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INFORMATION NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Proposal for a DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Council Decision 2003/17/EC as regards its period of application and as regards the equivalence of field inspections carried out in Bolivia on cereal seed-producing crops and oil and fibre plant seed-producing crops and on the equivalence of cereal seed and oil and fibre plant seed produced in Bolivia - Outcome of the European Parliament's first reading (Strasbourg, 4-7 April 2022)

I. INTRODUCTION

On 23 March 2022, the Permanent Representatives Committee confirmed that should the European Parliament approve the abovementioned Commission's proposal without amendments, the Council would approve the European Parliament's position.

In this context, the Committee on Agriculture and Rural Development tabled the Commission's proposal for a Decision. No amendments were presented.

II. VOTE

The Parliament adopted its first-reading position on 5 April 2022 by taking over the Commission proposal. This position is contained in its legislative resolution.

The Council should therefore be in a position to approve the European Parliament's position as set out in the Annex hereto, thus bringing to a close the first reading for both Institutions.

The legislative act would then be adopted in the wording which corresponds to the European Parliament's position.

ANNEX
(5/4/2022)

P9_TA(2022)0107

Equivalence of field inspections and of certain seed produced in Bolivia ***I

European Parliament legislative resolution of 5 April 2022 on the proposal for a decision of the European Parliament and of the Council amending Council Decision 2003/17/EC as regards its period of application and as regards the equivalence of field inspections carried out in Bolivia on cereal seed-producing crops and oil and fibre plant seed-producing crops and on the equivalence of cereal seed and oil and fibre plant seed produced in Bolivia (COM(2022)0026 – C9-0024/2022 – 2022/0016(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to Parliament and the Council (COM(2022)0026),

– having regard to Article 294(2) and Article 338(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0024/2022),

– having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

– having regard to the opinion of the European Economic and Social Committee of 23 March 2022[1],

– having regard to the undertaking given by the Council representative by letter of 23 March 2022 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,

– having regard to Rule 59 of its Rules of Procedure,

– having regard to the report of the Committee on Agriculture and Rural Development (A9-0053/2022),

1. Adopts its position at first reading hereinafter set out;

[1] Not yet published in the Official Journal.

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P9_TC1-COD(2022)0016

Position of the European Parliament adopted at first reading on 5 April 2022 with a view to the adoption of Decision (EU) 2022/… of the European Parliament and of the Council amending Council Decision 2003/17/EC as regards its period of application and as regards the equivalence of field inspections carried out in Bolivia on cereal seed-producing crops and oil and fibre plant seed-producing crops and the equivalence of cereal seed and oil and fibre plant seed produced in Bolivia

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty 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[2],

Acting in accordance with the ordinary legislative procedure[3],

[2] Opinion of 23 March 2022 (not yet published in the Official Journal).
[3] Position of the European Parliament of 5 April 2022.

Whereas:

(1) Council Decision 2003/17/EC[4] provides that, under certain conditions, field inspections carried out on certain seed-producing crops in the third countries listed in Annex I to that Decision are to be considered equivalent to field inspections carried out in accordance with Union law. It also provides that, under certain conditions, seed of certain species produced in those third countries is to be considered equivalent to seed produced in accordance with Union law.

(2) Equivalence has been granted to those third countries by relying on the multilateral framework for international trade of seeds, namely the Organisation for Economic Co-operation 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 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 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.

[4] 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).

(3) In 2016 Bolivia submitted a request to the Commission for the granting of equivalence to its system of field inspections of seed-producing crops and to seed of *Sorghum* spp. (sorghum), *Zea mays* (maize) and *Helianthus annuus* (sunflower) produced and certified in Bolivia.

(4) The Commission assessed the relevant legislation of Bolivia, carried out an audit in 2018 concerning the system of official controls of seed production and seed certification of sorghum, maize and sunflower in Bolivia, and their equivalence with Union requirements, and published the audit's findings in a report entitled 'Final report of an audit carried out in the Plurinational State of Bolivia from 14 March 2018 to 22 March 2018 in order to evaluate the system of official controls and certification of seed and their equivalence with European Union requirements'.

(5) That audit showed that there is a well-organised system for seed production and certification in Bolivia. The Commission identified some shortcomings and provided recommendations to Bolivia. Since Bolivia addressed those shortcomings by 30 November 2018, it satisfies the conditions set out in Annex II to Decision 2003/17/EC and the respective requirements set out in Council Directives 66/402/EEC[5] and 2002/57/EC[6].

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5 Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed (OJ P 125, 11.7.1966, p. 2309).

6 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).

(6) Therefore, it is appropriate to grant equivalence as regards field inspections carried out in respect of seed-producing crops of sorghum, maize and sunflower in Bolivia and as regards seed of sorghum, maize and sunflower produced in Bolivia and officially certified by its authorities.

(7) As Decision 2003/17/EC will expire on 31 December 2022, the period for which equivalence is recognised under that Decision should be extended, in order to avoid any risk of disruption of imports of seed into the Union. Taking into consideration the investment and the time needed for the production of seed certified in accordance with Union law, it is appropriate to extend that period by seven years.

(8) 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 6, the date ‘31 December 2022’ is replaced by the date ‘31 December 2029’;

(2) the table in Annex I is amended as follows:

(a) the following row is inserted between the rows 'AU' and 'BR':

‘BO	Ministry of Rural Development and Land Bolivia Av. Camacho entre calles Loaya y Bueno N°1471, LA PAZ	66/402/EEC – only in respect of *Zea mays* and *Sorghum* spp.; 2002/57/EC – only in respect of *Helianthus annuus*’;

(b) in footnote ([1]) , the following terms are inserted between ‘AU — Australia,’ and ‘BR — Brazil,’:

‘BO – Bolivia,’;

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 ...,

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