



# Procedure file

Basic information			
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation		Procedure lapsed or withdrawn	
Plant reproductive material: production and making available on the market			
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 <b>AGRI</b> Agriculture and Rural Development	Rapporteur  PPE <a href="#">SILVESTRIS Sergio Paolo Francesco</a>  Shadow rapporteur  S&D <a href="#">KADENBACH Karin</a>  ALDE <a href="#">LYON George</a>  Verts/ALE <a href="#">HÄUSLING Martin</a>  ECR <a href="#">GIRLING Julie</a>  EFD <a href="#">AGNEW John Stuart</a>	Appointed           30/05/2013
	Committee for opinion <b>ENVI</b> Environment, Public Health and Food Safety (Associated committee)	Rapporteur for opinion  PPE <a href="#">AYUSO Pilar</a>	Appointed           19/06/2013
Council of the European Union European Commission	Commission DG  <a href="#">Health and Food Safety</a>	Commissioner  BORG Tonio	
European Economic and Social Committee			
Key events			
06/05/2013	Legislative proposal published	<a href="#">COM(2013)0262</a>	Summary
23/05/2013	Committee referral announced in Parliament, 1st reading		
21/11/2013	Referral to associated committees announced in Parliament		

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23/05/2013	Committee referral announced in Parliament, 1st reading		
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11/02/2014	Vote in committee, 1st reading		
14/02/2014	Committee report tabled for plenary, 1st reading	<a href="#">A7-0112/2014</a>	Summary
10/03/2014	Debate in Parliament		
11/03/2014	Results of vote in Parliament		
11/03/2014	Decision by Parliament, 1st reading	<a href="#">T7-0185/2014</a>	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07/03/2015	Proposal withdrawn by Commission		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	<a href="#">European Economic and Social Committee</a>
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	AGRI/7/12787

### Documentation gateway

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

### Additional information

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

# Plant reproductive material: production and making available on the market

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**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 CPVO. 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

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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

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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.