



2023/0227(COD)

10.11.2023

*****I**

DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council on the 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)
(COM(2023)0414 – C9-0236/2023 – 2023/0227(COD))

Committee on Agriculture and Rural Development

Rapporteur: Herbert Dorfmann

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act**Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ***■*** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council on the 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) (COM(2023)0414 – C9-0236/2023 – 2023/0227(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2023)0414),
 - having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0236/2023),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of [xxx],
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the opinion of the Committee on the Environment, Public Health and Food Safety,
 - having regard to the report of the Committee on Agriculture and Rural Development (A9-0000/2023),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation Article 1 – paragraph 2

Text proposed by the Commission

This Regulation also lays down rules concerning the conditions of cultivation of certain varieties that could have undesirable agronomic effects, ***including the cultivation for purposes beyond the production and marketing of PRM***, for the production of food, feed and other products.

Amendment

This Regulation also lays down rules concerning the conditions of cultivation of certain varieties that could have undesirable agronomic effects for the production of food, feed and other products.

Or. en

Justification

This regulation has a main goal related to the PRM, therefore can have only a link, but not an aim, related to the “conditions of cultivation”.

Amendment 2

Proposal for a regulation Article 2 – paragraph 1 – subparagraph 3

Text proposed by the Commission

The requirements concerning production of PRM shall apply only to production with a view to its marketing.

Amendment

The requirements concerning production of PRM shall apply only to production with a view to its marketing ***or import within the Union***.

Or. en

Justification

Addition in accordance with paragraph 4 letter c of this article and article 39 of this regulation.

Amendment 3

Proposal for a regulation

Article 2 – paragraph 4 – point a

Text proposed by the Commission

(a) propagating material of ornamental plants as defined in Article 2 of Directive 98/56/EC;

Amendment

(a) propagating material of ornamental plants as defined in Article 2 of Directive 98/56/EC, ***and propagating material of genera or species listed in Annex I exclusively used for ornamental purposes;***

Or. en

Amendment 4

Proposal for a regulation

Article 2 – paragraph 4 – point b

Text proposed by the Commission

(b) forest reproductive material as defined in Article 3 of Regulation (EU) .../... of the European Parliament and of the Council⁴⁷ +;

Amendment

(b) forest reproductive material as defined in Article 3 of Regulation (EU) .../... of the European Parliament and of the Council⁴⁷ + ***and propagating material of genera or species listed in Annex I exclusively used for forestry purposes;***

⁴⁷ Regulation (EU) .../... of the European Parliament and of the Council (OJ...., p....).+ OJ: Please insert in the text the number of the Regulation contained in document (... (COD)) and insert the number, date, title and OJ reference of that Regulation in the footnote.

⁴⁷ Regulation (EU) .../... of the European Parliament and of the Council (OJ...., p....).+ OJ: Please insert in the text the number of the Regulation contained in document (... (COD)) and insert the number, date, title and OJ reference of that Regulation in the footnote.

Or. en

Justification

Amendments "a" & "b" in order to clarify the aims and areas that fall under this regulation. With focus on the multiple and crossing aims of some varieties/species produced with an ornamental or agricultural (food production) purpose. With focus on the multiple and crossing aims of some varieties/species identifiable and produced as PRM and/or FRM. For example chestnut tree.

Amendment 5

Proposal for a regulation

Article 2 – paragraph 4 – point c

Text proposed by the Commission

(c) PRM produced for export to third countries;

Amendment

(c) PRM produced for export to third countries ***outside commercial activities and for private use only and linked to conservation and biodiversity goals of the PRM.***

Or. en

Justification

Amendments, in order to clarify the aims and areas that fall under this regulation and its main goal of the PRM produced as a market product. Moreover, to underline the key role, plaid by the sustainability and biodiversity in this regulation.

Amendment 6

Proposal for a regulation

Article 3 – paragraph 1 – point 3

Text proposed by the Commission

(3) ‘marketing’ means the following actions conducted by a professional operator: sale, holding, transfer for free, or offering for sale or any other way of transferring or distribution within, or import into, the Union

Amendment

(3) ‘marketing’ means the following ***commercial*** actions conducted by a professional operator: sale, holding, transfer for free, or offering for sale or any other way of transferring or distribution within, or import into, the Union;

Or. en

Justification

Amendment in order to keep the focus of the regulation on marketing.

Amendment 7

Proposal for a regulation

Article 3 – paragraph 1 – point 5

Text proposed by the Commission

(5) ‘clone’ means ***an individual plant progeny, originally derived from another single plant by vegetative reproduction, remaining genetically identical to that plant;***

Amendment

(5) ‘clone’ means:

Or. en

Amendment 8

Proposal for a regulation

Article 3 – paragraph 1 – point 5 – point a (new)

Text proposed by the Commission

Amendment

(a) an individual plant progeny, originally derived from another single plant by vegetative reproduction, remaining genetically identical to that plant; or

Or. en

Amendment 9

Proposal for a regulation

Article 3 – paragraph 1 – point 5 – point b (new)

Text proposed by the Commission

Amendment

(b) the vegetative genetically uniform progeny of a single plant.

Or. en

Justification

Amendments "a" & "b" are two technical specification given that the proposed definition did

not include the fruits plant description of clones. It was include the specific definition of clone currently defined in the directive 2008/90 article 2,4.

Amendment 10

Proposal for a regulation

Article 3 – paragraph 1 – point 12

Text proposed by the Commission

(12) ‘variety maintenance’ means the actions taken for controlling varietal purity and identity with the aim to ensure that a variety remains *in accordance with its* description over subsequent cycles of reproduction;

Amendment

(12) ‘variety maintenance’ means the actions taken for controlling varietal purity and identity with the aim to ensure that a variety remains *unchanged in the expression of the characteristics included in the variety* description over subsequent cycles of reproduction;

Or. en

Justification

This is a technical clarification

Amendment 11

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(da) is not an open pollinated out-crossing species.

Or. en

Justification

For some species defined as "open pollinated" is impossible to distinguish between standard material and heterogeneous material

Amendment 12

Proposal for a regulation

Article 3 – paragraph 1 – point 28

Text proposed by the Commission

(28) ‘final user’ means any person acquiring, **transferring** and using PRM for purposes which are outside that person’s professional activities;

Amendment

(28) ‘final user’ means any person acquiring and using PRM for purposes which are outside that person’s **main** professional activities;

Or. en

Justification

First amendment First change, it is in compliance with article 2,4, letter d, and the second one is in order to have a more broad definition.

Amendment 13

Proposal for a regulation

Article 3 – paragraph 1 – point 29 – point a

Text proposed by the Commission

(a) traditionally grown **or locally** newly bred **under specific** local conditions in the **Union, and adapted to those conditions; and**

Amendment

(a) **either a** traditionally grown **landrace or a** newly bred **variety (modern landrace) derived from participatory on-farm selection and bred for adaptation to** local conditions in the **context of the sustainable use of plant genetic resources for food and agriculture;**

Or. en

Amendment 14

Proposal for a regulation

Article 3 – paragraph 1 – point 29 – point b

Text proposed by the Commission

(b) characterised by a **high** level of genetic **and phenotypical** diversity

Amendment

(b) characterised by a **certain** level of genetic diversity between individual

between individual reproductive units;

reproductive units;

Or. en

Amendment 15

Proposal for a regulation

Article 3 – paragraph 1 – point 32

Text proposed by the Commission

(32) ‘seed potatoes’ means tubers of *Solanum tuberosum* L., used for the reproduction of **other** potatoes;

Amendment

(32) ‘seed potatoes’ means tubers of *Solanum tuberosum* L., used for the reproduction of potatoes;

Or. en

Amendment 16

Proposal for a regulation

Article 12 – paragraph 1 – subparagraph 1

Text proposed by the Commission

For the purposes of the certification under official supervision, the competent authorities shall, at least **once per year**, **conduct audits** to ensure that the professional operator fulfils the requirements referred to in Article 10(1).

Amendment

For the purposes of the certification under official supervision, the competent authorities shall **conduct regular audits**, at least **once every 18 months**, to ensure that the professional operator fulfils the requirements referred to in Article 10(1).

Or. en

Justification

The competent authority should ha a certain flexibility in the scheduling of the control, the year frequencies may not follow the real production steps during the year.

Amendment 17

Proposal for a regulation

Article 13 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

During processing, packaging, storage, or at delivery, lots of PRM may be merged into a new lot only if they belong to the same variety **and harvest year**.

During processing, packaging, storage, or at delivery, lots of PRM may be merged into a new lot only if they belong to the same variety.

Or. en

Justification

This limitation do not represent a quality's standard for seeds and it will increase the waste production.

Amendment 18

Proposal for a regulation

Article 14 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The competent authority and the professional operator shall keep a record of the following:

(a) authorisation, buy, load and transport of the PRM; and

(b) quality, identification and traceability of the PRM.

Or. en

Justification

This represent a specific derogation, however it should be possible only with a complete traceability.

Amendment 19

Proposal for a regulation

Article 15 – paragraph 6

Text proposed by the Commission

Amendment

6. By way of derogation from

6. By way of derogation from

paragraphs 1 to 5, pre-basic, basic **material and seed basic material and seed** and certified material **and seed**, imported from third countries pursuant to Article 39, shall be marketed in the Union with the respective OECD label that was accompanying them at import.

paragraphs 1 to 5, pre-basic, basic and certified **seed and** material, imported from third countries pursuant to Article 39, shall be marketed in the Union with the respective OECD label that was accompanying them at import.

Or. en

Justification

Wording

Amendment 20

Proposal for a regulation

Article 19 – paragraph 1 – point c

Text proposed by the Commission

(c) with the exception of standard seed or standard material, the PRM concerned is **produced or** marketed under a lower category, in accordance with the requirements applicable for that category;

Amendment

(c) with the exception of standard seed or standard material, the PRM concerned is marketed under a lower category, in accordance with the requirements applicable for that category;

Or. en

Justification

In this regulation, the focus is on the marketing standard and not the production. Regarding the category, it is important that the final labeling on the market correspond to the real standards.

Amendment 21

Proposal for a regulation

Article 20 – paragraph 2 – subparagraph 2 – point b – point i

Text proposed by the Commission

(i) to the purpose of ensuring food and feed security, or ensuring high value of industrial processing; **and**

Amendment

(i) to the purpose of ensuring food and feed security, or ensuring high value of industrial processing; **or**

Justification

This amendments gives more flexibility for the certification.

Amendment 22**Proposal for a regulation****Article 21 – paragraph 1 – subparagraph 1***Text proposed by the Commission*

Mixtures of certified seed or mixtures of standard seed of various genera or species listed in **Part A** of Annex I and complying with the requirements of Articles 5 to 8, as well as of different varieties of those genera or species, may be produced and marketed in the Union, if they **fulfill** the requirements of this Article.

Amendment

Mixtures of certified seed or mixtures of standard seed of various genera or species listed in **Parts A and B** of Annex I and complying with the requirements of Articles 5 to 8, as well as of different varieties of those genera or species, may be produced and marketed in the Union, if they **fulfil** the requirements of this Article.

Justification

Also the seed listed in the Part B (Genera and species to be used for the production of vegetables) should be mentioned.

Amendment 23**Proposal for a regulation****Article 21 - paragraph 4 a (new)***Text proposed by the Commission**Amendment*

4a. Mixtures of seeds referred to in paragraph 1 may contain seeds of various genera or species which are, or are not, listed in Annex I, Parts A and B.

Justification

Flowering mixtures and mixtures for greening currently contain many species that are not

listed. This is important because these species are used as part of nature conservation measures. These mixtures are currently used on a large scale.

Amendment 24

Proposal for a regulation

Article 22 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

(b) it is naturally associated with a particular area (**'source area'**) contributing to the conservation of genetic resources or the restoration of the natural environment;

Amendment

(b) it is naturally associated with a particular area (**'region of origin'**) contributing to the conservation of genetic resources or the restoration of the natural environment;

Or. en

Justification

This definition of "source area" is the the same definition of "region of origin" in the in Article 3 of EU Directive 2010/60, which currently regulates the marketing of preservation mixtures. This amendments it to avoid misunderstandings.

Amendment 25

Proposal for a regulation

Article 22 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

(a) authorisation requirements for mixtures of seeds collected directly from a natural place belonging to a defined **source area**, for the conservation and restoration of the natural environment (directly harvested preservation mixtures);

Amendment

(a) authorisation requirements for mixtures of seeds collected directly from a natural place belonging to a defined **region of origin**, for the conservation and restoration of the natural environment (directly harvested preservation mixtures);

Or. en

Justification

This definition of "source area" is the the same definition of "region of origin" in the in Article 3 of EU Directive 2010/60, which currently regulates the marketing of preservation mixtures. This amendments it to avoid misunderstandings.

Amendment 26

Proposal for a regulation Article 23 – title

Text proposed by the Commission

Amendment

Re-packaging and re-labelling of **seed** lots

Re-packaging and re-labelling of **PRM** lots

Or. en

Justification

This amendment it's in order to have a broader definition and application of the all PRM lots

Amendment 27

Proposal for a regulation Article 23 – paragraph 1

Text proposed by the Commission

Amendment

1. **Seed** lots of pre-basic, basic and certified seed shall be repackaged and relabeled in accordance with this Article, Articles 14 and 15, where this is necessary for splitting or merging of lots.

1. Lots of pre-basic, basic and certified seed shall be repackaged and relabeled in accordance with this Article, Articles 14 and 15, where this is necessary for splitting or merging of lots.

Or. en

Justification

This amendment it's in order to have a broader definition and application of the all PRM lots

Amendment 28

Proposal for a regulation Article 23 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

The re-packaging and re-labelling of a **seed** lot shall be conducted by:

The re-packaging and re-labelling of a **PRM** lot shall be conducted by:

Justification

This amendment it's in order to have a broader definition and application of the all PRM lots

Amendment 29

Proposal for a regulation
Article 27 – paragraph 1

Text proposed by the Commission

1. By way of derogation from Article 5, PRM of heterogeneous material may be produced and marketed within the Union without belonging to a variety. The heterogeneous material shall be notified to and **register** by the competent authority prior to its production and/or marketing, in accordance with the requirements set out in Annex VI.

Amendment

1. By way of derogation from Article 5, PRM of heterogeneous material, **with the exclusion of the production and marketing of fodder plant**, may be produced and marketed within the Union without belonging to a variety. The heterogeneous material shall be notified to and **registered** by the competent authority prior to its production and/or marketing, in accordance with the requirements set out in Annex VI.

Justification

The fodder plants are inherently bred as heterogeneous material so it should be excluded.

Amendment 30

Proposal for a regulation
Article 30 – title

Text proposed by the Commission

Seed exchanged **in kind** between farmers

Amendment

PRM exchanged between farmers

Justification

This amendments allows for more flexibility in the application of this article.

Amendment 31

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 ***to*** 25, farmers may exchange ***PRM***, if such ***PRM fulfils*** all of the following conditions:

Or. en

Justification

This amendments allows for more flexibility in the application of this article.

Amendment 32

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) to be limited ***in*** quantities, without using commercial intermediaries or public offer of marketing; and

Or. en

Amendment 33

Proposal for a regulation

Article 30 a (new)

Text proposed by the Commission

Amendment

Article 30a

Maximum quantity of each species which may be exchanged

The Commission is empowered to adopt delegated acts in accordance with Article 75, supplementing this Regulation, in order to set up, for each species, the maximum quantity which may be exchanged, referred to in Article 30(2), point (b).

Or. en

Justification

The exchange of seed should be guaranteed however if it's limited to small quantities.

Amendment 34

Proposal for a regulation

Article 33 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

In order to remove temporary difficulties in the general supply of PRM that may occur in the Union due to adverse climatic conditions or other unforeseen circumstances, the Commission, ***by means of an implementing act, may*** authorise Member States for a maximum period of 1 year, to allow the marketing of the categories of pre-basic, basic or certified material or seed, which fulfils one of the following conditions:

Amendment

In order to remove temporary difficulties in the general supply of PRM that may occur in the Union due to adverse climatic conditions or other unforeseen circumstances, the Commission ***is empowered to adopt delegated acts in accordance with Article 75, amending this Regulation, in order to*** authorise Member States for a maximum period of 1 year, to allow the marketing of the categories of pre-basic, basic or certified material or seed, which fulfils one of the following conditions:

Or. en

Amendment 35

Proposal for a regulation

Article 33 – paragraph 1 – subparagraph 3

Text proposed by the Commission

That ***implementing act may*** set out the

Amendment

That ***delegated act shall*** set out the

maximum quantities, which may be marketed per genera or species.

maximum quantities, which may be marketed per genera or species.

Or. en

Amendment 36

Proposal for a regulation

Article 33 – paragraph 1 – subparagraph 4

Text proposed by the Commission

Amendment

That implementing act shall be adopted in accordance with the examination procedure referred to in Article 76(2).

deleted

Or. en

Amendment 37

Proposal for a regulation

Article 33 – paragraph 3

Text proposed by the Commission

Amendment

The Commission ***may*** decide, ***by means of an implementing act***, that the authorisation concerned has to be repealed or amended, if it concludes that is no longer necessary or proportionate to the objective of removing the temporary difficulties in the general supply of the PRM concerned.
That implementing act shall be adopted in accordance with the examination procedure referred to in Article 76(2).

The Commission ***is empowered to adopt delegated acts in accordance with Article 75, amending this Regulation, in order to*** decide that the authorisation concerned has to be repealed or amended, if it concludes that ***it*** is no longer necessary or proportionate to the objective of removing the temporary difficulties in the general supply of the PRM concerned.

Or. en

Amendment 38

Proposal for a regulation

Article 33 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The Member State that uses the derogation referred to in paragraph 4 shall notify it to the Commission.

Or. en

Justification

This is a derogation that should be reported to the Commission.

Amendment 39

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

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, organizations and networks; and exchanged between farmers) should be allowed.

Amendment 40

Proposal for a regulation

Article 43 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) their intention to produce pre-basic, basic and certified material or pre-basic, basic and certified seed, **at least one month**

(a) their intention to produce pre-basic, basic and certified material or pre-basic, basic and certified seed, before the

before the beginning of that production;
and

beginning of that production; and

Or. en

Justification

The notification should be before the start of the production, however with flexible time.

Amendment 41

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, ***except turf grasses***, and fulfil the requirements for satisfactory value for sustainable cultivation and use, as set out in Article 52; or

Or. en

Justification

Turf grasses shall be exempted from VSCU testing. The purpose of turf grasses is not the production of food or renewable raw materials.

Amendment 42

Proposal for a regulation

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

Text proposed by the Commission

Amendment

As regards points (f) and (g) of the first subparagraph, the Commission may decide, by means of implementing acts, that the provisions adopted by Member States have to be repealed or amended, if it concludes that those provisions are not sufficiently based on the latest scientific

and technical knowledge or proportionate to the objective of pursued. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).

Or. en

Justification

The Commission and not the member state should be empowered to decide on this topic that must be regulated uniformly in the Union.

Amendment 43

**Proposal for a regulation
Article 47 – paragraph 3**

Text proposed by the Commission

Amendment

- 3. *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:*** *deleted*
- (i) *measures in the field, including crop rotation;***
- (ii) *monitoring measures;***
- (iii) *the mode of notification of the conditions referred to in point (i) to the Commission and the other Member States;***
- (iv) *rules for reporting from professional operators to the competent authorities concerning the application of the conditions referred to in point (i);***
- (v) *the indication of the conditions referred to in point (i) in the national variety registers.***

Those conditions shall be based on the latest scientific and technical knowledge.

Justification

This regulation should be focused on the marketing standard. The production standards will be indirect modified by the new marketing standard.

Amendment 44

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 ***which is commonly known*** on the date of the submission of the application established in accordance with Article 58.

Or. en

Amendment 45

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, distribution ***and use***;

Or. en

Justification

With this amendments we focus on the sustainability in the all process.

Amendment 46

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ga) *preserving traditional and cultural heritage;*

Or. en

Amendment 47

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(gb) *pre or post-harvest waste reduction.*

Or. en

Amendment 48

Proposal for a regulation

Article 52 – paragraph 3 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) establishing the methodologies for assessing the characteristics listed under paragraph 1, points (a) to **(g)**;

(b) establishing the methodologies for assessing the characteristics listed under paragraph 1, **second subparagraph**, points (a) to **(gb)**;

Or. en

Amendment 49

Proposal for a regulation

Article 52 – paragraph 3 – subparagraph 4

Text proposed by the Commission

Amendment

The Commission may adopt, by means of implementing acts, a decision requesting a Member State to repeal or modify those rules, if they are deemed, on the basis of the available scientific and technical evidence, to be inappropriate for the examination of value for sustainable cultivation and use of a variety. Those 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 recognized description is unnecessary. It is already in the interest of the operators and the competent authorities to make sure this description is meaningful and accurate.

Amendment 50

Proposal for a regulation

Article 69 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

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.

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

The conservative varieties should have a longer registrations time in order to achieve their aim.

Amendment 51

Proposal for a regulation

Article 75 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The delegation of power referred to in Articles 2(3), 7(3), 8(4), 10(2), 15(5), 20(2), 22(2), 24(4), 27(3), 46(2), **47(3)**, 52(3), 54(4), 61(3), and 62(1) shall be conferred on the Commission for 5 years from the date of the entry into force of this Regulation.

Amendment

The delegation of power referred to in Articles 2(3), 7(3), 8(4), 10(2), 15(5), 20(2), 22(2), 24(4), 27(3), **30a, 33(1) and (3)**, 46(2), 52(3), 54(4), 61(3), and 62(1) shall be conferred on the Commission for 5 years from the date of the entry into force of this Regulation.

Or. en

Amendment 52

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

(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, ***provided that the respective examination requirements, methodologies and standards for assessing the characteristics listed in Article 52(1), second subparagraph points (a) to (gb), exist.*** It shall be binding in its entirety and directly applicable in all Member States.

Or. en

Justification

The establishment of the important and new sustainable standards should not stop or delay the development of new varieties.

Amendment 53

Proposal for a regulation

Annex I – Part A – subheading 1 a (new)

Text proposed by the Commission

Amendment

*Cicer arietinum Lens culinaris Medik.,
1787 Fagopyrum esculentu*

Camelina sativa

Triticum monococcum

Or. en

Amendment 54

Proposal for a regulation

Annex VI – Part H – table - row 2

Text proposed by the Commission

<i>Fodder plants</i>	<i>10</i>
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Amendment

<i>deleted</i>	<i>deleted</i>
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Or. en

Amendment 55

Proposal for a regulation

Annex VII – paragraph 1 – point g

Text proposed by the Commission

Amendment

(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');

(g) in the case of **conservation** 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');

Or. en

Justification

To clarify the type of variety referred to in article 46.

Amendment 56

Proposal for a regulation

Annex VII – paragraph 1 – point s

Text proposed by the Commission

Amendment

(s) *where applicable, indication that the variety is herbicide tolerant and indication of the applicable cultivation conditions;* *deleted*

Or. en

Justification

To be consistent with the amendments introduced on art. 47.

Amendment 57

Proposal for a regulation

Annex VII – paragraph 1 – point t

Text proposed by the Commission

Amendment

(t) *where applicable, indication that the variety has certain characteristics, **other than the one referred to in point (s)**, and indication of the applicable cultivation conditions.*

(t) *where applicable, indication that the variety has certain characteristics, and indication of the applicable cultivation conditions.*

Or. en

Justification

In accordance with the previous amendments.

Amendment 58

Proposal for a regulation

Annex VII – paragraph 1 – point t a (new)

Text proposed by the Commission

Amendment

(ta) disclosure of which breeding techniques have been applied for the development of the variety (e.g. cell fusion, genetic engineering, chemical or irradiation mutation breeding, microspore culture);

Or. en

Amendment 59

Proposal for a regulation

Annex VII – paragraph 1 – point t b (new)

Text proposed by the Commission

Amendment

(tb) disclosure of whether the variety is covered by existing patents.

Or. en

EXPLANATORY STATEMENT

Plant reproductive materials (PRM) were so far covered under ten different directives dealing with the different species and varieties as well as addressing different aspects including development, production and marketing.

With this proposal, the Commission seeks to cover the various PRM, such as seeds, cuttings, trees, roots, and tubers, under a single regulation, thus creating a uniform standard among the different PRMs within the European Union.

The Rapporteur agrees broadly with the proposal of the Commission and welcomes the separation of plant and forestry reproductive material, which are now treated in two different regulations.

The Rapporteur appreciates the structure of the regulation with a focus on the marketing and quality of PRM, which is guaranteed by high production standards and controls by the competent authority. Important derogations concerning the non-commercial exchange of seeds as well as the derogation for conservative varieties focused on biodiversity are crucial and have the full support of the Rapporteur. Nonetheless, derogations must respect fundamental elements of the PRM regulation regarding phytosanitary risks, property rights and limited small quantities.

The Rapporteur suggests minor technical adjustments, like broadening the scope of the regulation to include requirements concerning the production of PRM, to be applied not only to marketing but also to imports into the European Union. The Rapporteur underlines the importance of excluding propagating material of genera or species from the list in Annex I exclusively used for ornamental purpose from this regulation. Furthermore, the Rapporteur suggests specifying the definition of clones by including fruit plants' descriptions and excluding open pollinated out-crossing species from the definition of heterogeneous material.

In order to reduce spoilage and to improve legal certainty, the Rapporteur suggests allowing the merger of different lots of PMR into a single one regardless of the harvest year, under the condition that the lots belong to the same variety.

Furthermore, the Rapporteur suggests extending the period for regular audits under Article 12 from at least once every 12 months to at least once every 18 months to give competent authorities more flexibility to schedule the audits following the real production cycle. The Rapporteur suggests providing more flexibility regarding the costs of certification activities as one of the two conditions to be fulfilled to add a genus or a species to Annex IV. Furthermore, the Rapporteur specifies that the production and marketing of fodder plants cannot be classified as "heterogeneous material" and thus shall not be included within Article 27. Moreover, the Rapporteur supports the derogation to Article 39 for the import of PRM, which is not produced for market purposes. The Rapporteur requests the exemption of turf grasses from VSCU testing as it is not used for the production of food or renewable raw materials. The Rapporteur is of the opinion that this regulation is providing detailed marketing standards with a direct implication on the production of PRM and questions the necessity of the adoption of a further delegated act on minimum cultivation conditions under Article 47.

The Rapporteur is confident that with the approach taken in the Commission proposal and with the amendments proposed in the report, the goal of enacting a single regulation on PRM that is balanced and has a positive impact in all sectors previously regulated by different

directives can be achieved.

**ANNEX: List of entities or persons
from whom the rapporteur has received input**

The following list is drawn up under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the [draft report / report, until the adoption thereof in committee]:

Entity and/or person
IFOAM Organics Europe
Bayerische Pflanzenzucht- und Saatbauverbände
COCERAL
KWS SAAT SE & Co. KGaA
Euroseeds
CropLife Europe
ARCHE NOAH, Gesellschaft für die Erhaltung der Kulturpflanzenvielfalt und ihre Entwicklung
Copa & Cogeca