Procedure file

Basic information

COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2013/0137(COD)
Plant reproductive material: production and making available on the market	Procedure lapsed or withdrawn
Subject 3.10.03 Marketing and trade of agricultural products and livestock 3.10.06 Crop products in general, floriculture 3.10.09.02 Plant health legislation 3.10.09.06 Agro-genetics, GMOs 3.10.11 Forestry policy 3.70.01 Protection of natural resources: fauna, flora, nature, wildlife, countryside; biodiversity	

Key players

European Parliament	Committee responsible	Rapporteur	Appointed
	AGRI Agriculture and Rural Development (Associated committee)		30/05/2013
		PPE SILVESTRIS Sergio Paolo Francesco	
		Shadow rapporteur	
		S&D KADENBACH Karin	
		ALDE LYON George	
		Verts/ALE HÄUSLING Martin	
		ECR GIRLING Julie	
		EFD AGNEW John Stuart	
	Committee for opinion	Rapporteur for opinion	Appointed
	ENVI Environment, Public Health and Food Safety (Associated committee)		19/06/2013
		PPE AYUSO Pilar	
Council of the European Union			
European Commission	Commission DG	Commissioner	
	Health and Food Safety	BORG Tonio	
European Economic and Social Committee			

Key events

06/05/2013	Legislative proposal published	COM(2013)0262	Summary
23/05/2013	Committee referral announced in Parliament, 1st reading		
21/11/2013	Referral to associated committees announced in Parliament		
11/02/2014	Vote in committee, 1st reading		
14/02/2014	Committee report tabled for plenary, 1st reading	A7-0112/2014	Summary
10/03/2014	Debate in Parliament		

11/03/2014	Results of vote in Parliament		
11/03/2014	Decision by Parliament, 1st reading	T7-0185/2014	Summary
07/03/2015	Proposal withdrawn by Commission		

Technical information

Procedure reference	2013/0137(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
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	European Economic and Social Committee
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	AGRI/7/12787

Documentation gateway

Legislative proposal		COM(2013)0262	06/05/2013	EC	Summary
Document attached to the procedure		COM(2013)0264	06/05/2013	EC	Summary
Document attached to the procedure		SWD(2013)0162	06/05/2013	EC	
Document attached to the procedure		SWD(2013)0163	06/05/2013	EC	
Committee draft report		PE514.766	28/10/2013	EP	
Amendments tabled in committee		PE526.066	12/12/2013	EP	
Amendments tabled in committee		PE526.067	12/12/2013	EP	
Amendments tabled in committee		PE514.767	18/12/2013	EP	
Amendments tabled in committee		PE526.068	18/12/2013	EP	
Committee opinion	ENVI	PE522.867	05/02/2014	EP	
Committee report tabled for plenary, 1st reading/single reading		A7-0112/2014	14/02/2014	EP	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0185/2014	11/03/2014	EP	Summary

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Plant reproductive material: production and making available on the market

The objective of ensuring a high level of health for humans, animals, and plants is enshrined in the Treaties underpinning the EU. Over the years, the EU has built up a comprehensive body of law designed to prevent and manage risks to animal and plant health and the safety of the food chain at EU and national level. The law in these policy areas is enforced by means of a common set of rules on official controls to be

carried out by the competent authorities in the EU Member States.

To date, overall, the legal framework which the EU has developed has proven to be effective in preventing and countering risks. However, the modern global market increasingly exposes the EU to new risks and constantly calls for innovation and competitiveness. This, and the experience gained with EU law in this area, point to the need to simplify and update available instruments and to further integrate the approach across the different areas. The Commission has conducted a revision of the current legal framework for animal health, plant health, plant reproductive material and official controls aimed mainly at increasing effectiveness, consistency and legal clarity in those areas.

This Communication presents the resulting four legislative proposals in the four areas of animal health, plant health, plant reproductive material and official controls (the review package) and explains, for each of them, the current context, the rationale behind the package and the main improvements introduced. The package also includes a fifth proposal establishing a multiannual programme for EU financing of actions aimed at ensuring a high level of health for humans, animals and plants along the agri-food chain and in related areas while allowing businesses to operate in an environment that favours competitiveness and job creation.

Context of plant reproductive material in the EU: plant reproductive material (PRM) is the cornerstone of agricultural, horticultural and forest production and the first link in the agri-food chain, affecting the diversity, health and quality of plants and food. It is controlled to ensure the identity, health and quality of the material for the benefit of its users, e.g. farmers, gardeners or foresters. The objectives of EU legislation on PRM are to improve agricultural, horticultural and forest productivity, ensure the smooth operation of the EU market for those products and the competitiveness of the sector on a global scale.

Current EU plant reproductive material legislative framework: the EU legal framework for plant reproductive material has developed since the 1960s. It consists of 12 basic Council Directives and nearly 90 secondary acts covering variety listing for the purpose of authorisation for marketing and specific marketing requirements for different species.

Although EU legislation has achieved the initial objectives of guaranteeing free marketing and ensuring the safety and quality of plant reproductive material, the following issues require further attention:

- the complexity and the fragmentation of the current legislation;
- the considerable administrative burden for authorities, as most of the tasks on registration and certification need to be carried out by official authorities;
- the lack of consistency with other EU policies (e.g. sustainable agriculture and forestry, biodiversity protection, climate change, the bio-economy);
- the lack of a consistent approach to recovering the costs of registering varieties and certifying plant reproductive material.

The proposed Plant Reproductive Material Law: in 2007, Member States in the Council asked that the existing legislation on marketing plant reproductive material be made simpler. Following an external evaluation in 2007-2008, an Action Plan was adopted in 2009. This Commission proposal for a Regulation on the marketing of plant reproductive material (Plant Reproductive Material Law), builds on extensive consultations of Member States, stakeholders and the Community Plant Variety Office (CPVO).

Main principles: the major principles behind the revision are simplification and modernisation (replacement of 12 current Directives with one Regulation), cost reduction, greater efficiency and increased flexibility for operators (by giving them considerable freedom in completing registration and certification tasks and by introducing the principle of cost recovery for variety registration). This would ensure an appropriate level of harmonisation across the EU and horizontal coordination with other, mostly environmental EU policy objectives.

Innovation: the current obligation to notify the Commission of a variety and include it in the Common Catalogues before marketing throughout the EU will be abolished to speed up innovation, i.e. market access for new plant varieties. Registering a plant variety in one Member State will be sufficient.

Variety registration: the CPVO will have a greater role in variety registration. The CPVO will manage the EU Plant Variety Database instead of the Commission and the option of registering a variety directly with the CPVO will be introduced. To ensure the quality of the registration process, national variety examination centres will be audited by the CPVO.

Certification: the process of certifying plant reproductive material lots before marketing will also be made more flexible. The option of certification by the operator under the official supervision of a Member State competent authority will be extended to all listed species and to all marketing categories of plant reproductive material.

Biodiversity and conservation of plant genetic resources: in order to improve biodiversity and conservation of plant genetic resources on farms, the requirements for traditional and conservation varieties and other material, e.g. heterogenous and niche market material, have been considerably reduced. No variety testing and certification are required. This will considerably improve market access for such material.

Harmonisation of testing protocols: testing protocols for the agricultural sustainability criteria (e.g. for disease and drought resistance) for variety registration will be harmonised for the first time to steer plant breeding in a more sustainable direction.

Plant reproductive material: production and making available on the market

PURPOSE: to set down rules on the production and making available on the market of plant reproductive material (PRM) with a view to ensuring the quality of that material and informed choices for users.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: sustainable intensification" and greening of food crop production, in which yields are increased without adverse environmental impact and without the cultivation of more land, have become a central concern. Plant reproductive material legislation is critically important for reaching this aim. The EU Forest Strategy emphasises the importance of the multifunctional role of forest and its sustainable management.

The majority of Council Directives for making available on the market of plant reproductive material have first been adopted between 1966 and

1971 and some Directives are more recent. The complexity and fragmentation of the existing legislation is likely to perpetuate existing uncertainties and discrepancies in its implementation between the Member States. This creates an uneven playing field for professional operators on the single market.

Developments in the areas of agriculture, horticulture, forestry, plant breeding and making available on the market of plant reproductive material have shown that the legislation needs to be simplified and further adapted to the developments of the sector by replacing the existing Directives by a single Regulation.

This proposal is part of a comprehensive package that also includes three other proposals to modernise the plant health, animal health, and official controls acquis.

IMPACT ASSESSMENT: the impact assessment concludes that no single option succeeds in achieving the objectives of the review of the current system. The preferred option combines aspects that seek to strike a balance between flexibility for professional operators (Options 2 and 4), biodiversity (Option 4) and the necessary rigour in health and quality requirements (Options 2 and 5) for the fair functioning of the market and for maintaining the quality and health of plant reproductive material.

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

CONTENT: the proposal consolidates and updates legislation on the placing on the market of plant reproductive material by repealing and replacing the 12 existing directives. Its main features may be summarised as follows:

Objectives: the proposal seeks to: (i) ensure a level playing field across the EU through simplified, clarified and harmonised rules; (ii) reduce unnecessary costs and administrative burden and to increase flexibility; (iii) align PRM legislation with other recent Union strategies; and (iv) foster innovation in plant breeding. The scope of the proposed Regulation covers all forms of PRM.

Professional operators: the proposal introduces basic obligations for professional operators concerning the identification of the plant reproductive material they are producing or making available on the market, keeping of records, facilitation of controls and maintenance of the material. The traceability of any plant reproductive material is ensured by the obligation for the professional operators to have information one step before and one step after their commercial activities.

PRM other than forest reproductive material: the proposal maintains the basic approach on registration of varieties/material and certification/inspection of lots before making available on the market. However, more flexibility will be given to professional operators. In addition, secondary acts will be adopted setting out the specific requirements for the production and making available on the market of particular species and their categories (pre-basic, basic, certified and standard material).

The proposal sets down the requirements for making available on the market of PRM. It retains certain derogations and introduces a derogation on niche market plant reproductive material. It also brings exports within the scope of the Regulation.

Production and making available on the market of PRM belonging to non-listed genera or species: PRM not belonging to the listed genera and species shall also be subject to a few basic requirements with regard to its health status, fitness for purpose, appropriate reference to varieties, where applicable, and identification of the respective material and imports.

Registration of varieties in national and Union registers: the varieties, in order to be made available on the market throughout the Union, shall be included in a national register or in the Union register via direct application procedure to the CVPO. CPVO will keep the updated information on all plant varieties that can be made available on the market in the Union, including the varieties registered in national registers (Union plant variety database).

The proposal establishes the detailed requirements for the variety registration Procedure. A new obligation for each national variety examination centre to be audited by the CPVO will be introduced with the aim to ensure the quality and harmonisation of the variety registration process in the Union. Concerning old varieties, less stringent requirements should continue to be laid down.

Production and making available on the market of forest reproductive material: the EU legislation sets a specific approach on forest reproductive material. The proposal establishes the requirements applicable to forest reproductive material. Derogations are envisaged in regard to: (i) authorisation of more stringent national requirements; (ii) prohibition to make available to end-user specified forest reproductive material; and (iii) rules concerning temporary difficulties in supply and rules concerning temporary experiments.

BUDGETARY IMPLICATIONS: the financial appropriations for implementing the Regulation up to 31 December 2020 are presented in the Regulation on laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material.

DELEGATED ACTS: the proposal includes provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.

Plant reproductive material: production and making available on the market

The Committee on Agriculture and Rural Development adopted the report by Sergio Paolo Francesco SILVESTRIS (EPP, IT) on the proposal for a regulation of the European Parliament and of the Council on the production and making available on the market of plant reproductive material (plant reproductive material law).

The parliamentary committee recommended that the European Parliament, at first reading of the ordinary legislative procedure, reject the Commission proposal. It called on the Commission to withdraw its proposal and submit a new one.

To recall, the proposal aims to consolidate and update legislation on the marketing of the material reproduction of plants (MRV) by repealing and replacing twelve existing directives.

Plant reproductive material: production and making available on the market

The European Parliament adopted by 511 votes to 136 with 16 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on the production and making available on the market of plant reproductive material (plant reproductive material law).

Parliament, on first reading under the ordinary legislative procedure, had rejected the Commission proposal, and called on the Commission to withdraw its proposal and submit a new one.

To recall, the proposal aims to consolidate and update legislation on the marketing of the material reproduction of plants (MRV) by repealing and replacing twelve existing directives.

In its resolution, Parliament referred to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Austrian Federal Council and the Netherlands House of Representatives, asserting that the draft legislative act does not comply with the principle of subsidiarity.