



2023/0227(COD)

2.2.2024

AMENDMENTS

89 - 268

Draft opinion
Christophe Clergeau
(PE757.169v01-00)

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 89
Mathilde Androuët

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) Article 9 of the International Treaty on Plant Genetic Resources for Food and Agriculture, signed by all Member States, stipulates, inter alia, that farmers have the right ‘to save, use, exchange and sell farm-saved seed/propagating material, subject to national law and as appropriate’.

Or. fr

Amendment 90
Stanislav Polčák

Proposal for a regulation
Recital 2

Text proposed by the Commission

Amendment

(2) The impact assessments carried out by the Commission in 2013 and 2023 confirmed that those Directives have had a significant impact on the free movement, availability and high quality of PRM on the Union market and have thus facilitated the trade of PRM within the Union.

(2) The impact assessments carried out by the Commission in 2013 and 2023 confirmed that those Directives have had a significant **positive** impact on the free movement, availability and high quality of PRM on the Union market and have thus facilitated the trade of PRM within the Union.

Or. cs

Amendment 91
Sarah Wiener

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) In order to achieve this transition to sustainable food systems, the Union legislation should therefore take account of the need to ensure the adaptability of **the PRM production** to the changing agricultural, horticultural and environmental conditions, to face the challenges of climate change, to protect and restore biodiversity and to meet increasing farmers' and consumers' expectations related to quality and sustainability of PRM.

Amendment

(5) In order to achieve this transition to sustainable food systems, the Union legislation should therefore take account of the need to ensure the adaptability **and diversity** of **PRM** to the changing agricultural, horticultural and environmental conditions, to face the challenges of climate change, to protect and restore biodiversity and to meet increasing farmers' and consumers' expectations related to quality, **resilience** and sustainability of PRM.

Or. en

Amendment 92
Christophe Clergeau

Proposal for a regulation
Recital 49

Text proposed by the Commission

(49) In order to contribute to the sustainability of agricultural production and serve economic, environmental and broader societal needs, new varieties of all genera or species should show an improvement compared to the other varieties of the same genera or species registered in the same national variety register, concerning certain aspects. Among those aspects are their yield, including yield stability and yield under low input conditions; tolerance/resistance to biotic stresses, including plant diseases caused by nematodes, fungi, bacteria, viruses, insects and other pests; tolerance/resistance to abiotic stresses, including adaptation to climate change conditions; more efficient use of natural resources, such as water and nutrients; reduced need for external inputs, such as plant protection products and fertilisers; characteristics that enhance the

Amendment

(49) In order to contribute to the sustainability of agricultural production **and food systems while recognising that sustainability cannot be reduced to a single trait or variety but can only apply to a cultivated system as a whole, and in order to** serve economic, environmental and broader societal needs, new varieties of all genera or species should show an improvement compared to the other varieties of the same genera or species registered in the same national variety register, concerning certain aspects. Among those aspects are their yield, including yield stability and yield under low input conditions; tolerance/resistance to biotic stresses, including plant diseases caused by nematodes, fungi, bacteria, viruses, insects and other pests; tolerance/resistance to abiotic stresses, including adaptation to climate change conditions; more efficient use of natural

sustainability of storage, processing and distribution; and quality or nutritional characteristics ('value for sustainable cultivation and use'). For the purpose of deciding on the variety registration and in order to provide sufficient flexibility to register varieties with the most desirable characteristics, those aspects should be considered for a given variety as a whole.

resources, such as water and nutrients; reduced need for external inputs, such as plant protection products and fertilisers; characteristics that enhance the sustainability of storage, processing and distribution; and quality or nutritional characteristics ('value for sustainable cultivation and use'). For the purpose of deciding on the variety registration and in order to provide sufficient flexibility to register varieties with the most desirable characteristics, those aspects should be considered for a given variety as a whole.

Or. en

Amendment 93 **Sarah Wiener**

Proposal for a regulation **Recital 49**

Text proposed by the Commission

(49) In order to contribute to the sustainability of agricultural production and serve economic, environmental and broader societal needs, new varieties of all genera or species should show an improvement compared to the other varieties of the same genera or species registered in the same national variety register, concerning certain aspects. Among those aspects are their yield, including yield stability and yield under low input conditions; tolerance/resistance to biotic stresses, including plant diseases caused by nematodes, fungi, bacteria, viruses, insects and other pests; tolerance/resistance to abiotic stresses, including adaptation to climate change conditions; more efficient use of natural resources, such as water and nutrients; reduced need for external inputs, such as plant protection products and fertilisers; characteristics that enhance the sustainability of storage, processing and

Amendment

(49) In order to contribute to the sustainability of agricultural production **and food systems while recognising that sustainability cannot be reduced to a single trait or variety but can only apply to a cultivated system as a whole**, and serve economic, environmental and broader societal needs, new varieties of all genera or species should show an improvement compared to the other varieties of the same genera or species registered in the same national variety register, concerning certain aspects. Among those aspects are their yield, including yield stability and yield under low input conditions; tolerance/resistance to biotic stresses, including plant diseases caused by nematodes, fungi, bacteria, viruses, insects and other pests; tolerance/resistance to abiotic stresses, including adaptation to climate change conditions; more efficient use of natural resources, such as water and nutrients; reduced need for external inputs,

distribution; and quality or nutritional characteristics ('value for *sustainable* cultivation and use'). For the purpose of deciding on the variety registration and in order to provide sufficient flexibility to register varieties with the most desirable characteristics, those aspects should be considered for a given variety as a whole.

such as plant protection products and fertilisers; characteristics that enhance the sustainability of storage, processing and distribution; and quality or nutritional characteristics ('value for cultivation and use'). For the purpose of deciding on the variety registration and in order to provide sufficient flexibility to register varieties with the most desirable characteristics, those aspects should be considered for a given variety as a whole.

Or. en

Amendment 94
Stanislav Polčák

Proposal for a regulation
Recital 57

Text proposed by the Commission

(57) The period of the registration of a variety should be 10 years, so as to encourage innovation in the breeding sector, and the removal from the market of *old* varieties and their replacement by new ones. However, that period should be 30 years for varieties of genera or species of fruit plants and vine, due to the longer time required for the completion of the productive cycle of those genera or species.

Amendment

(57) The period of the registration of a variety should be 10 years, so as to encourage innovation in the breeding sector, and the removal from the market of *obsolete or otherwise unsuitable* varieties and their replacement by new ones. However, that period should be 30 years for varieties of genera or species of fruit plants and vine, due to the longer time required for the completion of the productive cycle of those genera or species.

Or. cs

Amendment 95
Christophe Clergeau

Proposal for a regulation
Recital 64

Text proposed by the Commission

(64) Regulation (EU) 2018/848 should

Amendment

deleted

be amended to align the definitions of 'plant reproductive material' and 'heterogeneous material' with the definitions provided for by this Regulation. Moreover, the empowerment for the Commission to adopt specific provisions for the marketing of PRM of organic heterogeneous material should be excluded from Regulation (EU) 2018/848, as all rules concerning the production and marketing of PRM should be set out in this Regulation for reasons of legal clarity.

Or. en

Amendment 96
Anja Hazekamp

Proposal for a regulation
Recital 64

Text proposed by the Commission

Amendment

(64) Regulation (EU) 2018/848 should be amended to align the definitions of 'plant reproductive material' and 'heterogeneous material' with the definitions provided for by this Regulation. Moreover, the empowerment for the Commission to adopt specific provisions for the marketing of PRM of organic heterogeneous material should be excluded from Regulation (EU) 2018/848, as all rules concerning the production and marketing of PRM should be set out in this Regulation for reasons of legal clarity.

deleted

Or. en

Amendment 97
Stanislav Polčák

Proposal for a regulation

Article 2 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Its requirements concern, respectively, all types of PRM, only seeds, or only material other than seeds.

Amendment

Its requirements concern, respectively, all types of PRM, **whether** only seeds, or only material other than seeds.

Or. cs

Amendment 98 Stanislav Polčák

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

Text proposed by the Commission

2. The objectives of this Regulation are **the following**:

Amendment

2. The objectives of this Regulation are:

Or. cs

Amendment 99 Mathilde Androuët

Proposal for a regulation Article 2 – paragraph 2 – point b

Text proposed by the Commission

(b) to ensure equal conditions for the competition of the professional operators across the Union and the functioning of the internal market in PRM;

Amendment

(b) to ensure equal conditions for the competition of the professional operators across the Union and the functioning of the internal market in PRM, **while preserving small structures that offer seeds adapted to the specificities of each growing condition as well as local or national food and cultural particularities.**

Or. fr

Amendment 100

Mathilde Androuët

Proposal for a regulation

Article 2 – paragraph 2 – point d

Text proposed by the Commission

(d) to contribute to conservation and sustainable use of plant genetic resources and agro-biodiversity;

Amendment

(d) to contribute to conservation and sustainable use of plant genetic resources and agro-biodiversity, ***in particular by prohibiting the use of new GMOs (NGTs) whose studies highlight the dangers to bio-diversity, including cultivated bio-diversity.***

Or. fr

Amendment 101

Christophe Clergeau

Proposal for a regulation

Article 2 – paragraph 2 – point e

Text proposed by the Commission

(e) to contribute to sustainable agricultural production, adapted to ***current and*** future projected climatic conditions;

Amendment

(e) to contribute to sustainable agricultural production, adapted to ***a diversity of climatic and soil conditions, currently and in the perspective of*** future projected climatic conditions;

Or. en

Amendment 102

Mathilde Androuët

Proposal for a regulation

Article 2 – paragraph 2 – point e

Text proposed by the Commission

(e) to contribute to sustainable agricultural production, adapted to current and future projected climatic conditions;

Amendment

(e) to contribute to sustainable agricultural production, adapted to current and future projected climatic conditions, ***in particular by promoting the self-***

generation of farmer-saved seeds.

Or. fr

Amendment 103
Sarah Wiener

Proposal for a regulation
Article 2 – paragraph 2 – point e

Text proposed by the Commission

(e) to contribute to sustainable agricultural production, adapted to current and future projected climatic conditions;

Amendment

(e) to contribute to sustainable agricultural production **and food systems**, adapted to current and future projected climatic conditions;

Or. en

Justification

It is necessary to adopt a systems' approach to sustainability, even in a piece of legislation focusing on the production and marketing of the most important primary input of agricultural production. The diversity of species and varieties available on the market directly impacts the diversity of our food. The seed marketing legislation, as recognised in its proposed Recitals 4 and 5, ought to play its part in the transition to sustainable food systems.

Amendment 104
Emma Wiesner, Asger Christensen, Erik Poulsen

Proposal for a regulation
Article 2 – paragraph 2 – point e

Text proposed by the Commission

(e) to contribute to sustainable agricultural production, adapted to current and future projected climatic conditions;

Amendment

(e) to contribute to sustainable **and productive** agricultural production, adapted to current and future projected climatic conditions;

Or. en

Amendment 105

Mathilde Androuët

Proposal for a regulation

Article 2 – paragraph 2 – point f

Text proposed by the Commission

(f) to contribute to food security

Amendment

(f) to contribute to food security, ***building in particular on Article 9 of the International Treaty on Plant Genetic Resources for Food and Agriculture, which recognises, on the one hand, ‘the enormous contribution that the local and indigenous communities and farmers of all regions of the world have made and will continue to make for the conservation and development of plant genetic resources’ and, on the other hand, the right of farmers ‘to save, use, exchange and sell farm-saved seed/propagating material, subject to national law and as appropriate’.***

Or. fr

Amendment 106

Christophe Clergeau

Proposal for a regulation

Article 2 – paragraph 2 – point f

Text proposed by the Commission

(f) to contribute to food security

Amendment

(f) to contribute to food security ***and food sovereignty***

Or. en

Amendment 107

Stanislav Polčák

Proposal for a regulation

Article 2 – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) to contribute to food security

(Does not affect the English version.)

Or. cs

Amendment 108

Ivan David

Proposal for a regulation

Article 2 – paragraph 3 – subparagraph 2 – introductory part

Text proposed by the Commission

Amendment

The delegated act referred to in the first subparagraph shall add genera or species to the list in Annex I if they fulfil at least **two** of the following elements:

The delegated act referred to in the first subparagraph shall add genera or species to the list in Annex I if they fulfil at least **one** of the following elements:

Or. en

Justification

We are concerned that the conditions for adding a new plant species to the list of regulated species in Annex I are set too vaguely, so that in practice there may be very strict conditions that may prevent the addition of a particular plant species that we consider desirable.

Amendment 109

Sarah Wiener

Proposal for a regulation

Article 2 – paragraph 3 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

Before amending or replacing a delegated act, the Commission shall assess the implementation of the requirements, considering the outcome of their application by competent authorities and small-scale professional operators and their impact on seed production and availability.

Or. en

Justification

All operators, especially smaller ones working on specialised crop species with little market importance, need to be clear on the scope of the seed marketing legislation. Discussions on including or deleting crop species from Annex I need to include an assessment of the impacts of such action, especially in small niche markets. Regulating the marketing of seeds from underutilised species has indeed been proven in literature to have adverse effects on the availability of seeds and PRM in these small markets, with little to no chance on the development of value chains in our food systems.

Amendment 110 **Stanislav Polčák**

Proposal for a regulation **Article 2 – paragraph 4 – point c**

Text proposed by the Commission

Amendment

(c) PRM produced for export to third countries; **deleted**

Or. cs

Amendment 111 **Ivan David**

Proposal for a regulation **Article 2 – paragraph 4 – point d**

Text proposed by the Commission

Amendment

(d) PRM sold or transferred in any way, whether free of charge or not, between final users for their own private use and outside their commercial activities;

(d) PRM *for which plant variety rights have not been granted* sold or transferred in any way, whether free of charge or not, between final users for their own private use and outside their commercial activities *and outside the scope of ensuring their production activities*

Or. en

Justification

It shall be clarified that only actions outside a private person's production activities related to PRM without plant variety rights granted are excluded from the scope of this regulation.

Amendment 112
Sarah Wiener

Proposal for a regulation
Article 2 – paragraph 4 – point e a (new)

Text proposed by the Commission

Amendment

(ea) PRM transferred in any way, whether free of charge or not, for the purpose of the conservation and sustainable use of plant genetic resources and agro-biodiversity.

Or. en

Amendment 113
Anja Hazekamp

Proposal for a regulation
Article 2 – paragraph 4 – point e a (new)

Text proposed by the Commission

Amendment

(ea) PRM used solely to conserve plants, species and genetic resources, i.e. by seed banks;

Or. en

Amendment 114
Sirpa Pietikäinen

Proposal for a regulation
Article 2 – paragraph 4 – point e a (new)

Text proposed by the Commission

Amendment

(ea) PRM used for providing access to plant genetic resources for food and agriculture.

Or. en

Amendment 115
Anja Hazekamp

Proposal for a regulation
Article 3 – paragraph 1 – point 2 – point c

Text proposed by the Commission

Amendment

(c) maintenance of varieties;

(c) maintenance of varieties **for commercial purposes**;

Or. en

Amendment 116
Christophe Clergeau

Proposal for a regulation
Article 3 – paragraph 1 – point 2 – point c

Text proposed by the Commission

Amendment

(c) maintenance of varieties;

(c) maintenance **or multiplication** of varieties;

Or. en

Amendment 117
Ivan David

Proposal for a regulation
Article 3 – paragraph 1 – point 2 – point e a (new)

Text proposed by the Commission

Amendment

(ea) import

Or. en

Justification

We recommend to align the definition with the definition in the Regulation (EU) 2016/2031 on protective measures against pests of plants, to avoid inconsistencies in the application of the two Regulations. We consider it appropriate to add at least import and breeding.

Amendment 118
Ivan David

Proposal for a regulation
Article 3 – paragraph 1 – point 2 – point e b (new)

Text proposed by the Commission

Amendment

(eb) *breeding of varieties*

Or. en

Justification

We recommend to align the definition with the definition in the Regulation (EU) 2016/2031 on protective measures against pests of plants, to avoid inconsistencies in the application of the two Regulations. We consider it appropriate to add at least import and breeding.

Amendment 119
Anja Hazekamp

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

Text proposed by the Commission

Amendment

(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

(3) ‘marketing’ means the following actions conducted by a professional operator ***for commercial purposes***: 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

Amendment 120
Ivan David

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

Text proposed by the Commission

Amendment

(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

(3) ‘marketing’ means the following actions conducted by a professional operator **for commercial use**: 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

It shall be clarified that only actions conducted for commercial use are in the scope of this regulation.

Amendment 121 **Sarah Wiener**

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 actions conducted by a professional operator: sale, holding, or offering for sale **of PRM** within, or import into, the Union **aimed at the commercial exploitation of the PRM;**

Or. en

Justification

*The current seed marketing legislation limits the scope of the regulation to where there is the intention to *commercially* exploit the PRM. This should continue. Seed exchange (including transfer for free and in kind) among farmers and civil society conservation networks/community seed banks must remain out of the scope. Further, the sale of seeds as food or feed or the production of seeds under a commercial contract should not be viewed as seed marketing and subject to legislation. The amendment also ensures that public expenditure on the implementation of this law is proportionate.*

Amendment 122 **Ivan David**

Proposal for a regulation

Article 3 – paragraph 1 – point 17

Text proposed by the Commission

(17) ‘standard seed’ means seed, other than pre-basic, basic or certified seed, that ***is not intended for further multiplication, and*** satisfies the respective conditions laid down in Part A of Annex III;

Amendment

(17) ‘standard seed’ means seed, other than pre-basic, basic or certified seed, that ***has been produced from pre-basic, basic, certified or standard seed, that*** satisfies the respective conditions laid down in Part A of Annex III;

Or. en

Justification

It is necessary to delete the restriction that standard seed and standard material are not intended for further multiplication, as this would make impossible the existing system of producing standard seed from standard seed and the existing production of PRM of fruit species under the responsibility of the supplier, which are the main ways of production of vegetables and fruit PRM in EU.

Amendment 123

Ivan David

Proposal for a regulation

Article 3 – paragraph 1 – point 21

Text proposed by the Commission

(21) ‘standard material’ means PRM other than seed, and other than pre-basic, basic or certified material, that ***is not intended for further multiplication, and*** satisfies the respective conditions laid down in Part B of Annex III;

Amendment

(21) ‘standard material’ means PRM other than seed, and other than pre-basic, basic or certified material, that ***has been produced from pre-basic, basic, certified or standard material, that*** satisfies the respective conditions laid down in Part B of Annex III;

Or. en

Justification

It is necessary to delete the restriction that standard seed and standard material are not intended for further multiplication, as this would make impossible the existing system of producing standard seed from standard seed and the existing production of PRM of fruit species under the responsibility of the supplier, which are the main ways of production of vegetables and fruit PRM in EU.

Amendment 124
Ivan David

Proposal for a regulation
Article 3 – paragraph 1 – point 27 – introductory part

Text proposed by the Commission

(27) ‘heterogeneous material’ means *a plant grouping within a single botanical taxon of the lowest known rank which:*

Amendment

(27) ‘*organic* heterogeneous material’ means *organic heterogeneous material as defined in Article 3(18) of Regulation (EU) 2018/848, produced in accordance with Regulation (EU) 2018/848; intended only for further use in organic production*

Or. en

Justification

We propose to change this definition in the sense that heterogeneous material will remain only in the organic production, i.e. as organic heterogeneous material produced in the organic regime as it is now.

Amendment 125
Ivan David

Proposal for a regulation
Article 3 – paragraph 1 – point 27 – point a

Text proposed by the Commission

(a) *presents common phenotypic characteristics;*

Amendment

deleted

Or. en

Justification

We propose to change this definition in the sense that heterogeneous material will remain only in the organic production, i.e. as organic heterogeneous material produced in the organic regime as it is now.

Amendment 126
Ivan David

Proposal for a regulation

Article 3 – paragraph 1 – point 27 – point b

Text proposed by the Commission

Amendment

(b) is characterised by a high level of genetic and phenotypic diversity between individual reproductive units, so that that plant grouping is represented by the material as a whole, and not by a small number of units; *deleted*

Or. en

Justification

We propose to change this definition in the sense that heterogeneous material will remain only in the organic production, i.e. as organic heterogeneous material produced in the organic regime as it is now.

Amendment 127

Ivan David

Proposal for a regulation

Article 3 – paragraph 1 – point 27 – point c

Text proposed by the Commission

Amendment

(c) is not a variety; and *deleted*

Or. en

Justification

We propose to change this definition in the sense that heterogeneous material will remain only in the organic production, i.e. as organic heterogeneous material produced in the organic regime as it is now.

Amendment 128

Ivan David

Proposal for a regulation

Article 3 – paragraph 1 – point 27 – point d

Text proposed by the Commission

Amendment

(d) *is not a mixture of varieties;* *deleted*

Or. en

Justification

We propose to change this definition in the sense that heterogeneous material will remain only in the organic production, i.e. as organic heterogeneous material produced in the organic regime as it is now.

Amendment 129

Sarah Wiener

Proposal for a regulation

Article 3 – paragraph 1 – point 29 – point a

Text proposed by the Commission

Amendment

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

(a) traditionally grown or locally newly bred *or developed* under specific local conditions, and adapted to those conditions *or the utilisation in a marginal environment or production system*; and

Or. en

Amendment 130

Sarah Wiener

on behalf of the Verts/ALE Group

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(aa) *not an F1 hybrid; and*

Or. en

Amendment 131

Sarah Wiener

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 between individual reproductive units;

Amendment

(b) **in the case of seeds, can be** characterised by a **certain** level of genetic and phenotypical diversity between individual reproductive units

Or. en

Amendment 132

Sarah Wiener

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ba) does not consist 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 to insert reference to NGT Reg.);

Or. en

Amendment 133

Ivan David

Proposal for a regulation

Article 3 – paragraph 1 – point 31

Text proposed by the Commission

Amendment

(31) ‘practically free from pests’ means **completely free from** pests, **or a situation where the presence of quality pests on the respective PRM is so low that those pests do not affect adversely the quality of that PRM;**

(31) ‘practically free from pests’ means **that the extent to which pests are present on the PRM is sufficiently low to ensure acceptable quality and usefulness of the PRM;**

Or. en

Justification

This definition should be set out in line with the definition already present in the implementing directive 2014/98 on fruit propagating material.

Amendment 134

Ivan David

Proposal for a regulation

Article 3 – paragraph 1 – point 34

Text proposed by the Commission

(34) ‘off-type’ means, in relation with seed or other plants, a seed or other PRM not corresponding to the description of the variety or species to which it is supposed to belong pursuant to this Regulation

Amendment

(34) ‘off-type’ means, in relation with seed or other plants, a seed or other PRM ***of the crop species*** not corresponding to the description of the variety or species to which it is supposed to belong pursuant to this Regulation

Or. en

Justification

It shall be stated that “off-types” relates only to the plants of the species to which the propagating crop in question belongs. The plants of other species are not off-types.

Amendment 135

Ivan David

Proposal for a regulation

Article 3 – paragraph 1 – point 35

Text proposed by the Commission

(35) ‘hybrid variety’ means a variety produced as a result from the crossbreeding of two or more ***other*** varieties.

Amendment

(35) ‘hybrid variety’ means a variety produced as a result from the crossbreeding of two or more ***components, namely inbred lines, single cross hybrids, double cross hybrids, top cross hybrids or individual*** varieties.

Or. en

Justification

The definition of a hybrid variety shall be reworded as there are many other possibilities how those varieties can be created.

Amendment 136
Marlene Mortler

Proposal for a regulation
Article 3 – paragraph 1 – point 35 a (new)

Text proposed by the Commission

Amendment

(35a) Breeding means all activities, practices and transfers involved in developing new plant varieties and their selection prior to application for registration;

Or. en

Justification

It must be ensured that breeders can continue to make their variety selections based on user information prior to application

Amendment 137
Christophe Clergeau

Proposal for a regulation
Article 3 – paragraph 1 – point 35 a (new)

Text proposed by the Commission

Amendment

(35a) ‘conservation and sustainable use of plant genetic resources and agro-biodiversity’ means the preservation of the genetic diversity within and between cultivated plant species, and includes both the in situ dynamic conservation, whether on farm or in garden, the ex situ conservation outside of their natural habitat, and the sustainable use of plant genetic resources and agro-biodiversity in a way and at a rate that does not lead to the long-term decline of biological

diversity, thereby maintaining its potential to meet the needs and aspirations of present and future generations.

Or. en

Amendment 138
Sarah Wiener

Proposal for a regulation
Article 3 – paragraph 1 – point 35 a (new)

Text proposed by the Commission

Amendment

(35a) An ‘F1 hybrid variety’ means a hybrid variety that does not reproduce true to type in further generations, the maintenance and propagation of which relies on the maintenance of the homozygous parental lines that have been repeatedly and deliberately crossed to obtain the hybrid.

Or. en

Amendment 139
Christophe Clergeau

Proposal for a regulation
Article 3 – paragraph 1 – point 35 b (new)

Text proposed by the Commission

Amendment

(35b) ‘One Health Approach’ means an integrated, unifying approach that aims to sustainably balance and optimise the health of people, animals, plants and ecosystems. It recognises that the health of humans, domestic and wild animals, plants, and the wider environment including ecosystems are closely interlinked and inter-dependent ;

Or. en

Amendment 140
Sarah Wiener

Proposal for a regulation
Article 3 – paragraph 1 – point 35 – point b (new)

Text proposed by the Commission

Amendment

(b) ***‘conservation and sustainable use of plant genetic resources and agro-biodiversity’ means the preservation of the genetic diversity within and between cultivated plant species, and includes both the in situ dynamic conservation, whether on farm or in garden, the ex situ conservation outside of their natural habitat, and the sustainable use of plant genetic resources and agro-biodiversity in a way and at a rate that does not lead to the long-term decline of biological diversity, thereby maintaining its potential to meet the needs and aspirations of present and future generations.***

Or. en

Justification

Existing international agreements like the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) and the Convention on Biological Diversity (CBD) foresee obligations for the conservation and sustainable utilisation of genetic diversity. Therefore, this definition, which draws on the definitions of the ITPGRFA and the CBD while underlining the dynamic nature of conservation in fields and gardens, should be included.

Amendment 141
Sarah Wiener

Proposal for a regulation
Article 3 – paragraph 1 – point 35 – point c (new)

Text proposed by the Commission

Amendment

(c) ***"organic variety" means a variety according to (EU) 2018/848 art. 3 (19), and that does not consist 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 ...”.

Or. en

Amendment 142
Ivan David

Proposal for a regulation
Article 5 – paragraph 1 – point b

Text proposed by the Commission

(b) as heterogeneous material in accordance with Article 27.

Amendment

(b) as **organic** heterogeneous material in accordance with Article 27.

Or. en

Justification

We suggest keeping heterogeneous material only in the sphere of organic farming.

Amendment 143
Ivan David

Proposal for a regulation
Article 6 – paragraph 2 – point a

Text proposed by the Commission

(a) marketing of PRM of heterogeneous material in accordance with Article 27;

Amendment

(a) marketing of PRM of **organic** heterogeneous material in accordance with Article 27;

Or. en

Justification

We suggest keeping heterogeneous material only in the sphere of organic farming.

Amendment 144

Ivan David

Proposal for a regulation

Article 7 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) **sowing and planting, and production in the field**, of pre-basic, basic and certified seed;

(a) **previous cropping and isolation distances**, of pre-basic, basic and certified seed;

Or. en

Justification

Other conditions for sowing, planting and production in the field, as well as harvesting and post-harvesting should remain the competence of the seed producer.

Amendment 145

Ivan David

Proposal for a regulation

Article 7 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) **harvesting and post-harvesting of pre-basic, basic and certified seed;**

deleted

Or. en

Justification

Other conditions for sowing, planting and production in the field, as well as harvesting and post-harvesting should remain the competence of the seed producer.

Amendment 146

Ivan David

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

The Commission may adopt implementing acts specifying the production and

The Commission may adopt implementing acts specifying the production and

marketing requirements referred to in Part **A and Part B** of Annex II for certain genera, species or categories of PRM, and, where appropriate, for certain grades, classes, generations or other sub-divisions of the category concerned. Those requirements shall concern one or more of the following elements

marketing requirements referred to in Part **A to E** of Annex II for certain genera, species or categories of PRM, and, where appropriate, for certain grades, classes, generations or other sub-divisions of the category concerned. Those requirements shall concern one or more of the following elements

Or. en

Justification

Also parts C, D and E of the Annex II should be added. Other conditions for sowing and planting, as well as field cultivation and harvest and post-harvesting should remain the competence of the seed producer.

Amendment 147

Ivan David

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) ***conditions for sowing or planting;***

(c) ***previous cropping and isolation distances***

Or. en

Justification

Also parts C, D and E of the Annex II should be added. Other conditions for sowing and planting, as well as field cultivation and harvest and post-harvesting should remain the competence of the seed producer.

Amendment 148

Ivan David

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) ***field cultivation;***

deleted

Justification

Also parts C, D and E of the Annex II should be added. Other conditions for sowing and planting, as well as field cultivation and harvest and post-harvesting should remain the competence of the seed producer.

Amendment 149**Ivan David****Proposal for a regulation****Article 7 – paragraph 4 – subparagraph 1 – point e***Text proposed by the Commission**Amendment*

(e) *harvesting and post-harvesting;* *deleted*

Justification

Also parts C, D and E of the Annex II should be added. Other conditions for sowing and planting, as well as field cultivation and harvest and post-harvesting should remain the competence of the seed producer.

Amendment 150**Ivan David****Proposal for a regulation****Article 7 – paragraph 4 – subparagraph 1 – point g***Text proposed by the Commission**Amendment*

(g) certification methods of PRM, including the application of bio-molecular or other technical methods, as well as their approval and use, and the listing of approved methods in the Union;

(g) *internationally recognised* certification methods of PRM, including the application of bio-molecular or other technical methods, as well as their approval and use, and the listing of approved methods in the Union;

Justification

Also parts C, D and E of the Annex II should be added. Other conditions for sowing and

planting, as well as field cultivation and harvest and post-harvesting should remain the competence of the seed producer.

Amendment 151

Ivan David

Proposal for a regulation

Article 8 – paragraph 3

Text proposed by the Commission

Amendment

3. Once a year, professional operators shall submit to the competent authority a declaration concerning the quantities per species of standard seed and material they produced.

deleted

Or. en

Justification

There is no need to submit such declaration.

Amendment 152

Christophe Clergeau

Proposal for a regulation

Article 8 – paragraph 4 – introductory part

Text proposed by the Commission

Amendment

4. The Commission is empowered to adopt delegated acts, in accordance with Article 75, in order to amend Annex III, to adapt the requirements referred to in paragraphs 1 and 2 to the scientific and technical developments and to the applicable international standards. Those amendments shall concern the following:

4. The Commission is empowered to adopt delegated acts, in accordance with Article 75, in order to amend Annex III, to adapt the requirements referred to in paragraphs 1 and 2 to the scientific and technical developments and to the applicable international standards ***in line with the One Health approach***. Those amendments shall concern the following:

Or. en

Amendment 153

Ivan David

**Proposal for a regulation
Article 8 – paragraph 4 – point a**

Text proposed by the Commission

Amendment

(a) requirements for **sowing and planting, and production in the field**, of standard seeds;

(a) requirements for **previous cropping and isolation distances**, of standard seeds;

Or. en

Justification

Other conditions for sowing, planting and production in the field, as well as harvesting and post-harvesting should remain the competence of the seed producer.

**Amendment 154
Ivan David**

**Proposal for a regulation
Article 8 – paragraph 4 – point b**

Text proposed by the Commission

Amendment

(b) **requirements for harvesting and post-harvesting of standard seeds;**

deleted

Or. en

Justification

Other conditions for sowing, planting and production in the field, as well as harvesting and post-harvesting should remain the competence of the seed producer.

**Amendment 155
Ivan David**

**Proposal for a regulation
Article 8 – paragraph 5 – subparagraph 1 – introductory part**

Text proposed by the Commission

Amendment

The Commission may adopt implementing acts specifying the production and

The Commission may adopt implementing acts specifying the production and

marketing requirements referred to in Part **A and Part B** of Annex III for certain genera or species of standard seed or material. Those requirements shall concern one or more of the following elements:

marketing requirements referred to in Part **A to E** of Annex III for certain genera or species of standard seed or material. Those requirements shall concern one or more of the following elements:

Or. en

Justification

Also parts C, D and E of the Annex III should be added. Other conditions for sowing and planting, as well as field cultivation and harvest and post-harvesting should remain the competence of the seed producer.

Amendment 156
Ivan David

Proposal for a regulation
Article 8 – paragraph 5 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) ***conditions for sowing or planting;***

(c) ***previous cropping and isolation distances;***

Or. en

Justification

Also parts C, D and E of the Annex III should be added. Other conditions for sowing and planting, as well as field cultivation and harvest and post-harvesting should remain the competence of the seed producer.

Amendment 157
Ivan David

Proposal for a regulation
Article 8 – paragraph 5 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) ***field cultivation;***

deleted

Or. en

Justification

Also parts C, D and E of the Annex III should be added. Other conditions for sowing and planting, as well as field cultivation and harvest and post-harvesting should remain the competence of the seed producer.

Amendment 158

Ivan David

Proposal for a regulation

Article 8 – paragraph 5 – subparagraph 1 – point e

Text proposed by the Commission

Amendment

(e) *harvesting and post-harvesting;* *deleted*

Or. en

Justification

Also parts C, D and E of the Annex III should be added. Other conditions for sowing and planting, as well as field cultivation and harvest and post-harvesting should remain the competence of the seed producer.

Amendment 159

Ivan David

Proposal for a regulation

Article 8 – paragraph 5 – subparagraph 1 – point g

Text proposed by the Commission

Amendment

(g) the application of bio-molecular or other technical methods, as well as their approval and use, and the listing of approved methods in the Union;

(g) the application of *internationally recognised* bio-molecular or other technical methods, as well as their approval and use, and the listing of approved methods in the Union;

Or. en

Justification

Also parts C, D and E of the Annex III should be added. Other conditions for sowing and planting, as well as field cultivation and harvest and post-harvesting should remain the competence of the seed producer.

Amendment 160
Ivan David

Proposal for a regulation
Article 10 – paragraph 1 – subparagraph 1

Text proposed by the Commission

A professional operator may, upon application, be authorised by the competent authority to perform all or certain activities required for certification of PRM under official supervision of the competent authority for **pre-basic**, basic and certified material or seeds, and to **issue** an official label for them.

Amendment

A professional operator may, upon application, be authorised by the competent authority to perform all or certain activities required for certification of PRM under official supervision of the competent authority for basic and certified material or seeds, and to **print** an official label for them.

Or. en

Justification

We request that the reference to pre-basic seed is deleted from paragraph 1, as only small volumes of material are involved in this category and new varieties on the market need to be kept under the responsibility of the official body until the inspectors become familiar with them, especially if only one generation will be allowed in the pre-basic category. In addition, we do not agree with the possibility of officially supervised certification for fruit and vine material, because in our view there is no need to introduce this, as there is a PRM category in fruit species which is produced under the responsibility of the supplier (today CAC material). It needs to be clarified whether all existing authorisations granted under the current rules will remain valid or whether all authorisations will need to be granted again under the new Regulation. We propose that the authorisation to print official labels should be one of the separate activities that a professional operator (PO) can be authorised to undertake, and that it should also be granted to POs who have no other authorisation according to this article.

Amendment 161
Ivan David

Proposal for a regulation
Article 10 – paragraph 1 – subparagraph 2 – point c

Text proposed by the Commission

(c) employ qualified personnel for carrying out the sampling referred to in Annex II, or conclude contracts **with companies** employing qualified personnel

Amendment

(c) employ qualified personnel for carrying out the sampling referred to in Annex II, or conclude contracts **other professional operators, involved in the**

for those activities;

production of PRM, employing qualified personnel for those activities;

Or. en

Justification

Points (c) and (d) should be reformulated so that the PO can contract only with other entities that are engaged in PRM production, not with any company or any laboratory. For the requirements listed under points (a) to (g), it should be clarified how compliance with them is to be demonstrated. It should be clarified what are the critical points for field inspections in (e),

Amendment 162
Ivan David

Proposal for a regulation
Article 10 – paragraph 1 – subparagraph 2 – point d

Text proposed by the Commission

Amendment

(d) employ specialised personnel and equipment to carry out the testing referred to in Annex II, or use laboratories employing qualified personnel for those activities;

(d) employ specialised personnel and equipment to carry out the testing referred to in Annex II, or use **seed testing** laboratories employing qualified personnel for those activities;

Or. en

Justification

Points (c) and (d) should be reformulated so that the PO can contract only with other entities that are engaged in PRM production, not with any company or any laboratory. For the requirements listed under points (a) to (g), it should be clarified how compliance with them is to be demonstrated. It should be clarified what are the critical points for field inspections in (e),

Amendment 163
Stanislav Polčák

Proposal for a regulation
Article 11 – paragraph 2

Text proposed by the Commission

Amendment

The competent authority shall without

The competent authority shall without

delay withdraw, or modify ***as appropriate, the authorisation***, if the professional operator does not apply the corrective actions referred to in the first subparagraph within the specified period of time. In case it is concluded that the authorisation had been granted following fraud, the competent authority shall impose ***the appropriate*** sanctions to the professional operator.

delay withdraw or modify ***the authorisation, insofar as the professional operator is no longer in compliance with the requirements laid down in Article 10(1)***, if the professional operator does not apply the corrective actions referred to in the first subparagraph within the specified period of time. In case it is concluded that the authorisation had been granted following fraud, the competent authority shall impose ***appropriate and effective*** sanctions to the professional operator.

Or. cs

Amendment 164 **Ivan David**

Proposal for a regulation **Article 13 – paragraph 1**

Text proposed by the Commission

1. PRM shall be ***marketed in lots. The content of the varieties and species of each lot shall be*** sufficiently homogeneous ***regarding and identifiable by its users as distinct from*** other lots ***of PRM.***

Amendment

1. PRM shall be ***certified in*** sufficiently homogeneous ***lots. Each lot shall be distinguishable from all*** other lots ***by at least a lot reference number.***

Or. en

Justification

Article 13(1) should be reformulated as there is no need to set a description of a “lot” and as there may be two or more lots of the same variety harvested from the same propagating crop which are not distinct from each other except by a lot number.

Amendment 165 **Ivan David**

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

We propose to delete the requirement of the same harvest year for merging and to replace the obligation to have an authorisation for merging lots with a requirement that the resulting lot after merging should be re-certified and the professional operator shall notify the identity and quantities of the PRM used to the competent authority.

Amendment 166
Ivan David

Proposal for a regulation
Article 13 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Where lots consisting of different certification categories are merged, the new lot shall belong to the category of the component of the lowest category. ***The merging operation may only be undertaken in a facility and by persons authorised by the competent authority for this specific purpose.***

Amendment

Where lots consisting of different certification categories are merged, the new lot shall belong to the category of the component of the lowest category. ***Each lot resulting from merging operation shall undergo a new certification procedure and the professional operator shall notify the competent authority of the identity and quantity of the PRM used for merging.***

Or. en

Justification

We propose to delete the requirement of the same harvest year for merging and to replace the obligation to have an authorisation for merging lots with a requirement that the resulting lot after merging should be re-certified and the professional operator shall notify the identity and quantities of the PRM used to the competent authority.

Amendment 167
Ivan David

Proposal for a regulation

Article 14 – paragraph 5 – subparagraph 1

Text proposed by the Commission

By way of derogation from paragraph 1, **seeds** may be marketed from a professional operator directly to a farmer in bulk.

Amendment

By way of derogation from paragraph 1, **seed potatoes with completed certification procedure** may be marketed from a professional operator directly to a farmer in bulk.

Or. en

Justification

It was clarified by the Commission during the working party meeting on 17 November 2023 that the paragraph 5 relates only to seeds that have been completely certified and labelled, so the plant passport obligation is also met. That shall be clearly stated in the text. We very much appreciate that it does not relate to seed before all the certification actions are completed, but we do not know situations in which this paragraph then can be used for seeds. The only case in which we consider it appropriate is the case of seed potatoes, so we suggest limiting this paragraph only to seed potatoes. The proposal does not set down, what the professional operator has to fulfil to obtain the proposed authorisation to sell seed potatoes in bulk, but we are of the opinion that the possibility to decide on these activities must remain with the member state concerned.

Amendment 168

Ivan David

Proposal for a regulation

Article 14 – paragraph 5 – subparagraph 2

Text proposed by the Commission

That professional operator **shall be authorized for that purpose by the competent authority**. It shall inform the competent authority in advance of such activity and of the lot from which such seed **comes**.

Amendment

That professional operator shall inform the competent authority in advance of such activity and of the lot from which such seed **potatoes come**.

Or. en

Justification

It was clarified by the Commission during the working party meeting on 17 November 2023 that the paragraph 5 relates only to seeds that have been completely certified and labelled, so the plant passport obligation is also met. That shall be clearly stated in the text. We very

much appreciate that it does not relate to seed before all the certification actions are completed, but we do not know situations in which this paragraph then can be used for seeds. The only case in which we consider it appropriate is the case of seed potatoes, so we suggest limiting this paragraph only to seed potatoes. The proposal does not set down, what the professional operator has to fulfil to obtain the proposed authorisation to sell seed potatoes in bulk, but we are of the opinion that the possibility to decide on these activities must remain with the member state concerned.

Amendment 169
Ivan David

Proposal for a regulation
Article 14 – paragraph 5 – subparagraph 3

Text proposed by the Commission

Where seed *is* loaded directly into the farmer's machinery or trailer, the professional operator and the farmer concerned shall ensure traceability of that seed by issuing and retaining documents indicating the *species and* variety, quantity, the time of transfer and lot identification.

Amendment

Where seed **potatoes are** loaded directly into the farmer's machinery or trailer, the professional operator and the farmer concerned shall ensure traceability of that seed **potatoes** by issuing and retaining documents indicating the variety, quantity, the time of transfer and lot identification.

Or. en

Justification

It was clarified by the Commission during the working party meeting on 17 November 2023 that the paragraph 5 relates only to seeds that have been completely certified and labelled, so the plant passport obligation is also met. That shall be clearly stated in the text. We very much appreciate that it does not relate to seed before all the certification actions are completed, but we do not know situations in which this paragraph then can be used for seeds. The only case in which we consider it appropriate is the case of seed potatoes, so we suggest limiting this paragraph only to seed potatoes. The proposal does not set down, what the professional operator has to fulfil to obtain the proposed authorisation to sell seed potatoes in bulk, but we are of the opinion that the possibility to decide on these activities must remain with the member state concerned.

Amendment 170
Ivan David

Proposal for a regulation
Article 15 – paragraph 2 – subparagraph 2 – point a

Text proposed by the Commission

Amendment

(a) the competent authority, if so requested by the professional operator, or if the professional operator is not authorised to **carry out certification** under official supervision, by the competent authority in accordance with Article 10; or

(a) the competent authority, if so requested by the professional operator, or if the professional operator is not authorised to **print official labels** under official supervision, by the competent authority in accordance with Article 10; or

Or. en

Justification

We propose that the authorisation to print official labels should be one of the separate activities that a professional operator can be authorised to undertake, and that it should also be granted to professional operators who have no other authorisation according to this article. We suggest adding the possibility to have the labels printed by a third party.

Amendment 171

Ivan David

Proposal for a regulation

Article 15 – paragraph 2 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

(b) the professional operator, under the official supervision of the competent authority, where the professional operator is authorised to **carry out certification** **under** official supervision in accordance with Article 10.

(b) the professional operator, under the official supervision of the competent authority, where the professional operator is authorised to **print official labels** official supervision in accordance with Article 10.

Or. en

Justification

We propose that the authorisation to print official labels should be one of the separate activities that a professional operator can be authorised to undertake, and that it should also be granted to professional operators who have no other authorisation according to this article. We suggest adding the possibility to have the labels printed by a third party.

Amendment 172

Ivan David

Proposal for a regulation

Article 15 – paragraph 2 – subparagraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the third party acting under the responsibility of the professional operator according to (b).

Or. en

Justification

We propose that the authorisation to print official labels should be one of the separate activities that a professional operator can be authorised to undertake, and that it should also be granted to professional operators who have no other authorisation according to this article. We suggest adding the possibility to have the labels printed by a third party.

Amendment 173 Ivan David

Proposal for a regulation Article 16 – paragraph 2

Text proposed by the Commission

Amendment

The operator's label shall be issued, printed and affixed by the professional operator, or by a person acting under the responsibility of the professional **opeartor**, on the outside of a bundle, package or container.

The operator's label shall be issued, printed and affixed by the professional operator, or by a person acting under the responsibility of the professional **operator**, on the outside of a **plant**, bundle, package or container.

Or. en

Justification

It should be taken into account that the current standard material of vine, which is a certified category, must have an official label, not the operator's label. We request clarification on who is the person acting under the responsibility of the professional operator, in our view it is always the authorised person who attaches the labels. The possibility to market PRM as a single plant should be taken into account.

Amendment 174 Ivan David

Proposal for a regulation Article 17 – paragraph 2

Text proposed by the Commission

2. The official label and the operator's label shall be legible, indelible, not modifiable if tampered with, printed on one side, not having been used previously, and easily visible.

Amendment

2. The official label and the operator's label shall be legible, indelible, not modifiable if tampered with, printed on one side, ***made of untearable material unless it is an adhesive label***, not having been used previously, and easily visible.

Or. en

Justification

We suggest adding that the label should be made from an untearable material unless it is a sticker.

Amendment 175

Michal Wiezik, Martin Hojsík, María Soraya Rodríguez Ramos

Proposal for a regulation

Article 17 – paragraph 3

Text proposed by the Commission

3. Any space of the official label or the operator's label apart from the elements mentioned in paragraph 4, may be used for additional information by the competent authority. Such information shall be presented in letters not larger than those used for the content of the official label or the operator's label as referred to in paragraph 4. That additional information shall be strictly factual, it shall not represent advertising material, and shall be related only to the production and marketing requirements or to labelling requirements for genetically modified organisms ***or category 1 NGT plants as defined in Article 3(7) of Regulation (EU) .../... (Office of Publications, please insert reference to NGT Regulation ...)***.

Amendment

3. Any space of the official label or the operator's label apart from the elements mentioned in paragraph 4, may be used for additional information by the competent authority. Such information shall be presented in letters not larger than those used for the content of the official label or the operator's label as referred to in paragraph 4. That additional information shall be strictly factual, it shall not represent advertising material, and shall be related only to the production and marketing requirements or to labelling requirements for genetically modified organisms.

Or. en

Amendment 176
Ivan David

Proposal for a regulation
Article 17 – paragraph 4 – subparagraph 1 – point n a (new)

Text proposed by the Commission

Amendment

(na) the label for PRM of organic heterogeneous material referred to in Article 27.

Or. en

Justification

In the implementing act a distinction related to the point (j) should be made between the label for multiplication in advance of registration and the label for seed intended only for trials and tests (current Decision 2004/842) – distinction between Article 32(1) and (2). In the list of labels in paragraph 4, the label for organic heterogeneous material, which is now set out in Regulation 2021/1189, is missing.

Amendment 177
Ivan David

Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission

Amendment

The official label **and the** operator's label shall be issued for each lot.

At least one official label **or one** operator's label shall be issued for each lot.

Or. en

Justification

The first sentence shall be reworded so that it does not read that one official label and one operator's label are issued for each lot.

Amendment 178
Ivan David

Proposal for a regulation
Article 21 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

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.

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, **together with seed of genera or species not listed in that Annex**, as well as of different varieties of those genera or species, **and mixtures of different varieties of standard seed of vegetables listed in Part B of Annex I** may be produced and marketed in the Union, if they **fulfil** the requirements of this Article.

Or. en

Justification

We request the addition of the possibility to place on the market a seed mixture containing a combination of species from Annex I and species not listed in that Annex, without being a preservation mixture referred to in Article 22. In view of the increasing demand for seed mixtures for the greening of extensive areas, intercropping, milk production and others, the proposal lacks the possibility to place seed mixtures on the market for these purposes. We also request the addition of the possibility to market a mixture of varieties of standard vegetable seeds.

Amendment 179
Ivan David

Proposal for a regulation
Article 21 – paragraph 1 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

(b) an operator's label, in **the case where the mixture consists only of standard seed, or of certified and standard seed**.

(b) an operator's label, in **all other cases**.

Or. en

Justification

We request the addition of the possibility to place on the market a seed mixture containing a combination of species from Annex I and species not listed in that Annex, without being a preservation mixture referred to in Article 22. In view of the increasing demand for seed

mixtures for the greening of extensive areas, intercropping, milk production and others, the proposal lacks the possibility to place seed mixtures on the market for these purposes. We also request the addition of the possibility to market a mixture of varieties of standard vegetable seeds.

Amendment 180
Stanislav Polčák

Proposal for a regulation
Article 22 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(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;***

(b) it is naturally associated with a particular area ('source area');

Or. cs

Amendment 181
Christophe Clergeau

Proposal for a regulation
Article 22 – paragraph 1 – subparagraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) it is not covered by an intellectual property right limiting its use for conservation purposes

Or. en

Amendment 182
Christophe Clergeau

Proposal for a regulation
Article 22 – paragraph 1 – subparagraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) it does not consist of a GMO or a category 1 NGT plant as defined in Article 3(7) of Regulation (EU) or of a category 1 or 2 NGT plant as defined in Article 3(8) of Regulation (EU) .../... (Office of Publications, please insert reference to NGT Regulation ...).

Or. en

Amendment 183
Christophe Clergeau

Proposal for a regulation
Article 26 – paragraph 1

Text proposed by the Commission

1. By way of derogation from Article 20, PRM belonging to a conservation variety registered in a national variety register referred to in Article 44(1), point (b), may be produced and marketed in the Union as standard seed or material, if it complies with all the requirements concerning standard seed and material for the respective species, as referred to in Article 8.

Amendment

1. By way of derogation from Article 20, PRM ***of all genera or species listed in Annex I*** belonging to a conservation variety registered in a national variety register referred to in Article 44(1), point (b), may be produced and marketed in the Union as standard seed or material, if it complies with all the requirements concerning standard seed and material for the respective species, as referred to in Article 8.

Or. en

Amendment 184
Christophe Clergeau

Proposal for a regulation
Article 26 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. A variety of conservation, its parts and/or its genetic components may not be covered by an intellectual property right limiting its use for conservation, research, breeding and/or training, including on-

farm participatory research and breeding.

Or. en

Amendment 185
Christophe Clergeau

Proposal for a regulation
Article 26 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. *A variety of conservation does not consist of a GMO or a category 1 NGT plant as defined in Article 3(7) of Regulation (EU) or of a category 1 or 2 NGT plant as defined in Article 3(8) of Regulation (EU) .../....*

Or. en

Amendment 186
Christophe Clergeau

Proposal for a regulation
Article 27 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

Those amendments shall be ***adopted*** in order to adapt to the development of the respective technical and scientific evidence, and the international standards, and to follow up on the experience gained by the application of this Article concerning all ***or certain genera or species only***.

Those amendments shall be ***developed in consultation with respective multi actor stakeholders involved in heterogeneous material*** in order to adapt to the development of the respective technical and scientific evidence, and the international standards, and to follow up on the experience gained by the application of this Article concerning all species

Or. en

Amendment 187
Christophe Clergeau

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 188
Anja Hazekamp

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, ***community seed*** 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 189
Anja Hazekamp

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 **community seed** banks, organisations and networks to persons who carry out conservation of that PRM as final consumers, for non-profit purposes.

Or. en

Amendment 190
Anja Hazekamp

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 **community seed** banks, organisations and networks with an appropriate description of that PRM;

Or. en

Amendment 191
Anja Hazekamp

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

Text proposed by the Commission

(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

Amendment

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

Or. en

Amendment 192
Anja Hazekamp

Proposal for a regulation
Article 29 – paragraph 2

Text proposed by the Commission

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.

Amendment

2. The **community seed** 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

Amendment 193
Sarah Wiener

Proposal for a regulation
Article 30 – title

Text proposed by the Commission

Seed exchanged **in kind** between farmers

Amendment

PRM exchanged between farmers

Or. en

Amendment 194
Sarah Wiener

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

Amendment 195
Sarah Wiener

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 196
Sarah Wiener

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

Text proposed by the Commission

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

Amendment

(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 197
Sarah Wiener

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 198
Sarah Wiener

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

Amendment 199
Sarah Wiener

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

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Here we added “and where the title is still in force” so that we are sure that we are not extending the time limit of the prerogatives that come with plant variety protection.

Amendment 200
Sarah Wiener

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

Amendment 201
Sarah Wiener

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 202
Sarah Wiener

Proposal for a regulation
Article 30 – paragraph 3

Text proposed by the Commission

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).

Amendment

deleted

Or. en

Amendment 203
Stanislav Polčák

Proposal for a regulation
Article 37 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Where the production or marketing of PRM **is likely to** constitute a serious risk to human, animal or plant health,

Amendment

Where **there are reasonable grounds to suspect that** the production or marketing of PRM **could** constitute a serious risk to

environment or cultivation of other species, and such risk cannot be contained satisfactorily by means of measures taken by the Member State concerned, the Commission shall take, without delay, by means of implementing acts, any appropriate interim emergency measures. Such measures shall be limited in time. They may include provisions restricting or prohibiting the marketing of the PRM concerned or laying down appropriate conditions for its production or marketing, depending on the gravity of the situation.

human, animal or plant health, environment or cultivation of other species, and such risk cannot be contained satisfactorily by means of measures taken by the Member State concerned, the Commission shall take, without delay, by means of implementing acts, any appropriate interim emergency measures. Such measures shall be limited in time. They may include provisions restricting or prohibiting the marketing of the PRM concerned or laying down appropriate conditions for its production or marketing, depending on the gravity of the situation.

Or. cs

Amendment 204

Michal Wiezik, Martin Hojsík, María Soraya Rodríguez Ramos

Proposal for a regulation

Article 37 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

By means of derogation from the first subparagraph, in case of lack of compliance with refuge requirements or with other requirements imposed on cultivation of varieties containing or consisting of genetically modified organisms, the measures restricting or prohibiting the marketing of the PRM concerned shall be put in place until full compliance is restored.

Or. en

Amendment 205

Christophe Clergeau

Proposal for a regulation

Article 38 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

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.

The Commission may **financially support** 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

Amendment 206
Christophe Clergeau

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

Text proposed by the Commission

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.

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 framing of these temporary experiments financed by the Commission.***

Or. en

Amendment 207
Christophe Clergeau

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

Text proposed by the Commission

The ***implementing acts*** referred to in paragraph 1 ***shall be adopted in accordance with the examination procedure referred to in Article 76(2) and shall specify one or more of the following elements:***

Amendment

The ***experiments*** referred to in paragraph 1 shall specify one or more of the following elements:

Or. en

Amendment 208
Christophe Clergeau

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

Text proposed by the Commission

Those ***acts*** shall adapt to the evolution of techniques for production of the PRM concerned, as shall be based on any comparative trials carried out by the Member States.

Amendment

Those ***experiments*** shall adapt to the evolution of techniques for production of the PRM concerned, as shall be based on any comparative trials carried out by the Member States.

Or. en

Amendment 209
Sarah Wiener

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 outside of the exceptions listed in Article 2(4)***, shall:

Or. en

Justification

Physical/legal persons outside the scope of the legislation due to the exceptions listed in Art.2(4), should have no obligations as professional operators. Also to be proportional, micro-enterprises should be exempt from these new obligations, e.g. to monitor both the production and marketing processes; an administrative burden that will deter the smallest operators from marketing biodiverse products. They have smaller value chains, so risks wrt quality of PRM are lower. & Reg.2016/2013 already obliges all professional operators to monitor critical points of plant health.

Amendment 210

Sarah Wiener

Proposal for a regulation

Article 42 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Micro-enterprises and operators using the exceptions listed in Article 2(4) are exempt from the obligations in paragraphs 1 – 3

Or. en

Justification

For physical or legal persons working fully outside the scope of the legislation due to the exceptions listed in Article 2(4), no obligations as professional operators should arise. Furthermore, 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. These requirements deter many of the smallest operators from marketing diversity in the first place, and thus negatively impact agro-biodiversity

Amendment 211

Stanislav Polčák

Proposal for a regulation

Article 44 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

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

1. Each Member State shall establish and publish, in electronic format, and shall **regularly update** a single national register of varieties ('national variety register')

containing:

containing:

Or. cs

Amendment 212

Christophe Clergeau

Proposal for a regulation

Article 44 – paragraph 2

Text proposed by the Commission

2. PRM belonging to a variety registered in at least one national variety register may be produced and marketed in the Union, in accordance with this Regulation.

Amendment

2. PRM belonging to a variety registered in at least one national variety register may be produced and marketed in the Union, in accordance with this Regulation ***unless it consists on a plant covered by an opt-out possibility given to Member States as defined in the GMO Directive 2001/18/EC of the European Parliament and of the Council and in the NGT plant Regulation (EU) .../... of the European Parliament and of the Council.***

Or. en

Amendment 213

Christophe Clergeau

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 ***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.

Amendment 214

Michal Wiezik, Martin Hojsík, María Soraya Rodríguez Ramos

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ca) where the varieties are tolerant to herbicides, they are subject to cultivation and monitoring 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;

Or. en

Justification

The ENVI committee doesn't have any competence over the point (f) despite the fact that it is about GMO crops. the text is copied and "the monitoring conditions", as also normally imposed on cultivated GMO crop to respective properties of which pests can develop resistance, is added, as it is also considered relevant.

Amendment 215

Michal Wiezik, Martin Hojsík, María Soraya Rodríguez Ramos

Proposal for a regulation

Article 47 – paragraph 1 – subparagraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) where the varieties have particular characteristics other than the ones referred to in point (ca) that may lead to undesirable agronomic effects, they are subject to cultivation and monitoring 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 or on wild growing plants of the same genus as the respective variety.

Or. en

Justification

The ENVI committee doesn't have any competence over the point g) despite the fact that it is about GMO crops. the text is copied and "the monitoring conditions", as also normally imposed on cultivated GMO crop to respective properties of which pests can develop resistance, is added, as it is also considered relevant. also "wild growing plants" is added, as e.g. the cultivated maize MON810 in the EU has a wild relative present, teosinte, and also their co-occurrence is being monitored.

Amendment 216

Michal Wiezik, Martin Hojsík, María Soraya Rodríguez Ramos

Proposal for a regulation

Article 47 – paragraph 1 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) where the varieties contain or consist of a category 1 NGT plant as defined in Article 3(7) of Regulation (EU) .../... (Office of Publications, please insert reference to NGT Regulation ...), that 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 plants; **deleted**

Or. en

Amendment 217

Michal Wiezik, Martin Hojsík, María Soraya Rodríguez Ramos

Proposal for a regulation

Article 47 – paragraph 1 – subparagraph 1 – point e

Text proposed by the Commission

Amendment

(e) where the varieties contain or consist of a category 2 NGT plant as defined in Article 3(8) of Regulation (EU) .../... (Office of Publications, please insert reference to NGT Regulation), that plant has been authorised pursuant to Chapter III of that Regulation;

deleted

Or. en

Amendment 218 Marlene Mortler

Proposal for a regulation

Article 47 – paragraph 1 – subparagraph 1 – point f

Text proposed by the Commission

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;

(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 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 219
Christophe Clergeau

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. ***These conditions will be subject to a public consultation process by the competent authority before they are adopted;***

Or. en

Amendment 220
Christophe Clergeau

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. ***These conditions will be***

subject to a public consultation process by the competent authority before they are adopted;

Or. en

Amendment 221
Sarah Wiener

Proposal for a regulation
Article 47 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. *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 other valid reasons for considering that the cultivation of the variety in its territory presents a risk for human health or the environment.*

Or. en

Justification

This amendment mirrors the provisions of Article 16 of Directive 2015/412 to allow Member States to prohibit or lay down specific cultivation conditions for varieties that consists of GMOs, NGT 1 or NGT 2 plants.

Amendment 222

Michal Wiezik, Martin Hojsík, María Soraya Rodríguez Ramos

Proposal for a regulation

Article 47 – paragraph 3 – subparagraph 1 – point ii

Text proposed by the Commission

Amendment

(ii) monitoring measures;

(ii) monitoring **and surveillance** measures, **with adequate level of sensitivity to detect resistance allele frequency in case of varieties containing or consisting of genetically modified organisms**;

Or. en

Amendment 223

Emma Wiesner, Asger Christensen, Erik Poulsen

Proposal for a regulation

Article 52 – title

Text proposed by the Commission

Amendment

Value for sustainable cultivation and use

Value for sustainable **and productive** cultivation and use

Or. en

Amendment 224

Sarah Wiener

Proposal for a regulation

Article 52 – title

Text proposed by the Commission

Amendment

Value for **sustainable** cultivation and use

Value for cultivation and use

Or. en

Amendment 225

Sarah Wiener

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 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, 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 226

Emma Wiesner, Asger Christensen, Erik Poulsen

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 **and productive** 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 **and productive** cultivation and the uses which can be made of the crops, other plants or the products derived therefrom.

Or. en

Amendment 227

Michal Wiezik, Martin Hojsík, María Soraya Rodríguez Ramos

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 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 ***is superior, in at least two elements listed in the second subparagraph, in comparison to those varieties.***

Or. en

Amendment 228

Sirpa Pietikäinen

Proposal for a regulation

Article 52 – paragraph 1 – subparagraph 2 – introductory part

Text proposed by the Commission

The characteristics referred to in the first subparagraph ***are*** the following, as appropriate for the species, regions, agro-ecological conditions and uses concerned:

Amendment

The characteristics referred to in the first subparagraph ***will be tested under sustainable farming systems (organic, agroecological, regenerative, conservation, integrated farming conditions with low fertilizer and irrigation, no pesticides and seed treatments).*** ***The characteristics may encompass*** the following, as appropriate for the species, regions, agro-ecological conditions and uses concerned:

Or. en

Amendment 229

Michal Wiezik, Martin Hojsík, María Soraya Rodríguez Ramos

Proposal for a regulation

Article 52 – paragraph 1 – subparagraph 2 – point b

Text proposed by the Commission

(b) tolerance/resistance to biotic stresses, including plant diseases caused by nematodes, fungi, bacteria, viruses, insects and other pests;

Amendment

(b) tolerance/resistance to biotic stresses, including plant diseases caused by nematodes, fungi, bacteria, viruses, insects and other pests **and zero cases of detected resistance alleles of the pest populations to a respective variety**;

Or. en

Amendment 230

Michal Wiezik, Martin Hojsík, María Soraya Rodríguez Ramos

Proposal for a regulation

Article 52 – paragraph 1 – subparagraph 2 – point e

Text proposed by the Commission

(e) reduced **need for** external inputs, such as plant protection products and fertilisers;

Amendment

(e) reduced **use of** external inputs, such as plant protection products and fertilisers;

Or. en

Amendment 231

Jessica Polfjärd

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 **strengthen sustainability across the whole agrifood value chain, including cultivation, storage, harvesting, distribution and processing or other relevant characteristics in so far as they are**

scientifically sound and contribute to strengthened sustainability in line with the objectives of this Regulation.

Or. en

Justification

This targeted amendment aims to ensure a future proof applicability and enforceability of this legislation by enabling the inclusion of additional relevant characteristics.

Amendment 232

Alexandr Vondra, Veronika Vrecionová

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 ***across the agrifood value chain or of cultivation, harvesting, storage, processing, and distribution, and use or any other characteristic contributing to sustainability that is supported by scientific evidence.***

Or. en

Justification

This would future proof this legislation and allow for inclusion of further characteristics which are scientifically proven to be consistent with the sustainability objectives of this legislation

Amendment 233

Emma Wiesner, Asger Christensen, Erik Poulsen

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***

Amendment

(f) characteristics that enhance the sustainability ***and productivity across the***

distribution;

agrifood value chain;

Or. en

Amendment 234
Marlene Mortler

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 235
Sarah Wiener

Proposal for a regulation
Article 52 – paragraph 2

Text proposed by the Commission

Amendment

2. For the **prurpose** 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.

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 236
Sarah Wiener

Proposal for a regulation
Article 52 – paragraph 3 – subparagraph 4

Text proposed by the Commission

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).

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 cultivation and use of a variety. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).

Or. en

Amendment 237
Sarah Wiener

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

Text proposed by the Commission

*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.*

Amendment

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

Amendment 238

Sarah Wiener

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 there may be no exemptions from organic testing conditions. 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 **organic conversion or** 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 must report yearly to the European 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 should be published annually by the European Commission.**

Or. en

Justification

The proposal aims “to contribute to sustainable agricultural production, adapted to current & future projected climatic conditions”. The most effective way is to specify that the V(S)CU test should be under organic cultivation conditions, incentivising breeders to develop new varieties not dependent on chemical inputs. In the interest of farmers, this boosts varieties adapted to low input agriculture. It remains flexible for authorities. Reporting by MS then published by the Commission on derogating from VCU testing under organic conditions is also accountable/transparent.

Amendment 239
Sirpa Pietikäinen

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 ***by organic professional operator(s) under official supervision of national authorities.***

Or. en

Justification

The aim is to allow to test VSCU under organic conditions involving professional operators and their networks. In many member states there are not organic testing network, and it will be too costly to establish them. One solution could be working closely organic professional operators and competent authorities to test VSCU for organic varieties. This will be more cost efficient and of high relevance for the organic sector.

Amendment 240
Christophe Clergeau

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

Amendment 241
Anja Hazekamp

Proposal for a regulation
Article 53 – paragraph 3 – point a (new)

Text proposed by the Commission

Amendment

(aa) it or any information it contains or the process that is used to create it is covered by a patent;

Or. en

Amendment 242
Anja Hazekamp

Proposal for a regulation
Article 53 – paragraph 3 – point a b (new)

Text proposed by the Commission

Amendment

(ab) it is a genetically modified organisms as defined in Directive 2001/18/EC art. 2 (2) and detailed in Annex 1A part I;

Or. en

Amendment 243
Anja Hazekamp

Proposal for a regulation
Article 53 – paragraph 3 – point a c (new)

Text proposed by the Commission

Amendment

(ac) it is a NGT plant as defined in [OP please insert the reference to the New Genomic Techniques Regulation]

Or. en

Amendment 244
Michal Wiezik, Martin Hojsík, María Soraya Rodríguez Ramos

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

Text proposed by the Commission

(j) where the variety 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;

Amendment

(j) where the variety 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, ***and the evidence of compliance with the cultivation and monitoring requirements in the given growing season;***

Or. en

Amendment 245

Christophe Clergeau

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(la) the existence of intellectual property rights other than granted plant variety right on the variety as a whole or its components;

Or. en

Amendment 246

Michal Wiezik, Martin Hojsík, María Soraya Rodríguez Ramos

Proposal for a regulation

Article 56 – paragraph 1 – point m

Text proposed by the Commission

Amendment

(m) in case the variety contains or consists of a category 1 NGT as defined in Article 3(7) of Regulation (EU) .../... of the European Parliament and of the

deleted

Council⁵⁰ (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);

⁵⁰ Regulation (EU) / of the European Parliament and of the Council of ... (....., p.....).

Or. en

Amendment 247
Christophe Clergeau

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

Text proposed by the Commission

(m) in case the variety contains or consists of a category 1 NGT as defined in Article 3(7) of Regulation (EU) ... / ... of the European Parliament and of the Council⁵⁰ (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);*

⁵⁰ Regulation (EU) / of the European Parliament and of the Council of ... (....., p.....).

Amendment

(m) in case the variety contains or consists of a category 1 NGT as defined in Article 3(7) of Regulation (EU) ... / ... of the European Parliament and of the Council⁵⁰ (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 *as well as information allowing their detection ;*

⁵⁰ Regulation (EU) / of the European Parliament and of the Council of ... (....., p.....).

Or. en

Amendment 248
Michal Wiezik, Martin Hojsík, María Soraya Rodríguez Ramos

Proposal for a regulation

Article 56 – paragraph 1 – point n

Text proposed by the Commission

Amendment

(n) in case the variety 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;

deleted

Or. en

Amendment 249

Christophe Clergeau

Proposal for a regulation

Article 56 – paragraph 1 – point n

Text proposed by the Commission

Amendment

(n) in case the variety 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;

(n) in case the variety 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 *as well as information allowing their detection* ;

Or. en

Amendment 250

Sarah Wiener

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 for variety registration should provide information on the breeding methods used, and whether the use of the variety in breeding or farming is restricted as a whole or in its components as a result of intellectual property rights, including patents. The inclusion of this obligation in the registration application is needed to ensure that this information can be made publicly available on the national and EU variety registers (Annex VII).

Amendment 251

Sarah Wiener

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 any intellectual property rights covering the variety as a whole or its genetic components, or the genetic information contained therein, including, where applicable, the number of any relevant patent(s);

Or. en

Justification

To ensure the highest level of transparency for users of the variety, applicants for variety registration should provide information on the breeding methods used, and whether the use of the variety in breeding or farming is restricted as a whole or in its components as a result of intellectual property rights, including patents. The inclusion of this obligation in the registration application is needed to ensure that this information can be made publicly available on the national and EU variety registers (Annex VII).

Amendment 252

Christophe Clergeau

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, in accordance with Directive 2001/18/EC or Regulation (EC) No 1829/2003;*
- (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 Council ;*
- (c) contains or consists of a category 2 NGT plant as defined in Article 3(8) of Regulation (EU) .../... ;*
- (d) 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

Amendment 253
Christophe Clergeau

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

Amendment 254

Christophe Clergeau

**Proposal for a regulation
Article 66 – paragraph 2**

Text proposed by the Commission

The 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 that recommendation.

Or. en

Amendment 255

Michal Wiezik, Martin Hojsík, María Soraya Rodríguez Ramos

**Proposal for a regulation
Article 69 – paragraph 1 – subparagraph 3**

Text proposed by the Commission

In the case of varieties consisting of, or containing, a genetically modified organism, the period of registration shall be limited to the period for which that genetically modified organism is authorised for cultivation pursuant to Directive 2001/18/EC or Regulation (EC) No 1829/2003.

Amendment

In the case of varieties consisting of, or containing, a genetically modified organism, the period of registration shall be limited to the period for which that genetically modified organism is authorised for cultivation pursuant to Directive 2001/18/EC or Regulation (EC) No 1829/2003.

By derogation from the first paragraph, the period of registration shall lapse on 31st December of a year in which a repeated lack of full compliance with cultivation and monitoring requirements is recorded.

Or. en

Justification

The monitoring and cultivation requirements are an intrinsic element of the GMO cultivation. the lack of compliance thereof poses a threat to food security, to biodiversity. After

reoccurrence of lack of compliance, it shall be ensured that the PRM of the respective variety ceases to be registered and ensured to prevent that it be marketed until the full compliance. e.g. with refuge requirements overall, is restored.

Amendment 256

Michal Wiezik, Martin Hojsík, María Soraya Rodríguez Ramos

Proposal for a regulation

Article 69 – paragraph 1 – subparagraph 4

Text proposed by the Commission

Amendment

In the case of varieties consisting of, or containing, a category 2 NGT plant as defined in Article 3(8), of Regulation (EU) .../... (Office of Publications, please insert reference to NGT Regulation ...), the period of registration shall be limited to the period for which that plant is authorised pursuant to that Regulation.

deleted

Or. en

Amendment 257

Stanislav Polčák

Proposal for a regulation

Article 78 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall ensure that financial penalties for violations of this Regulation, perpetrated through fraud are equal, in accordance with national law, at least either to the ***acquired*** economic advantage for the professional operator or to a percentage of the professional operator's turnover.

2. Member States shall ensure that financial penalties for violations of this Regulation, perpetrated through fraud ***or misleading practices*** are equal, in accordance with national law, at least either to the economic advantage ***acquired in this way*** for the professional operator or to a percentage of the professional operator's turnover.

Or. cs

Amendment 258
Sarah Wiener

Proposal for a regulation
Article 80 – paragraph 1 – point 1
Regulation (EU) 2017/625
Article 1 – paragraph 2 – points k a and k b (new)

Text proposed by the Commission

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

Amendment

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

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

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

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

Or. en

(Regulation (EU) 2017/625)

Justification

The gives competent authorities the competence to control implementation of cultivation conditions prescribed for herbicide tolerant varieties and other varieties with particular characteristics that may lead to undesirable agronomic effects, as per Article 47. If authorities have no competence to control the cultivation of such varieties, the entire benefit and efficiency of this measure on herbicide tolerant varieties and of varieties with particular characteristics that may lead to undesirable agronomic effects, should these be defined at a later date, would be lost.

Amendment 259
Anja Hazekamp

Proposal for a regulation
Article 81
Regulation (EU) 2018/848
Article 3, 13 and Annex II

Text proposed by the Commission

Article 81

Amendment

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

Amendment 260
Sarah Wiener

Proposal for a regulation
Article 81 a (new)

Text proposed by the Commission

Amendment

Article 81a

Amendment of Directive 98/44/EC

Directive 98/44/EC is modified as follows:

(1) In Article 2, paragraph 2 is replaced by:

"2. A process for breeding of plants or animals is essentially biological, if it is exclusively based on natural phenomena such as crossing, selection, non-targeted mutagenesis or naturally occurring, random genetic variations."

(2) In Article 4, the following paragraphs 4 and 5 are inserted:

"4. By derogation to paragraphs 1, 2 and 3, NGT plants, plant material and parts thereof, as well as genetic information contained therein, are not patentable.

5. By derogation to paragraphs 1,2 and 3, plants, plant material and parts thereof, as well as genetic information contained therein, which have been obtained by techniques that are not regulated as GMOs under Directive 2001/18/CE, are not patentable."

(3) In Article 8, the following paragraph 3 is inserted:

"3. By derogation to paragraphs 1 and 2, the protection conferred by a patent on biological material possessing specific characteristics as a result of the invention shall not extend to biological material with these specific characteristics when they have been obtained independently from the patented material and through an essentially biological process, nor to

the material derived from that independent biological material by means of reproduction or multiplication”.

(4) In Article 12, paragraph 3 is replaced by:

"3. Applicants for the licences referred to in paragraphs 1 and 2 must demonstrate that:

(a) they have applied unsuccessfully to the holder of the patent or of the plant variety right to obtain a contractual licence under reasonable and appropriate terms;

(b) The plant variety or the invention constitutes significant technical progress of considerable economic or environmental interest compared with the invention claimed in the patent or the protected plant variety."

Or. en

Amendment 261
Christophe Clergeau

Proposal for a regulation
Annex VI – Part B – point 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) Heterogeneous material must not be derived from genetic engineering nor from parental material derived from genetic engineering. This excludes GMO as defined in Directive 2001/18/EC art. 2 (2) detailed in Annex 1A part I and NGT I and NGT II as defined in the regulation of the European Parliament and of the Council on plants obtained by certain new genomic techniques

Or. en

Amendment 262

Christophe Clergeau

**Proposal for a regulation
Annex VI – Part B – point 2 – point c b (new)**

Text proposed by the Commission

Amendment

(cb) Heterogeneous material must not be derived from parental material covered by patents nor be protected by patents.

Or. en

Amendment 263

Michal Wiezik, Martin Hojsík, María Soraya Rodríguez Ramos

**Proposal for a regulation
Annex VII – paragraph 1 – point q**

Text proposed by the Commission

Amendment

(q) where applicable, the indication that the variety contains, or consists of a category 1 NGT plant within the meaning of Article 3(7) of Regulation (EU) .../... (Office of Publications, please insert reference to NGT Regulation) and the identification number(s) referred to in Article 9(1), point (e) of [NGT Proposal] assigned to the category 1 NGT plant(s) it has been derived from; **deleted**

Or. en

Amendment 264

Michal Wiezik, Martin Hojsík, María Soraya Rodríguez Ramos

**Proposal for a regulation
Annex VII – paragraph 1 – point r**

Text proposed by the Commission

Amendment

(r) where applicable, the indication that the variety contains, or consists of a category 2 NGT plant within the meaning **deleted**

*of Article 3(8) of Regulation (EU) .../...
(Office of Publications, please insert
reference to NGT Regulation);*

Or. en

Amendment 265
Sarah Wiener

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 or the genetic information contained therein, including, where applicable, the number of any relevant patent(s);

Or. en

Justification

To provide transparency to users, the information provided on a variety in the EU and national registers should include information on intellectual property rights, especially patents that may have been granted on parts of the registered variety, such as genetic sequences or traits. This is crucial information for all follow-on users, whether farmers, breeders, seed conservation

Amendment 266
Christophe Clergeau

Proposal for a regulation
Annex VII – paragraph 1 – point t a (new)

Text proposed by the Commission

Amendment

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

Amendment 267
Sarah Wiener

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

To provide transparency to users, the information provided on a variety in the EU and national registers should include information on intellectual property rights, especially patents that may have been granted on parts of the registered variety, such as genetic sequences or traits. This is crucial information for all follow-on users, whether farmers, breeders, seed conservation

Amendment 268
Christophe Clergeau

Proposal for a regulation
Annex VII – paragraph 1 – point t b (new)

Text proposed by the Commission

Amendment

**(tb) disclose if the respective variety is
covered by existing patents**

Or. en