


# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Decision	2012/0165(COD) Procedure completed
Importation of seed: equivalence principle; extending period of application and updating names of third countries and authorities	
Subject 3.10.03 Marketing and trade of agricultural products and livestock 3.10.06 Crop products in general, floriculture 6.20.02 Export/import control, trade defence, trade barriers	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>AGRI</b> Agriculture and Rural Development		09/07/2012
		S&D <a href="#">DE CASTRO Paolo</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>INTA</b> International Trade	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Economic and Financial Affairs ECOFIN</a>	<a href="#">3198</a>	13/11/2012
European Commission	Commission DG	Commissioner	
	<a href="#">Health and Food Safety</a>	DALLI John	
European Economic and Social Committee			

Key events			
28/06/2012	Legislative proposal published	<a href="#">COM(2012)0343</a>	Summary
05/07/2012	Committee referral announced in Parliament, 1st reading		
11/10/2012	Vote in committee, 1st reading		
12/10/2012	Committee report tabled for plenary, 1st reading	<a href="#">A7-0315/2012</a>	Summary
25/10/2012	Results of vote in Parliament		
25/10/2012	Decision by Parliament, 1st reading	<a href="#">T7-0390/2012</a>	Summary
13/11/2012	Act adopted by Council after Parliament's 1st reading		
21/11/2012	Final act signed		
21/11/2012	End of procedure in Parliament		
28/11/2012	Final act published in Official Journal		

Technical information
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Procedure reference	2012/0165(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Decision
Legal basis	Treaty on the Functioning of the EU TFEU 043-p2
Other legal basis	Rules of Procedure EP 159
Mandatory consultation of other institutions	<a href="#">European Economic and Social Committee</a>
Stage reached in procedure	Procedure completed
Committee dossier	AGRI/7/09966

### Documentation gateway

Legislative proposal	<a href="#">COM(2012)0343</a>	28/06/2012	EC	Summary
Committee draft report	<a href="#">PE494.839</a>	07/09/2012	EP	
Economic and Social Committee: opinion, report	<a href="#">CES1871/2012</a>	19/09/2012	ESC	
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A7-0315/2012</a>	12/10/2012	EP	Summary
Text adopted by Parliament, 1st reading/single reading	<a href="#">T7-0390/2012</a>	25/10/2012	EP	Summary
Commission response to text adopted in plenary	<a href="#">SP(2012)767</a>	15/11/2012	EC	
Draft final act	<a href="#">00055/2012/LEX</a>	21/11/2012	CSL	

### Additional information

National parliaments	<a href="#">IPEX</a>
European Commission	<a href="#">EUR-Lex</a>

### Final act

[Decision 2012/1105](#)  
[OJ L 328 28.11.2012, p. 0004](#) Summary

## Importation of seed: equivalence principle; extending period of application and updating names of third countries and authorities

**PURPOSE:** to amend Council Decision 2003/17/EC by extending its period of application and by updating the name of a third country and of the authorities responsible for the approval and control of the production.

**PROPOSED ACT:** Decision of the European Parliament and of the Council.

**BACKGROUND:** Council Directives on the marketing of fodder plant seed, cereal seed, beet seed and seed of oil and fibre plants regulate the internal marketing of seed for sowing of the plant species as listed by those Directives.

To facilitate trades and to respond promptly to the marketing request, those Directives provide for the Council to establish rules for authorising the importation of seed under an equivalence system from third countries.

Council Decision 2003/17/EC provides that for a limited period, field inspections carried out in third countries on seed-producing crops of certain species are considered as equivalent to field inspections carried out in accordance with Union legislation and that seed of certain species produced in third countries is considered as equivalent to seed produced in accordance with Union legislation.

It appears that those field inspections continue to afford the same guarantees as those carried out by the Member States. Those field inspections should therefore continue to be considered as equivalent.

As Decision 2003/17/EC will expire on 31 December 2012, the period for which equivalence is recognised under that Decision should be extended.

IMPACT ASSESSMENT: no impact assessment was undertaken.

LEGAL BASIS: Article 43(2) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: Council Decision 2003/17/EC provided the list of countries to be recognised for the application of the equivalence principle for importation, detailed requirements to be fulfilled, and in particular limited to five years the period for which equivalence recognition is to be extended if all the relevant requirements are fulfilled.

That period will expire on 31 December 2012. Currently, the temporary extension is envisaged for only 5 years. However, the revision of the new Regulation on seeds and reproductive materials (under co- decision procedures) will be launched in September 2012, with specific implementing measures to be adopted thereafter.

In order to ensure the necessary supply of seed to the EU market, the Commission proposes to extend these rules by ten years, until 31 December 2022.

The proposal also aims to delete the reference to Yugoslavia in Decision 2003/17/EC. Serbia, as a member of the OECD Scheme for the Varietal Certification of Seed moving in International Trades and member of the International Seed Testing Association as regards the seed sampling and testing, will be added to the list of third countries in Annex I to Decision 2003/17/EC.

Lastly, the proposal updates the names of some authorities responsible for the approval and control of the production.

BUDGETARY IMPLICATIONS: the proposal has no implications for the EU budget.

## Importation of seed: equivalence principle; extending period of application and updating names of third countries and authorities

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The Committee on Agriculture and Rural Development adopted the legislative report by Paolo DE CASTRO (S&D, IT) on the proposal for a decision of the European Parliament and of the Council amending Council Decision 2003/17/EC by extending its period of application and by updating the names of a third country and of the authorities responsible for the approval and control of the production.

The committee recommends that the Commission proposal be accepted by Parliament in its substance as it stands.

Nevertheless, to avoid any possible obstacles to the prompt adoption of this urgent proposal, Members propose the deletion of the current comitology provisions of the amended Decision (i.e. its Articles 4 and 5).

## Importation of seed: equivalence principle; extending period of application and updating names of third countries and authorities

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The European Parliament adopted by 558 votes to 7, with 13 abstentions, a legislative resolution on the proposal for a decision of the European Parliament and of the Council amending Council Decision 2003/17/EC by extending its period of application and by updating the names of a third country and of the authorities responsible for the approval and control of the production.

Parliament adopted its position in first reading in accordance with the ordinary legislative procedure. The amendments adopted in plenary are the result of a compromise reached between the European Parliament and the Council.

The amendments aimed at deleting the provisions of Council Decision 2003/17/EC which refer to Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission (old comitology) should be deleted as, in the context of this Decision, their application would be incompatible with the system on delegated and implementing powers introduced by Articles 290 and 291 of the Treaty.

## Importation of seed: equivalence principle; extending period of application and updating names of third countries and authorities

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PURPOSE: to amend Council Decision 2003/17/EC by extending its period of application and by updating the name of a third country and of the authorities responsible for the approval and control of the production.

LEGISLATIVE ACT: Decision No 1105/2012 of the European Parliament and of the Council amending Council Decision 2003/17/EC by extending its period of application and by updating the names of a third country and of the authorities responsible for the approval and control of the production.

CONTENT: Council Decision 2003/17/EC on the equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries provides that, for a limited period, field inspections carried out in third countries on seed-producing crops of certain species are to be considered to be equivalent to field inspections carried out in accordance with Union legal acts, and that seed of certain species produced in third countries is to be considered to be equivalent to seed produced in accordance with Union legal acts. Decision 2003/17/EC will expire on 31 December 2012.

Following an agreement reached at first reading with the European Parliament, the Council adopted a series of amendments to Council Decision 2003/17/EC with a view to:

- the extension by ten years (until 31 December 2022) the period during which equivalence is recognised under Council Decision

2003/17/EC;

- the deletion of the reference to Yugoslavia in Decision 2003/17/EC;
- the addition of Serbia, as a member of the OECD Schemes for the Varietal Certification of Seed Moving in International Trade and as a member of the International Seed Testing Association as regards the seed sampling and testing, to the list of third countries in Annex I;
- updating the names of some authorities responsible for the approval and control of the production;
- the deletion of provisions in Decision 2003/17/EC which refer to Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission (old comitology) as, in the context of this Decision, their application would be incompatible with the system on delegated and implementing powers introduced by Articles 290 and 291 of the Treaty on the Functioning of the European Union.

ENTRY INTO FORCE: 01/12/2012.

APPLICATION: from 01/01/2013.