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PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	6 February 2024
To:	General Secretariat of the Council
No. Cion doc.:	COM(2024) 53 final
Subject:	Proposal for a DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL 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 (codification)

Delegations will find herewith attached the Commission codification proposal referred to in the subject (COM(2024) 53 final - 2024/0030 (COD) and Annexes 1 to 4).

Delegations are invited to send their comments on the codification proposal by Friday 15 March 2024 to the following addresses:

Codification@consilium.europa.eu AND sj-codification@ec.europa.eu

Delegation's attention is drawn to the Practical Guide on Codification (doc. 14722/14 + COR1).

Encl.: COM(2024) 53 final

EUROPEAN
COMMISSION

Brussels, 6.2.2024
COM(2024) 53 final

2024/0030 (COD)

Proposal for a

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

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 (codification)

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. In the context of a people's Europe, the Commission attaches great importance to simplifying and clarifying the law of the Union so as to make it clearer and more accessible to citizens, thus giving them new opportunities and the chance to make use of the specific rights it gives them.

   This aim cannot be achieved so long as numerous provisions that have been amended several times, often quite substantially, remain scattered, so that they must be sought partly in the original instrument and partly in later amending ones. Considerable research work, comparing many different instruments, is thus needed to identify the current rules.

   For this reason a codification of rules that have frequently been amended is also essential if the law is to be clear and transparent.

2. On 1 April 1987 the Commission decided[1] to instruct its staff that all acts should be codified after no more than ten amendments, stressing that this is a minimum requirement and that departments should endeavour to codify at even shorter intervals the texts for which they are responsible, to ensure that their provisions are clear and readily understandable.

3. The Conclusions of the Presidency of the Edinburgh European Council (December 1992) confirmed this[2], stressing the importance of codification as it offers certainty as to the law applicable to a given matter at a given time.

   Codification must be undertaken in full compliance with the normal procedure for the adoption of acts of the Union.

   Given that no changes of substance may be made to the instruments affected by codification, the European Parliament, the Council and the Commission have agreed, by an interinstitutional agreement dated 20 December 1994, that an accelerated procedure may be used for the fast-track adoption of codification instruments.

4. The purpose of this proposal is to undertake a codification of 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[3]. The new Decision will supersede the various acts incorporated in it[4]; this proposal fully preserves the content of the acts being codified and hence does no more than bring them together with only such formal amendments as are required by the codification exercise itself.

5. The codification proposal was drawn up on the basis of a preliminary consolidation, in 24 official languages, of Decision 2003/17/EC and the instruments amending it, carried out by the Publications Office of the European Union, by means of a data-processing system. Where the Articles have been given new numbers, the correlation between the old and the new numbers is shown in a table set out in Annex IV to the codified Decision.

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1 COM(87) 868 PV.
2 See Annex 3 to Part A of the Conclusions.
3 Entered in the legislative programme for 2023.
4 See Annex III to this proposal.

↓ 2003/17/EC (adapted)

2024/0030 (COD)

Proposal for a

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

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 (codification)

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty ~~establishing the European Community~~ ⌦ on the Functioning of the European Union, and in particular Article 43(2) 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],

Acting in accordance with the ordinary legislative procedure,

Whereas:

↓

(1) Council Decision 2003/17/EC[6] has been substantially amended several times[7]. In the interests of clarity and rationality, that Decision should be codified.

↓ 2022/871 recital 1 (adapted)

(2) ~~Council Decision 2003/17/EC[8] provides that,~~ ~~u~~Under certain conditions, field inspections carried out on certain seed-producing crops in ~~the~~ ⌦ certain ⌫ third countries ~~listed in Annex I to that Decision~~ ~~are to~~ ⌦ should ⌫ be considered equivalent to field inspections carried out in accordance with Union law. ~~It also provides that,~~ ~~u~~Under certain conditions, seed of certain species produced in those third countries ~~is to~~ ⌦ should ⌫ be considered equivalent to seed produced in accordance with Union law.

5 OJ C […], […], p. […].

6 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, 14.1.2003, p. 10, ELI: http://data.europa.eu/eli/dec/2003/17(1)/oj).

7 See Annex III.

8 ~~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, 14.1.2003, p. 10).~~

↓ 2022/871 recital 2 (adapted)

(3) Equivalence has been granted to ⌦ certain ⌫ ~~those~~ third countries by relying on the multilateral framework for international trade of seeds, namely the Organisation for Economic Cooperation and Development (OECD) ~~Seed~~ Schemes for the Varietal Certification of Seed moving in International Trade and the methods of the International Seed Testing Association (ISTA) or, where appropriate, the rules of the Association of Official Seed Analysts ⌦ (AOSA) ⌫ that are equivalent to the ISTA methods. The Commission has also carried out legislative assessments and audits in some of those third countries in order to verify whether they meet the requirements under Union law before granting equivalence for the first time. Annual testing and reporting within the OECD framework, periodical re-auditing of laboratories for ISTA accreditation, as well as official inspections in the context of Union law, indicate that field inspections carried out in those third countries ~~continue to~~ afford the same guarantees as field inspections carried out by Member States and that seed produced and certified in those third countries ~~continues to~~ afford ⌦ s ⌫ the same guarantees as seed produced and certified in Member States. Those field inspections and seed should ~~therefore continue to~~ be considered equivalent to Union field inspections and seed.

↓ 2003/17/EC recital 7 (adapted)

(4) It is appropriate to include in this Decision specific rules concerning relabelling and refastening in the ⌦ Union ⌫ ~~Community incorporating rules similar to those provided by Decision 86/110/EEC[9], which is no longer applicable~~.

↓ 2003/17/EC recital 8 (adapted)

(5) ~~The existing legislation already provides for an obligation for seed, including not finally certified seed, marketed in the Community to indicate whether the seed is chemically treated or the variety has been genetically modified.~~ It is appropriate to provide for detailed rules on the exact indications to be given on the label of certified seed imported under this Decision ⌦ with regard to the obligation for seed, including not finally certified seed, marketed in the Union to indicate whether the seed is chemically treated or if the variety has been genetically modified ⌫. ~~It is appropriate for these rules to mirror the ones provided by Decision 95/514/EC. It will be appropriate~~ ~~i~~In ⌦ the ⌫ future, ~~to update~~ the A~~a~~nnexes to this Decision ⌦ should be updated ⌫ in order to ensure that imported seed is subject to requirements equivalent to any new rules which may be introduced, especially for not finally certified seed,.

[9] ~~OJ L 93, 8.4.1986, p. 23.~~

HAVE ADOPTED THIS DECISION:

↓ 2005/834/EC Art. 4

Article 1

↓ 2018/1674 Art. 1.1 (adapted)

Field inspections concerning the seed-producing crops of the species specified in Annex I to this Decision carried out in the third countries listed in that Annex shall be considered equivalent to field inspections carried out in accordance with ⌦ Council ⌫ Directives 66/401/EEC[10], 66/402/EEC[11], 2002/54/EC[12], ⌦ 2002/55/EC[13] ⌫ and 2002/57/EC[14] ~~and Council Directive 2002/55/EC[15]~~ provided that they:

↓ 2005/834/EC Art. 4

(a) are carried out officially by the authorities listed in Annex I, or under the official supervision of those authorities;

(b) satisfy the conditions laid down in point A of Annex II.

↓ 2018/1674 Art. 1.2

Article 2

Seed of the species specified in Annex I to this Decision, 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 to this Decision.

10 Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed (OJ 125, 11.7.1966, p. 2298, ELI:http://data.europa.eu/eli/dir/1966/401/oj).

11 Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed (OJ 125, 11.7.1966, p. 2309, ELI: http://data.europa.eu/eli/dir/1966/402/oj).

12 Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed (OJ L 193, 20.7.2002, p. 12, ELI:http://data.europa.eu/eli/dir/2002/54/oj).

13 Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed (OJ L 193, 20.7.2002, p. 33, ELI: http://data.europa.eu/eli/dir/2002/55/oj.

14 Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants (OJ L 193, 20.7.2002 p. 74, ELI: http://data.europa.eu/eli/dir/2002/57/oj).

15 ~~Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed (OJ L 193, 20.7.2002, p. 33).~~

↓ 2003/17/EC

Article 3

↓ 2018/1674 Art. 1.3(a) (adapted)

1. Where equivalent seed is 'relabelled and refastened' in the ⌦ Union ⌫ ~~Community~~, within the meaning of ⌦ the Organisation for Economic Cooperation and Development ⌫ (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 ⌦ Union ⌫ ~~Community~~ shall apply by analogy.

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

↓ 2003/17/EC (adapted)

2. Where relabelling and refastening in the ⌦ Union ⌫ ~~Community~~ of equivalent seed is necessary, ~~EC~~ ⌦ EU ⌫ labels shall be used only:

(a) if seeds produced in Member States and seeds of the same variety and category produced in third countries are blended in order to improve the germination capacity, provided that:

– the blend is homogeneous, and

– the label mentions each country of production; or

↓ 2018/1674 Art. 1.3(b)

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

↓

Article 4

Decision 2003/17/EC is repealed.

References to the repealed Decision shall be construed as references to this Decision and shall be read in accordance with the correlation table in Annex IV.

↓ 2003/17/EC (adapted)
➔1 2022/871 Art. 1.1

Article ~~5~~6

This Decision shall apply ~~from 1 January 2003 to~~ ⌦ until ⌫ ➔1 31 December 2029 ←.

Article 6~~7~~

This Decision is addressed to the Member States.