

Plant reproductive material: production and making available on the market

2013/0137(COD) - 06/05/2013 - Legislative proposal

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.