



EUROPEAN COMMISSION

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2012/0165 (COD)

Proposal for a

**DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**amending Council Decision 2003/17/EC by extending its period of application and by updating the names of a third country and of the authorities responsible for the approval and control of the production**

**(Text with EEA relevance)**

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE PROPOSAL**

Council Directives on the marketing of fodder plant seed, cereal seed, beet seed and seed of oil and fibre plants regulate the internal marketing of seed for sowing of the plant species as listed by those Directives. To facilitate trades and to promptly respond to the marketing request, those Directives foresee the possibility for the Council to establish rules for authorising the importation of seed under an equivalence system from third countries.

### **2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS**

### **3. LEGAL ELEMENTS OF THE PROPOSAL**

Council Decision 2003/17/EC<sup>1</sup> provided the list of countries to be recognised for the application of the equivalence principle for importation, detailed requirements to be fulfilled, and in particular to limit the period for which equivalence is recognised to five years to be extended if all the relevant requirements are fulfilled.

That period will expire on 31 December 2012. In order to ensure the necessary supply of seed to the EU market, these rules must be prolonged by amending the deadline until 31 December 2022. Currently, the temporary extension is foreseen for only 5 years. However, the revision of the new Regulation on S&PM (under co-decision procedures) will be launched in September 2012, only, with specific implementing measures to be adopted thereafter. Therefore, a time limit of ten years seems necessary to avoid the expiration within this process.

Annex I to Decision 2003/17/EC lists Yugoslavia as a country under equivalence regime. Some new countries replace the former Yugoslavia. Slovenia is a member of the European Union, Croatia is already recognised as equivalent by Decision 2003/17/EC, Serbia should be added being a member of the OECD Scheme for the Varietal Certification of Seed moving in International Trades and member of the International Seed Testing Association (ISTA) as regards the seed sampling and testing. Yugoslavia should be deleted. Other countries from the former Yugoslavia cannot be added being not member of the OECD and ISTA. In addition, the names of some authorities responsible for the approval and control of the production, as listed in Annex I to Decision 2003/17/EC have changed.

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<sup>1</sup> OJ L 8, 14.1.2003, p. 10.

Proposal for a

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**(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,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Council Decision 2003/17/EC provides that for a limited period field inspections carried out in third countries on seed-producing crops of certain species are considered as equivalent to field inspections carried out in accordance with Union legislation and that seed of certain species produced in third countries is considered as equivalent to seed produced in accordance with Union legislation.
- (2) It appears that those field inspections continue to afford the same guarantees as those carried out by the Member States. Those field inspections should therefore continue to be considered as equivalent.
- (3) As Decision 2003/17/EC will expire on 31 December 2012, the period for which equivalence is recognised under that Decision should be extended. It appears desirable to extend that period to ten years.
- (4) The reference to Yugoslavia in Decision 2003/17/EC should be deleted. Serbia, as a member of the OECD Scheme for the Varietal Certification of Seed moving in International Trades and member of the International Seed Testing Association as regards the seed sampling and testing, should be added to the list of third countries in Annex I to Decision 2003/17/EC. In addition, the names of some authorities responsible for the approval and control of the production, as listed in Annex I to Decision 2003/17/EC have changed.
- (5) Decision 2003/17/EC should therefore be amended accordingly,

HAVE ADOPTED THIS DECISION:

*Article 1*

Decision 2003/17/EC is amended as follows:

- (1) In Article 6, the date "31 December 2012" is replaced by the date "31 December 2022".
- (2) Annex I is replaced by the text set out in the Annex to this Decision.

*Article 2*

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

It shall apply from 1 January 2013.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

## ANNEX

### "ANNEX I

#### Countries, authorities and species

| Country(*) | Authority                                                                                                                                     | Species referred to in the following Directives      |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|
| 1          | 2                                                                                                                                             | 3                                                    |
| AR         | Instituto Nacional de Semillas (INASE)<br>Av. Paseo Colón 922, 3 Piso<br>1063 BUENOS AIRES                                                    | 66/401/EEC<br>66/402/EEC<br>2002/57/EC               |
| AU         | Australian Seeds Authority LTD.<br>P.O. Box 187<br>LINDFIELD, NSW 2070                                                                        | 66/401/EEC<br>66/402/EEC<br>2002/57/EC               |
| CA         | Canadian Food Inspection Agency, Seed<br>Section, Plant Health & Biosecurity Directorate<br>59 Camelot Drive, Room 250, OTTAWA, ON<br>K1A 0Y9 | 66/401/EEC<br>66/402/EEC<br>2002/57/EC               |
| CL         | Ministerio de Agricultura<br>Servicio Agrícola y Ganadero, División de<br>Semillas<br>Casilla 1167, Paseo Bulnes 140 - SANTIAGO<br>DE CHILE   | 2002/54/EC<br>66/401/EEC<br>66/402/EEC<br>2002/57/EC |
| HR         | State Institute for Seed and Seedlings,<br>Vinkovacka Cesta 63<br>HR-31000 OSIJEK                                                             | 2002/54/EC<br>66/401/EEC<br>66/402/EEC<br>2002/57/EC |
| IL         | Ministry of Agriculture & Rural Development<br>Plant Protection and Inspection Services<br>P.O. BOX 78, BEIT-DAGAN 50250                      | 66/401/EEC<br>66/402/EEC<br>2002/57/EC               |
| MA         | D.P.V.C.T.R.F.<br>Service de Contrôle des Semences et des<br>Plants,<br>B.P. 1308 RABAT                                                       | 66/401/EEC<br>66/402/EEC<br>2002/57/EC               |
| NZ         | Ministry of Agriculture and Forestry,<br>25 "THE TERRACE"<br>P.O. BOX 2526 WELLINGTON                                                         | 2002/54/EC<br>66/401/EEC<br>66/402/EEC<br>2002/57/EC |
| RS         | Ministry of Agriculture, Forestry and Water<br>Management<br>Plant Protection Directorate<br>Omladinskih brigada 1, 11070 NOVI<br>BEOGRAD     | 2002/54/EC<br>66/401/EEC<br>66/402/EEC<br>2002/57/EC |

| Country(*) | Authority                                                                                                                                                                                        | Species referred to in the following Directives                                                        |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| 1          | 2                                                                                                                                                                                                | 3                                                                                                      |
| TR         | Ministry of Agriculture and Rural Affairs,<br>Variety Registration and Seed Certification<br>Centre<br>Gayret mah. Fatih Sultan Mehmet Bulvari<br>No:62<br>P.O.BOX: 30, 06172 Yenimahalle/ANKARA | 2002/54/EC<br>66/401/EEC<br>66/402/EEC<br>2002/57/EC                                                   |
| US         | USDA - Agricultural Marketing Service<br>Seed Regulatory & Testing Branch<br>801 Summit Crossing, Suite C, GASTONIA<br>NC 28054                                                                  | 2002/54/EC<br>66/401/EEC<br>66/402/EEC<br>2002/57/EC                                                   |
| UY         | Instituto Nacional de Semillas (INASE)<br>Cno. Bertolotti s/n y Ruta 8 km 29<br>91001 PANDO - CANELONES                                                                                          | 66/401/EEC<br>66/402/EEC<br>2002/57/EC                                                                 |
| ZA         | National Department of Agriculture,<br>C/O S.A.N.S.O.R.<br>Lynnwood Ridge, P.O. BOX 72981, 0040<br>PRETORIA                                                                                      | 66/401/EEC<br>66/402/EEC – only in respect of<br><i>Zea mays</i> and <i>Sorghum spp.</i><br>2002/57/EC |

(\*) AR – Argentina, AU – Australia, CA – Canada, CL – Chile, HR – Croatia, IL – Israel, MA – Morocco, NZ – New Zealand, RS – Serbia, TR – Turkey, US – United States of America, UY – Uruguay, ZA – South Africa"