

SENATE OF THE REPUBLIC

XVI LEGISLATURE

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RESOLUTION OF THE 14th STANDING COMMITTEE

(European Union policies)

(Rapporteur SANTINI)

Approved at the sitting of 1 August 2012

ON A

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 (COM(2012) 343 FINAL)

within the meaning of Article 144(1)(5) and (6) of the Rules of Procedure

Communicated to the President's Office on 6 August 2012

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The Committee, having examined the act COM(2012) 343 final,

whereas the purpose of the proposal is to extend by 10 years the validity of Council Decision 2003/17/EC of 16 December 2002 establishing the equivalence, and therefore the compliance with European legislation, of the inspections carried out in certain third countries on seed-producing crops and on the seeds themselves, so that they may be marketed in the internal market;

recalling that the marketing of fodder plant seed, cereal seed, beet seed and the seed of oil and fibre plants in the internal market is governed by a series of specific Council Directives (66/401/EEC, 66/402/EEC, 2002/54/EC and 2002/57/EC, of 14 June 1966 and 13 June 2002 respectively) and that, in order to facilitate trades in those seeds and to respond to market demand, the Directives give the Council of the EU the possibility to establish rules for authorising the importation of seed from third countries under an equivalence system;

recalling, also, that Council Decision 95/514/EC of 29 November 1995 provided that, for a specific period, field inspections carried out in certain third countries on seed producing crops of particular species are to be considered equivalent to field inspections carried out within the meaning of Community legislation and that seed of certain species produced in those countries is to be considered equivalent to seed produced in accordance with Community legislation, provided that the conditions referred to in Annex II to that Decision are fulfilled;

whereas Decision 95/514/EC was extended three times, by Council Decisions 97/33/EC, 98/162/EC and 2000/326/EC, of 17 December 1997, 16 February 1998 and 2 May 2000 respectively, on each occasion for a period of two years, and was then replaced by Decision 2003/17/EC, extended, in turn, by Council Decision 2007/780/EC of 26 November 2007, until 31 December 2012,

within its area of responsibility, states its observations in favour of the proposal, with the following remarks:

the legal basis was correctly identified as Article 43(2) of the Treaty on the Functioning of the European Union (TFEU), which provides that the European Parliament and the Council, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee, are to establish the common organisation of the agricultural markets

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provided for in Article 40(1) and the other provisions necessary for the pursuit of the objectives of the common agricultural policy and the common fisheries policy;

the proposal appears to comply with the principle of subsidiarity, because the objective of establishing the equivalence of seed produced in third countries and seed produced in the European Union for the purposes of their importation and marketing in the internal market can be better attained by means of supra-national rules;

so far as concerns the principle of proportionality, the ten-year extension provided for in the proposal for a decision might be excessively far-reaching, given that the previous extensions were for two years and the two most recent for five years, and in each of those cases it was stated that it was desirable for the period of validity of the equivalence not to exceed five years;

in particular, recital 6 in the preamble to Decision 2003/17/EC states that ‘it appears desirable to limit the period for which equivalence is recognised ...to five years.’ Similarly, recital 3 of Decision 2007/780/EC states that ‘it appears desirable to limit that period to five years.’ The proposal for a regulation, on the other hand, contains a ten-year extension, that is, until 31 December 2022. It is not clear from the explanatory memorandum accompanying the proposal what new factors have led the European Commission to change its approach and double the extension period;

in that regard, the explanation which is given that ‘the revision of the new Regulation on S&PM [seed and propagation materials] (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’ does not suffice. It would therefore be appropriate for such a change of approach to be examined further and for reasons to be given for it or, alternatively, for the extension period to be reduced to the customary five-year term.

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