

Plant reproductive material: production and making available on the market

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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**.