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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	9611/21
No. Cion doc.:	COM(2021) 36 final
Subject:	Proposal for a Regulation of the European Parliament and of the Council on the extension of the term of Community plant variety rights for the species asparagus and the species groups flower bulbs, woody small fruits and woody ornamentals - *Mandate for negotiations with the European Parliament*

I. INTRODUCTION

1. The European Commission submitted the above proposal to the European Parliament and to the Council on 3 February 2021. The proposal is based on Article 118(1) TFEU. The ordinary legislative procedure is applicable.

2. Council Regulation (EC) No 2100/94[1] provides for a term of Community plant variety rights of 25 years. The proposal extends the term of Community plant variety rights for the species asparagus and the species groups flower bulbs, woody small fruits and woody ornamentals by 5 years. The proposal recognises the technical difficulties in breeding of those species, and the resulting need to prolong the period of protection to incentivise breeding activities.

[1] OJ L 227, 1.9.1994, p. 1

3. The European Parliament has designated the Committee on Agriculture and Rural Development (AGRI) as the lead committee, and the Rapporteur is Mr Bert-Jan RUISSEN (ECR, NL). The Committee examined the proposal at its meeting of 21 May 2021 and endorsed the draft report presented by the Rapporteur, which recommends taking over the Commission proposal without amendments as the Parliament's position at first reading. The Parliament is expected to confirm that recommendation at a forthcoming plenary session.

4. The European Economic and Social Committee (EESC) adopted an opinion[2] on the Commission's proposal at its plenary session on 24 March 2021.

II. STATE OF PLAY

5. The proposal was examined by the Working Party on Agricultural Questions (Plant Breeders' Rights). At the meeting of 4 March 2021, the Commission representative presented the proposal. On that occasion, delegations made a number of comments, which the Presidency took into account in the preparation of a compromise text. The Working Party reached an agreement on the text of the proposed Regulation through an informal silence procedure, with no objections or amendments from any delegations[3], other than editorial corrections.

III. CONCLUSION

6. The Committee of Permanent Representatives (Part 1) is invited to:
   - confirm the agreement reached by the Working Party on the text as set out in the addendum (ADD 1) to this note, and
   - mandate the Presidency to enter into negotiations with the European Parliament on the basis of the above-mentioned text, with a view to reaching, if possible, a first-reading agreement.

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2 NAT/819 – EESC-2021-01476-00-00-AC-TRA (EN)
3 ST 9209/21 + WK7698/21