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'I' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 1)
No. Cion doc.:	6264/24 + ADD 1
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 the Republic of Moldova on fodder plant seed producing 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 beet seed producing crops and oil plant seed-producing crops and on the equivalence of beet seed and oil plant seed produced in Ukraine *- Mandate for negotiations with the European Parliament*

Delegations will find in annex the text, following the examination carried out by the Working Party on Genetic Resources and Innovation in Agriculture (Seeds, Propagating and Planting Materials), which will serve as a basis for negotiations with the European Parliament on the above proposal.

Changes with respect to the Commission proposal have been marked with underline for insertions and ~~strikethrough~~ for deletions.

ANNEX

2024/0027 (COD)

Draft

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 the Republic of Moldova on fodder plant seed-producing 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 beet seed-producing crops and oil plant seed-producing crops and on the equivalence of beet seed and oil plant seed produced in Ukraine

(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[1],

Acting in accordance with the ordinary legislative procedure[2],

Whereas:

(1) Council Decision 2003/17/EC[3] provides that, under certain conditions, field inspections carried out on certain seed-producing crops in the third countries listed in its Annex I, are

[1] OJ C , , p. .
[2] OJ C , , p. .

to be considered equivalent to field inspections carried out in accordance with Union law and that, under certain conditions, seed of certain species produced in those countries is to be considered equivalent to seed produced in accordance with Union law.

(2) In 2022, the Republic of Moldova submitted a request to the Commission for the granting of equivalence to its system of field inspections of seed-producing fodder plants and to seed of fodder plants produced and certified in the Republic of Moldova.

(3) The Commission examined the relevant legislation of the Republic of Moldova. It also carried out in 2016 an audit of the system of official controls and of certification of cereal, vegetable and oil and fibre plant seed in the Republic of Moldova and published its findings in a report[4]. Following the receipt of additional documentation from the Republic of Moldova[5], the Commission considered that all recommendations made in the audit report had been addressed in a satisfactory manner. On the basis of the audit, the Commission concluded that the national authorities responsible for the implementation of seed certification in the Republic of Moldova are competent, have adequate facilities in place, and operate appropriately. Those authorities are also responsible for field inspections of seed-producing fodder plants and for the certification of seed of fodder plants.

(4) On the basis of the examination of the legislation and of the audit conclusions, the Commission concluded that the field inspections of fodder plant seed-producing crops, sampling, testing and official post-controls of fodder plant seed are carried out appropriately and satisfy the requirements set out in Annex II to Decision 2003/17/EC and in Council Directive 66/401/EEC[6].

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[3] 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) http://data.europa.eu/eli/dec/2003/17(1)/oj.

[4] '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' https://ec.europa.eu/food/audits-analysis/audit-report/details/3667.

[5] 'Competent Authority response to the report recommendations' https://ec.europa.eu/food/audits-analysis/audit-report/details/3667.

[6] Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed (OJ 125, 11.7.1966, p. 2298/66) http://data.europa.eu/eli/dir/1966/401/2022-09-01 .

(5) In 2022, Ukraine submitted a request to the Commission for the granting of equivalence to its system of field inspections of seed-producing crops of *Beta vulgaris* (beet), *Helianthus annuus* (sunflower) and *Brassica napus* (swede rape) and to seed of those crops produced and certified in that country.

(6) In 2023, Ukraine submitted another request to the Commission for the granting of equivalence to its system of field inspections of seed-producing crops *Glycine max* (soya bean) and to seed of those crops produced and certified in that country.

(7) The Commission examined the relevant legislation of Ukraine. It also carried out an audit in 2015 of the system of official controls and of certification of cereal seed in Ukraine and published its findings in a report[7]. Following the receipt of additional documentation from the Republic of Ukraine[8], the Commission considered that all recommendations made in the audit report had been addressed in a satisfactory manner. On the basis of the audit, the Commission concluded that the national authorities responsible for the implementation of seed certification in Ukraine are competent, have adequate facilities in place, and operate appropriately. Those authorities are also responsible for the field inspections of seed-producing crops of beet, sunflower, swede rape and soya bean, and for the certification of seed of those crops.

(8) On the basis of the examination of the legislation and of the audit conclusions, the Commission concluded that the field inspections on beet, sunflower, swede rape and soya bean seed-producing crops, sampling, testing and official post-controls of beet, sunflower, swede rape and soya bean seed are carried out appropriately and satisfy the requirements set out in Annex II to Decision 2003/17/EC and in Council Directives 2002/54/EC[9] and 2002/57/EC[10].

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7 'Final report of an audit carried out in Ukraine from 26 May 2015 to 4 June 2015 in order to evaluate the system of official controls and certification of cereal seed and their equivalence with European Union requirements' https://ec.europa.eu/food/audits-analysis/audit-report/details/3499.

8 'Competent Authority response to the report recommendations' https://ec.europa.eu/food/audits-analysis/audit-report/details/3499.

9 Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed (OJ L 193, 20.7.2002, p. 12) http://data.europa.eu/eli/dir/2002/54/2022-09-01.

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) http://data.europa.eu/eli/dir/2002/57/2022-09-01.

(9) The Republic of Moldova has been admitted, as regards fodder crops, to the Organisation for Economic Cooperation and Development (OECD) Seed Schemes for the Varietal Certification of Seed moving in International Trade.

(10) Ukraine has been admitted, as regards beet, sunflower, swede rape and soya bean, to the OECD Seed Schemes for the Varietal Certification of Seed moving in International Trade.

(11) The Republic of Moldova and Ukraine have seed laboratories accredited by the International Seed Testing Association. That fact provides additional assurance on the quality of the inspections and the seed produced in those countries and their compliance with Union legislation.

(12) It is therefore appropriate to grant equivalence as regards field inspections carried out in respect of fodder plant seed-producing crops in the Republic of Moldova, and as regards the fodder plant seed produced in the Republic of Moldova and officially certified by its authorities.

(13) It is also appropriate to grant equivalence as regards field inspections carried out in respect of seed-producing crops of beet, sunflower, swede rape and soya bean in Ukraine, and as regards the seed of beet, sunflower, swede rape and soya bean produced in Ukraine and officially certified by its authorities.

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

HAVE ADOPTED THIS DECISION:

Article 1

Amendments to Decision 2003/17/EC

Annex I to Decision 2003/17/EC is 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*.

PUBLIC

Article 3

Addressees

This Decision is addressed to the Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

PUBLIC

ANNEX

The table of Annex I is amended as follows:

PUBLIC

(1) the entry 'MD' is replaced by the following:

'MD	National Agency for Food Safety (ANSA) str. Mihail Kogălniceanu 63, MD-2009, Chisinau	66/401/EEC 66/402/EEC 2002/55/EC 2002/57/EC'

;

(2) the entry 'UA' is replaced by the following:

'UA	Ministry of Agrarian Policy and Food of Ukraine Khreshchatyk str., 24, 01001, KYIV	66/402/EEC 2002/54/EC 2002/57/EC – only in respect of *Brassica napus, Glycine max* and *Helianthus annuus'*