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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	20 March 2026
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

No. Cion doc.:	COM(2026) 128 final
Subject:	Amended 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 attached document COM(2026) 128 final.

Encl.: COM(2026) 128 final



Brussels, 20.3.2026
COM(2026) 128 final

2024/0030 (COD)

Amended 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. On 6 February 2024, the Commission presented a proposal for a Decision of the European Parliament and of the Council codifying 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 countries¹.
2. Having regard to the amendment adopted in respect of the proposal referred to in point 1, the Commission has decided to present, in accordance with Article 293(2) TFEU, an amended proposal for codification of the Decision in question.
3. The changes made in this amended proposal, compared with the proposal referred to in point 1, are the following:
 - (a) in Article 5, the following paragraph is inserted:

“This Decision shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.”;
 - (b) Annex I is amended as set out in the Annex to Decision (EU) 2025/1228 of the European Parliament and of the Council of 17 June 2025 amending Council Decision 2003/17/EC as regards the equivalence of field inspections carried out in the Republic of Moldova on seed-producing fodder plant crops and on the equivalence of fodder plant seed produced in the Republic of Moldova, and as regards the equivalence of field inspections carried out in Ukraine on seed-producing beet crops and seed-producing oil plant crops and on the equivalence of beet seed and oil plant seed produced in Ukraine²;
 - (c) in Annex III, the following entry is added:

“Decision (EU) 2025/1228 of the European Parliament and of the Council (OJ L, 2025/1228, 20.6.2025, ELI: <http://data.europa.eu/eli/dec/2025/1228/oj>)”.
4. To facilitate reading and examination, the full text of the amended proposal for codification is attached hereto.

¹ COM(2024) 53 final of 6.2.2024.

² OJ L 2025/1228, 20.6.2025, ELI: <http://data.europa.eu/eli/dec/2025/1228/oj>.

Amended 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 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 Committee³,

Acting in accordance with the ordinary legislative procedure,

Whereas:

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- (1) Council Decision 2003/17/EC⁴ has been substantially amended several times⁵. In the interests of clarity and rationality, that Decision should be codified.

↓ 2022/871 recital 1 (adapted)

- (2) Under certain conditions, field inspections carried out on certain seed-producing crops in certain third countries should be considered equivalent to field inspections carried out in accordance with Union law. Under certain conditions, seed of certain species produced in those third countries should be considered equivalent to seed produced in accordance with Union law.

↓ 2022/871 recital 2 (adapted)

- (3) Equivalence has been granted to certain third countries by relying on the multilateral framework for international trade of seeds, namely the Organisation for

³ OJ C, C/2024/3386, 31.5.2024.

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, ELI: <http://data.europa.eu/eli/dir/2003/17/oj>)

⁵ See Annex III.

Economic Cooperation and Development (OECD) 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 afford the same guarantees as field inspections carried out by Member States and that seed produced and certified in those third countries afford the same guarantees as seed produced and certified in Member States. Those field inspections and seed should 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.

↓ 2003/17/EC recital 8 (adapted)

- (5) 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. In the future, the Annexes 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,

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/EEC⁶, 66/402/EEC⁷, 2002/54/EC⁸, 2002/55/EC⁹ and 2002/57/EC¹⁰ provided that they:

⁶ 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>).

⁷ 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>).

⁸ 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>).

↓ 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.
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↓ 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.

↓ 2003/17/EC

Article 3

↓ 2018/1674 Art. 1.3(a) (adapted)

1. Where equivalent seed is ‘relabelled and refastened’ in the ☒ Union ☒, 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 ☒ 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 ☒ of equivalent seed is necessary, ☒ 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

⁹ 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>).

¹⁰ 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>).

↓ 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.

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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

Article 5

↓ 2025/1228 Art. 2

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

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

This Decision shall apply ☒ until ☒ →₁ 31 December 2029 ←.

Article 6

This Decision is addressed to the Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President