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PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	14 November 2017
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2017) 643 final
Subject:	Proposal for a DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Council Decision 2003/17/EC as regards the equivalence of field inspections carried out in Brazil on fodder plant seed-producing crops and cereal seed-producing crops and on the equivalence of fodder plant seed and cereal seed produced in Brazil, and as regards the equivalence of field inspections carried out in Moldova on cereal seed-producing crops, vegetable seed-producing crops and oil and fibre plant seed- producing crops and on the equivalence of cereal seed, vegetable seed and oil and fibre plant seed produced in Moldova

Delegations will find attached document COM(2017) 643 final.

Encl.: COM(2017) 643 final

EUROPEAN
COMMISSION

Brussels, 14.11.2017
COM(2017) 643 final

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amending Council Decision 2003/17/EC as regards the equivalence of field inspections carried out in Brazil on fodder plant seed-producing crops and cereal seed-producing crops and on the equivalence of fodder plant seed and cereal seed produced in Brazil, and as regards the equivalence of field inspections carried out in Moldova on cereal seed-producing crops, vegetable seed-producing crops and oil and fibre plant seed-producing crops and on the equivalence of cereal seed, vegetable seed and oil and fibre plant seed produced in Moldova

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

Council Decision 2003/17/EC grants equivalence to certain non-EU countries as regards field inspections and production of seed of certain species that are carried out in accordance with Directives 66/401/EEC, 66/402/ EEC, 2002/54/EC and 2002/57/EC. The national provisions governing seed harvested and controlled in these countries afford the same assurances as regards the seed's characteristics and the arrangements for examining it, for ensuring seed identification, for marking and for control as the provisions applicable to seed harvested and controlled within the European Union. Since Brazil and Moldova are not among these non-EU countries, seed harvested there cannot be imported into the EU.

Brazil submitted a request to the Commission that its fodder plant and cereal seed be covered by Council Decision 2003/17/EC as regards the equivalence of such seed.

Moldova asked the Commission for its cereal, oil and fibre plant and vegetable seed to be covered by the same Decision as regards the equivalence of such seed.

In response to these requests, the Commission examined Brazil's and Moldova's legislation on the subject. It then audited the field inspections and seed certification systems for seed in Brazil and Moldova. It concluded that their requirements and systems are equivalent to the EU's and provide the same assurances.

It is therefore appropriate to recognise Brazilian seed as equivalent to fodder plant and cereal seed harvested, produced and controlled in the EU. This may be done through a Decision to be adopted by the European Parliament and the Council.

Similarly, it is appropriate to recognise Moldovan seed as equivalent to seed from cereals, oil and fibre plants and vegetables that are harvested, produced and controlled in the EU. This may be done through a Decision to be adopted by the European Parliament and the Council.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

Recognising the equivalence of a non-EU country's legal requirements and official controls for the certification of seeds is a technical measure. It involves assessing the laws and control systems in place, and hence the capacity of a particular non-EU country to carry out seed certification. This measure is carried out in accordance with the requirements laid down in Annex II to Decision 2003/17/EC. Since it has no bearing on any policy issues, no impact assessment is required.

At advisory meetings with stakeholders, and at several meetings of the Standing Committee on Plants, Animals, Food and Feed (PAFF), the EU seed sector and the Member States have called on the Commission to act on the matter. This Decision is expected to benefit EU seed companies operating in Brazil and Moldova, potential EU importers of seed from these countries, and EU farmers, who will henceforth have access to a wider range of seed.

The Commission also held a four-week public consultation, concluded on 22 August 2017, on the roadmap associated with this proposal. The few comments received were all positive, expressing support for the proposal. Some stakeholders are expecting that the act would encourage reciprocity in the seed trade.

3. LEGAL ELEMENTS OF THE PROPOSAL

The aim of the proposal is to implement Article 16(1) of Directive 66/401/EEC, Article 16(1) of Directive 66/402/EEC and Article 20(1) of Directive 2002/57/EC; to insert in Council Decision 2003/17/EC Article 37(1) of Directive 2002/55/EC on recognition of equivalence of fodder plant, cereal, vegetable and oil and fibre plant seed harvested in a non-EU country with regard to specific assurances and provisions of that Directive; and to implement Article 37(1) of Directive 2002/55/EC.

4. BUDGETARY IMPLICATION

No budgetary implications.

2017/0297 (COD)

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DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

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THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed[1], and in particular Article 16(1) thereof,

Having regard to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed[2], and in particular Article 16(1) thereof,

Having regard to Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed[3], and in particular Article 37(1) thereof,

Having regard to Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants[4], and in particular Article 20(1) thereof

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[5],

Having regard to the opinion of the Committee of the Regions[6],

Acting in accordance with the ordinary legislative procedure,

Whereas:

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1 OJ 125, 11.7.1966, p. 2298/66.
2 OJ 125, 11.7.1966, p. 2309/66.
3 OJ L 193, 20.7.2002, p. 33.
4 OJ L 193, 20.7.2002, p. 74.
5 OJ C , p. .
6 OJ C , p. .

(1) Council Decision 2003/17/EC[7] provides that under certain conditions field inspections carried out on certain seed-producing crops in the listed third countries are to be considered equivalent to field inspections carried out in accordance with Union law and that under certain conditions seed of certain species of fodder plants, cereal, beet, and oil and fibre plants produced in those countries is to be considered equivalent to seed produced in accordance with Union law.

(2) Brazil has submitted a request for the Commission to grant equivalence to its system of field inspections of fodder plant and cereal seed, and to fodder plant and cereal seed produced and certified in Brazil.

(3) The Commission examined the relevant legislation of Brazil, and, in 2016, carried out an audit concerning the system of official controls and of certification of fodder plant and cereal seed in Brazil, and its equivalence with Union requirements[8].

(4) Following that audit, it has been concluded that field inspections of seed-producing crops, sampling, testing and official post-controls of fodder plant and cereal seed are carried out appropriately, and satisfy the conditions of Annex II to Decision 2003/17/EC and the respective requirements of Directives 66/401/EEC and 66/402/EEC. Moreover, it has been concluded that the national authorities responsible for the implementation of seed certification in Brazil are competent and operate appropriately.

(5) Moldova has submitted a request for the Commission to grant equivalence to its system of field inspections of cereal, vegetable and oil and fibre plant seed, and to cereal, vegetable and oil and fibre seed produced and certified in Moldova.

(6) The Commission examined the relevant legislation of Moldova, and, in 2016, carried out an audit concerning the system of official controls and of certification of cereal, vegetable and oil and fibre plant seed in Moldova, and its equivalence with Union requirements[9].

(7) Following that audit, it has been concluded that field inspections of seed-producing crops, sampling, testing and official post-controls of cereal, vegetable and oil and fibre plant seed are carried out appropriately, and satisfy the conditions of Annex II to Decision 2003/17/EC and the respective requirements of Directives 66/402/EEC, 2002/55/EC and 2002/57/EC. Moreover, it has been concluded that the national authorities responsible for the implementation of seed certification in Moldova are competent and operate appropriately.

(8) Therefore it is appropriate to grant equivalence as regards field inspections carried out in respect of fodder plant and cereal seed in Brazil, and as regards fodder plant and cereal seed produced in Brazil and officially certified by its authorities.

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7 Council Decision 2003/17/EC of 16 December 2002 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 (OJ L 8/10, 14.1.2003).

8 Final report of an audit carried out in Brazil from 11 April 2016 to 19 April 2016 in order to evaluate the system of official controls and certification of seed and its equivalence with European Union requirements.

9 Final report of an audit carried out in the Republic of Moldova from 14 June to 21 June 2016 in order to evaluate the system of official controls and certification of seed and their equivalence with European Union requirements.

(9) It is also appropriate to grant equivalence as regards field inspections carried out in respect of cereal, vegetable and oil and fibre plant seed in Moldova, and as regards cereal, vegetable and oil and fibre plant seed produced in Moldova and officially certified by its authorities.

(10) There is a demand in the Union to import vegetable seed from third countries including Moldova. Therefore, the provisions of Decision 2003/17/EC should cover vegetable seed referred to in Directive 2002/55/EC in order to address the demands for those seeds originating in Moldova, as well as in other third countries in the future.

(11) In order for this Decision to be in line with the applicable rules of the International Seed Testing Association (ISTA), a statement should be given as official information by the third country concerned that the seed has been sampled and tested according to ISTA rules for orange or blue certificates, and the seed lots should be accompanied by such a certificate.

(12) Decision 2003/17/EC should therefore be amended accordingly,

HAVE ADOPTED THIS DECISION:

Article 1
Amendments to Decision 2003/17/EC

Decision 2003/17/EC is amended as follows:

(1) In Article 1, the introductory phrase is replaced by the following:

'Field inspections concerning the seed-producing crops of the species specified in Annex I carried out in the third countries listed in that Annex shall be considered equivalent to field inspections carried out in accordance with Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC and 2002/57/EC provided that they:'

(2) Article 2 is replaced by the following:

‘Article 2

Seed of the species specified in Annex I, produced in the third countries listed in that Annex and officially certified by the authorities listed in that Annex shall be considered equivalent to seed complying with Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC and 2002/57/EC, if it satisfies the conditions laid down in point B of Annex II.’

(3) Article 3 is amended as follows:

(a) Paragraph 1 is replaced by the following:

‘1. Where equivalent seed is ‘relabelled and refastened’ in the Community, within the meaning of OECD Schemes for the Varietal Certification of Seed moving in International Trade*, the provisions of Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC and 2002/57/EC

concerning the reclosing of packages produced in the Community shall apply by analogy.

The first subparagraph shall be without prejudice to the OECD rules applicable to such operations.

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* OECD Schemes for the Varietal Certification of Seed moving in International Trade, http://www.oecd.org/tad/code/seeds.htm'

(b) Point (b) of paragraph 2 is replaced by the following:

'(b) for small EC packages within the meaning of Directives 66/401/EEC, 2002/54/EC or 2002/55/EC.'

(4) The Annexes are amended in accordance with the Annex to this Decision.

Article 2
Entry into force

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 3
Addressees

This Decision is addressed to the Member States.

Done at Brussels,

For the European Parliament	*For the Council*
The President	*The President*