Council of the European Union

Brussels, 12 January 2024
(OR. en)

5402/24

Interinstitutional Files:
2023/0228(COD)
2023/0227(COD)

AGRI 18
AGRILEG 9
SEMENCES 3
PHYTOSAN 3
FORETS 5
CODEC 69
INST 18

COVER NOTE

From:	European Economic and Social Committee
date of receipt:	21 December 2023
To:	General Secretariat of the Council
Subject:	Proposal for a Regulation of the European Parliament and of the Council on the production and marketing of plant reproductive material in the Union, amending Regulations (EU) 2016/2031, 2017/625 and 2018/848 of the European Parliament and of the Council, and repealing Council Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 2002/53/EC, 2002/54/EC, 2002/55/EC, 2002/56/EC, 2002/57/EC, 2008/72/EC and 2008/90/EC (Regulation on plant reproductive material) [COM(2023) 414 final 2023/0227 (COD)] and Proposal for a Regulation of the European Parliament and of the Council on the production and marketing of forest reproductive material, amending Regulations (EU) 2016/2031 and 2017/625 of the European Parliament and of the Council and repealing Council Directive 1999/105/EC (Regulation on forest reproductive material) [COM(2023) 415 final 2023/0228 (COD)] - Opinion of the European Economic and Social Committee

Delegations will find attached the opinion[1] of the European Economic and Social Committee on the above.

[1] The translation(s) of the opinion may be available at the following address: DM Search v4.6.0 (europa.eu)

European Economic and Social Committee

OPINION

European Economic and Social Committee

Seeds and other plant and forest reproductive material

Proposal for a Regulation of the European Parliament and of the Council on the production and marketing of plant reproductive material in the Union, amending Regulations (EU) 2016/2031, 2017/625 and 2018/848 of the European Parliament and of the Council, and repealing Council Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 2002/53/EC, 2002/54/EC, 2002/55/EC, 2002/56/EC, 2002/57/EC, 2008/72/EC and 2008/90/EC (Regulation on plant reproductive material)
[COM(2023) 414 final 2023/0227 (COD)]

Proposal for a Regulation of the European Parliament and of the Council on the production and marketing of forest reproductive material, amending Regulations (EU) 2016/2031 and 2017/625 of the European Parliament and of the Council and repealing Council Directive 1999/105/EC (Regulation on forest reproductive material)
[COM(2023) 415 final 2023/0228 (COD)]

NAT/905

Rapporteur: **Arnaud SCHWARTZ**

EN

www.eesc.europa.eu

www.eesc.europa.eu/facebook www.eesc.europa.eu/twitter www.eesc.europa.eu/linkedin www.eesc.europa.eu/instagram

Referral	European Parliament, 19/10/2023 Council of the European Union, 23/10/2023
Legal basis	Article 43(2) and 304 of the Treaty on the Functioning of the European Union
Section responsible	Section for Agriculture, Rural Development and the Environment
Adopted in section	7/09/2023
Adopted at plenary	13/12/2023
Plenary session No	583
Outcome of vote (for/against/abstentions)	153/3/5

1. Conclusions and recommendations

1.1 The EESC welcomes the legislative proposal put forward by the European Commission for the production and marketing of plant reproductive material (PRM) and forest reproductive material (FRM). The EESC supports the simplification of the registration rules which will allow for improved diversity of reproductive materials as well as the inclusion of sustainability requirements, in line with the objectives of the European Green Deal. However, the EESC would like to draw attention to a few points that require further consideration.

1.2 The EESC emphasises the importance of implementing an effective follow-up and evaluation mechanism to monitor the reduction of administrative burden and red tape for operators in the plant and forest reproductive material sector. This mechanism should be transparent, enabling the identification of persistent obstacles and the implementation of necessary corrective actions.

1.3 The EESC calls for explicit implementation of the rights of rural workers and farmers, as laid down in the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) and the United Nations Declaration on the Rights of Peasants and Other Rural Workers (UNDROP). These rights include the right to participate in decision-making processes, access and use of plant genetic resources, protection of traditional knowledge, fair and equitable sharing of benefits, access to land and natural resources, and the right to practice traditional agricultural techniques.

1.4 The EESC raises concerns about the planned use of numerous delegated acts in the legislative proposal. While acknowledging the necessity of such acts to define practical details, the EESC emphasises the need for clear limitations to prevent them from expanding the scope of the basic regulation or causing uncertainty about its fundamental provisions. Adequate consultation with the Council of Ministers, the European Parliament, the EESC and the concerned stakeholders should be ensured to enhance transparency and democratic scrutiny, taking into account previous criticisms made during the 2013 PRM proposal.

2. Background

2.1 On 5 July, the European Commission published two proposals[2] aimed at modifying the rules on the production and marketing of plant reproductive material (PRM) and forest reproductive material (FRM).

2.2 PRM covers seeds, cuttings, trees, roots, tubers and other materials used for the reproduction of plants. FRM refers more specifically to seeds, plants and parts of plants of tree species used in forests or for other types of tree plantation.

2.3 According to the Commission, the new rules will maintain the principles of registration and certification while increasing the diversity and quality of such materials and improving adaptation to climate change and food safety. They will also reduce paperwork and improve the efficiency of registration and certification systems.

[2] Future of EU rules on plant and forest reproductive material.

3. General comments

3.1 With regard to PRM, the EESC welcomes the fact that the proposal retains the two basic pillars of seed marketing (registration and certification) as well as national variety registration. Furthermore, the EESC welcomes the Commission's proposal to increase its agrobiodiversity, including for organic farming and amateur gardening.

3.2 The EESC also welcomes the fact that the previous quality criteria are to be continued and even strengthened and that a level playing field is to be ensured for the players in the EU. At the same time, the EESC welcomes the derogations proposed for some categories of reproductive materials, such as organic and conservation varieties as well as for harvests from the environment. However, key issues such as who is specifically covered by the exemptions and how to prevent the emergence of parallel markets need to be agreed on.

3.3 The EESC is in favour of not just generally transferring official variety approval and seed certification to the professional operator, but also allowing it to be carried out by the competent authority if the operator does not have sufficient resources to do so.

3.4 The EESC welcomes the proposed administrative simplification measures and recommends that monitoring and evaluation mechanisms be set up to assess the impact of the new rules on effectively reducing the administrative burden and red tape for operators in the plant and forest reproductive material sector. These mechanisms will make it possible to identify any persistent obstacles and take corrective action where necessary.

3.5 For FRM, the EESC welcomes the proposal to strengthen the assessment of sustainability characteristics of "basic material".

3.6 The EESC also supports the rules laid down to make it easier to conserve endangered forest genetic resources.

3.7 The EESC calls for the inclusion of certain provisions in the proposed regulations on plant reproductive material that align with the implementation of rural workers' and farmers' rights as laid down in the International Treaty on Plant Genetic Resources for Food and Agriculture[3] (ITPGRFA) and the United Nations Declaration on the Rights of Peasants and Other Rural Workers[4] (UNDROP).

3.8 However, the EESC calls for this new legislation to explicitly implement rural workers' and farmers' rights as laid down in the ITPGRFA and UNDROP, in particular:

- The right to participate in decision-making processes concerning plant genetic resources for food and agriculture,
- The right to access and use plant genetic resources for food and agriculture,

3 International Treaty on Plant Genetic Resources for Food and Agriculture.

4 United Nations Declaration on the Rights of Peasants.

- The right to exchange plant genetic resources for food and agriculture,
- The right to benefit from the use of plant genetic resources for food and agriculture,
- The right to protection of traditional knowledge related to plant genetic resources for food and agriculture,
- The right to participate in the fair and equitable sharing of benefits arising from the use of plant genetic resources for food and agriculture,
- The right to practice traditional agricultural techniques and sustainable food production systems,
- The right to access and control seeds, including the right to save, exchange and sell farm-produced seeds,
- The right to participate in decision-making processes that affect their livelihoods and farming practices,
- The right to access information and knowledge related to agriculture, land and natural resources,
- The right to preserve and develop their own traditional knowledge and practices related to agriculture and biodiversity,
- The right to participate in the management of natural resources,
- The right to a healthy environment and the protection of biodiversity.

3.9 Although it understands the need to guarantee an adequate supply of forest reproductive material to reforest all or parts of certain areas affected by extreme weather events, fires, pest outbreaks and other disasters, the EESC nevertheless reminds the Commission, the Member States, other authorities and relevant stakeholders, that the natural regeneration of forests is another potential solution to these problems that should be explored.

3.10 The EESC reaffirms its support[5] for the European Green Deal[6], which aims to ensure a transition to a greener, more sustainable and climate-friendly economy. In this context, the Committee underlines the relevance of the legislative proposal to contribute to the Green Deal and its Farm to Fork[7] and Biodiversity for 2030[8] strategies and the Organic action plan[9], as well as the EU strategy on adaptation to climate change[10], which are essential to ensure sustainable agri-food production, food security and climate resilience.

3.11 Additionally, the EESC expresses its strong support for digital developments in the agricultural sector when they hold the potential to enhance efficiency and/or productivity at the same time as sustainability.

5 OJ C 517, 22.12.2021, p. 114.

6 A European Green Deal.

7 Farm to Fork Strategy.

8 EU 2030 Biodiversity Strategy.

9 Organic action plan.

10 EU Adaptation Strategy.

3.12 The EESC points out that the inclusion of the seed regulations in the scope of the EU Official Control Regulation ((EU) 2017/625, OCR)[11] leads to additional administrative burdens for the competent authorities. It also entails an increase in bureaucracy for authorities and professional operators alike.

3.13 With regard to PRM and FRM, the EESC notes that the Commission is also planning to develop its proposal[12], which was also published on 5 July, specifically as regards new genomic techniques (NGT) and genetically modified organisms (GMOs).

3.14 The EESC therefore refers, in this connection, to its previous opinions on GMOs and to opinion NAT/908[13] on the European Commission's proposal concerning plants produced by new genomic techniques.

3.15 The EESC calls on the European institutions to adopt these seed proposals swiftly, and to ensure that their implementation is harmonised and consistent across the EU. Avoiding regulatory disparities between Member States is essential to ensure uniform and effective application of legislation.

3.16 The EESC acknowledges that a significant number of delegated acts and implementing acts are planned outside the PRM Regulation. While recognising the necessity of such acts to define the practical details of the legislation, the EESC raises concerns about potential shortcomings. Specifically, there should be clear limitations to prevent these acts from expanding the scope of the basic regulation or creating uncertainty about its fundamental provisions. The EESC also emphasises the importance of adequate consultation with the Council of Ministers, the European Parliament, the EESC and the concerned stakeholders to ensure transparency and democratic scrutiny, addressing previous criticisms made by the European Parliament during the 2013 PRM proposal.

Brussels, 13 December 2023.

Oliver Röpke
The president of the European Economic and Social Committee

---

11 (EU) 2017/625.

12 New techniques in biotechnology.

13 EESC opinion on "Plants produced by new genomic techniques" (not yet published in the Official Journal)