proposal for a regulation****Article 30 – title***Text proposed by the Commission**Amendment***Seed** exchanged in kind between farmers**PRM** exchanged in kind between farmers

Or. ro

Justification

The term 'PRM' should be kept throughout the text of the Regulation.

Amendment 489**Maria Noichl****Proposal for a regulation****Article 30 – paragraph 1 – introductory part***Text proposed by the Commission**Amendment*

1. By way of derogation from Articles 5 - 25, farmers may exchange **seeds** in kind, ***if such seeds fulfill all of the following conditions:***

1. By way of derogation from Articles 5 - 25, farmers may exchange **PRM** in kind ***as well as for monetary compensation.***

Or. en

Justification

Changes in this article aim to permit the sale of PRM and to take out limitations in the Commission's proposal on exchange of PRM. Further in order to implement Article 19 of the United Nations Declaration on the rights of peasants and other people working in rural areas

it is illogical to limit the provision to seeds and not apply it to PRM other than seeds, as for example seed potatoes or cuttings from fruit plants.

Amendment 490
Herbert Dorfmann

Proposal for a regulation
Article 30 – paragraph 1 – introductory part

Text proposed by the Commission

1. By way of derogation from Articles 5 - 25, farmers may exchange seeds in kind, if such seeds **fulfill** all of the following conditions:

Amendment

1. By way of derogation from Articles 5 - 25, farmers may exchange seeds in kind, **or for monetary compensation** if such seeds **fulfil** all of the following conditions:

Or. en

Amendment 491
Martin Häusling
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 30 – paragraph 1 – introductory part

Text proposed by the Commission

1. By way of derogation from Articles 5 - 25, farmers may exchange **seeds** in kind, if such **seeds fulfil** all of the following conditions:

Amendment

1. By way of derogation from Articles 5 **to** 25, farmers may exchange **PRM** in kind **or for monetary compensation**, if such **PRM fulfil** all of the following conditions:

Or. en

Justification

According to Article 19 of the United Nations Declaration on the rights of peasants and other people working in rural areas (UNDROP), peasants and other people living in rural areas have, among other things, “the right to save, use, exchange and sell their farm-saved seed or propagating material.” The proposal fails to implement Article 19, for example by not permitting the sale and placing further limitations on exchange.

It is also illogical to limit the provision to seeds, and not apply it to PRM other than seeds, e.g. seed potatoes, or cuttings from fruit plants.

Amendment 492

Luke Ming Flanagan

on behalf of The Left Group

Proposal for a regulation

Article 30 – paragraph 1 – introductory part

Text proposed by the Commission

1. By way of derogation from Articles 5 - 25, farmers may exchange **seeds** in kind, if such **seeds fulfil** all of the following conditions:

Amendment

1. By way of derogation from Articles 5 - 25, farmers may exchange **PRM** in kind **or for monetary compensation**, if such **PRM fulfil** all of the following conditions:

Or. en

Justification

For thousands of years, farmers have freely saved, selected, exchanged and sold seeds, as well as used and reused them to produce food. Today, these customary practices remain essential to peasants' right to food, as well as to global food security and biodiversity. The existing PRM legislation, among other things, has undermined the maintenance of peasant seed systems and agrobiodiversity.

Amendment 493

Daniel Buda

Proposal for a regulation

Article 30 – paragraph 1 – introductory part

Text proposed by the Commission

1. By way of derogation from Articles 5 - 25, farmers may exchange **seeds in kind**, if such **seeds fulfil** all of the following conditions:

Amendment

1. By way of derogation from Articles 5 - 25, farmers may exchange **PRM**, if such **PRM fulfil** all of the following conditions:

Or. ro

Amendment 494

Maria Noichl

Proposal for a regulation

Article 30 – paragraph 1 – point 1

Text proposed by the Commission

Amendment

(1) are produced in the respective farmer's own premises; **deleted**

Or. en

Justification

Changes in this article aim to permit the sale of PRM and to take out limitations in the Commission's proposal on exchange of PRM. Further in order to implement Article 19 of the United Nations Declaration on the rights of peasants and other people working in rural areas it is illogical to limit the provision to seeds and not apply it to PRM other than seeds, as for example seed potatoes or cuttings from fruit plants.

Amendment 495

Maria Noichl

Proposal for a regulation

Article 30 – paragraph 1 – point 2

Text proposed by the Commission

Amendment

(2) are derived from the respective farmer's own harvest; **deleted**

Or. en

Justification

Changes in this article aim to permit the sale of PRM and to take out limitations in the Commission's proposal on exchange of PRM. Further in order to implement Article 19 of the United Nations Declaration on the rights of peasants and other people working in rural areas it is illogical to limit the provision to seeds and not apply it to PRM other than seeds, as for example seed potatoes or cuttings from fruit plants.

Amendment 496

Luke Ming Flanagan

on behalf of The Left Group

Proposal for a regulation

Article 30 – paragraph 1 – point 2

Text proposed by the Commission

Amendment

(2) are derived from the respective farmer's own harvest;

(2) ***in the case of seeds***, are derived from the respective farmer's own harvest;

Or. en

Justification

The definition of PRM is much broader than only seeds.

Amendment 497

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 30 – paragraph 1 – point 2

Text proposed by the Commission

(2) are derived from the respective farmer's own harvest;

Amendment

(2) ***in the case of seeds***, are derived from the respective farmer's own harvest;

Or. en

Amendment 498

Isabel Carvalhais

Proposal for a regulation

Article 30 – paragraph 1 – point 2

Text proposed by the Commission

(2) are derived from the respective farmer's own ***harvest***;

Amendment

(2) are derived from the respective farmer's own ***crops***;

Or. en

Amendment 499

Maria Noichl

Proposal for a regulation

Article 30 – paragraph 1 – point 3

Text proposed by the Commission

Amendment

(3) *are not subject to a service contract conducted by the respective farmer with a professional operator performing seed production; and* *deleted*

Or. en

Justification

Changes in this article aim to permit the sale of PRM and to take out limitations in the Commission's proposal on exchange of PRM. Further in order to implement Article 19 of the United Nations Declaration on the rights of peasants and other people working in rural areas it is illogical to limit the provision to seeds and not apply it to PRM other than seeds, as for example seed potatoes or cuttings from fruit plants.

Amendment 500
Luke Ming Flanagan
on behalf of The Left Group

Proposal for a regulation
Article 30 – paragraph 1 – point 3

Text proposed by the Commission

Amendment

(3) are not subject to a service contract conducted by the respective farmer with a professional operator performing seed production; and

(3) ***in the case of seeds***, are not subject to a service contract conducted by the respective farmer with a professional operator performing seed production; and

Or. en

Justification

The definition of PRM is much broader than only seeds.

Amendment 501
Isabel Carvalhais

Proposal for a regulation
Article 30 – paragraph 1 – point 3

Text proposed by the Commission

Amendment

(3) are not subject to a ***service*** contract conducted by the respective farmer with a professional operator performing seed

(3) ***in the case of seeds***, are not subject to a ***multiplication*** contract conducted by the respective farmer with a professional

production; and

operator performing seed production; and

Or. en

Amendment 502

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 30 – paragraph 1 – point 3

Text proposed by the Commission

Amendment

(3) are not subject to a service contract conducted by the respective farmer with a professional operator performing seed production; and

(3) ***in the case of seeds***, are not subject to a service contract conducted by the respective farmer with a professional operator performing seed production; and

Or. en

Amendment 503

Maria Noichl

Proposal for a regulation

Article 30 – paragraph 1 – point 4

Text proposed by the Commission

Amendment

(4) ***the seed is used for dynamic management of farmer's own seed for the purpose of contributing to agro-diversity.***

deleted

Or. en

Justification

Changes in this article aim to permit the sale of PRM and to take out limitations in the Commission's proposal on exchange of PRM. Further in order to implement Article 19 of the United Nations Declaration on the rights of peasants and other people working in rural areas it is illogical to limit the provision to seeds and not apply it to PRM other than seeds, as for example seed potatoes or cuttings from fruit plants.

Amendment 504

Luke Ming Flanagan
on behalf of The Left Group

Proposal for a regulation
Article 30 – paragraph 1 – point 4

Text proposed by the Commission

(4) the seed is used for dynamic management of farmer's own seed for the purpose of contributing to agro-diversity.

Amendment

(4) ***in the case of seeds***, the seed is used for dynamic management of farmer's own seed for the purpose of contributing to agro-diversity.

Or. en

Justification

The definition of PRM is much broader than only seeds.

Amendment 505
Martin Häusling
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 30 – paragraph 1 – point 4

Text proposed by the Commission

(4) the seed is used for dynamic management of farmer's own seed for the purpose of contributing to agro-diversity.

Amendment

(4) ***in the case of seeds***, the seed is used for dynamic management of farmer's own seed for the purpose of contributing to agro-diversity.

Or. en

Amendment 506
Isabel Carvalhais

Proposal for a regulation
Article 30 – paragraph 1 – point 4

Text proposed by the Commission

(4) the ***seed*** is used for dynamic management of farmer's own ***seed*** for the

Amendment

(4) the ***PRM*** is used for dynamic management of farmer's own ***reproductive material*** for the purpose of contributing to

purpose of contributing to agro-diversity.

agro-diversity.

Or. en

Amendment 507

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 30 – paragraph 1 – point 4 a (new)

Text proposed by the Commission

Amendment

(4a) the PRM is neither a GMO nor an NGT PRM according to EU legislation.

Or. en

Amendment 508

Isabel Carvalhais

Proposal for a regulation

Article 30 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. Such **seeds** shall fulfil all of the following requirements:

2. Such **PRM** shall fulfil all of the following requirements:

Or. en

Amendment 509

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 30 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. Such **seeds** shall fulfil all of the following requirements:

2. Such **PRM** shall fulfil all of the following requirements:

Justification

It is illogical to limit the provision to seeds, and not apply it to PRM other than seeds, e.g. seed potatoes, or cuttings from fruit plants.

Amendment 510

Luke Ming Flanagan

on behalf of The Left Group

Proposal for a regulation

Article 30 – paragraph 2 – introductory part

Text proposed by the Commission

2. Such **seeds** shall fulfil all of the following requirements:

Amendment

2. Such **PRM** shall fulfil all of the following requirements:

Or. en

Justification

It is illogical to limit the provision to seeds, and not apply it to PRM other than seeds, e.g. seed potatoes, or cuttings from fruit plants.

Amendment 511

Maria Noichl

Proposal for a regulation

Article 30 – paragraph 2 – introductory part

Text proposed by the Commission

2. Such **seeds** shall fulfil all of the following requirements:

Amendment

2. Such **PRM** shall fulfil all of the following requirements:

Or. en

Justification

Changes in this article aim to permit the sale of PRM and to take out limitations in the Commission's proposal on exchange of PRM. Further in order to implement Article 19 of the United Nations Declaration on the rights of peasants and other people working in rural areas it is illogical to limit the provision to seeds and not apply it to PRM other than seeds, as for example seed potatoes or cuttings from fruit plants.

Amendment 512

Irène Tolleret

Proposal for a regulation

Article 30 – paragraph 2 – point a

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 513

Maria Noichl

Proposal for a regulation

Article 30 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) be produced in the respective farmer's own premises;

Or. en

Justification

Changes in this article aim to permit the sale of PRM and to take out limitations in the Commission's proposal on exchange of PRM. Further in order to implement Article 19 of the United Nations Declaration on the rights of peasants and other people working in rural areas it is illogical to limit the provision to seeds and not apply it to PRM other than seeds, as for example seed potatoes or cuttings from fruit plants.

Amendment 514

Herbert Dorfmann

Proposal for a regulation

Article 30 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) to be limited to small quantities, defined by the competent authorities for specific species per year and per farmer, without using commercial intermediaries or public offer of marketing; and *deleted*

Or. en

Justification

The quantities are defined with the new Annex IX.

Amendment 515

Maria Noichl

Proposal for a regulation

Article 30 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) to be limited to small quantities, defined by the competent authorities for specific species per year and per farmer, without using commercial intermediaries or public offer of marketing; and *deleted*

Or. en

Justification

Changes in this article aim to permit the sale of PRM and to take out limitations in the Commission's proposal on exchange of PRM. Further in order to implement Article 19 of the United Nations Declaration on the rights of peasants and other people working in rural areas it is illogical to limit the provision to seeds and not apply it to PRM other than seeds, as for example seed potatoes or cuttings from fruit plants.

Amendment 516

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 30 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) to be limited to small quantities, **(b) without using commercial**

defined by the competent authorities for specific species per year and per farmer, without using commercial intermediaries or public offer of marketing; and

intermediaries ; and

Or. en

Justification

A limitation to small quantities is not necessary, as the quantities will anyway be small by the virtue of the fact they are produced on the farmer's own premises and in the case of seeds are derived from their own harvest.

Amendment 517

Luke Ming Flanagan

on behalf of The Left Group

Proposal for a regulation

Article 30 – paragraph 2 – point b

Text proposed by the Commission

(b) *to be limited to small quantities, defined by the competent authorities for specific species per year and per farmer, without using commercial intermediaries or public offer of marketing; and*

Amendment

(b) Without using commercial intermediaries, *and;*

Or. en

Justification

A limitation to small quantities is not necessary, as the quantities will anyway be small by the virtue of the fact they are produced on the farmer's own premises and in the case of seeds are derived from their own harvest.

Amendment 518

Isabel Carvalhais

Proposal for a regulation

Article 30 – paragraph 2 – point b

Text proposed by the Commission

(b) *to be limited to small quantities, defined by the competent authorities for*

Amendment

(b) *each transaction is limited to the small quantities, present in the small*

specific species per year and per farmer, without using commercial intermediaries or public offer of marketing; and

packages defined in Article 3 (35 a new) ; and

Or. en

Amendment 519
Maria Noichl

Proposal for a regulation
Article 30 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) to be practically free from quality pests and any defects likely to impact their quality as seeds, and shall have satisfactory germination capacity.

deleted

Or. en

Justification

Changes in this article aim to permit the sale of PRM and to take out limitations in the Commission's proposal on exchange of PRM. Further in order to implement Article 19 of the United Nations Declaration on the rights of peasants and other people working in rural areas it is illogical to limit the provision to seeds and not apply it to PRM other than seeds, as for example seed potatoes or cuttings from fruit plants.

Amendment 520
Martin Häusling
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 30 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) to be practically free from quality pests and any defects likely to impact their quality as seeds, and shall have satisfactory germination capacity.

*(c) to be practically free from quality pests and any defects likely to impact their quality as **PRM**.*

Or. en

Amendment 521
Herbert Dorfmann

Proposal for a regulation
Article 30 – paragraph 2 – point c

Text proposed by the Commission

(c) to be practically free from quality pests and any defects likely to impact their quality as *seeds, and shall have satisfactory germination capacity*.

Amendment

(c) to be practically free from quality pests and any defects likely to impact their quality as **PRM**.

Or. en

Amendment 522
Isabel Carvalhais

Proposal for a regulation
Article 30 – paragraph 2 – point c

Text proposed by the Commission

(c) to be practically free from quality pests and any defects likely to impact their quality as *seeds, and shall have satisfactory germination capacity*.

Amendment

(c) to be **visually** practically free from quality pests and any defects likely to impact their quality as **PRM**.

Or. en

Amendment 523
Luke Ming Flanagan
on behalf of The Left Group

Proposal for a regulation
Article 30 – paragraph 2 – point c

Text proposed by the Commission

(c) to be practically free from quality pests and any defects likely to impact their quality as *seeds, and shall have satisfactory germination capacity*.

Amendment

(c) to be practically free from quality pests and any defects likely to impact their quality as **PRM**.

Justification

This requirement is disproportionate, According to Article 19 of The United Nations Declaration on the rights of peasants and other people working in rural areas (UNDROP) peasants and other people living in rural areas have, among other things, “the right to save, use, exchange and sell their farm-saved seed or propagating material.” In addition, under the declaration states should “take measures to respect, protect and fulfil the right to seeds of peasants and other people working in rural areas”.

Amendment 524**Maria Noichl****Proposal for a regulation****Article 30 – paragraph 3***Text proposed by the Commission**Amendment*

3. Member States shall annually notify to the Commission and the other Member States the amounts per species defined in accordance with paragraph 2, point (b). **deleted**

Justification

Changes in this article aim to permit the sale of PRM and to take out limitations in the Commission’s proposal on exchange of PRM. Further in order to implement Article 19 of the United Nations Declaration on the rights of peasants and other people working in rural areas it is illogical to limit the provision to seeds and not apply it to PRM other than seeds, as for example seed potatoes or cuttings from fruit plants.

Amendment 525**Luke Ming Flanagan**

on behalf of The Left Group

Proposal for a regulation**Article 30 – paragraph 3***Text proposed by the Commission**Amendment*

3. Member States shall annually notify to the Commission and the other **deleted**

Member States the amounts per species defined in accordance with paragraph 2, point (b).

Or. en

Justification

There is no clear reason why data on the species and quantities sold to home gardeners should be captured in a regulation on production and marketing rules.

Amendment 526
Herbert Dorfmann

Proposal for a regulation
Article 30 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall annually notify to the Commission and the other Member States the amounts per species defined in accordance with paragraph 2, point (b). *deleted*

Or. en

Justification

In compliance with the previous amendments this procedure is not needed any more.

Amendment 527
Irène Tolleret

Proposal for a regulation
Article 31

Text proposed by the Commission

Amendment

Article 31 *deleted*
Breeder's seed

1.

By way of derogation from Articles 5 -25, a competent authority may authorise

operators to market seed of generations preceeding the pre-basic category to another operator, for the purpose of breeding new varieties (breeders' seed).

The competent authority shall determine the duration of the authorisation and quantities per species, when granting that authorisation.

2.

The PRM referred to in paragraph 1 shall be accompanied by a label issued by the professional operator, with the indication 'breeder's seed', that shall be affixed, as applicable, on the container, bundle or package of that material.

It shall be sealed and bear a lot number to be used for identification purposes and control plot testing before it is used as pre-basic seed.

Or. en

Justification

This type of material is dedicated to research, which is excluded from the scope of the regulations.

Amendment 528
Bert-Jan Ruissen

Proposal for a regulation
Article 31

Text proposed by the Commission

Amendment

Article 31

deleted

Breeder's seed

1.

By way of derogation from Articles 5 -25, a competent authority may authorise operators to market seed of generations preceeding the pre-basic category to another operator, for the purpose of breeding new varieties (breeders' seed).

The competent authority shall determine the duration of the authorisation and quantities per species, when granting that authorisation.

2.

The PRM referred to in paragraph 1 shall be accompanied by a label issued by the professional operator, with the indication ‘breeder’s seed’, that shall be affixed, as applicable, on the container, bundle or package of that material.

It shall be sealed and bear a lot number to be used for identification purposes and control plot testing before it is used as pre-basic seed.

Or. en

Justification

Out of scope

Amendment 529

Annie Schreijer-Pierik

Proposal for a regulation

Article 31

Text proposed by the Commission

Amendment

Article 31

deleted

Breeder’s seed

1.

By way of derogation from Articles 5 -25, a competent authority may authorise operators to market seed of generations preceeding the pre-basic category to another operator, for the purpose of breeding new varieties (breeders’ seed).

The competent authority shall determine the duration of the authorisation and quantities per species, when granting that authorisation.

2.

The PRM referred to in paragraph 1 shall be accompanied by a label issued by the professional operator, with the indication ‘breeder’s seed’, that shall be affixed, as applicable, on the container, bundle or package of that material.

It shall be sealed and bear a lot number to be used for identification purposes and control plot testing before it is used as pre-basic seed.

Or. en

Justification

Out of scope.

Amendment 530
Bert-Jan Ruissen

Proposal for a regulation

Article 32 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

By way of derogation from Article 5, a competent authority may authorise professional operators to produce and market, for the purposes of multiplication, pre-basic seeds, pre-basic material, basic seeds and basic material belonging to a variety not yet registered in a national variety register, referred to in Article 44, if all of the following requirements are fulfilled:

By way of derogation from Article 5, a competent authority may authorise professional operators to produce and market, for the purposes of multiplication, pre-basic seeds, pre-basic material, basic seeds and basic material, ***standard seed and standard material*** belonging to a variety not yet registered in a national variety register, referred to in Article 44, if all of the following requirements are fulfilled:

Or. en

Justification

The amendment corrects an omission. The added material also require market access for the same reasons given in the article.

Amendment 531
Annie Schreijer-Pierik

Proposal for a regulation
Article 32 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

By way of derogation from Article 5, a competent authority may authorise professional operators to produce and market, for the purposes of multiplication, pre-basic seeds, pre-basic material, basic seeds and basic material belonging to a variety not yet registered in a national variety register, referred to in Article 44, if all of the following requirements are fulfilled:

Amendment

By way of derogation from Article 5, a competent authority may authorise professional operators to produce and market, for the purposes of multiplication, ***standard seed, standard material***, pre-basic seeds, pre-basic material, basic seeds and basic material belonging to a variety not yet registered in a national variety register, referred to in Article 44, if all of the following requirements are fulfilled:

Or. en

Amendment 532
Isabel Carvalhais

Proposal for a regulation
Article 32 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Such authorisation may be granted for a maximum period of **3** 3years in the case of seeds, and 5 years in the case of PRM other than seeds, and for ***small*** quantities per species as specified by the competent authority.

Amendment

Such authorisation may be granted for a maximum period of 3years in the case of seeds, and 5 years in the case of PRM other than seeds, and for ***limited*** quantities per species ***with regard to the volume of production of that species in the Member State***, as specified by the competent authority.

Or. en

Amendment 533
Anne Sander

Proposal for a regulation
Article 32 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Such authorisation may be granted for a maximum period of 3 **3years** in the case of seeds, and 5 years in the case of PRM other than seeds, and for small quantities per species as specified by the competent authority.

Amendment

Such authorisation may be granted for a maximum period of 3 **years** in the case of seeds, and 5 years in the case of PRM other than seeds, and for small quantities per species as specified by the competent authority, **taking into account the volumes produced by the Member State concerned.**

Or. fr

Amendment 534

Irène Tolleret

Proposal for a regulation

Article 32 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Such authorisation may be granted for a maximum period of 3 3years in the case of seeds, and 5 years in the case of PRM other than seeds, and for **small** quantities per species as specified by the competent authority.

Amendment

Such authorisation may be granted for a maximum period of 3years in the case of seeds, and 5 years in the case of PRM other than seeds, and for **limited** quantities per species as specified by the competent authority **in correlation with the volume of production at Member State level.**

Or. en

Amendment 535

Annie Schreijer-Pierik

Proposal for a regulation

Article 32 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Such authorisation may be granted for a maximum period of 3 3years in the case of seeds, and 5 years in the case of PRM other than seeds, and for **small** quantities per species as specified by the competent authority.

Amendment

Such authorisation may be granted for a maximum period of 3 3years in the case of seeds, and 5 years in the case of PRM other than seeds, and for quantities per species as specified by the competent authority.

Amendment 536
Bert-Jan Ruissen

Proposal for a regulation
Article 32 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Such authorisation may be granted for a maximum period of 3 **3years** in the case of seeds, and 5 years in the case of PRM other than seeds, and for **small** quantities per species as specified by the competent authority.

Amendment

Such authorisation may be granted for a maximum period of 3 **years** in the case of seeds, and 5 years in the case of PRM other than seeds, and for quantities per species as specified by the competent authority.

Or. en

Justification

Small is subjective; required quantities are relative to expected market demand upon release of the variety.

Amendment 537
Irène Tolleret

Proposal for a regulation
Article 32 – paragraph 2 – introductory part

Text proposed by the Commission

2. By way of derogation from Articles 5, 7, 10 -12, 15, 20, 23 and 24, a competent authority may authorise professional operators for a maximum period of 3 years in the case of seeds, and 5 years in the case of PRM other than seeds, and for **small** quantities per species as determined by the competent authority, to produce and market PRM belonging to a variety not yet registered in a national variety register referred to in Article 44, if all of the following requirements are fulfilled:

Amendment

2. By way of derogation from Articles 5, 7, 10 -12, 15, 20, 23 and 24, a competent authority may authorise professional operators for a maximum period of 3 years in the case of seeds, and 5 years in the case of PRM other than seeds, and for **limited** quantities per species as determined by the competent authority, **in correlation with the volume of production at Member State level**, to produce and market PRM belonging to a variety not yet registered in a national variety register referred to in Article 44, if all of the following

requirements are fulfilled:

Or. en

Amendment 538

Anne Sander

Proposal for a regulation

Article 32 – paragraph 2 – introductory part

Text proposed by the Commission

2. By way of derogation from Articles 5, 7, 10 -12, 15, 20, 23 and 24, a competent authority may authorise professional operators for a maximum period of 3 years in the case of seeds, and 5 years in the case of PRM other than seeds, and for small quantities per species as determined by the competent authority, to produce and market PRM belonging to a variety not yet registered in a national variety register referred to in Article 44, if all of the following requirements are fulfilled:

Amendment

2. By way of derogation from Articles 5, 7, 10 -12, 15, 20, 23 and 24, a competent authority may authorise professional operators for a maximum period of 3 years in the case of seeds, and 5 years in the case of PRM other than seeds, and for small quantities per species as determined by the competent authority, ***taking into account the volume produced in the Member State concerned***, to produce and market PRM belonging to a variety not yet registered in a national variety register referred to in Article 44, if all of the following requirements are fulfilled:

Or. fr

Amendment 539

Annie Schreijer-Pierik

Proposal for a regulation

Article 32 – paragraph 2 – introductory part

Text proposed by the Commission

2. By way of derogation from Articles 5, 7, 10 -12, 15, 20, 23 and 24, a competent authority may authorise professional operators for a maximum period of 3 years in the case of seeds, and 5 years in the case of PRM other than seeds, and for ***small*** quantities per species as determined by the competent authority, to produce and

Amendment

2. By way of derogation from Articles 5, 7, 10 -12, 15, 20, 23 and 24, a competent authority may authorise professional operators for a maximum period of 3 years in the case of seeds, and 5 years in the case of PRM other than seeds, and for quantities per species as determined by the competent authority, to produce and market PRM

market PRM belonging to a variety not yet registered in a national variety register referred to in Article 44, if all of the following requirements are fulfilled:

belonging to a variety not yet registered in a national variety register referred to in Article 44, if all of the following requirements are fulfilled:

Or. en

Amendment 540
Bert-Jan Ruissen

Proposal for a regulation
Article 32 – paragraph 2 – introductory part

Text proposed by the Commission

2. By way of derogation from Articles 5, 7, 10 -12, 15, 20, 23 and 24, a competent authority may authorise professional operators for a maximum period of 3 years in the case of seeds, and 5 years in the case of PRM other than seeds, and for **small** quantities per species as determined by the competent authority, to produce and market PRM belonging to a variety not yet registered in a national variety register referred to in Article 44, if all of the following requirements are fulfilled:

Amendment

2. By way of derogation from Articles 5, 7, 10 -12, 15, 20, 23 and 24, a competent authority may authorise professional operators for a maximum period of 3 years in the case of seeds, and 5 years in the case of PRM other than seeds, and for quantities per species as determined by the competent authority, to produce and market PRM belonging to a variety not yet registered in a national variety register referred to in Article 44, if all of the following requirements are fulfilled:

Or. en

Justification

Small is subjective; required quantities are relative to expected market demand upon release of the variety. See also Article 5: registration should not be mandatory for production.

Amendment 541
Annie Schreijer-Pierik

Proposal for a regulation
Article 32 – paragraph 3 – point a

Text proposed by the Commission

(a) the production of the stock of pre-basic seeds and material, and basic seeds

Amendment

deleted

and material, and certified seeds and material available before the variety registration and the envisaged tests and trials for the standard seeds and material;

Or. en

Justification

This creates an unnecessary administrative burden for the vegetable seeds sector and, thus makes the derogation unworkable.

Amendment 542

Bert-Jan Ruissen

Proposal for a regulation

Article 32 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) the production of the stock of pre-basic seeds and material, and basic seeds and material, and certified seeds and material available before the variety registration and the envisaged tests and trials for the standard seeds and material; *deleted*

Or. en

Justification

These parts create unnecessary administrative burden that make the derogation unworkable, at least in vegetable seeds.

Amendment 543

Bert-Jan Ruissen

Proposal for a regulation

Article 32 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) the procedure for the variety maintenance, where applicable; *deleted*

Justification

Unnecessary administrative burden that make the derogation unworkable, at least in vegetable seeds.

Amendment 544

Annie Schreijer-Pierik

Proposal for a regulation

Article 32 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) the procedure for the variety maintenance, where applicable; **deleted**

Justification

This creates an unnecessary administrative burden for the vegetable seeds sector and, thus makes the derogation unworkable.

Amendment 545

Annie Schreijer-Pierik

Proposal for a regulation

Article 32 – paragraph 3 – point e

Text proposed by the Commission

Amendment

(e) the site where production will take place; and **deleted**

Justification

This creates an unnecessary administrative burden for the vegetable seeds sector and, thus makes the derogation unworkable.

Amendment 546

Bert-Jan Ruissen

Proposal for a regulation

Article 32 – paragraph 3 – point e

Text proposed by the Commission

Amendment

(e) the site where production will take place; and **deleted**

Or. en

Justification

Unnecessary administrative burden that make the derogation unworkable, at least in vegetable seeds.

Amendment 547

Bert-Jan Ruissen

Proposal for a regulation

Article 32 – paragraph 3 – point f

Text proposed by the Commission

Amendment

(f) the quantities of the material to be made available on the market. **deleted**

Or. en

Justification

Unnecessary administrative burden that make the derogation unworkable, at least in vegetable seeds.

Amendment 548

Annie Schreijer-Pierik

Proposal for a regulation

Article 32 – paragraph 3 – point f

Text proposed by the Commission

Amendment

(f) the quantities of the material to be made available on the market. **deleted**

Justification

This creates an unnecessary administrative burden for the vegetable seeds sector and, thus makes the derogation unworkable.

Amendment 549**Isabel Carvalhais****Proposal for a regulation****Article 36 – paragraph 1 – subparagraph 1***Text proposed by the Commission*

The Commission, by means of implementing acts, may authorise the Member States to impose, with regards to production and marketing of PRM, more stringent production or marketing requirements than those referred to in Articles 7 and 8, in all or part of the territory of the Member State concerned, provided that those more stringent requirements correspond to specific production conditions in, and agro-climatic needs, of that Member State in regard to the respective PRM.

Amendment

The Commission, by means of implementing acts, may authorise the Member States to impose, with regards to production and marketing of PRM, more stringent production or marketing requirements than those referred to in Articles 7 and 8, in all or part of the territory of the Member State concerned, provided that those more stringent requirements correspond to specific production conditions in, and agro-climatic needs, of that Member State in regard to the respective PRM. ***These requirements shall be proportionate in light of the costs of production and marketing and the impacts of the foreseen more stringent requirements of the PRM in question.***

Or. en

Amendment 550**Martin Häusling**

on behalf of the Verts/ALE Group

Proposal for a regulation**Article 36 – paragraph 1 – subparagraph 1***Text proposed by the Commission*

The Commission, by means of implementing acts, may authorise the

Amendment

The Commission, by means of implementing acts, may authorise the

Member States to impose, with regards to production and marketing of PRM, more stringent production or marketing requirements than those referred to in Articles 7 and 8, in all or part of the territory of the Member State concerned, provided that those more stringent requirements correspond to specific production conditions in, and agro-climatic needs, of that Member State in regard to the respective PRM.

Member States to impose, with regards to production and marketing of PRM, more stringent production or marketing requirements than those referred to in Articles 7 and 8, in all or part of the territory of the Member State concerned, provided that those more stringent requirements correspond to specific production conditions in, and agro-climatic needs, of that Member State in regard to the respective PRM.

These requirements should be proportionate in light of the costs of PRM production and marketing and the foreseen impact of these more stringent requirements.

Or. en

Justification

Additional requirements negatively impact the smallest actors most of all, especially those who strive to offer diversity of varieties and species, rather than focusing on the largest/mainstream crops. It is therefore important to include a safeguard so that any additional requirements are truly proportionate.

Amendment 551 **Daniel Buda**

Proposal for a regulation **Article 37 – paragraph 2**

Text proposed by the Commission

2. Where a Member State officially informs the Commission of the need to take emergency measures and the Commission has not acted in accordance with paragraph 1, that Member State may adopt the appropriate interim emergency measures. Those measures may include provisions restricting, prohibiting or laying down appropriate conditions for the production or marketing of PRM within the territory of that Member State, depending on the gravity of the situation. The Member State concerned shall immediately

Amendment

2. Where a Member State officially informs the Commission of the need to take emergency measures and the Commission has not acted in accordance with paragraph 1, that Member State may adopt the appropriate, ***proportionate and time-limited*** interim emergency measures. Those measures may include provisions restricting, prohibiting or laying down appropriate conditions for the production or marketing of PRM within the territory of that Member State, depending on the gravity of the situation. The Member State

inform the other Member States and the Commission of the measures adopted, stating the grounds for its decision.

concerned shall immediately inform the other Member States and the Commission of the measures adopted ***and the time period they cover***, stating the grounds for its decision. ***This approach permits a Member State to act quickly and effectively in emergency situations to protect health, the environment and economic interests.***

Or. ro

Amendment 552
Isabel Carvalhais

Proposal for a regulation
Article 38 – paragraph 1 – subparagraph 1

Text proposed by the Commission

By way of derogation from Articles 2, 5, 6, 7, 8 ***and 20***, the Commission may, by means of ***implementing*** acts, decide on the organisation of temporary experiments to seek improved alternatives to provisions of this Regulation concerning the genera and species it applies to, the requirements for belonging to a registered variety, the production and marketing requirements for pre-basic, basic, certified and standard material or seed, and the obligation to belong to pre-basic, basic and certified material or seed.

Amendment

By way of derogation from Articles 2, 5, 6, 7, 8, ***9, 20, 26, 27 and 47 to 53***, the Commission may, by means of ***delegated*** acts, decide on the organisation of temporary experiments to seek improved alternatives to provisions of this Regulation concerning the genera and species it applies to, the requirements for belonging to a registered variety, ***a conservation variety, a PRM of heterogeneous material***, the production and marketing requirements for pre-basic, basic, certified and standard material or seed, and the obligation to belong to pre-basic, basic and certified material or seed.

Or. en

Amendment 553
Martin Häusling
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 38 – paragraph 1 – subparagraph 1

Text proposed by the Commission

By way of derogation from Articles 2, 5, 6, 7, 8 **and 20**, the Commission may, by means of implementing acts, decide on the organisation of temporary experiments to seek improved alternatives to provisions of this Regulation concerning the genera and species it applies to, the requirements for belonging to a registered variety, the production and marketing requirements for pre-basic, basic, certified and standard material or seed, and the obligation to belong to pre-basic, basic and certified material or seed.

Amendment

By way of derogation from Articles 2, 5, 6, 7, 8, **20, 26, 27 and 47 to 54**, the Commission may, by means of implementing acts, decide on the organisation of temporary experiments to seek improved alternatives to provisions of this Regulation concerning the genera and species it applies to, the requirements for belonging to a registered variety, the production and marketing requirements for pre-basic, basic, certified and standard material or seed, and the obligation to belong to pre-basic, basic and certified material or seed.

Or. en

Justification

Temporary experiments have been shown to be a useful tool to seek improved alternatives to the requirements in the legislation, which is likely to become increasingly important in light of the challenges presented by the climate and biodiversity crises. The possibility to carry out a temporary experiment should therefore be widely defined, and also extend to conservation varieties and heterogeneous material, as well as the variety registration regime (as it is currently the case in different currently applicable EU Directives).

Amendment 554
Herbert Dorfmann

Proposal for a regulation
Article 38 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Those experiments may take the form of technical or scientific trials examining the feasibility and appropriateness of new requirements compared to the ones set out in Articles 2, 5, 6, 7, 8 and 20 of this Regulation.

Amendment

Those experiments may take the form of technical or scientific trials examining the feasibility and appropriateness of new requirements compared to the ones set out in Articles 2, 5, 6, 7, 8 and 20 of this Regulation. ***Multi actor stakeholders shall be involved in the development of implementing acts for these temporary experiments.***

Or. en

Amendment 555
Isabel Carvalhais

Proposal for a regulation
Article 38 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Those experiments may take the form of technical or scientific trials examining the feasibility and appropriateness of new requirements compared to the ones set out in Articles 2, 5, 6, 7, 8 **and 20** of this Regulation.

Amendment

Those experiments may take the form of technical or scientific trials examining the feasibility and appropriateness of new requirements compared to the ones set out in Articles 2, 5, 6, 7, 8, **9, 20, 26, 27 and 47 to 53** of this Regulation.

Or. en

Amendment 556
Martin Häusling
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 38 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Those experiments may take the form of technical or scientific trials examining the feasibility and appropriateness of new requirements compared to the ones set out in Articles 2, 5, 6, 7, 8 **and 20** of this Regulation.

Amendment

Those experiments may take the form of technical or scientific trials examining the feasibility and appropriateness of new requirements compared to the ones set out in Articles 2, 5, 6, 7, 8, **20, 26, 27 and 47 to 54** of this Regulation.

Or. en

Justification

Temporary experiments have been shown to be a useful tool to seek improved alternatives to the requirements in the legislation, which is likely to become increasingly important in light of the challenges presented by the climate and biodiversity crises. The possibility to carry out a temporary experiment should therefore be widely defined, and also extend to conservation varieties and heterogeneous material, as well as the variety registration regime (as it is currently the case in different currently applicable EU Directives).

Amendment 557
Bert-Jan Ruissen

Proposal for a regulation
Article 39 – paragraph 1 – subparagraph 1

Text proposed by the Commission

PRM may only be imported from third countries, if it is established, pursuant to paragraph 2, that it fulfils requirements equivalent to those applicable to PRM produced and marketed in the Union.

Amendment

PRM may only be imported from third countries ***in final packages***, if it is established, pursuant to paragraph 2, that it fulfils requirements equivalent to those applicable to PRM produced and marketed in the Union.

No such import shall be allowed, and no such equivalence shall be recognised pursuant to paragraph 2, for the preservation mixtures such as those referred to in Article 22, and for PRM such as that subject to the derogations of Articles 26 - 30.

Or. en

Justification

In addition to the small change to the first subparagraph, we also propose to keep the Commission proposal on the second subparagraph (as shown in this amendment).

Amendment 558
Annie Schreijer-Pierik

Proposal for a regulation
Article 39 – paragraph 1 – subparagraph 1

Text proposed by the Commission

PRM may only be imported from third countries, if it is established, pursuant to paragraph 2, that it fulfils requirements equivalent to those applicable to PRM produced and marketed in the Union.

Amendment

PRM may only be imported from third countries ***in its final packaging***, if it is established, pursuant to paragraph 2, that it fulfils requirements equivalent to those applicable to PRM produced and marketed in the Union.

Or. en

Amendment 559

Luke Ming Flanagan

on behalf of The Left Group

Proposal for a regulation

Article 39 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

***However, no such import shall be deleted
allowed, and no such equivalence shall be
recognised pursuant to paragraph 2, for
the preservation mixtures such as those
referred to in Article 22, and for PRM
such as that subject to the derogations of
Articles 26 - 30.***

Or. en

Justification

Given the aim of the proposal is to contribute to the conservation and sustainable use of plant genetic diversity and agrobiodiversity (Article 2), it makes sense to allow the import of PRM that contributes to this agrobiodiversity from other countries, especially EFTA countries and the UK. Import will only be possible if the laws of the country of origin are considered to be equivalent to those in the EU, following a detailed audit of said legislation. There is therefore no risk of substandard PRM being imported into the EU.

Amendment 560

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 39 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

***However, no such import shall be deleted
allowed, and no such equivalence shall be
recognised pursuant to paragraph 2, for
the preservation mixtures such as those
referred to in Article 22, and for PRM
such as that subject to the derogations of
Articles 26 - 30.***

Or. en

Justification

The process of equivalence for derogatory regimes (PRM belonging to conservation varieties; of heterogeneous material; marketed to final users; marketed to and between gene banks, organisations and networks; and exchanged between farmers) should be allowed. It makes sense to allow the import of PRM that contributes to agrobiodiversity from other countries, especially EFTA countries and the UK. Import will only be possible if the laws of the country of origin are considered to be equivalent to those in the EU, following a detailed audit of said legislation.

Amendment 561 **Isabel Carvalhais**

Proposal for a regulation **Article 39 – paragraph 1 – subparagraph 2**

Text proposed by the Commission

Amendment

However, no such import shall be allowed, and no such equivalence shall be recognised pursuant to paragraph 2, for the preservation mixtures such as those referred to in Article 22, and for PRM such as that subject to the derogations of Articles 26 - 30.

deleted

Or. en

Amendment 562 **Bert-Jan Ruissen**

Proposal for a regulation **Article 40 – paragraph 1 – subparagraph 3 – point g**

Text proposed by the Commission

Amendment

(g) the name of the *person* importing the PRM.

(g) the name of the *final user, farmer or professional operator* importing the PRM.

Or. en

Amendment 563 **Bert-Jan Ruissen**

Proposal for a regulation

Article 40 – paragraph 2 – point g

Text proposed by the Commission

(g) the name of the **person** importing the PRM.

Amendment

(g) the name of the **final user, farmer or professional operator** importing the PRM.

Or. en

Amendment 564

Luke Ming Flanagan

on behalf of The Left Group

Proposal for a regulation

Article 41 – paragraph 1 – introductory part

Text proposed by the Commission

Professional operators, which produce PRM, shall:

Amendment

Professional operators, which produce PRM, **excluding the categories referred to in Article 5 (point a-h)** shall:

Or. en

Justification

The proposed rules would force most small local seed producers who specialise in providing diversity to farmers and gardeners out of business. They will also make it in practice impossible for small farmers to produce their own seeds.

Amendment 565

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 41 – paragraph 1 – introductory part

Text proposed by the Commission

Professional operators, which produce PRM, shall:

Amendment

Professional operators **with the exception of micro-enterprises**, which produce PRM **with the aim of commercial exploitation**,

shall:

Or. en

Justification

Micro-enterprises should be exempt from these new obligations for professional operators. The requirement to identify and monitor the production and marketing processes is a significant administrative burden, which will deter many of the smallest operators. Micro-enterprises also have smaller value chains, so the risks to identity and quality of PRM are lower. The obligation for professional operators to identify and monitor the critical points of plant and seed production for plant health under regulation 2016/2013 remains unchanged.

Amendment 566

Maria Noichl

Proposal for a regulation

Article 41 – paragraph 1 – introductory part

Text proposed by the Commission

Professional operators, which produce PRM, shall:

Amendment

Professional operators, which ***are not micro-enterprises, which*** produce PRM ***with the aim of commercial exploitation***, shall:

Or. en

Justification

Farmers who produce PRM, either for their own use or for small or large seed companies, fall under the proposed definition of professional operators under Article 3. Articles 41 and 42 introduce substantial new obligations for professional operators, which in practice will deter small farmers from producing their own seeds or other PRM. In line with the principle of proportionality, small farmers – those who falls under the definition of a micro-enterprise under EU law (fewer than 10 employees and an annual turnover below €2 million) – should be exempt from the obligations under Article 41, especially the obligations on monitoring, reporting, and lots under (d)-(f). There is already an obligation for (all) professional operators to identify and monitor the critical points of plant and seed production for plant health under regulation 2016/2013 – this remains unchanged.

Amendment 567

Isabel Carvalhais

Proposal for a regulation

Article 41 – paragraph 1 – introductory part

Text proposed by the Commission

Professional operators, which produce PRM, shall:

Amendment

Professional operators, ***as defined in article 3 (2) of this regulation***, which produce PRM ***with a view to marketing***, shall:

Or. en

Amendment 568

Daniel Buda, Dan-Ștefan Motreanu

Proposal for a regulation

Article 41 – paragraph 1 – point b

Text proposed by the Commission

(b) be registered in the register referred to Article 65 of Regulation (EU) 2016/2031, in accordance with Article 66 of that Regulation;

Amendment

deleted

Or. ro

Justification

In some Member States, the only operators registered with the authorities are those authorised to issue plant passports on the basis of Regulation 2016/2031. Operators who work with plant species for which passports are not required (e.g. cereal crops) and operators who sell directly to gardeners only are not registered. Removing point (b) would obviate the need for substantial additions to the plant health register as these would generate considerable red tape for the authorities and another burden for operators.

Amendment 569

Isabel Carvalhais

Proposal for a regulation

Article 41 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The requirements laid down in paragraph 1 (d) and (e) shall not apply to micro-

enterprises.

Or. en

Amendment 570

Luke Ming Flanagan

on behalf of The Left Group

Proposal for a regulation

Article 42 – paragraph 1

Text proposed by the Commission

1. Professional operators shall ensure that PRM is traceable at all stages of production and marketing.

Amendment

1. Professional operators shall ensure that PRM, ***excluding the categories referred to in Article 5 (point a-h)*** is traceable at all stages of production and marketing.

Or. en

Justification

The proposed rules would force most small local seed producers who specialise in providing diversity to farmers and gardeners out of business. They will also make it in practice impossible for small farmers to produce their own seeds.

Seed producers and farmers will do this instinctively to provide high quality seeds, but formalising this process through regulation and record-keeping is absolutely unnecessary, and administrative burden that will put many smaller operators out of business.

Amendment 571

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 42 – paragraph 1

Text proposed by the Commission

1. Professional operators shall ensure that PRM is traceable at all stages of production and marketing.

Amendment

1. Professional operators, ***with the exception of micro-enterprises***, shall ensure that PRM is traceable at all stages of production and marketing.

Justification

In line with the principle of proportionality, micro-enterprises should be exempt from these new obligations for professional operators, which represent a very significant administrative burden.

Amendment 572

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 42 – paragraph 3

Text proposed by the Commission

3. Professional operators shall keep records of the PRM and the professional operators and persons referred to in paragraph 2 for 3 years after that material has been respectively supplied to or by them.

Amendment

3. Professional operators, ***with the exception of micro-enterprises***, shall keep records of the PRM and the professional operators and persons referred to in paragraph 2 for 3 years after that material has been respectively supplied to or by them.

Justification

In line with the principle of proportionality, micro-enterprises should be exempt from these new obligations for professional operators, which represent a very significant administrative burden.

Amendment 573

Daniel Buda, Dan-Ştefan Motreanu

Proposal for a regulation

Article 42 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Micro-enterprises shall be exempt from the obligations laid down in paragraphs 1 - 3 of this Article.

Amendment 574
Maria Noichl

Proposal for a regulation
Article 42 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Micro-enterprises are exempt from the obligations in paragraphs 1-3.

Or. en

Justification

In line with the principle of proportionality, small farmers – defined as those who fall under the definition of a micro-enterprise – should be exempt from the traceability obligations under Article 41, requiring a level of record-keeping that is disproportionate for the scale of their work with PRM.

Amendment 575
Bert-Jan Ruissen

Proposal for a regulation
Article 43

Text proposed by the Commission

Amendment

Article 43

deleted

Annual notification of the intended production and certification of pre-basic, basic and certified seed and material

Every year, professional operators shall notify the competent authorities about:

(a) their intention to produce pre-basic, basic and certified material or pre-basic, basic and certified seed, at least one month before the beginning of that production; and

(b) the production of pre-basic, basic and certified material that started in previous years and continues in the year concerned.

That notification shall state the plant species, varieties and categories concerned and the exact location of production.

Or. en

Justification

Reporting in Article 77.

Amendment 576

Irène Tolleret

Proposal for a regulation

Article 43

Text proposed by the Commission

Amendment

Article 43

deleted

Annual notification of the intended production and certification of pre-basic, basic and certified seed and material

Every year, professional operators shall notify the competent authorities about:

(a) their intention to produce pre-basic, basic and certified material or pre-basic, basic and certified seed, at least one month before the beginning of that production; and

(b) the production of pre-basic, basic and certified material that started in previous years and continues in the year concerned.

That notification shall state the plant species, varieties and categories concerned and the exact location of production.

Or. en

Justification

Decisions for seed production may vary according to external factors. Furthermore, reporting obligations are already specified in Article 77.

Amendment 577

Daniel Buda

Proposal for a regulation

Article 43 – paragraph 1 – point a

Text proposed by the Commission

(a) their intention to produce pre-basic, basic and certified material or pre-basic, basic and certified seed, ***at least one month*** before the beginning of that production; and

Amendment

(a) their intention to produce pre-basic, basic and certified material or pre-basic, basic and certified seed, before the beginning of that production; and

Or. ro

Justification

This amendment injects greater flexibility into the text.

Amendment 578

Daniel Buda

Proposal for a regulation

Article 44 – paragraph 1 – introductory part

Text proposed by the Commission

1. Each Member State shall establish and publish, in electronic format, and shall keep updated a single national register of varieties ('national variety register') containing:

Amendment

1. Each Member State shall establish and publish, in electronic format, and shall keep ***permanently*** updated a single national register of varieties ('national variety register') containing:

Or. ro

Amendment 579

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 45 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

The Union variety register shall include the varieties, registered in national variety registers and notified in accordance with Article 44.

The Union variety register shall include the varieties, registered in national variety registers and notified in accordance with Article 44, **and be updated monthly**.

Or. en

Justification

Currently, the EU catalogues of varieties for agricultural crop species and vegetable species are updated slowly and on an irregular basis by the Commission. This makes it very challenging for producers to get accurate information on what new varieties have been registered on other Member States and what varieties have been removed from national registers. In light of the provision for “Member States to immediately notify” updates to their national registers, it is appropriate that the Commission is obliged to reflect these updates in the Union variety register on a monthly basis.

Amendment 580

Maria Noichl

Proposal for a regulation

Article 46 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission is empowered to adopt a delegated act in accordance with Article 75, in order to amend Annex VII, taking into account the technical and scientific developments, and on the basis of gained experience indicating the need of competent authorities or professional operators to obtain more precise information about the registered varieties.

2. The Commission is empowered to adopt a delegated act in accordance with Article 75, in order to amend Annex VII **only to further add elements that need to be included in the variety registers**, taking into account the technical and scientific developments, and on the basis of gained experience indicating the need of competent authorities or professional operators to obtain more precise information about the registered varieties.

Or. en

Justification

The corresponding Annex contains very important information. The Commission should not have the right to delete or diminish these. The Commission should have delegated power to add useful information based on technical and scientific developments.

Amendment 581

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 46 – paragraph 2

Text proposed by the Commission

2. The Commission is empowered to adopt a delegated act in accordance with Article 75, in order to amend Annex VII, taking into account the technical and scientific developments, and on the basis of gained experience indicating the need of competent authorities or professional operators to obtain more precise information about the registered varieties.

Amendment

2. The Commission is empowered to adopt a delegated act in accordance with Article 75, in order to amend Annex VII **to further add elements that need to be included in the variety registers**, taking into account the technical and scientific developments, and on the basis of gained experience indicating the need of competent authorities or professional operators to obtain more precise information about the registered varieties.

Or. en

Justification

The Annex VII contains reference to very critical information, which should only be developed by the Commission, and not deleted or diminished. A delegation of power is only acceptable if it is given to add useful information to be provided in the variety registers, in light of potential scientific and technological developments.

Amendment 582

Bert-Jan Ruissen

Proposal for a regulation

Article 47 – paragraph 1 – subparagraph 1 – point a – point i

Text proposed by the Commission

(i) an official description showing compliance with the requirements of distinctness, uniformity and stability set out in Articles 48, 49 and 50, and fulfil the requirements for satisfactory value for sustainable cultivation and use, as set out in Article 52; or

Amendment

(i) an official description showing compliance with the requirements of distinctness, uniformity and stability set out in Articles 48, 49 and 50, and fulfil the requirements for satisfactory value for sustainable cultivation and use **for species listed in Part A of Annex I, with more than 50 varieties in the national variety**

register as set out in Article 52; or

Or. en

Justification

VSCU mainly contributes towards sustainability in agricultural field crops. For species with only a few varieties (which is the case for many fruits and vegetables) the requirements for sustainability will be too expensive and can become an obstacle for bringing new varieties to the market. Therefore minimum number of varieties is added.

Amendment 583

Isabel Carvalhais

Proposal for a regulation

Article 47 – paragraph 1 – subparagraph 1 – point a – point i

Text proposed by the Commission

(i) an official description showing compliance with the requirements of distinctness, uniformity and stability set out in Articles 48, 49 and 50, **and** fulfil the requirements for satisfactory value for sustainable cultivation and use, as set out in Article 52; or

Amendment

(i) an official description showing compliance with the requirements of distinctness, uniformity and stability set out in Articles 48, 49 and 50, ***in the case of species listed in Part A, Part D and Part E of Annex I*** fulfil the requirements for satisfactory value for sustainable cultivation and use, as set out in Article 52; or

Or. en

Amendment 584

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 47 – paragraph 1 – subparagraph 1 – point a – point i

Text proposed by the Commission

(i) an official description showing compliance with the requirements of distinctness, uniformity and stability set out in Articles 48, 49 and 50, and fulfil the requirements for satisfactory value for

Amendment

(i) an official description showing compliance with the requirements of distinctness, uniformity and stability set out in Articles 48, 49 and 50, and, ***for agricultural crops other than vegetables,***

sustainable cultivation and use, as set out in Article 52; or

as listed in Annex IV part A, fulfil the requirements for satisfactory value for cultivation and use, as set out in Article 52; or

Or. en

Justification

VCU only currently apply to arable crops. Applying it to the incredible diversity of vegetables currently being cultivated in the EU would completely overshoot the testing capacities currently existing. For fruit trees, the time necessary (around 5 years) would be unacceptable for many operators. For both vegetables and fruit trees, such an obligation would create such hurdles that it would deter the smallest actors and decrease the diversity of the varieties registered.

Amendment 585

Annie Schreijer-Pierik

Proposal for a regulation

Article 47 – paragraph 1 – subparagraph 1 – point a – point ii

Text proposed by the Commission

(ii) an officially recognised description pursuant to Article 53, if they are conservation varieties;

Amendment

(ii) an officially recognised description pursuant to Article 53, if they are conservation varieties **or fruit varieties**;

Or. en

Amendment 586

Bert-Jan Ruissen

Proposal for a regulation

Article 47 – paragraph 1 – subparagraph 1 – point a – point ii

Text proposed by the Commission

(ii) an officially recognised description pursuant to Article 53, if they are conservation varieties;

Amendment

(ii) an officially recognised description pursuant to Article 53, if they are conservation varieties **or fruit varieties**;

Or. en

Justification

ORD is also applicable to certain fruit varieties.

Amendment 587

Irène Tolleret

Proposal for a regulation

Article 47 – paragraph 1 – subparagraph 1 – point f

Text proposed by the Commission

(f) where the varieties are tolerant to herbicides, they are subject to cultivation conditions for the production of PRM and for any other purpose, adopted pursuant to paragraph 3 or, in the case they have not been adopted, as adopted by the competent authorities responsible for registration, to avoid the development of herbicide resistance in weeds due to their use;

Amendment

(f) where the varieties are tolerant to herbicides, they are subject to cultivation conditions for the production of PRM and for any other purpose, adopted pursuant to paragraph 3 or, in the case they have not been adopted, as adopted by the competent authorities responsible for registration, to avoid the development of herbicide resistance in weeds due to their use; ***where a plan establishing such cultivation conditions has already been submitted, it shall apply also to the registrations of subsequent varieties with similar characteristics;***

Or. en

Amendment 588

Marlene Mortler, Norbert Lins, Peter Jahr

Proposal for a regulation

Article 47 – paragraph 1 – subparagraph 1 – point f

Text proposed by the Commission

(f) where the varieties are tolerant to herbicides, they are subject to cultivation conditions for the production of PRM and for any other purpose, adopted pursuant to paragraph 3 or, in the case they have not been adopted, as adopted by the competent authorities responsible for registration, to avoid the development of herbicide

Amendment

(f) where the varieties are tolerant to herbicides, they are subject to ***submitting a plan for*** cultivation conditions for the production of PRM, and for any other purpose, adopted pursuant to paragraph 3 or, in the case they have not been adopted, as adopted by the competent authorities responsible for registration, to avoid the development of herbicide resistance in

resistance in weeds due to their use;

weeds due to their use; ***when a plan for cultivation conditions has already been submitted the application for registrations of subsequent varieties with similar characteristics would adhere to that same plan.***

Or. en

Justification

To avoid the development of herbicide resistance in weeds, stewardship arrangements implemented by the operators can address the issue. Arbitrary cultivation conditions imposed by MS may lead to a misuse of the provision and different approaches in MS for the same varieties.

Amendment 589

Anne Sander

Proposal for a regulation

Article 47 – paragraph 1 – subparagraph 1 – point f

Text proposed by the Commission

(f) where the varieties are tolerant to herbicides, they are subject to cultivation conditions for the production of PRM and for any other purpose, adopted pursuant to paragraph 3 or, in the case they have not been adopted, as adopted by the competent authorities responsible for registration, to avoid the development of herbicide resistance in weeds due to their use;

Amendment

(f) where the varieties are tolerant to herbicides, they are subject to cultivation conditions for the production of PRM and for any other purpose, adopted pursuant to paragraph 3 or, in the case they have not been adopted, as adopted by the competent authorities responsible for registration, to avoid the development of herbicide resistance in weeds due to their use; ***where a plan setting out these cultivation conditions has already been submitted, it shall also apply to subsequent registrations of varieties with similar characteristics;***

Or. fr

Amendment 590

Martin Häusling

Proposal for a regulation

Article 47 – paragraph 1 – subparagraph 1 – point f

Text proposed by the Commission

(f) where the varieties are tolerant to herbicides, they are subject to cultivation conditions for the production of PRM and for any other purpose, adopted pursuant to paragraph 3 or, in the case they have not been adopted, as adopted by the competent authorities responsible for registration, to avoid the development of herbicide resistance in weeds due to their use;

Amendment

(f) where the varieties are tolerant to herbicides, they are subject to cultivation conditions for the production of PRM and for any other purpose, adopted pursuant to paragraph 3 or, in the case they have not been adopted, as adopted by the competent authorities responsible for registration ***of all of the Member States in which the variety will be marketed***, to avoid the development of herbicide resistance in weeds due to their use; ***These conditions will be subject to a public consultation process by the competent authority before they are adopted***;

Or. en

Justification

The proposal foresees that only one Member State – the one which processes the application for variety registration – defines the cultivation conditions for the whole of the EU. This is problematic, given the differences in the farming systems across the Union. Further, it will lead to “forum-shopping”, with the developers of herbicide tolerant varieties choosing a national competent authority known to adopt the least stringent conditions.

Amendment 591

Maria Noichl

Proposal for a regulation

Article 47 – paragraph 1 – subparagraph 1 – point f

Text proposed by the Commission

(f) where the varieties are tolerant to herbicides, they are subject to cultivation conditions for the production of PRM and for any other purpose, adopted pursuant to paragraph 3 or, in the case they have not been adopted, as adopted by the competent authorities ***responsible for registration***, to avoid the development of herbicide resistance in weeds due to their use;

Amendment

(f) where the varieties are tolerant to herbicides, they are subject to cultivation conditions for the production of PRM and for any other purpose, adopted pursuant to paragraph 3 or, in the case they have not been adopted, as adopted by the competent authorities ***of all of the Member States in which the variety will be marketed***, to avoid the development of herbicide resistance in weeds due to their use. ***The***

competent authority will conduct a public consultation to identify the most effective conditions;

Or. en

Justification

The proposal foresees that only one Member State – the one which processes the application for variety registration – defines the cultivation conditions for the whole of the EU. This is problematic, given the differences in the farming systems across the Union.

Amendment 592

Isabel Carvalhais

Proposal for a regulation

Article 47 – paragraph 1 – subparagraph 1 – point f

Text proposed by the Commission

(f) where the varieties are tolerant to herbicides, they are subject to cultivation conditions for the production of PRM and for any other purpose, adopted pursuant to paragraph 3 ***or, in the case they have not been adopted, as adopted*** by the competent authorities responsible for registration, to avoid the development of herbicide resistance in weeds due to their use;

Amendment

(f) where the varieties are tolerant to herbicides, they are subject to cultivation conditions for the production of PRM and for any other purpose, adopted pursuant to paragraph 3 by the competent authorities responsible for registration ***and, in the case the varieties are to be cultivated in another Member State, adopted by the respective competent authority, in order*** to avoid the development of herbicide resistance in weeds due to their use;

Or. en

Amendment 593

Anne Sander

Proposal for a regulation

Article 47 – paragraph 1 – subparagraph 1 – point g

Text proposed by the Commission

(g) where the varieties have particular characteristics other than the ones referred to in point (f) that may lead to undesirable

Amendment

(g) where the varieties have particular characteristics other than the ones referred to in point (f) that may lead to undesirable

agronomic effects, they are subject to cultivation conditions for the production of PRM and any other purpose, adopted pursuant to paragraph 3 or, in the case they have not been adopted, as adopted by the competent authorities responsible for their registration, to avoid those particular undesirable agronomic effects, such as the development of resistance of pests to the respective varieties or undesirable effects on pollinators.

agronomic effects, they are subject to cultivation conditions for the production of PRM and any other purpose, adopted pursuant to paragraph 3 or, in the case they have not been adopted, as adopted by the competent authorities responsible for their registration, to avoid those particular undesirable agronomic effects, such as the development of resistance of pests to the respective varieties or undesirable effects on pollinators; ***where a plan setting out these cultivation conditions has already been submitted, it shall also apply to subsequent registrations of varieties with similar characteristics;***

Or. fr

Amendment 594

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 47 – paragraph 1 – subparagraph 1 – point g

Text proposed by the Commission

(g) where the varieties have particular characteristics other than the ones referred to in point (f) that may lead to undesirable agronomic effects, they are subject to cultivation conditions for the production of PRM and any other purpose, adopted pursuant to paragraph 3 or, in the case they have not been adopted, as adopted by the competent authorities responsible for their registration, to avoid those particular undesirable agronomic effects, such as the development of resistance of pests to the respective varieties or undesirable effects on pollinators.

Amendment

(g) where the varieties have particular characteristics other than the ones referred to in point (f) that may lead to undesirable agronomic effects, they are subject to cultivation conditions for the production of PRM and any other purpose, adopted pursuant to paragraph 3 or, in the case they have not been adopted ***of all of the Member States in which the variety will be marketed***, as adopted by the competent authorities responsible for their registration, to avoid those particular undesirable agronomic effects, such as the development of resistance of pests to the respective varieties or undesirable effects on pollinators. ***These conditions will be subject to a public consultation process by the competent authority before they are adopted.***

Justification

The proposal foresees that only one Member State – the one which processes the application for variety registration – defines the cultivation conditions for the whole of the EU. This is problematic, given the differences in the farming systems across the Union. Further, it will lead to “forum-shopping”, with the developers of herbicide tolerant varieties choosing a national competent authority known to adopt the least stringent conditions.

Amendment 595

Irène Tolleret

Proposal for a regulation

Article 47 – paragraph 1 – subparagraph 1 – point g

Text proposed by the Commission

(g) where the varieties have particular characteristics other than the ones referred to in point (f) that may lead to undesirable agronomic effects, they are subject to cultivation conditions for the production of PRM and any other purpose, adopted pursuant to paragraph 3 or, in the case they have not been adopted, as adopted by the competent authorities responsible for their registration, to avoid those particular undesirable agronomic effects, such as the development of resistance of pests to the respective varieties or undesirable effects on pollinators.

Amendment

(g) where the varieties have particular characteristics other than the ones referred to in point (f) that may lead to undesirable agronomic effects, they are subject to cultivation conditions for the production of PRM and any other purpose, adopted pursuant to paragraph 3 or, in the case they have not been adopted, as adopted by the competent authorities responsible for their registration, to avoid those particular undesirable agronomic effects, such as the development of resistance of pests to the respective varieties or undesirable effects on pollinators; ***where a plan establishing such cultivation conditions has already been submitted, it shall apply also to the registrations of subsequent varieties with similar characteristics.***

Or. en

Amendment 596

Maria Noichl

Proposal for a regulation

Article 47 – paragraph 1 – subparagraph 1 – point g

Text proposed by the Commission

(g) where the varieties have particular characteristics other than the ones referred to in point (f) that may lead to undesirable agronomic effects, they are subject to cultivation conditions for the production of PRM and any other purpose, adopted pursuant to paragraph 3 or, in the case they have not been adopted, as adopted by the competent authorities ***responsible for their registration***, to avoid those particular undesirable agronomic effects, such as the development of resistance of pests to the respective varieties or undesirable effects on pollinators.

Amendment

(g) where the varieties have particular characteristics other than the ones referred to in point (f) that may lead to undesirable agronomic effects, they are subject to cultivation conditions for the production of PRM and any other purpose, adopted pursuant to paragraph 3 or, in the case they have not been adopted, as adopted by the competent authorities ***of all the Member States in which the variety will be marketed***, to avoid those particular undesirable agronomic effects, such as the development of resistance of pests to the respective varieties or undesirable effects on pollinators. ***The competent authority will conduct a public consultation to identify the most effective conditions.***

Or. en

Justification

The proposal foresees that only one Member State – the one which processes the application for variety registration – defines the cultivation conditions for the whole of the EU. This is problematic, given the differences in the farming systems across the Union. The amendment provides that the cultivation conditions are defined at the national level, by every Member States where the variety will be marketed. To ensure the conditions are the most effective for the national circumstances, the competent authority should be obliged to carry out a public consultation before it adopts the conditions.

Amendment 597
Isabel Carvalhais

Proposal for a regulation
Article 47 – paragraph 1 – subparagraph 1 – point g

Text proposed by the Commission

(g) where the varieties have particular characteristics other than the ones referred to in point (f) that may lead to undesirable agronomic effects, they are subject to cultivation conditions for the production of PRM and any other purpose, adopted pursuant to paragraph 3 ***or, in the case they***

Amendment

(g) where the varieties have particular characteristics other than the ones referred to in point (f) that may lead to undesirable agronomic effects, they are subject to cultivation conditions for the production of PRM and any other purpose, adopted pursuant to paragraph 3 by the competent

have not been adopted, as adopted by the competent authorities responsible for their registration, to avoid those particular undesirable agronomic effects, such as the development of resistance of pests to the respective varieties or undesirable effects on pollinators.

authorities responsible for their registration ***and, in the case the varieties are to be cultivated in another Member State, adopted by the respective competent authority, in order*** to avoid those particular undesirable agronomic effects, such as the development of resistance of pests to the respective varieties or undesirable effects on pollinators.

Or. en

Amendment 598
Maria Noichl

Proposal for a regulation

Article 47 – paragraph 1 – subparagraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(ga) any Member State may, upon an application, which shall be dealt with under the procedure referred to in Article 76, 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 consisting of a GMO or a category 1 NGT plant as defined in Article 3(7) of Regulation (EU) or of a category 2 NGT plant as defined in Article 3(8) of Regulation (EU) .../... (Office of Publications, please insert reference to NGT Regulation ...), 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 where it has valid reasons other for considering that the cultivation of the variety in their territory presents a risk for human health or the environment;

Or. en

Justification

These provisions foresee to allow Member States to prohibit or lay down specific cultivation

conditions for varieties that consists of GMOs or specific NGT plants.

Amendment 599
Isabel Carvalhais

Proposal for a regulation
Article 47 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

The Commission shall adopt, by means of implementing acts, specific requirements concerning:

Amendment

The Commission shall adopt, by means of implementing acts, specific requirements ***for carrying out the examinations in respect of trial design and growing conditions*** concerning:

Or. en

Amendment 600
Isabel Carvalhais

Proposal for a regulation
Article 47 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 75, supplementing this Regulation with the minimum cultivation conditions to be adopted by the competent authorities pursuant to paragraphs 1(f) and (g), concerning:

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 75, supplementing this Regulation with ***definition of particular characteristics that may lead to undesirable agronomic effects pursuant to paragraph 1(g) and*** the minimum cultivation conditions to be adopted by the competent authorities pursuant to paragraphs 1(f) and (g), concerning:

Or. en

Amendment 601
Irène Tolleret

Proposal for a regulation

Article 47 – paragraph 4

Text proposed by the Commission

4. For the purpose of registering a variety in its national variety register, a competent authority ***shall accept, without any further examination,*** an official description or an official examination of the requirements for value for sustainable cultivation and use, as referred to in paragraph 1, point (a)(i), which has been produced by a competent authority of another Member State.

Amendment

4. For the purpose of registering a variety in its national variety register, a competent authority ***may use*** an official description or an official examination of the requirements for value for sustainable cultivation and use, as referred to in paragraph 1, point (a)(i), which has been produced by a competent authority of another Member State, ***if equivalent recognition measures exist between the two competent authorities.***

Or. en

Amendment 602

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 47 – paragraph 4

Text proposed by the Commission

4. For the purpose of registering a variety in its national variety register, a competent authority ***shall*** accept, without any further examination, an official description or an official examination of the requirements for value for sustainable cultivation and use, as referred to in paragraph 1, point (a)(i), which has been produced by a competent authority of another Member State.

Amendment

4. For the purpose of registering a variety in its national variety register, a competent authority ***may*** accept, without any further examination, an official ***description, an officially recognised*** description or an official examination of the requirements for value for sustainable cultivation and use, as referred to in paragraph 1, point (a)(i), which has been produced by a competent authority of another Member State.

Or. en

Justification

Given the differences in pedo-climatic conditions and farming systems between the Member States, it should remain at the discretion of a competent authority as to whether it accepts, without any further examination, the description and VCU results from another Member States. For example, a description and VSCU results acquired by the authority in Finland

may be of limited use to farmers in Greece. Thus, there are circumstances where it appropriate and relevant for a competent authority to carry out its own examination.

Amendment 603

Bert-Jan Ruissen

Proposal for a regulation

Article 48

Text proposed by the Commission

Amendment

Article 48

deleted

Distinctness

1. For the purposes of the official description, referred to in Article 47(1), point (a), a variety shall be deemed to be distinct, if it is clearly distinguishable, by reference to the expression of the characteristics that results from a particular genotype or combination of genotypes, from any other variety whose existence is commonly known on the date of the submission of the application established in accordance with Article 58.

2. The existence of another variety, as referred to in paragraph 1, shall be deemed to be commonly known, if one or more of the following conditions are complied with:

(a) the variety is included in a national variety register;

(b) an application for registration of the variety, or an application for granting a plant variety right in respect of that variety, has been filed in the Union; or

(c) an official description of that variety exists in the Union, it is commonly known worldwide, or the technical examination has been conducted pursuant to Article 59.

3. Where paragraph 2, point (c) applies, the person(s) responsible for the technical examinations shall make available to the competent authorities the

*official description of the variety
examined by them.*

Or. en

Justification

Must be in line with Regulation (EU) 2100/94

Amendment 604

Irène Tolleret

Proposal for a regulation

Article 48 – paragraph 1

Text proposed by the Commission

1. For the purposes of the official description, referred to in Article 47(1), point (a), a variety shall be deemed to be distinct, if it is clearly distinguishable, by reference to the expression of the characteristics that results from a particular genotype or combination of genotypes, from any other variety ***whose existence is commonly known*** on the date of the submission of the application established in accordance with Article 58.

Amendment

1. For the purposes of the official description, referred to in Article 47(1), point (a), a variety shall be deemed to be distinct, if it is clearly distinguishable, by reference to the expression of the characteristics that results from a particular genotype or combination of genotypes, from any other variety ***of common knowledge*** on the date of the submission of the application established in accordance with Article 58.

Or. en

Justification

Wording taken from regulation 2100/94 on Community Plant Variety Rights.

Amendment 605

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 48 – paragraph 2 – point a

Text proposed by the Commission

(a) the variety is included in a national

Amendment

(a) the variety is included in a national variety register, ***the commercial catalogue***

variety register;

of a professional operator selling PRM to final users, or documentation made publicly available or provided to the competent authority by any natural or legal persons, especially farmers or actors involved in the conservation and sustainable use of plant genetic resources and agro-biodiversity;

Or. en

Justification

The Commission proposal fails to provide efficient safeguards against the misappropriation of varieties that are not in the formal seed market but rather circulate within seed conservation networks or between farmers in informal seed systems, just as those that are conserved by gene banks. The main criterion to assess whether a variety is commonly known cannot be that it actually has been marketed in the past, but rather ought to also include additional research on its existence and circulation in informal seed networks.

Amendment 606 **Isabel Carvalhais**

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

Text proposed by the Commission

(a) the variety is included in a national variety register;

Amendment

(a) the variety is included in a national variety register, *the commercial catalogue of a professional operator selling PRM to final users, or documentation made publicly available or provided to the competent authority by natural or legal persons involved in the dynamic conservation, enrichment and sustainable use of plant genetic diversity;*

Or. en

Amendment 607 **Martin Häusling** on behalf of the Verts/ALE Group

Proposal for a regulation

Article 48 – paragraph 2 – point c

Text proposed by the Commission

(c) an official description of that variety exists in the Union, it is commonly known **worldwide**, or the technical examination has been conducted pursuant to Article 59.

Amendment

(c) an official description of that variety exists in the Union, it is commonly **or publicly** known, or the technical examination has been conducted pursuant to Article 59.

Or. en

Justification

The Commission proposal fails to provide efficient safeguards against the misappropriation of varieties that are not in the formal seed market but rather circulate within seed conservation networks or between farmers in informal seed systems, just as those that are conserved by gene banks. The main criterion to assess whether a variety is commonly known cannot be that it actually has been marketed in the past, but rather ought to also include additional research on its existence and circulation in informal seed networks.

Amendment 608

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 52 – title

Text proposed by the Commission

Value for **sustainable** cultivation and use

Amendment

Value for cultivation and use

Or. en

Justification

It is welcome that the criteria part of the VCU test are harmonised at EU level and include traits regarding climate and dependence to inputs. However, sustainability cannot be reduced to single trait(s). The entire cultivation system as well as the plants have to be assessed in their relationships with the environment. It also opens the door to “greenwashing: firms will be able, as per Article 17 to claim on their seed label that the variety is sustainable or “contributes to sustainable cultivation”, even if it is herbicide tolerant or has no other negative effects on the environment.

Amendment 609

Isabel Carvalhais

Proposal for a regulation

Article 52 – paragraph 1 – subparagraph 1

Text proposed by the Commission

For the purposes of Article 47(1), point (c), the value of a variety for sustainable cultivation and use of a variety shall be considered as satisfactory if, compared to other varieties of the same species registered in the national variety register of the respective Member State, its characteristics, taken as a whole, **offer** a clear improvement for the sustainable cultivation and the uses which can be made of the crops, other plants or the products derived therefrom.

Amendment

For the purposes of Article 47(1), point (c), the value of a variety for sustainable cultivation and use of a variety ***belonging to a species listed in Part A, Part D and Part E of Annex I*** shall be considered as satisfactory if, compared to other varieties of the same species registered in the national variety register of the respective Member State, its characteristics, taken as a whole, ***as well as the variety's life cycle, including the production system in which it will be cultivated, offers*** a clear improvement for the sustainable cultivation and the uses which can be made of the crops, other plants or the products derived therefrom, ***considering its intended uses and cultivation zone***.

Or. en

Justification

The VSCU will remain mandatory for the current species covered by VCU.

Amendment 610

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 52 – paragraph 1 – subparagraph 1

Text proposed by the Commission

For the purposes of Article 47(1), point (c), the value of a variety for ***sustainable*** cultivation and use of a variety shall be considered as satisfactory if, compared to other varieties of the same species registered in the national variety register of the respective Member State, its characteristics, taken as a whole, offer a

Amendment

For the purposes of Article 47(1), point (c), the value of a variety for cultivation and use of a variety shall be considered as satisfactory if, compared to other varieties of the same species registered in the national variety register of the respective Member State, its characteristics, taken as a whole, ***as well as the variety's life cycle,***

clear improvement for the sustainable cultivation and the uses which can be made of the crops, other plants or the products derived therefrom.

including the production system in which it will be cultivated, offer a clear improvement for the sustainable cultivation and the uses which can be made of the crops, other plants or the products derived therefrom.

Or. en

Amendment 611
Anne Sander

Proposal for a regulation

Article 52 – paragraph 1 – subparagraph 2 – point f

Text proposed by the Commission

(f) characteristics that enhance the sustainability of storage, processing and distribution;

Amendment

(f) characteristics that enhance the sustainability of **cultivation, harvesting**, storage, processing and distribution;

Or. fr

Amendment 612
Irène Tolleret

Proposal for a regulation

Article 52 – paragraph 1 – subparagraph 2 – point f

Text proposed by the Commission

(f) characteristics that enhance the sustainability **of** storage, processing **and** distribution;

Amendment

(f) characteristics that enhance the sustainability **cultivation, harvesting**, storage, processing, distribution **and use**.

Or. en

Justification

Consideration of potential sustainability criteria linked to cultivation or harvesting (easier work for the farmer, less use of farm machinery and therefore less pollution).

Amendment 613

Isabel Carvalhais

Proposal for a regulation

Article 52 – paragraph 1 – subparagraph 2 – point g

Text proposed by the Commission

Amendment

(g) quality or nutritional characteristics.

(g) quality, ***technological*** or nutritional characteristics.

Or. en

Amendment 614

Marlene Mortler, Norbert Lins, Peter Jahr

Proposal for a regulation

Article 52 – paragraph 1 – subparagraph 2 – point g a (new)

Text proposed by the Commission

Amendment

(ga) would strengthen the economic and social sustainability of a given terroir, impacting positively on the conservation and preservation of the traditional landscape.

Or. en

Justification

Specific measurable economic and social impact should be easier to demonstrate. As well as the managing and preservation of the traditional landscape.

Amendment 615

Bert-Jan Ruissen

Proposal for a regulation

Article 52 – paragraph 1 – subparagraph 2 – point g a (new)

Text proposed by the Commission

Amendment

(ga) in the case of fruit and vegetable varieties: characteristics that enhance consumption.

Amendment 616

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 52 – paragraph 2

Text proposed by the Commission

2. For the ***prupose*** of paragraph 1, Member States may collaborate with other Member States with similar agro-ecological conditions. Those Member States may establish shared facilities for carrying out the examination for value for ***sustainable*** cultivation and use.

Amendment

2. For the ***purpose*** of paragraph 1, Member States may collaborate with other Member States with similar agro-ecological conditions. Those Member States may establish shared facilities for carrying out the examination for value for cultivation and use.

Or. en

Amendment 617

Isabel Carvalhais

Proposal for a regulation

Article 52 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Examination of the value for sustainable cultivation and use shall be made possible for the species listed in Parts B and C of Annex I on a voluntary basis. Where the examination of the sustainable cultivation and use has been carried out by an official competent authority or under the official supervision and guidance of the competent authority pursuant to Article 61, it shall allow the inclusion of claim on the area of the label mentioned in Paragraph 5 of Article 17. That claim shall only concern the characteristics that have shown to offer a clear improvement compared to other varieties of the same species during the

examination tests. The voluntary system will allow competent authorities to develop methodologies to assess the characteristics listed under paragraph 1, points (a) to (g).

Or. en

Justification

Considering the high costs, and to ensure a smoother transition, is here conceived as a voluntary examination, within a pilot phase, for vegetable and fruit plant species. COM will have to evaluate that pilot phase and propose to make VSCU mandatory, or not, in the future, depending on the result of its evaluation.

Amendment 618
Isabel Carvalhais

Proposal for a regulation
Article 52 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. In the case of a genetically modified variety within the meaning of Article 2(1) and (2) of Directive 90/220/EEC, or a Category 1 NGT plant as defined in Article 3(7) of Regulation (EU) .../... (Office of Publications, please insert reference to NGT Regulation ...) or a Category 2 NGT as defined in Article 3(8) of Regulation (EU) .../... (Office of Publications, please insert reference to NGT Regulation ...) the variety shall be accepted only if all appropriate measures have been taken to avoid adverse effects on human health and the environment.

Or. en

Justification

Transposition of what currently stands in Article 4 Paragraph 4. of Directive 2002/53 on the common catalogue of varieties of agricultural plant species.

Amendment 619
Irène Tolleret

Proposal for a regulation
Article 52 – paragraph 3 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

For vegetables, fruit and vine propagating material, these delegated acts should provide for a relaxation of minimum requirements, as well as methodologies and standards adapted to the specific features of these sectors, to avoid holding back diversity and innovation.

Or. en

Justification

Extending VSCU to these sectors could lead to a considerable increase in costs, and consequently slow down innovation.

Amendment 620
Martin Häusling
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 52 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

For the purposes of registration of organic varieties suitable for organic production as defined in Article 3(19) of Regulation (EU) 2018/848, the examination of the value for *sustainable* cultivation and use shall be conducted under organic conditions, in accordance with that Regulation, and in particular Article 5, points (d), (e), (f) and (g), and Article 12 thereof and Part I of Annex II to that Regulation.

The examination of the value for cultivation and use shall be conducted under organic conditions, in accordance with that Regulation, and in particular Article 5, points (d), (e), (f) and (g), and Article 12 thereof and Part I of Annex II to that Regulation.

Or. en

Justification

One of the objectives of the proposal is “to contribute to sustainable agricultural production, adapted to current and future projected climatic conditions”. The most effective way to do this is to require that variety testing takes place under organic conditions. This provides breeders with a strong incentive to develop new varieties that are not dependent on chemical inputs and synthetic fertilisers. There is however a derogation planned for cultivation under low-input conditions in the next subparagraph as the availability of testing sites under organic conditions is limited.

Amendment 621

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 52 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Where competent authorities are not able to carry out an examination under organic conditions, or the examination of certain characteristics, including disease susceptibility, testing may be carried out under low-input conditions and with only the absolutely necessary for the completion of the testing treatments with pesticides and other external inputs.

Amendment

For the purposes of registration of organic varieties suitable for organic production as defined in Article 3(19) of Regulation (EU) 2018/848 no exemptions from organic testing conditions shall be made. For all other varieties, where competent authorities are not able to carry out an examination under organic conditions, or the examination of certain characteristics, including disease susceptibility, testing may be carried out under low-input conditions and with only the absolutely necessary for the completion of the testing treatments with pesticides and other external inputs. Where applicable, the Member States shall report yearly to the Commission on the reasons behind and implementation of testing under non-organic conditions, and the measures foreseen to enable this transition in future. These reports shall be published annually by the Commission.

Or. en

Amendment 622

Isabel Carvalhais

Proposal for a regulation

Article 52 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Where competent authorities are not able to carry out an examination under organic conditions, or the examination of certain characteristics, including disease susceptibility, testing may be carried out under low-input conditions and with only the absolutely necessary **for the completion of the testing** treatments with pesticides and other external inputs.

Amendment

Where competent authorities are not able to carry out an examination under organic conditions, or the examination of certain characteristics, including disease susceptibility, testing may be carried out under ***in-conversion or*** low-input conditions and with only the absolutely necessary treatments with pesticides and other external inputs ***for the completion of the testing. Where applicable, Member States must report annually to the Commission on the reasons implying those treatments as well as on the commitments taken to enable this transition in the future.***

Or. en

Amendment 623

Isabel Carvalhais

Proposal for a regulation

Article 52 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. By the fifth year after the date of application of this Regulation, the Commission shall evaluate the results of the voluntary system referred to in paragraph 3, and summarize the results of this evaluation in a report, assessing whether that examination should be made or not mandatory for some or all the species listed in Parts B and C of Annex I..

Or. en

Amendment 624

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 53 – paragraph 1 – introductory part

Text proposed by the Commission

1. By way of derogation from Articles 48, 49, 50, 52, 55(2), 56, 57, and 59 to **65**, a conservation variety shall be registered in a national variety register if it complies with the following conditions:

Amendment

1. By way of derogation from Articles 48, 49, 50, 52, 55(2), 56, 57, and 59 to **67**, a conservation variety shall be registered in a national variety register if it complies with the following conditions:

Or. en

Justification

A derogation from Article 67, which deals with the variety registration decision process for DUS varieties, has been added to ensure coherence

Amendment 625

Irène Tolleret

Proposal for a regulation

Article 53 – paragraph 1 – point b

Text proposed by the Commission

(b) it has an indication of its initial region of origin;

Amendment

(b) it has an indication of its initial region of origin ***or the local conditions to which has been bred for***;

Or. en

Justification

The newly bred varieties for adaptation to local conditions should be included in the requirements.

Amendment 626

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 53 – paragraph 1 – point b

Text proposed by the Commission

(b) it has an indication of its initial region of origin;

Amendment

(b) it has an indication of its initial region of origin, **when known** ;

Or. en

Amendment 627

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 53 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

The registration is free of charge for the applicant.

Or. en

Justification

This amendment reinforces, as per the derogation from article 55(2), that the registration of conservation varieties is free of charge for the applicant. Conservation varieties are generally registered by individual farmers, conservation initiatives, public/research institutes or micro-enterprises with limited resources, and by their nature target a specific market, meaning the commercial opportunity to recoup variety registration fees are limited.

Amendment 628

Isabel Carvalhais

Proposal for a regulation

Article 53 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

The registration is free of charge for the applicant.

Or. en

Amendment 629
Irène Tolleret

Proposal for a regulation
Article 53 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The competent authority shall accept or reject the registration of a conservation variety, after checking its compliance with paragraph 1.

Amendment

The competent authority shall accept or reject the registration of a conservation variety, after checking its compliance with paragraph 1. ***Decisions refusing the registration of a conservation variety in the national variety register shall state the reasons justifying such refusal. The competent authority shall communicate to the applicant the decision.***

Or. en

Amendment 630
Isabel Carvalhais

Proposal for a regulation
Article 53 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The competent authority shall accept or reject the registration of a conservation variety, after checking its compliance with paragraph 1.

Amendment

The competent authority shall accept or reject the registration of a conservation variety, after checking its compliance with paragraph 1. ***The competent authority shall communicate to the applicant the decision, stating the reasons justifying such refusal.***

Or. en

Amendment 631
Martin Häusling
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 53 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Decisions refusing the registration of a conservation variety in the national variety register shall state the reasons justifying such refusal. The competent authority shall communicate to the applicant the decision.

Or. en

Amendment 632

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 53 – paragraph 2 – subparagraph 2 b (new)

Text proposed by the Commission

Amendment

The decisions may be appealed, in accordance with the administrative rules of the Member State concerned. Any appeal against a decision shall have a suspensory effect on the registration of the respective variety.

Or. en

Justification

Provisions with regard to the communication and appeal of a decision on registration have been added, analogue to the provisions for DUS varieties in Article 67.

Amendment 633

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 53 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) it is already listed in the Union variety register with an official description, pursuant to Article 44(1), point (a), or ***it***

(a) it is already listed in the Union variety register with an official description,

was deleted from the Union variety register as a variety with an official description within the last 2 years, or within 2 years from the expiry of the period granted pursuant to Article 71(2), or

pursuant to Article 44(1), point (a), or

Or. en

Justification

It should be possible to register former DUS varieties as conservation varieties as soon as they are no longer registered.

Amendment 634

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 53 – paragraph 4 – subparagraph 1

Text proposed by the Commission

The officially recognised description referred to in paragraph 1, point (a), shall be based on results of unofficial tests, knowledge gained from practical experience during cultivation, reproduction and use, or other information, in particular from the plant genetic resource authorities or from organisations recognised for this purpose by Member States.

Amendment

The officially recognised description referred to in paragraph 1, point (a), shall be based on results of unofficial tests, knowledge gained from practical experience during cultivation, reproduction and use, ***where applicable and available***, or other information, in particular from the plant genetic resource authorities or from organisations recognised for this purpose by Member States.

Or. en

Justification

In plant species like vine and fruit, practical experience from the cultivation, reproduction and use might not be available as much as with other species.

Amendment 635

Isabel Carvalhais

Proposal for a regulation

Article 53 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Amendment

The Commission may, by means of implementing acts, specify the characteristics and information that that description should cover if appropriate for specific species. Such implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).

deleted

Or. en

Amendment 636

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 53 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Amendment

The Commission may, by means of implementing acts, specify the characteristics and information that that description should cover if appropriate for specific species. Such implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).

deleted

Or. en

Justification

An implementing act regarding the officially recognised description is an unnecessary delegation of power to the European Commission. It is in the interest of the operators and the competent authorities to make sure this description is meaningful and accurate. Additional requirements are disproportionate, and given the technical nature there is a risk that these could be inaccurate and block the registration of conservation varieties.

Amendment 637

Isabel Carvalhais

Proposal for a regulation
Article 53 a (new)

Text proposed by the Commission

Amendment

Article 53a

***Requirements for the registration of a
selected clone and polyclonal PRM in the
national register***

***1. The applicant shall submit an
application to the competent authority
indicating:***

***(a) species and, as applicable, variety to
which the selected clone or polyclonal
PRM belongs, whereby the variety shall
be registered in a national variety register
referred to in Article 44;***

***(b) proposed denomination and
synonyms;***

***(c) where applicable, description of the
polyclonal PRM;***

***(d) the maintainer of the selected clone or
polyclonal PRM;***

***(e) reference to the description of the
main characteristics of the variety to
which the selected clone or polyclonal
PRM belongs;***

***(f) description of the main VSCU
characteristics of the selected clone or
polyclonal PRM;***

***(g) the estimated genetic gains of the
selected clone or polyclonal PRM in
relation to the overall performance of the
relevant variety;***

***(h) information on whether the selected
clone or polyclonal PRM is already
registered in a register of another
Member State.***

***2. The selected clone shall fulfil the
following requirements in order to be
registered:***

***(a) the selected clone shall be selected
within the variety it belongs for some***

special intravarietal phenotypic traits and its phytosanitary status that give the selected clone a better performance, in accordance with internationally accepted methods ^{1a};

(b) the trueness of the selected clone to the identity of the variety shall be ensured through the observation of the phenotypic characteristics and, where appropriate, through molecular analysis pursuant to internationally accepted standards.

3. The polyclonal PRM shall fulfil the following requirements in order to be registered:

(a) the polyclonal PRM shall be selected in a single field trial containing a representative sample of the overall genetic diversity of the variety according to an experimental design based on internationally accepted methods. That design shall be based on methods prescribed by the International organisation of vine and wine and shall be composed of 7 to 20 distinct genotypes ^{1b};

(b) the trueness of the polyclonal PRM to the identity of the variety shall be ensured through the observation of the phenotypic characteristics and, where appropriate, through molecular analysis pursuant to internationally accepted standards.

4. The competent authority shall decide on the registration only after it concludes that the conditions set out in paragraphs 2 and 3, as applicable for the type of material, are fulfilled.

^{1a} *Office International de la Vigne et du Vin (OIV), resolution OIV-VITI 564A-2017.*

^{1b} *Office International de la Vigne et du Vin (OIV), resolution OIV-VITI 564B-2019.*

Or. en

Justification

This article transfers from Part C of Annex II the requirements for the registration of selected clones and polyclonal material, with some additional specifications. These requirements should be in the main text, as it happens for the requirements for registration of varieties.

Amendment 638

Bert-Jan Ruissen

Proposal for a regulation

Article 54

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Justification

Must be in line with (EU) 2100/94

Amendment 639

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 54 – paragraph 1 – point c – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

it is identical to, or may be confused with,
a variety denomination:

it is identical to, or may be confused with,
a variety denomination ***or in the
commercial catalogue of a professional
operator, or in documentation made
publicly available or submitted to the
competent authority by any natural or
legal person, including farmers and
actors involved in the conservation and
sustainable use of plant genetic resources
and agro-biodiversity:***

Or. en

Justification

Currently, there are no safeguards to protect from the misappropriation of variety denominations used in seed conservation and informal seed networks by a breeder or variety registration applicant. Existing denominations should not only be checked against varieties that are currently on the market, but also against seeds and PRM that are conserved in gene banks, seed conservation networks or in informal seed systems.

Amendment 640 **Isabel Carvalhais**

Proposal for a regulation

Article 54 – paragraph 1 – point c – paragraph 1 – point i

Text proposed by the Commission

(i) under which another variety of the same or of a closely related species is entered in a national variety register or in the Union variety register; or

Amendment

(i) under which another variety of the same or of a closely related species is entered in a national variety register or in the Union variety register, ***or in the commercial catalogue of a professional operator, or in documentation made publicly available or submitted to the competent authority by a natural or legal person involved in the dynamic conservation and sustainable use of plant genetic resources and agro-biodiversity;***
or

Or. en

Amendment 641 **Isabel Carvalhais**

Proposal for a regulation

Article 54 – paragraph 1 – point c – paragraph 1 – point ii a (new)

Text proposed by the Commission

Amendment

(iia) of another unregistered traditional or local variety or the products derived from them;

Or. en

Amendment 642
Irène Tolleret

Proposal for a regulation
Article 54 – paragraph 1 – point c – paragraph 2

Text proposed by the Commission

Amendment

unless variety referred to in point (i) or (ii) no longer remains in existence and its denomination has acquired no special significance; *deleted*

Or. en

Justification

This is a problem for genetic resources or conservation varieties that would be represented at registration but end up with the same denomination as newly registered varieties protected in the meantime.

Amendment 643
Martin Häusling
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 54 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

Where, after the registration of a variety, it is established by the competent authority that at the time of the registration the denomination of the variety was not suitable within the meaning of paragraphs 1 and 2, the applicant shall submit an application for a new denomination. The competent authority shall decide on that application upon consultation with CPVO.

Where, after the registration of a variety, it is established by the competent authority that at the time of the registration the denomination of the variety was not suitable within the meaning of paragraphs 1 and 2, the applicant shall submit an application for a new denomination. The competent authority shall decide on that application upon consultation with CPVO *and relevant stakeholders* .

Or. en

Amendment 644

Martin Häusling
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 54 – paragraph 3 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Competent authorities shall cooperate and consult one another when determining the suitability of variety denomination in a working group set up to that effect.

Or. en

Amendment 645
Martin Häusling

Proposal for a regulation
Article 54 – paragraph 4

Text proposed by the Commission

Amendment

4. *The Commission is empowered to adopt delegated acts in accordance with Article 75, supplementing this Regulation by setting out specific criteria concerning the suitability of variety denominations as regards:*

(a) their relation to trade marks;

(b) their relation to geographical indications or designations of origin for agricultural products;

(c) written consents of holders of prior rights to remove impediments to the suitability of a denomination;

(d) determination of whether a denomination is misleading or confusing as referred to in paragraph 1, point (f); and

(e) the use of a denomination in the form of a code.

deleted

Or. en

Justification

The delegated act related to denomination is not likely to lead to more legal certainty, as its objectives can be achieved through coordinated national action

Amendment 646

Bert-Jan Ruissen

Proposal for a regulation

Article 56

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Justification

Must be brought in line with (EU) 2100/94

Amendment 647

Bert-Jan Ruissen

Proposal for a regulation

Article 56 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) a *proposed denomination*;

(d) a *provisional designation*;

Or. en

Justification

a proposed denomination should be replaced by “a provisional designation” and an extra paragraph should be added that the applicant shall propose a variety denomination which may accompany the application. This is to avoid that an application can be rejected when the proposed denomination is not submitted at the time of submitting the application and EU Regulation 2100/94 art. 50 Conditions governing applications is being followed.

Amendment 648

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 56 – paragraph 1 – point k

Text proposed by the Commission

Amendment

(k) where the application concerns conservation varieties, information related to the production of an officially recognised description of the variety, a proof of that description and any document or publication supporting it; **deleted**

Or. en

Justification

Article 53 (Registration of conservation varieties) provides for a derogation for conservation varieties from Article 56, and sets out specific rules on the content of the application for registration of a conservation variety, including with regard to the officially recognised description and supporting evidence. Thus, the reference in Article 56 is inconsistent and unnecessary.

Amendment 649
Isabel Carvalhais

Proposal for a regulation
Article 56 – paragraph 1 – point l a (new)

Text proposed by the Commission

Amendment

(la) in the case of an application concerning varieties protected by a granted patent or a pending application for patent, the proof that the variety is protected by such right, with all corresponding information thereof;

Or. en

Amendment 650
Martin Häusling
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 56 – paragraph 1 – point o

Text proposed by the Commission

(o) ***the intended use or conditions of cultivation, if applicable*** pursuant to Article 47(2), ***of the variety.***

Amendment

(o) ***in case the variety is tolerant to herbicides pursuant to Article 47(1)(f) or has particular characteristics that may lead to undesirable agronomic effects pursuant to Article(1)(g), indication of that fact;***

Or. en

Justification

It is not appropriate that the applicant, who has a commercial interest in maximising sales of their variety, and in most cases the herbicide that they offer in a bundle/package with the seed, provides a draft of the cultivation conditions to the competent authority. In light of the negative environmental impact of these varieties, the responsibility to define these conditions must lie with the competent authority.

Amendment 651

Isabel Carvalhais

Proposal for a regulation

Article 56 – paragraph 1 – point o

Text proposed by the Commission

(o) the intended use or conditions of cultivation, ***if applicable pursuant to Article 47(2),*** of the variety.

Amendment

(o) ***in case the variety is tolerant to herbicides pursuant to Article 47(1)(f) or has particular characteristics that may lead to undesirable agronomic effects pursuant to Article(1)(g), indication of that fact and*** the intended use or conditions of cultivation of the variety.

Or. en

Amendment 652

Maria Noichl

Proposal for a regulation

Article 56 – paragraph 1 – point o

Text proposed by the Commission

Amendment

(o) ***the intended use or conditions of cultivation, if applicable*** pursuant to Article 47(2), ***of the variety.***

(o) ***in case the variety is tolerant to herbicides*** pursuant to Article 47(1)(f) ***or has particular characteristics that may lead to undesirable agronomic effects pursuant to Article(1)(g), indication of that fact;***

Or. en

Justification

The proposal suggests that the applicant declares the intended use or conditions of cultivation for a variety that is either tolerant to herbicides or may lead to undesirable agronomic effects as part of its application for variety registration. However, this is not entirely clear as the reference to Article 47(2) in the context of (o) is meaningless, as Article 47 (2) is about an implementing act concerning specific requirements concerning the distinctness, uniformity and stability per genera and species. The responsibility to define the respective conditions must lie with the competent authority, and the authorities should be enabled to reject or, where applicable, withdraw the registration of the variety.

Amendment 653

Maria Noichl

Proposal for a regulation

Article 56 – paragraph 1 – point o a (new)

Text proposed by the Commission

Amendment

(oa) ***the breeding methods used for the development of the variety, including but not limited to an indication if the variety is a F1 hybrid;***

Or. en

Justification

For the sake of greater transparency for users, the registration of a new variety should provide information on the breeding methods used.

Amendment 654

Bert-Jan Ruissen

Proposal for a regulation

Article 56 – paragraph 1 – point o a (new)

Text proposed by the Commission

Amendment

(oa) the applicant shall propose a variety denomination which may accompany the application.

Or. en

Justification

an extra point should be added that the applicant shall propose a variety denomination which may accompany the application. This is to avoid that an application can be rejected when the proposed denomination is not submitted at the time of submitting the application and EU Regulation 2100/94 art. 50 Conditions governing applications is being followed.

Amendment 655

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 56 – paragraph 1 – point o a (new)

Text proposed by the Commission

Amendment

(oa) the breeding methods used for the development of the variety;

Or. en

Justification

To ensure the highest level of transparency for users of the variety, applicants should provide information on the breeding methods used. The inclusion of this obligation in the registration application is needed to ensure that the requirements of Annex VII can be met, with regards to the information to be contained and made publicly available on the national and EU variety registers.

Amendment 656

Maria Noichl

Proposal for a regulation

Article 56 – paragraph 1 – point o b (new)

Text proposed by the Commission

Amendment

(ob) the existence of any intellectual property rights covering the variety, its components, characteristics and development process, including where applicable the number of any relevant patent(s).

Or. en

Justification

For the sake of greater transparency for users, the registration of new varieties should provide information on whether the use of a new variety for breeding or farming is restricted as a whole or in its components.

Amendment 657

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 56 – paragraph 1 – point o b (new)

Text proposed by the Commission

Amendment

(ob) the existence of intellectual property rights on the variety as a whole or its components.

Or. en

Justification

To ensure the highest level of transparency for users of the variety, applicants should provide information on whether the use of the variety for breeding or farming is restricted as a whole or in its components. The inclusion of this obligation in the registration application is needed to ensure that the requirements of Annex VII can be met, with regards to the information to be contained and made publicly available on the national and EU variety registers.

Amendment 658

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 56 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. If the information pursuant to paragraph 1(j), (l), (m), (n), (o), (oa) and (ob) is omitted, the competent authority shall reject or, where applicable, withdraw the registration of the variety and apply a fine.

Or. en

Justification

The authorities should be enabled to reject or, where applicable, withdraw the registration of the variety and apply a fine, where the company fails to provide a complete declaration.

Amendment 659
Maria Noichl

Proposal for a regulation
Article 56 – paragraph 2

Text proposed by the Commission

Amendment

2. The application for registration of a variety in a national variety register shall be accompanied by a sample to be used for the examination of that variety. The competent authority of the respective Member State shall set a deadline for the submission of that sample and specify its quality and quantity.

2. The application for registration of a variety in a national variety register shall be accompanied by a sample to be used for the examination of that variety. The competent authority of the respective Member State shall set a deadline for the submission of that sample and specify its quality and quantity. ***If the information pursuant to paragraph 1(j), (l), (m), (n), (o), (p) and (q) is omitted, the competent authority shall reject or, where applicable, withdraw the registration of the variety.***

Or. en

Justification

The responsibility to define the respective conditions must lie with the competent authority, and the authorities should be enabled to reject or, where applicable, withdraw the registration of the variety.

Amendment 660
Bert-Jan Ruissen

Proposal for a regulation
Article 58

Text proposed by the Commission

Amendment

Article 58

deleted

Date of application for registration

The date of the submission of the application for registration shall be the date on which the application, fully complying with the requirements laid down in Article 56, is received by the competent authority of the respective Member State.

The competent authorities shall immediately send to the applicant a confirmation of the successful submission of the application, including information on the date of that submission.

Or. en

Justification

Must be brought in line with (EU) 2100/94

Amendment 661
Isabel Carvalhais

Proposal for a regulation
Article 61 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. By way of derogation from Article 59(2), the technical examination of whether the variety has a sustainable value for cultivation and use, in accordance with Article 52, or part of it, may be carried out by the applicant if:

1. By way of derogation from Article 59(2), ***and only for breeders under the voluntary system referred to in Article 52 (2a new)*** the technical examination of whether the variety has a sustainable value for cultivation and use, in accordance with Article 52, or part of it, may be carried out by the applicant if:

Amendment 662
Irène Tolleret

Proposal for a regulation
Article 61 – paragraph 1 – introductory part

Text proposed by the Commission

1. By way of derogation from Article 59(2), the technical examination of whether the variety has a sustainable value for cultivation and use, in accordance with Article 52, or part of it, **may be** carried out by the applicant if:

Amendment

1. By way of derogation from Article 59(2), the technical examination of whether the variety has a sustainable value for cultivation and use, in accordance with Article 52, or part of it, **the competent authority may authorize that the VSCU is** carried out by the applicant if:

Or. en

Justification

Total delegation is undesirable and would destabilise the examination boards, which guarantee neutrality.

Amendment 663
Martin Häusling
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 61 – paragraph 1 – introductory part

Text proposed by the Commission

1. By way of derogation from Article 59(2), the technical examination of whether the variety has a **sustainable** value for cultivation and use, in accordance with Article 52, or part of it, may be carried out by the applicant if:

Amendment

1. By way of derogation from Article 59(2), the technical examination of whether the variety has a value for cultivation and use, in accordance with Article 52, or part of it, may be carried out by the applicant if:

Or. en

Amendment 664

Martin Häusling
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 61 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Paragraph 1 does not apply in the cases where the variety:

(a) contains or consists of a genetically modified organism, evidence that the genetically modified organism in question is authorised for cultivation in the Union, in accordance with Directive 2001/18/EC or Regulation (EC) No 1829/2003, or, where applicable, in the respective Member State in accordance with Article 26b of Directive 2001/18/EC;

(b) contains or consists of a category 1 NGT as defined in Article 3(7) of Regulation (EU) .../... of the European Parliament and of the Council²⁶ (Office of Publications, please insert reference to NGT Regulation), evidence that the plant has obtained a declaration of category 1 NGT plant status pursuant to Article 6 or 7 of that Regulation or is progeny of such plant(s);

(c) contains or consists of a category 2 NGT plant as defined in Article 3(8) of Regulation (EU) .../... (Office of Publications, please insert reference to NGT Regulation), indication of that fact; is tolerant to herbicides pursuant to Article 47(1)(f) or has particular characteristics that may lead to undesirable agronomic effects pursuant to Article(1)(g).

Or. en

Justification

While official supervision of professional operators for seed lot certification may be accepted as it may contribute to better efficiency of the system overall, easing the burden of competent authorities, such supervision should not be allowed for VCU testing for varieties that contain or consist of GMOs or NGTs, as well as those that may have undesirable agronomic effects.

Amendment 665
Isabel Carvalhais

Proposal for a regulation
Article 61 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. No authorisation shall be granted in the cases where a variety is a genetically modified variety within the meaning of Article 2(1) and (2) of Directive 90/220/EEC, or a Category 1 NGT plant as defined in Article 3(7) of Regulation (EU) .../... (Office of Publications, please insert reference to NGT Regulation ...) or a Category 2 NGT as defined in Article 3(8) of Regulation (EU) .../... (Office of Publications, please insert reference to NGT Regulation ...), or a variety tolerant to herbicides pursuant to Article 47(1)(f) or has particular characteristics that may lead to undesirable agronomic effects pursuant to Article(1)(g).

Or. en

Amendment 666
Anne Sander

Proposal for a regulation
Article 62 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 75, supplementing the requirements on the technical examination laid down in Article 59. Those delegated acts may concern:

The Commission is empowered to adopt delegated acts in accordance with Article 75, supplementing the requirements on the technical examination laid down in Article 59. Those delegated acts may concern ***the competent authorities, the applicant or a third contracting party***:

Or. fr

Amendment 667
Isabel Carvalhais

Proposal for a regulation
Article 62 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) qualification, training and activities of staff of the competent authority or of the applicant, for the purposes of the technical examination referred to in Article 61;

(a) qualification, training and activities of staff of the competent authority, ***accredited third parties*** or of the applicant, for the purposes of the technical examination referred to in Article 61;

Or. en

Amendment 668
Martin Häusling
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 63 – paragraph 2

Text proposed by the Commission

Amendment

2. *In the case of varieties of PRM intended exclusively for the production of agricultural raw materials for industrial purposes, certain elements of the technical examination and the intended uses of those varieties, whose public disclosure may affect the competitive position of the applicant, shall be treated as confidential, if that applicant requests so.*

deleted

Or. en

Justification

Transparency should be key regarding the information contained in the variety registers, especially information related to the potential uses of the variety regarding its exclusive use for the production of agricultural raw materials for industrial purposes.

Amendment 669
Irène Tolleret

Proposal for a regulation
Article 63 – paragraph 3

Text proposed by the Commission

3. This Article shall apply without prejudice to Article 8 of Regulation (EU) 2017/625.

Amendment

3. This Article shall apply without prejudice to Article 8 of Regulation (EU) 2017/625. ***The competent authorities shall take due account of the respect of confidentiality of commercial or industrial information where such confidentiality is provided for by Union or national law to protect a legitimate economic interest.***

Or. en

Amendment 670
Martin Häusling
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 66 – paragraph 1

Text proposed by the Commission

After the formal examination of the application provided for in Article 57, and prior to the registration of a variety in a national variety register pursuant to Article 67, the competent authority shall consult ***the CPVO*** on the variety denomination proposed by the applicant.

Amendment

After the formal examination of the application provided for in Article 57, and prior to the registration of a variety in a national variety register pursuant to Article 67, the competent authority shall consult ***relevant stakeholders at national level, as well as the Committee mentioned in Article 76(1) on the suitability of the variety denomination proposed by the applicant in light of the requirements of Article 54.***

Or. en

Justification

The CPVO is an agency that is solely concerned with plant variety protection. Its consultation for variety denomination could be a useful additional step, but it cannot replace the

consultation of other Member States and relevant stakeholders. Denomination issues do not only appear in relation to existing protected varieties but cover a wider set of issues linked to the public good, as listed in Article 54.

Amendment 671

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 66 – paragraph 2

Text proposed by the Commission

Thet CPVO shall submit to the competent authority a recommendation on the suitability of the variety denomination proposed by the applicant, in accordance with Article 54. The competent authority shall inform the applicant on ***that*** recommendation.

Amendment

The competent authority may also consult the CPVO, which shall submit to the competent authority a recommendation on the suitability of the variety denomination proposed by the applicant, in accordance with Article 54. The competent authority shall inform the applicant on ***the*** recommendation.

Or. en

Amendment 672

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 66 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

The CPVO shall verify, where necessary through wide consultation with the public, genetic re-source centres, farmers' organisations, local communities and national and territorial authorities, that this denomination is not already being used for varieties already developed, conserved or cultivated by farmers, local communities or breeders who market their products under this de-nomination without ever having registered it.

Justification

Compliance with obligations under the Convention on Biological Diversity and the ITPGRFA.

Amendment 673

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 67 – paragraph 2 – point a

Text proposed by the Commission

(a) it establishes that the respective requirements set out in Article 47(1) are not fulfilled; or

Amendment

(a) it establishes that the respective requirements set out in Article 47(1) **and 48** are not fulfilled; or

Or. en

Justification

It should be possible to lodge appeals that relate to the denomination of registered varieties, not only their official examination or officially recognised description

Amendment 674

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 67 – paragraph 5

Text proposed by the Commission

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.

Amendment

5. The decisions referred to in paragraph 1 and 2 may be appealed **by any natural or legal person at any time**, in accordance with the administrative rules of the Member State concerned. 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.

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, and cannot be restricted 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.

Amendment 675

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 68 – paragraph 1

Text proposed by the Commission

1. By way of derogation from Articles 54 to 67, the competent authorities shall immediately register in their national variety registers all varieties officially accepted or registered before ... [the date of the entry into force of this Regulation], in the catalogues, lists or registers established by their Member States pursuant to Article 5 of Directive 68/193/EEC, Article 3 of Directive 2002/53/EC, Article 3(2) of Directive 2002/55/EC and Article 7(4) of Directive 2008/90/EC, without applying the registration procedure set out by those Articles.

Amendment

1. By way of derogation from Articles 54 to 67, the competent authorities shall immediately register in their national variety registers all varieties officially accepted or registered before ... [the date of the entry into force of this Regulation], in the catalogues, lists or registers established by their Member States pursuant to Article 5 of Directive 68/193/EEC, Article 3 of Directive 2002/53/EC, Article 3(2) of Directive 2002/55/EC and ***varieties with an official description pursuant to*** Article 7 of Directive 2008/90/EC, without applying the registration procedure set out by those Articles.

Justification

The proposal forgets to address fruit varieties registered with an officially recognised description under the currently applicable rules. The amendment thus foresees the inclusion of these varieties, which are currently listed in the FRUMATIS database, in the single variety register foreseen by the new rules, as conservation varieties with an officially recognised description.

Amendment 676
Isabel Carvalhais

Proposal for a regulation
Article 68 – paragraph 1

Text proposed by the Commission

1. By way of derogation from Articles 54 to 67, the competent authorities shall immediately register in their national variety registers all varieties officially accepted or registered before ... [the date of the entry into force of this Regulation], in the catalogues, lists or registers established by their Member States pursuant to Article 5 of Directive 68/193/EEC, Article 3 of Directive 2002/53/EC, Article 3(2) of Directive 2002/55/EC and Article 7(4) of Directive 2008/90/EC, without applying the registration procedure set out by those Articles.

Amendment

1. By way of derogation from Articles 54 to 67, the competent authorities shall immediately register in their national variety registers all varieties officially accepted or registered before ... [the date of the entry into force of this Regulation], in the catalogues, lists or registers established by their Member States pursuant to Article 5 of Directive 68/193/EEC, Article 3 of Directive 2002/53/EC, Article 3(2) of Directive 2002/55/EC and ***varieties with an official description pursuant to*** Article 7 of Directive 2008/90/EC, without applying the registration procedure set out by those Articles.

Or. en

Justification

The amendment allows varieties currently registered as "vegetable varieties with no intrinsic value for commercial crops production but developed for growing under particular conditions" to be registered.

Amendment 677
Luke Ming Flanagan
on behalf of The Left Group

Proposal for a regulation
Article 68 – paragraph 1

Text proposed by the Commission

1. By way of derogation from Articles 54 to 67, the competent authorities shall immediately register in their national variety registers all varieties officially

Amendment

1. By way of derogation from Articles 54 to 67, the competent authorities shall immediately register in their national variety registers all varieties officially

accepted or registered before ... [the date of the entry into force of this Regulation], in the catalogues, lists or registers established by their Member States pursuant to Article 5 of Directive 68/193/EEC, Article 3 of Directive 2002/53/EC, Article 3(2) of Directive 2002/55/EC and Article 7(4) of Directive 2008/90/EC, without applying the registration procedure set out by those Articles.

accepted or registered before ... [the date of the entry into force of this Regulation], in the catalogues, lists or registers established by their Member States pursuant to Article 5 of Directive 68/193/EEC, Article 3 of Directive 2002/53/EC, Article 3(2) of Directive 2002/55/EC and ***varieties with an official description pursuant to*** Article 7 of Directive 2008/90/EC, without applying the registration procedure set out by those Articles.

Or. en

Justification

The amendment allows that varieties that are currently registered as “vegetable varieties with no intrinsic value for commercial crop production but developed for growing under particular conditions” (often referred to as “amateur varieties”) under Directive 2009/145/EC will, after entry into force of the proposal, be registered into the national variety registers.

Amendment 678

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 68 – paragraph 2

Text proposed by the Commission

2. By way of derogation from Article 53, varieties accepted in accordance with Article 3 of Directive 2008/62/EC ***and*** Article 3(1) of Directive 2009/145/EC before... [OJ, please, insert the date of the entry into force of this Regulation] shall be immediately registered in the national variety registers as conservation varieties provided with an officially recognised description without applying the registration procedure set out by that Article.

Amendment

2. By way of derogation from Article 53, varieties accepted in accordance with Article 3 of Directive 2008/62/EC, Article 3(1) ***and Article 21(1)*** of Directive 2009/145/EC ***and varieties with an officially recognised description pursuant to the Article 7 of Directive 2008/90/EC*** before... [OJ, please, insert the date of the entry into force of this Regulation] shall be immediately registered in the national variety registers as conservation varieties provided with an officially recognised description without applying the registration procedure set out by that Article.

Justification

The amendment allows that varieties that are currently registered as “vegetable varieties with no intrinsic value for commercial crop production but developed for growing under particular conditions” (often referred to as “amateur varieties”) under Directive 2009/145/EC will, after entry into force of the proposal, be registered into the national variety registers. Additionally, the amendment proposes the inclusion of T fruit varieties registered with an officially recognised description under the currently applicable rules, which are currently listed in the FRUMATIS database, in the single variety register foreseen by the new rules, as conservation varieties with an officially recognised description.

Amendment 679

Luke Ming Flanagan

on behalf of The Left Group

Proposal for a regulation

Article 68 – paragraph 2

Text proposed by the Commission

2. By way of derogation from Article 53, varieties accepted in accordance with Article 3 of Directive 2008/62/EC **and** Article 3(1) of Directive 2009/145/EC before... [OJ, please, insert the date of the entry into force of this Regulation] shall be immediately registered in the national variety registers as conservation varieties provided with an officially recognised description without applying the registration procedure set out by that Article.

Amendment

2. By way of derogation from Article 53, varieties accepted in accordance with Article 3 of Directive 2008/62/EC, Article 3(1) **and Article 21(1)** of Directive 2009/145/EC **and varieties with an officially recognised description pursuant to the Article 7 of Directive 2008/90/EC** before... [OJ, please, insert the date of the entry into force of this Regulation] shall be immediately registered in the national variety registers as conservation varieties provided with an officially recognised description without applying the registration procedure set out by that Article.

Amendment 680

Isabel Carvalhais

Proposal for a regulation

Article 68 – paragraph 2

Text proposed by the Commission

2. By way of derogation from Article 53, varieties accepted in accordance with Article 3 of Directive 2008/62/EC and Article 3(1) of Directive 2009/145/EC before... [OJ, please, insert the date of the entry into force of this Regulation] shall be immediately registered in the national variety registers as conservation varieties provided with an officially recognised description without applying the registration procedure set out by that Article.

Amendment

2. By way of derogation from Article 53, varieties accepted in accordance with Article 3 of Directive 2008/62/EC and Article 3(1) **and Article 21(1)** of Directive 2009/145/EC **and varieties with an official description pursuant to the Article 7 of Directive 2008/90/EC** before... [OJ, please, insert the date of the entry into force of this Regulation] shall be immediately registered in the national variety registers as conservation varieties provided with an officially recognised description without applying the registration procedure set out by that Article.

Or. en

Justification

Idem for fruit varieties.

Amendment 681

Martin Häusling

on behalf of the Verts/ALE Group

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

The possibility for Member States to ban on their territory specific PRM that are not adapted to their national conditions exist the Directives this Regulation replaces and should be kept.

Amendment 682

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 69 – paragraph 1 – subparagraph 2

Text proposed by the Commission

However, that period of registration shall be 30 years for varieties of species of fruit plants and vine propagating material, as listed respectively in Parts C and D of Annex I.

Amendment

However, that period of registration shall be 30 years for **conservation varieties and** varieties of species of fruit plants and vine propagating material, as listed respectively in Parts C and D of Annex I.

Or. en

Justification

It is logical that conservation varieties should have a longer registration period, given an important objective of their marketing is to contribute to the conservation and sustainable use of plant genetic resources and agrobiodiversity.

Amendment 683

Bert-Jan Ruissen

Proposal for a regulation

Article 70 – paragraph 2

Text proposed by the Commission

Amendment

2. *The application shall be submitted electronically. It shall be accompanied by evidence showing that the conditions set out in paragraph 3 are fulfilled.* ***deleted***

Or. en

Justification

Evidence has to be submitted that variety continues to comply with the respective requirements. We feel that this would involve a huge administrative burden on the part of the applicants and of the authorities without an added value. All checks are already covered by art. 71. Removal from national variety registers. Propose to delete.

Amendment 684

Bert-Jan Ruissen

Proposal for a regulation

Article 70 – paragraph 3

Text proposed by the Commission

Amendment

3. *The renewal of the registration of a variety in a national variety register may only be granted, if:* ***deleted***

(a) the applicant has submitted sufficient evidence that the variety continues to comply with the respective requirements of Article 47(1); and

(b) the competent authority of the respective Member State has established

that there is a person responsible for the variety maintenance in accordance with Article 72.

Or. en

Justification

Evidence has to be submitted that variety continues to comply with the respective requirements. We feel that this would involve a huge administrative burden on the part of the applicants and of the authorities without an added value. All checks are already covered by art. 71. Removal from national variety registers. Propose to delete.

Amendment 685
Bert-Jan Ruissen

Proposal for a regulation
Article 70 – paragraph 4

Text proposed by the Commission

4. The competent authority may, on its own initiative, renew the registration of a variety, if it is still in large demand by the professional operators and farmers concerned, or it should be retained in the interest of conserving plant genetic resources.

Amendment

4. The competent authority may, on its own initiative, renew the registration of a variety, if it is still in large demand by the professional operators and farmers concerned, or it should be retained in the interest of conserving plant genetic resources, *provided that the variety is no longer protected by a plant breeders' right title according to Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights, and provided that the variety is off the list for a minimum of two years and the maintenance is done by the competent authority.*

Or. en

Amendment 686
Irène Tolleret

Proposal for a regulation
Article 70 – paragraph 4

Text proposed by the Commission

4. The competent authority may, on its own initiative, renew the registration of a variety, if it is still in large demand by the professional operators and farmers concerned, or it should be retained in the interest of conserving plant genetic resources.

Amendment

4. The competent authority may, on its own initiative, renew the registration of a variety, if it is still in large demand by the professional operators and farmers concerned, or it should be retained in the interest of conserving plant genetic resources, ***provided that the variety is no longer protected by a plant breeders' right title according to Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights, or national intellectual property rights. .***

Or. en

Amendment 687

Marlene Mortler, Norbert Lins, Peter Jahr

Proposal for a regulation

Article 71 – paragraph 1 – point a

Text proposed by the Commission

(a) it concludes, on the basis of any new evidence, that the requirements for registration, as set out in Article 47(1) are no longer fulfilled;

Amendment

(a) it concludes, on the basis of any new evidence, that the requirements for registration, as set out in Article 47(1) ***(a-e)*** are no longer fulfilled;

Or. en

Justification

Based on the amendments introduced to art.47, conditions of point (f) and (g) are no longer subjected to MS authority.

Amendment 688

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 72 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. By way of derogation to paragraphs 1-7, conservation varieties shall be maintained by the applicant or by any other person notified by the applicant to the competent authority, without subsequent authorisation. Conservation variety maintenance may only take place in EU Member States with pedo-climatic conditions similar to those included in the officially recognised description of the variety.

Or. en

Justification

It should be possible to notify that maintenance is carried out by another person or entity without having to comply with the administratively heavy procedure to authorise said person or entity to carry out the associated tasks. Mirroring the specificities of conservation varieties, their maintenance should be taking place in regions with similar pedo-climatic conditions to those where the variety has shown its characteristics or for which the variety has been bred.

Amendment 689

Luke Ming Flanagan

on behalf of The Left Group

Proposal for a regulation

Article 72 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. By way of derogation to paragraphs 1-7, conservation varieties shall be maintained by the applicant or by any other person notified by the applicant to the competent authority, without subsequent authorisation. Conservation variety maintenance may only take place in EU Member States with pedo-climatic conditions similar to those included in the officially recognised description of the variety.

Or. en

Justification

The burdens of variety maintenance need to be proportionate for this particular type of PRM. More specifically, it should be possible to notify that maintenance is carried out by another person or entity without having to comply with the administratively heavy procedure to authorise said person or entity to carry out the associated tasks.

Amendment 690

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 77 – paragraph 1 – point a

Text proposed by the Commission

(a) quantities of certified and standard PRM ***and areas used for their production per year and species*** with a specification of the quantities used for organic varieties suitable for organic production;

Amendment

(a) quantities of certified and standard PRM with a specification of the quantities used for organic varieties suitable for organic production;

Or. en

Justification

The amendment ensures the reporting requirements are proportionate both for the operators and the competent authorities.

Amendment 691

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 77 – paragraph 1 – point b

Text proposed by the Commission

(b) ***quantities of marketed PRM of heterogeneous material and areas used for their production per year and species;***

Amendment

deleted

Or. en

Amendment 692

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 77 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) ***quantities of marketed PRM of conservation varieties per year and species;*** ***deleted***

Or. en

Amendment 693

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 77 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) number of professional operators using the derogations for marketing to final users in accordance with Article 28, ***the species concerned and total quantities of PRM per species;***

(d) number of professional operators using the derogations for marketing to final users in accordance with Article 28;

Or. en

Justification

The amendment ensures the reporting requirements are proportionate both for the operators and the competent authorities.

Amendment 694

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 77 – paragraph 1 – point e

Text proposed by the Commission

Amendment

*(e) number of gene banks,
organisations and networks with a
statutory or other declared objective to
conserve plant genetic resources, in
accordance with Article 29 and the
species concerned;* *deleted*

Or. en

Amendment 695
Martin Häusling
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 77 – paragraph 1 – point f

Text proposed by the Commission

Amendment

*(f) the quantities as defined per
species for the seeds exchanged in kind
between farmers, in accordance with
Article 30;* *deleted*

Or. en

Amendment 696
Martin Häusling
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 77 – paragraph 1 – point g

Text proposed by the Commission

Amendment

*(g) the quantities authorised per
species for PRM intended for tests and
trials for the breeding of new varieties, in
accordance with Article 31;* *deleted*

Or. en

Amendment 697
Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ka) progress made in the conservation and sustainable use of PRGFA, i.e. through the number of entities having notified their use of Article 29 and other related data.

Or. en

Amendment 698

Daniel Buda

Proposal for a regulation

Article 78 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, without delay, notify the Commission of those rules and of those measures and of any subsequent amendment affecting them.

1. Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate, **preventive** and dissuasive. Member States shall, without delay, notify the Commission of those rules and of those measures and of any subsequent amendment affecting them.

Or. ro

Amendment 699

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 80 – paragraph 1 – point 1

Regulation (EU) 2017/625

Article 1, paragraph 2

Text proposed by the Commission

Amendment

(ka) the cultivation of certain varieties that could have undesirable agronomic effects.

Or. en

Justification

Without the inclusion of the controls on the cultivation conditions that could be adopted pursuant to Article 47 of this proposal, the entire benefit and efficiency of this measure would be lost. This amendment allow competent authorities to carry out controls on fields related to the compliance with the cultivation conditions attached to the production and marketing of PRM from the registered variety.

Amendment 700

Irène Tolleret

Proposal for a regulation

Article 81

Regulation 2018/848

Article 3, Article 13, Annex II

Text proposed by the Commission

Amendment

Article 81

deleted

Amendment of Regulation (EU) 2018/848

Regulation (EU) 2018/848 is amended as follows:

(1) Article 3 is amended as follows:

(a) point (17) is replaced by the following:

‘(17)

‘plant reproductive material’ means plant reproductive material as defined in Article 3(1) of Regulation (EU) .../... of the European Parliament and Council(*)+;’;

(*) Regulation (EU) .../... of the European Parliament and of the Council (OJ ..., p...). [footnote that will be in that regulation goes here]

[+ OJ: Please insert in the text the number of this Regulation and insert the number, date, title and OJ reference of this Regulation in the footnote.]

‘(18)

‘organic heterogeneous material’ means heterogeneous material as defined in Article 3(27) of Regulation (EU) .../...()++ , produced in accordance with this Regulation;’*

() Regulation (EU) .../... of the European Parliament and of the Council (OJ ..., p...). [footnote that will be in that regulation goes here]*

[++ OJ: Please insert in the text the number of this Regulation.]

(3) The second paragraph of Point 1.8.4. of Part I of Annex II to Regulation (EU) 2018/848 is replaced by the following: “ All multiplication practices, except plant tissue cultures, cell cultures, germplasm, meristems, chimaeric clones, micro-propagated material, shall be carried out under certified organic management”.

Or. en

Justification

Rules set up under Regulation 2018/848 should not be modified through this horizontal Regulation.

Amendment 701

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 81

Regulation (EU) 2018/848

Article 3

Text proposed by the Commission

Amendment

Amendment of Regulation (EU) 2018/848

Regulation (EU) 2018/848 is amended as follows:

(1) Article 3 is amended as follows:

(a) point (17) is replaced by the following:

‘(17)

‘plant reproductive material’ means plant reproductive material as defined in Article 3(1) of Regulation (EU) .../... of the European Parliament and Council()+;’;*

() Regulation (EU) .../... of the European Parliament and of the Council (OJ ..., p...). [footnote that will be in that regulation goes here]*

[+ OJ: Please insert in the text the number of this Regulation and insert the number, date, title and OJ reference of this Regulation in the footnote.]

‘(18)

‘organic heterogeneous material’ means heterogeneous material as defined in Article 3(27) of Regulation (EU) .../...()++ , produced in accordance with this Regulation;’*

() Regulation (EU) .../... of the European Parliament and of the Council (OJ ..., p...). [footnote that will be in that regulation goes here]*

[++ OJ: Please insert in the text the number of this Regulation.]

(3) The second paragraph of Point 1.8.4. of Part I of Annex II to Regulation (EU) 2018/848 is replaced by the following: “ All multiplication practices, except plant tissue cultures, cell cultures, germplasm, meristems, chimaeric clones, micro-propagated material, shall be carried out under certified organic management”.

Justification

The Organic Regulation 2018/848 has been applied successfully for less than two years, after lengthy negotiations between institutions with co-decision powers. The abrogation of its specific rules regarding organic heterogeneous material cannot be accepted. There is no reason to justify changes to the definition of organic breeding, and to the regime of OHM.

The horizontal seed marketing legislation cannot disregard the complexity of the organic seed database systems, and undermine the ambitious objectives set out by a very newly adopted directly applicable legal act.

Amendment 702

Luke Ming Flanagan

on behalf of The Left Group

Proposal for a regulation

Article 81 – paragraph 1

Regulation (EU) 2018/848

Article 3

Text proposed by the Commission

Amendment

Regulation (EU) 2018/848 is amended as follows: ***deleted***

(1) Article 3 is amended as follows:

(a) point (17) is replaced by the following:

‘(17)

‘plant reproductive material’ means plant reproductive material as defined in Article 3(1) of Regulation (EU) .../... of the European Parliament and Council(*)+;’;

(*) Regulation (EU) .../... of the European Parliament and of the Council (OJ ..., p...). [footnote that will be in that regulation goes here]

[+ OJ: Please insert in the text the number of this Regulation and insert the number, date, title and OJ reference of this Regulation in the footnote.]’

‘(18)

‘organic heterogeneous material’ means heterogeneous material as defined in Article 3(27) of Regulation (EU) .../...(*)++, produced in accordance with this Regulation;’

(*) Regulation (EU) .../... of the European Parliament and of the Council (OJ ..., p...). [footnote that will be in that regulation goes here]

[++ OJ: Please insert in the text the number of this Regulation.]’

(3) The second paragraph of Point 1.8.4. of Part I of Annex II to Regulation (EU) 2018/848 is replaced by the following: “All multiplication practices, except plant tissue cultures, cell cultures, germplasm, meristems, chimaeric clones, micro-propagated material, shall be carried out under certified organic management”.

Or. en

Justification

There are many organic breeders across the EU who have notified and are developing OHM. This article creates huge legal uncertainty for these breeders, who are providing truly innovative PRM that provides resilience in face of climate change, does not rely on chemical inputs and is free of intellectual property rights. It must be deleted.

Amendment 703 **Isabel Carvalhais**

Proposal for a regulation
Article 81 – paragraph 1 – point 1 – point b
Article 3 b – point 18
Regulation (EU) 2018/848

Text proposed by the Commission

Amendment

(b) point (18) is replaced by the following: ***deleted***

‘(18)

‘organic heterogeneous material’ means heterogeneous material as defined in

Article 3(27) of Regulation (EU) .../...()++ , produced in accordance with this Regulation;’*

() Regulation (EU) .../... of the European Parliament and of the Council (OJ ..., p...). [footnote that will be in that regulation goes here]*

[++ OJ: Please insert in the text the number of this Regulation.]’

Or. en

Amendment 704
Isabel Carvalhais

Proposal for a regulation
Article 81 – paragraph 1 – point 2

Text proposed by the Commission

Amendment

(2) Article 13 is deleted.

deleted

Or. en

Amendment 705
Isabel Carvalhais

Proposal for a regulation
Article 81 – paragraph 1 – point 3

Text proposed by the Commission

Amendment

(3) The second paragraph of Point 1.8.4. of Part I of Annex II to Regulation (EU) 2018/848 is replaced by the following: “ All multiplication practices, except plant tissue cultures, cell cultures, germplasm, meristems, chimaeric clones, micro-propagated material, shall be carried out under certified organic management”.

deleted

Or. en

Amendment 706

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 81 – paragraph 1 – point 3

Text proposed by the Commission

(3) The second paragraph of Point 1.8.4. of Part I of Annex II to Regulation (EU) 2018/848 is replaced by the following: “ All multiplication practices, except plant tissue cultures, cell cultures, germplasm, meristems, chimaeric clones, micro-propagated material, shall be carried out under certified organic management”.

Amendment

(3) The second paragraph of Point 1.8.4. of Part I of Annex II to Regulation (EU) 2018/848 is replaced by the following: “ All multiplication practices, except plant tissue cultures, cell cultures, germplasm, meristems, chimaeric clones, micro-propagated material, shall be carried out under certified organic management”.

Or. en

Justification

The Organic Regulation 2018/848 has been applied successfully for less than two years, after lengthy negotiations between institutions with co-decision powers. The abrogation of its specific rules regarding organic heterogeneous material cannot be accepted. There is no reason to justify changes to the definition of organic breeding, and to the regime of OHM. The horizontal seed marketing legislation cannot disregard the complexity of the organic seed database systems, and undermine the ambitious objectives set out by a very newly adopted directly applicable legal act.

Amendment 707

Isabel Carvalhais

Proposal for a regulation

Article 83 – paragraph 3 – point b

Text proposed by the Commission

(b) Article 52 shall apply from ... [60 months from the date of the entry into force of this Regulation] for the species listed in Parts B and C of Annex I. It shall be binding in its entirety and directly applicable in all Member States.

Amendment

deleted

Justification

Related with the introduction of a voluntary system for this crops.

Amendment 708

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Annex I – Part A – paragraph 17

Text proposed by the Commission

Amendment

***Brassica oleracea L. convar. acephala
(DC.) Alef. var. medullosa Thell. + var.
varidis L.***

deleted

Amendment 709

Irène Tolleret

Proposal for a regulation

Annex I – Part A – paragraph 20 a (new)

Text proposed by the Commission

Amendment

Camelina sativa.

Amendment 710

Irène Tolleret

Proposal for a regulation

Annex I – Part A – paragraph 23 a (new)

Text proposed by the Commission

Amendment

Cicer arietinum.

Justification

Cheakpea

Amendment 711

Irène Tolleret

Proposal for a regulation

Annex I – Part A – paragraph 25 a (new)

Text proposed by the Commission

Amendment

Fagopyrum fagopyrum (L.)

Or. en

Justification

Sarrassin

Amendment 712

Irène Tolleret

Proposal for a regulation

Annex I – Part A – paragraph 38 a (new)

Text proposed by the Commission

Amendment

Lens culinaris.

Or. en

Amendment 713

Irène Tolleret

Proposal for a regulation

Annex I – Part A – paragraph 88 a (new)

Text proposed by the Commission

Amendment

Triticum monococcum.

Or. en

Justification

Small spelt

Amendment 714

Clara Aguilera

Proposal for a regulation

Annex I – Part A a (new)

Text proposed by the Commission

Amendment

*Aa. Cicer arietinum Lens culinaris
Medik., 1787 Fagopyrum esculentu*

Camelina sativa

Triticum monococcum

Chenopodium quinoa

Vicia ervilia

Vicia narbonensis

Tritordeum

Allium sativum

Lathyrus sativus

Eragrostis tef

Ceratonia siliqua

Or. es

Amendment 715

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Annex I – Part B – paragraph 1

Text proposed by the Commission

Amendment

Allium cepa L.

deleted

Or. en

Amendment 716
Martin Häusling
on behalf of the Verts/ALE Group

Proposal for a regulation
Annex I – Part B – paragraph 2

Text proposed by the Commission

Amendment

Allium fistulosum L.

deleted

Or. en

Amendment 717
Irène Tolleret

Proposal for a regulation
Annex I – Part B – paragraph 29 a (new)

Text proposed by the Commission

Amendment

Salvia hispanica.

Or. en

Justification

Chia

Amendment 718
Martin Häusling
on behalf of the Verts/ALE Group

Proposal for a regulation
Annex I – Part C – paragraph 17

Text proposed by the Commission

Amendment

Prunus domestica L.

deleted

Or. en

Amendment 719
Isabel Carvalhais

Proposal for a regulation
Annex II – Part B – subheading 1

Text proposed by the Commission

Amendment

REQUIREMENTS FOR THE
PRODUCTION AND MARKETING OF
PRE-BASIC, BASIC AND CERTIFIED
MATERIAL OF AGRICULTURAL AND
VEGETABLE SPECIES

REQUIREMENTS FOR THE
PRODUCTION AND MARKETING OF
PRE-BASIC, BASIC AND CERTIFIED
MATERIAL OF AGRICULTURAL AND
VEGETABLE SPECIES **AND FRUIT
PLANTS**

Or. en

Justification

The reference to fruits plants was missing.

Amendment 720
Isabel Carvalhais

Proposal for a regulation
Annex II – Part C – subheading 1

Text proposed by the Commission

Amendment

REQUIREMENTS FOR THE
PRODUCTION, **REGISTRATION** AND
MARKETING OF SELECTED CLONES,
**MULTICLONAL MIXTURES AND
POLYCLONAL PRM** OF PRE-BASIC,
BASIC AND CERTIFIED MATERIAL
AS REFERRED TO IN ARTICLE 9 (1)

REQUIREMENTS FOR THE
PRODUCTION AND MARKETING OF
SELECTED CLONES OF PRE-BASIC,
BASIC AND CERTIFIED MATERIAL
AS REFERRED TO IN ARTICLE 9 (1)

Or. en

Justification

The requirements for polyclonal material will be set in Part C of Annex III. One of the greatest advantages of polyclonal material is that it originates from a single test (collection) whose purpose is to conserve the intra-varietal diversity of an old variety, to evaluate this diversity over time for various quantitative characteristics of interest and to be the selection maintenance of groups of genotypes that were selected for certain agronomic characteristics. The same collection can be a supplier of a polyclonal group selected for different characteristics quickly and in a short space of time to meet the needs of the sector at a given moment, which is more compatible with the requirements set for standard material.

Amendment 721
Isabel Carvalhais

Proposal for a regulation
Annex II – Part C – point 1 – introductory part

Text proposed by the Commission

1. Requirements for the production of pre-basic, basic and certified selected clones, ***multiclonal mixtures and polyclonal PRM***

Amendment

1. Requirements for the production of pre-basic, basic and certified selected clones

Or. en

Amendment 722
Isabel Carvalhais

Proposal for a regulation
Annex II – Part C – point 1 – Part A – point a

Text proposed by the Commission

(a) The identity of the selected clone, ***multiclonal mixture or polyclonal PRM*** shall be determined through an official label or a label issued by the ***profesional*** operator and recorded by the professional operator to ensure its traceability. The label of the material or the records, on the respective mother plants for the production of each selected clone ***and the respective genotypes for the production of the polyclonal PRM***, shall be kept by the professional operator after the marketing of that PRM.

Amendment

(a) The identity of the selected clone shall be determined through an official label or a label issued by the ***professional*** operator and recorded by the professional operator to ensure its traceability. The label of the material or the records, on the respective mother plants for the production of each selected clone ***a***, shall be kept by the professional operator after the marketing of that PRM.

Or. en

Amendment 723
Isabel Carvalhais

Proposal for a regulation

Annex II – Part C – point 1 – Part A – point b – point i

Text proposed by the Commission

Amendment

(i) *there is sufficient distance from other plants of the same genera or species, determined on the basis of botanical characteristics for each species and as appropriate for the category of the material, to ensure protection from any undesirable foreign pollination and to avoid cross pollination with other crops;* **deleted**

Or. en

Justification

Not applicable.

Amendment 724

Isabel Carvalhais

Proposal for a regulation

Annex II – Part C – point 1 – Part B – point d

Text proposed by the Commission

Amendment

(d) The respective mother plants **and the respective genotypes** shall be excluded as a source of PRM in case of defects.

(d) The respective mother plants shall be excluded as a source of PRM in case of defects.

Or. en

Amendment 725

Isabel Carvalhais

Proposal for a regulation

Annex II – Part C – point 1 – Part B – point e

Text proposed by the Commission

Amendment

(e) The respective mother plants **and the respective genotypes** shall be maintained in all phases of cultivation, under conditions to enable the production of PRM, and to permit their identification

(e) The respective mother plants shall be maintained in all phases of cultivation, under conditions to enable the production of PRM, and to permit their identification and verification of compliance with the

and verification of compliance with the official description or the officially recognised description of their variety. In the case of mother plants not belonging to a variety, that verification of compliance with the official description or the officially recognised description shall concern the species to which those mother plants belong.

official description or the officially recognised description of their variety. In the case of mother plants not belonging to a variety, that verification of compliance with the official description or the officially recognised description shall concern the species to which those mother plants belong.

Or. en

Amendment 726
Isabel Carvalhais

Proposal for a regulation
Annex II – Part C – point 1 – Part B – point i

Text proposed by the Commission

Amendment

(i) In the case of multiclonal mixtures, the mixture of selected clones constituting the multiclonal mixture shall be made before the final packaging of that PRM and shall include identical proportions of all selected clones that constitute the multiclonal mixture.

deleted

Or. en

Amendment 727
Isabel Carvalhais

Proposal for a regulation
Annex II – Part C – point 1 – Part B – point j

Text proposed by the Commission

Amendment

(j) In the case of polyclonal PRM, the mixture of genotypes constituting the polyclonal PRM shall be made before the final packaging of that PRM and shall include identical proportions of all genotypes that constitute the polyclonal PRM.

deleted

Amendment 728
Isabel Carvalhais

Proposal for a regulation
Annex II – Part C – point 2

Text proposed by the Commission

Amendment

2. Requirements for the registration of a selected clone, multiclonal mixture and polyclonal PRM **deleted**

(a) The applicant shall submit an application to the competent authority indicating:

(i) species and, as applicable, variety to which the selected clone, multiclonal mixture or polyclonal PRM belongs, whereby the variety shall be registered in a national variety register referred to in Article 44;

(ii) proposed denomination and synonyms;

(iii) where applicable, description of the composition of the multiclonal mixture or polyclonal PRM;

(iv) the maintainer of the selected clone, multiclonal mixture or polyclonal PRM;

(v) reference to the description of the main characteristics of the variety to which the selected clone, multiclonal mixture or polyclonal PRM belongs;

(vi) description of the main VSCU characteristics of the selected clone, multiclonal mixture or polyclonal PRM;

(vii) the estimated genetic gain of the selected clone, multiclonal mixture or polyclonal PRM in relation to the overall performance of the relevant variety;

(viii) information on whether the selected clone, multiclonal mixture or polyclonal PRM is already registered in a register of

another Member State.

(b)

The selected clone, multiclonal mixture or polyclonal PRM shall fulfil the following requirements as appropriate for the type of material concerned in order to be registered:

(i) the polyclonal PRM shall be selected in a single field trial containing a representative sample of the overall genetic diversity of the variety according to an experimental design based on internationally accepted methods. In the case of polyclonal PRM of vine that design shall be based on methods prescribed by the International organisation of vine and wine;

(ii) in the case of vine propagating material, the polyclonal PRM shall be composed of 7 to 20 distinct genotypes;

(iii) the trueness of the selected clone, each selected clone of the multiclonal mixture, each genotype of the polyclonal PRM to the identity of the variety shall be ensured through the observation of the phenotypic characteristics and, where appropriate, through molecular analysis pursuant to internationally accepted standards.

The competent authority shall decide on the registration only after it concludes that the points (i) - (iii) as applicable for the type of material are fulfilled.

(c) The requirements for the marketing of pre-basic, basic and certified material as set out in Part B point 2 shall apply accordingly.

Or. en

Justification

The requirements for registration were introduced a new Article 53 (a).

Amendment 729
Isabel Carvalhais

Proposal for a regulation
Annex II – Part D – subheading 1

Text proposed by the Commission

REQUIREMENTS FOR THE
PRODUCTION AND MARKETING OF
PRE-BASIC, BASIC AND CERTIFIED
SEED OF FRUIT PLANTS, VINE AND
SEED POTATOES

Amendment

REQUIREMENTS FOR THE
PRODUCTION AND MARKETING OF
PRE-BASIC, BASIC AND CERTIFIED
SEED OF FRUIT PLANTS, VINE AND
POTATOES

Or. en

Justification

Part D refers to botanical seeds.

Amendment 730
Isabel Carvalhais

Proposal for a regulation
Annex II – Part D – point 1 – introductory part

Text proposed by the Commission

1. Requirements for the production of
pre-basic, basic and certified seed of fruit
plants, vine and **seed** potatoes

Amendment

1. Requirements for the production of
pre-basic, basic and certified seed of fruit
plants, vine and potatoes

Or. en

Amendment 731
Isabel Carvalhais

Proposal for a regulation
Annex II – Part D – point 2 – introductory part

Text proposed by the Commission

2. Requirements for the marketing of
pre-basic, basic and certified seed of fruit
plants, vine and **seed** potatoes

Amendment

2. Requirements for the marketing of
pre-basic, basic and certified seed of fruit
plants, vine and potatoes

Amendment 732

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Annex III – Part A – point 1 – Part A – point d

Text proposed by the Commission

(d) The quality of soil, substrates, mother plants and the immediate environment shall be inspected to avoid presence of pests or their vectors, in accordance with Regulation (EU) 2016/2031.

Amendment

(d) The quality of soil, substrates, mother plants and the immediate environment shall be inspected ***by the professional operator*** to avoid presence of pests or their vectors, in accordance with Regulation (EU) 2016/2031.

Amendment 733

Luke Ming Flanagan

on behalf of The Left Group

Proposal for a regulation

Annex III – Part A – point 1 – Part A – point d

Text proposed by the Commission

(d) The quality of soil, substrates, mother plants and the immediate environment shall be inspected to avoid presence of pests or their vectors, in accordance with Regulation (EU) 2016/2031.

Amendment

(d) The quality of soil, substrates, mother plants and the immediate environment shall be inspected ***by the professional operator*** to avoid presence of pests or their vectors, in accordance with Regulation (EU) 2016/2031.

Amendment 734

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

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

Text proposed by the Commission

(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.

Amendment

(f) Where appropriate, ***particular attention should be put on*** 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

It cannot be mandatory to separate the production of standard seeds and the production of food and feed of the same genera and species. Professional operators, especially smaller-scale seed producers and maintainers, should have the freedom to conduct business and 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.

Amendment 735

Luke Ming Flanagan

on behalf of The Left Group

Proposal for a regulation

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

Text proposed by the Commission

(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.***

Amendment

(f) Where appropriate, ***particular attention should be put on*** 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, ***separating the plots when it is necessary to do so to maintain the*** health of the material.

Or. en

Justification

It cannot be mandatory to separate the production of standard seeds and the production of food and feed of the same genera and species. Professional operators, especially smaller-scale seed producers and maintainers, should have the freedom to conduct business and make appropriate decisions on the destination of their production.

Amendment 736

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Annex III – Part A – point 1 – Part B – point a – paragraph 1

Text proposed by the Commission

It shall be ensured that off-types, in the field, are absent. Where this is not possible due to the characteristics of the species concerned, they shall be present up to the lowest possible level.

Amendment

It shall be ensured that off-types, in the field, are absent, ***except for PRM belonging to conservation varieties.*** Where this is not possible due to the characteristics of the species concerned, they shall be present up to the lowest possible level.

Or. en

Justification

Due to their definition and inherent characteristics, which are recognised in the Commission proposal itself, PRM belonging to conservation varieties will contain off-types. Field production rules for PRM of conservation varieties thus need to reflect this reality, and not require the absence of off-types for these PRM. It should be left to the appreciation of the professional operator to decide how to deal with off-types in all standard seed production scenarios, whether this is treatment, elimination, or any other technique that is suitable for the specificities of the place of production,

Amendment 737

Luke Ming Flanagan

on behalf of The Left Group

Proposal for a regulation

Annex III – Part A – point 1 – Part B – point a – paragraph 1

Text proposed by the Commission

It shall be ensured that off-types, in the

Amendment

It shall be ensured that off-types, in the

field, are absent. Where this is not possible due to the characteristics of the species concerned, they shall be present up to the lowest possible level.

field, are absent, *except for PRM belonging to conservation varieties*. Where this is not possible due to the characteristics of the species concerned, they shall be present up to the lowest possible level.

Or. en

Amendment 738

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Annex III – Part A – point 1 – Part B – point d

Text proposed by the Commission

(d) The mother plants shall be maintained in all phases of production, under conditions to enable the production of seeds, and permitting their identification and verification of compliance with the official description of their variety.

Amendment

(d) The mother plants shall, *where applicable*, be maintained in all phases of production, under conditions to enable the production of seeds, and permitting their identification and verification of compliance with the official description of their variety.

Or. en

Justification

As PRM of conservation varieties and especially of heterogeneous material will not automatically be hybrids, nor be uniform, the maintenance of the varieties' mother plants cannot be warranted for and should thus be mandatory only where it is appropriate

Amendment 739

Luke Ming Flanagan

on behalf of The Left Group

Proposal for a regulation

Annex III – Part A – point 1 – Part B – point d

Text proposed by the Commission

(d) The mother plants shall be maintained in all phases of production,

Amendment

(d) The mother plants, *where applicable*, shall be maintained in all

under conditions to enable the production of seeds, and permitting their identification and verification of compliance with the official description of their variety.

phases of production, under conditions to enable the production of seeds, and permitting their identification and verification of compliance with the official description of their variety.

Or. en

Amendment 740

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Annex III – Part A – point 1 – Part B – point e

Text proposed by the Commission

(e) All crops in the field shall be inspected at their relevant growth stage(s), at the relevant frequency and with the relevant methods, as appropriate, for the species concerned to verify the respective requirements. The methods for inspections shall be such to ensure the reliability of the observations. If it is not possible to remove or separate non-compliant plants during the growing phase, the entire field shall be discarded for seed production, unless the undesirable seeds can be mechanically separated at a later stage.

Amendment

(e) All crops in the field shall be inspected at their relevant growth stage(s), at the relevant frequency and with the relevant methods, as appropriate, for the species concerned to verify the respective requirements ***without necessarily documenting such inspection process***. The methods for inspections shall be such to ensure the reliability of the observations. If it is not possible to remove or separate non-compliant plants during the growing phase, the entire field shall be discarded for seed production, unless the undesirable seeds can be mechanically separated at a later stage.

Or. en

Amendment 741

Luke Ming Flanagan

on behalf of The Left Group

Proposal for a regulation

Annex III – Part A – point 1 – Part C – point a

Text proposed by the Commission

(a) The seed shall be harvested in bulk

Amendment

deleted

or as individual plants, as appropriate, to ensure its identity, purity and traceability.

Or. en

Justification

The rules of harvesting and post-harvesting are new compared to the current legislation. They represent a significant additional burden for small, local seed producers and are not necessary.

Amendment 742

Luke Ming Flanagan

on behalf of The Left Group

Proposal for a regulation

Annex III – Part A – point 1 – Part C – point b

Text proposed by the Commission

Amendment

(b) A sample of seed shall be taken from each lot and tested in a laboratory to ensure the fulfilment of the quality requirements for the respective species, including germination. Testing shall include, where appropriate, retesting of germination rate after a certain period appropriate to the species concerned. **deleted**

Or. en

Justification

The rules of harvesting and post-harvesting are new compared to the current legislation. They represent a significant additional burden for small, local seed producers and are not necessary.

Amendment 743

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Annex III – Part A – point 1 – Part C – point b

Text proposed by the Commission

Amendment

(b) A sample of seed **shall** be taken from each lot and tested in a laboratory to ensure the fulfilment of the quality requirements for the respective species, including germination. **Testing shall include, where appropriate, retesting of germination rate after a certain period appropriate to the species concerned.**

(b) A sample of seed **may** be taken from each lot and tested in a laboratory **or by the professional operator** to ensure the fulfilment of the quality requirements for the respective species, including germination.

Or. en

Justification

The decision to carry out laboratory testing should be left to the appreciation of the professional operator, according to the plot size, availability and cost of testing, as well as risks of non-compliance.

Amendment 744

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Annex III – Part A – point 2 – paragraph 1 – point c

Text proposed by the Commission

(c) have at least a minimum purity, to secure **the highest** level of varietal identity;

Amendment

(c) have at least a minimum **analytical** purity, to secure **sufficient** level of varietal identity;

Or. en

Amendment 745

Luke Ming Flanagan

on behalf of The Left Group

Proposal for a regulation

Annex III – Part A – point 2 – paragraph 1 – point c

Text proposed by the Commission

(c) have at least a minimum purity, to secure **the highest** level of varietal identity;

Amendment

(c) have at least a minimum purity, to secure **sufficient** level of varietal identity;

Or. en

Amendment 746
Luke Ming Flanagan
on behalf of The Left Group

Proposal for a regulation
Annex III – Part A – point 2 – paragraph 1 – point f

Text proposed by the Commission

(f) have sufficient vigour, ***defined dimension and specific grading***, to ensure appropriateness of the material and sufficient homogeneity of the lot for sowing or planting;

Amendment

(f) have sufficient vigour, to ensure appropriateness of the material and sufficient homogeneity of the lot for sowing or planting;

Or. en

Amendment 747
Isabel Carvalhais

Proposal for a regulation
Annex III – Part B – subheading 1

Text proposed by the Commission

REQUIREMENTS FOR THE
PRODUCTION AND MARKETING OF
STANDARD MATERIAL OF
AGRICULTURAL AND VEGETABLE
SPECIES

Amendment

REQUIREMENTS FOR THE
PRODUCTION AND MARKETING OF
STANDARD MATERIAL OF
AGRICULTURAL AND VEGETABLE
SPECIES, ***FRUIT PLANTS AND VINE***

Or. en

Justification

The reference to fruit plants and vine was missing.

Amendment 748
Martin Häusling
on behalf of the Verts/ALE Group

Proposal for a regulation
Annex III – Part B – subheading 1

Text proposed by the Commission

Amendment

REQUIREMENTS FOR THE
PRODUCTION AND MARKETING OF
STANDARD MATERIAL ***OF***
AGRICULTURAL AND VEGETABLE
SPECIES

REQUIREMENTS FOR THE
PRODUCTION AND MARKETING OF
STANDARD MATERIAL

Or. en

Justification

The production of standard material should be allowed for all regulated crop species, especially for fruit. In the current proposal, it seems that PRM from conservation varieties of fruit would not be allowed to find their way into the market as standard material, severely hampering the conservation and sustainable use of fruit tree diversity, which is severely threatened.

Amendment 749
Isabel Carvalhais

Proposal for a regulation
Annex III – Part B – paragraph 1

Text proposed by the Commission

Amendment

With the exception of point (b)(i) thereof, Part B of Annex II shall apply accordingly for the production and marketing of standard material.

Part A of Annex III shall apply accordingly for the production and marketing of standard material with the necessary adaptations regarding the type of PRM.

Or. en

Amendment 750
Isabel Carvalhais

Proposal for a regulation
Annex III – Part B – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

Vine rootstocks may not be marketed as standard material.

Amendment 751
Martin Häusling
on behalf of the Verts/ALE Group

Proposal for a regulation
Annex III – Part B – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Part A (thereof) of Annex III shall apply for standard material of conservation varieties of agricultural and vegetable species put on the market according to Article 26.

Amendment 752
Martin Häusling
on behalf of the Verts/ALE Group

Proposal for a regulation
Annex III – Part B – paragraph 1 b (new)

Text proposed by the Commission

Amendment

Standard material of conservation varieties of fruit species may only be marketed if it fulfils the following requirements:

(a) it is propagated from an identified source of material recorded by the supplier;

(b) it is true to the description of the variety, established by the observation of the expression of the characteristics of the variety, based on the officially recognised description of the variety;

(c) it is found to be practically free from quality pests upon visual inspection carried out by the professional operator in the facilities, fields and lots where

standard material is produced;

(d) it is found to be practically free from defects, upon visual inspection. Injuries, discoloration, scar tissues or desiccation shall be considered as defects, if they affect the quality and usefulness as propagating material.

Or. en

Justification

With regards to the requirements applying to the production of standard material in fruit species, we suggest mirroring the currently applicable rules of CAC material that are enshrined in Commission Directive 2014/98, which are known to the sector and would allow their marketing.

Amendment 753

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Annex III – Part B – paragraph 1 c (new)

Text proposed by the Commission

Amendment

If the standard material no longer complies with these requirements, the supplier shall carry out one of the following actions:

(a) remove that material, from the vicinity of other standard material; or

(b) take appropriate measures to ensure that that material complies with those requirements again.

Or. en

Amendment 754

Isabel Carvalhais

Proposal for a regulation

Annex III – Part C – subheading 1

Text proposed by the Commission

Amendment

REQUIREMENTS FOR THE
REGISTRATION, PRODUCTION AND
MARKETING OF **SELECTED CLONES**,
MULTICLONAL MIXTURES AND
POLYCLONAL PRM **OF STANDARD**
MATERIAL AS REFERRED TO IN
ARTICLE 9 (1)

REQUIREMENTS FOR THE
PRODUCTION AND MARKETING OF
POLYCLONAL PRM AS REFERRED
TO IN ARTICLE 9 (1)

Or. en

Justification

The requirements for polyclonal material will be set in Part C of Annex III. One of the greatest advantages of polyclonal material is that it originates from a single test (collection) whose purpose is to conserve the intra-varietal diversity of an old variety, to evaluate this diversity over time for various quantitative characteristics of interest and to be the selection maintenance of groups of genotypes that were selected for certain agronomic characteristics. The same collection can be a supplier of a polyclonal group selected for different characteristics quickly and in a short space of time to meet the needs of the sector at a given moment, which is more compatible with the requirements set for standard material.

Amendment 755
Isabel Carvalhais

Proposal for a regulation
Annex III – Part C – paragraph 1

Text proposed by the Commission

Amendment

***Vine rootstocks may not be marketed as
standard material.*** ***deleted***

Or. en

Justification

Transferred to Part B of Annex III

Amendment 756
Martin Häusling
on behalf of the Verts/ALE Group

Proposal for a regulation
Annex III – Part C – paragraph 1

Text proposed by the Commission

Vine rootstocks may not be marketed as standard material.

Amendment

Vine rootstocks may not be marketed as standard material, ***except for PRM belonging to conservation varieties, which shall be produced and marketed according to Part B of Annex III.***

Or. en

Justification

PRM of vine conservation varieties should be allowed to be marketed as standard material, subject to the requirements of Annex III Part B. There is no proportionate justification to restrict the marketing of PRM of vine conservation varieties to the requirements of seed lot certification.

Amendment 757
Isabel Carvalhais

Proposal for a regulation
Annex III – Part C – paragraph 2

Text proposed by the Commission

Part C of Annex II shall apply accordingly for the ***registration, production and marketing of selected clones, multiclonal mixtures and polyclonal PRM of standard material.***

Amendment

1. The requirements set out in Part C (1) A of Annex II shall apply accordingly for the planting of polyclonal PRM .

Or. en

Amendment 758
Isabel Carvalhais

Proposal for a regulation
Annex III – Part C – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2. Field cultivation:
(a) During all stages of cultivation, propagating and planting material shall

be kept separate from each other.

(b) Off-types and deformed or damaged plants shall be disposed of at all stages of cultivation in order to ensure varietal identity and purity, or, in the case of rootstocks not belonging to a variety, trueness to the identity of the species, as well as deformed or damaged plants and for efficient production.

(c) The respective mother plants shall be excluded as a source of PRM in case of defects.

(d) The respective mother plants shall be maintained in all phases of cultivation, under conditions to enable the production of PRM, and to permit their identification and verification of compliance with the official description or the officially recognised description of their variety.

(e) Mother plants shall be inspected visually at their relevant growth stage(s), at the relevant frequency and with the relevant methods as appropriate for the genera or species concerned.

Or. en

Justification

Requirements for the Field Cultivation of polyclonal material, transferred, with adaptations from Part C of Annex II.

Amendment 759
Isabel Carvalhais

Proposal for a regulation
Annex III – Part C – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2. Requirements for the marketing of polyclonal PRM

The material shall fulfil all of the following requirements, depending on the characteristics of each genus or species

concerned:

(a) have minimum vigour, defined dimension, and, where applicable, specific grading, to ensure the appropriateness of the material and sufficient homogeneity of the lot for planting;

(b) be practically free from specific defects.

(iii) the mixture of genotypes constituting the polyclonal PRM shall be made before the final packaging of that PRM and shall include identical proportions of all genotypes that constitute the polyclonal PRM. However, a tolerance is admissible, the frequency of any single genotype must never exceed twice that of the least frequent genotype.

Or. en

Amendment 760
Isabel Carvalhais

Proposal for a regulation
Annex III – Part D – subheading 1

Text proposed by the Commission

REQUIREMENTS FOR THE
PRODUCTION AND MARKETING OF
STANDARD SEED OF FRUIT PLANTS,
VINE AND **SEED** POTATOES

Amendment

REQUIREMENTS FOR THE
PRODUCTION AND MARKETING OF
STANDARD SEED OF FRUIT PLANTS,
VINE AND POTATOES

Or. en

Amendment 761
Martin Häusling

Proposal for a regulation
Annex III – Part D – paragraph 1

Text proposed by the Commission

Part D of Annex II shall apply accordingly

Amendment

Part D of Annex II shall apply accordingly

for the production and marketing of
standard seed of *fruit plants*, vine and seed
potatoes.

for the production and marketing of
standard seed of vine and seed potatoes.

Or. en

Amendment 762
Martin Häusling

Proposal for a regulation
Annex III – Part D – paragraph 1 a (new)

Text proposed by the Commission

Amendment

***Part B of Annex III shall apply to the
marketing of standard seed of fruit plants.***

Or. en

Amendment 763
Norbert Lins

Proposal for a regulation
Annex V

Text proposed by the Commission

Amendment

[...]

deleted

Or. de

Amendment 764
Martin Häusling
on behalf of the Verts/ALE Group

Proposal for a regulation
Annex V – subheading 1

Text proposed by the Commission

Amendment

Source area

Region of origin

Or. en

Justification

The definition in this paragraph corresponds to the definition of ‘region of origin’ in Article 3 of EU Directive 2010/60, which currently regulates the marketing of preservation mixtures. To avoid confusion in the future, it is important to maintain the terms and definitions as they are known by the stakeholders and competent authorities.

Amendment 765

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Annex V – paragraph 1

Text proposed by the Commission

Competent authorities may designate specific **source areas** for the preservation mixtures, with which such mixtures are naturally associated. For that purpose, they shall take into account information from plant genetic resource authorities or organisations recognised for this purpose by the Member States.

Amendment

Competent authorities may designate specific **regions of origin** for the preservation mixtures, with which such mixtures are naturally associated. For that purpose, they shall take into account information from plant genetic resource authorities or organisations recognised for this purpose by the Member States.

Or. en

Justification

The definition in this paragraph corresponds to the definition of ‘region of origin’ in Article 3 of EU Directive 2010/60, which currently regulates the marketing of preservation mixtures. To avoid confusion in the future, it is important to maintain the terms and definitions as they are known by the stakeholders and competent authorities.

Amendment 766

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Annex V – paragraph 2

Text proposed by the Commission

Where the **source area** is located in more than one Member State, it shall be identified by a common agreement of all

Amendment

Where the **region of origin** is located in more than one Member State, it shall be identified by a common agreement of all

Member States concerned.

Member States concerned.

Or. en

Justification

The definition in this paragraph corresponds to the definition of 'region of origin' in Article 3 of EU Directive 2010/60, which currently regulates the marketing of preservation mixtures. To avoid confusion in the future, it is important to maintain the terms and definitions as they are known by the stakeholders and competent authorities.

Amendment 767

Norbert Lins

Proposal for a regulation

Annex V – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) typical for the habitat type of the source area; **deleted**

Or. de

Justification

Source areas usually encompass several habitats.

Species contained in preservation mixtures should not be adapted to a specific habitat of the source area, but to the desired habitat at the target site. Many plant species occur naturally in several habitats.

Amendment 768

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Annex V – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) typical for the habitat type of the source area; **(a) typical for the habitat type of the region of origin;**

Or. en

Amendment 769

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Annex V – paragraph 3 – point c

Text proposed by the Commission

(c) adequate for the purpose of recreating the habitat type of the **source area**.

Amendment

(c) adequate for the purpose of recreating the habitat type of the **region of origin**.

Or. en

Amendment 770

Norbert Lins

Proposal for a regulation

Annex V – paragraph 5

Text proposed by the Commission

The maximum content of Rumex spp., other than Rumex acetosella **and Rumex maritimus**, shall not exceed 0,05 % by weight.

Amendment

The maximum content of Rumex spp., other than Rumex acetosella, **Rumex maritimus, Rumex acetosa, R. thyrsiflorus and R. sanguineus**, shall not exceed 0,05 % by weight.

Or. de

Amendment 771

Martin Häusling

Proposal for a regulation

Annex V – paragraph 5

Text proposed by the Commission

The maximum content of Rumex spp., other than Rumex acetosella and Rumex maritimus, shall not exceed **0,05** % by weight.

Amendment

The maximum content of Rumex spp., other than Rumex acetosella and Rumex maritimus, shall not exceed **0,01** % by weight.

Justification

Rumex has a thousand-grain weight of approx. 1g. The weight proportion of 0.05% envisaged in the draft would mean that approx. 500 Rumex spp. seeds would be accepted in a preservation mixture of 1 kg, which is far too much.

Amendment 772**Norbert Lins****Proposal for a regulation****Annex V – subheading 3***Text proposed by the Commission**Amendment****Authorisation of professional operators******deleted****Justification*

Preservation mixtures are special mixtures with small quantities. Individual customer requirements, adaptations to the location, the promotion of species groups or narrow origin specifications make permanent remixing necessary. It is therefore not possible to plan in advance.

One solution would be a subsequent quantity declaration of the seed types placed on the market in mixtures and the storage of duplicate labels for several years.

Amendment 773**Martin Häusling**

on behalf of the Verts/ALE Group

Proposal for a regulation**Annex V – paragraph 7 – point c***Text proposed by the Commission**Amendment*

(c) components as species and, where relevant, subspecies ***and varieties*** of the preservation mixture; which are typical for the habitat type of the source area site and which are, as components of the mixture, of importance for the preservation of the natural environment in the context of the

(c) components as species and, where relevant, subspecies of the preservation mixture; which are typical for the habitat type of the source area site and which are, as components of the mixture, of importance for the preservation of the natural environment in the context of the

conservation of genetic resources;

conservation of genetic resources;

Or. en

Justification

Varieties should not be used in preservation mixtures, as this would contradict the purpose of preservation mixtures, which is to protect regionally specific genetic variations of indigenous species and to restore the natural environment.

Amendment 774

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Annex V – paragraph 7 – point d

Text proposed by the Commission

Amendment

**(d) quantity of the mixture to which
the authorisation is to apply;** **deleted**

Or. en

Justification

Practice shows that it is very difficult to predict what quantities can be harvested from the areas.

Amendment 775

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Annex V – paragraph 7 – point e

Text proposed by the Commission

Amendment

(e) source area of the mixture; **(e) region of origin** of the mixture;

Or. en

Amendment 776

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation
Annex V – paragraph 10

Text proposed by the Commission

Professional operators ***before the beginning*** of each ***production season*** shall notify the quantity of seed of preservation mixtures, ***for which the authorisation is intended, together with size and location of the intended collection site or sites and the date or dates of collection.***

Amendment

Professional operators ***at the end*** of each ***calendar or fiscal year*** shall notify the quantity of seed of ***authorised*** preservation mixtures ***to the competent authority.***

Or. en

Justification

Practice shows that it is very difficult to predict what quantities can be harvested from the areas. The exact harvest dates are also unpredictable, as they depend on external conditions such as the weather. It is more expedient to notify the competent authorities of the quantities actually harvested per authorised mixture at the end of a calendar or marketing year.

Amendment 777
Norbert Lins

Proposal for a regulation
Annex V – paragraph 12 – point b

Text proposed by the Commission

(b) the seed referred to in point (a) is multiplied outside the source area as single species. Multiplication may take place for five generations; ***deleted***

Amendment

Or. de

Justification

The origin of a given seed can be guaranteed only if it is controlled within national borders or in areas close to each other across borders. The risk of gene pools being mixed must be ruled out. Controllable structures must be created that support species-rich seeding in the respective EU country with the wild species native to the area. Propagation must not take place too far away from the area of origin, but either in the area of origin itself or in specific neighbouring areas of origin.

Amendment 778
Norbert Lins

Proposal for a regulation
Annex V – paragraph 12 – point d

Text proposed by the Commission

Amendment

(d) this mixture may also include seed from species listed in Part A of Annex I that has been produced conventionally, if it complies with point (c);

deleted

Or. de

Justification

Breeding forms in preservation mixtures are contrary to the goal of establishing permanent species-rich wild species populations while protecting diversity within given species.

Amendment 779
Norbert Lins

Proposal for a regulation
Annex V – paragraph 12 – point h

Text proposed by the Commission

Amendment

(h) the maximum content of species and, where relevant, subspecies which do not comply with point (g) shall not exceed 1 % by weight;

(h) the maximum content of species and, where relevant, subspecies which do not comply with point (f) shall not exceed 1 % by weight;

Or. de

Amendment 780
Norbert Lins

Proposal for a regulation
Annex V – paragraph 12 – point i

Text proposed by the Commission

Amendment

(i) components of a multiplied

(i) components of a multiplied

preservation mixture which are *seeds* of species listed in Part A of Annex I shall, before mixing, comply *at least* with the requirements for *standard seed* for the concerned species;

preservation mixture which are *wild forms* of species listed in Part A of Annex I shall, before mixing, comply with the *specific quality* requirements for *wild indigenous forms* for the concerned species;

Or. de

Justification

There is a need for separate quality standards for wild species due to the great genetic diversity within the species. Seed origin and quantity flows must be traceable. Traceability and control of the propagation areas in the production area must be ensured. Germination rates and germination capacity tests are carried out in accordance with individual standards.

Amendment 781 Isabel Carvalhais

Proposal for a regulation Annex VI – Part A – paragraph 2

Text proposed by the Commission

The notification shall be sent by registered letter or by any other means of communication accepted by the competent authorities with confirmation of receipt requested. Three months after the date shown on the return receipt provided that no additional information was requested or that non formal refusal for reasons of incompleteness of the notification was communicated to the supplier, the competent authority shall be deemed to have acknowledged the notification and its content, and the heterogeneous material shall be included in the heterogeneous material register.

Amendment

The notification shall be sent by registered letter or by any other means of communication accepted by the competent authorities with confirmation of receipt requested. Three months after the date shown on the return receipt provided that no additional information was requested or that non formal refusal for reasons of incompleteness of the notification was communicated to the supplier, the competent authority shall be deemed to have acknowledged the notification and its content, and the heterogeneous material shall be included in the heterogeneous material register. *That register shall remain free of charge to the supplier.*

Or. en

Amendment 782 Isabel Carvalhais

Proposal for a regulation
Annex VI – Part B – point 2 – introductory part

Text proposed by the Commission

2. The heterogeneous material may ***be generated by*** one of the following techniques:

Amendment

2. The heterogeneous material may ***originate from*** one of the following techniques:

Or. en

Amendment 783
Irène Tolleret

Proposal for a regulation
Annex VII – paragraph 1 – point g

Text proposed by the Commission

(g) in the case of varieties with officially recognised description and, if appropriate, an indication of the region(s), where the variety has ***historically*** been grown and to which it is ***naturally*** adapted (***‘region(s) of origin’***);

Amendment

(g) in the case of varieties with officially recognised description and, if appropriate, an indication of the region(s), where the variety has ***traditionally*** been grown and, ***in case of newly bred conservation varieties***, to which ***local growing conditions*** it is adapted;

Or. en

Amendment 784
Maria Noichl

Proposal for a regulation
Annex VII – paragraph 1 – point j a (new)

Text proposed by the Commission

Amendment

(ja) where applicable the respective intellectual property rights covering the variety, its components, characteristics and development process, including where applicable the number of any relevant patent(s);

Or. en

Justification

The variety register should provide information on potential restriction of PRM. This will provide for more transparency for users and breeders who wish to further produce or develop the material. It is important that information on patents that may have been granted only on parts of the registered variety, such as genetic sequences or traits, will be included as well.

Amendment 785
Maria Noichl

Proposal for a regulation
Annex VII – paragraph 1 – point j b (new)

Text proposed by the Commission

Amendment

(jb) a description of the breeding methods used to develop the variety,

Or. en

Justification

The variety register should provide information on the breeding methods used in order to ensure greater transparency for users and breeders.

Amendment 786
Irène Tolleret

Proposal for a regulation
Annex VII – paragraph 1 – point p a (new)

Text proposed by the Commission

Amendment

(pa) where applicable, the indication that the variety is a “conservation variety”.

Or. en

Amendment 787
Martin Häusling
on behalf of the Verts/ALE Group

Proposal for a regulation

Annex VII – paragraph 1 – point t a (new)

Text proposed by the Commission

Amendment

(ta) whether there are any intellectual property rights covering the variety as a whole or its genetic components, including, where applicable, the number of any relevant patent(s);

Or. en

Justification

The variety register should also include information on potential restrictions of PRM use stemming from intellectual property rights. This would ensure greater transparency for users and breeders who wish to produce or further develop the material. The transparency requirements should not only cover intellectual property rights that condition the use of the whole plant variety (through plant breeders' rights), but they should also apply to patents that may have been granted on parts of the registered variety, such as genetic sequences or traits.

Amendment 788

Isabel Carvalhais

Proposal for a regulation

Annex VII – paragraph 1 – point t a (new)

Text proposed by the Commission

Amendment

(ta) whether the variety is covered by any granted or pending plant breeder's right or patent, with the corresponding information thereof.

Or. en

Amendment 789

Irène Tolleret

Proposal for a regulation

Annex VII – paragraph 1 – point t a (new)

Text proposed by the Commission

Amendment

(ta) whether there are any intellectual property rights applying to the variety,

including, where applicable, the code of each patent.

Or. en

Justification

Breeders and farmers need to have all information to make their choices.

Amendment 790

Martin Häusling

on behalf of the Verts/ALE Group

Proposal for a regulation

Annex VII – paragraph 1 – point t b (new)

Text proposed by the Commission

Amendment

(tb) a description of the breeding methods used to develop the variety;

Or. en

Justification

The variety register should also include information on the breeding methods used (not limited to NGTs). This would ensure greater transparency for users and breeders who wish to produce or further develop the material.