



EUROPEAN COMMISSION

Brussels, 13.3.2014
C(2014) 1543 final

Dear President,

The Commission would like to thank the Senato della Repubblica for its Opinion and welcomes its detailed observations and suggestions on the proposal for a Regulation of the European Parliament and of the Council on the production and making available on the market of plant reproductive material {COM(2013) 262 final}.

The Commission would like to comment on the key points raised by the Opinion as follows:

Use of delegated acts

The Commission has applied the provisions of Article 290 of the Treaty on the Functioning of the European Union (TFEU) which propose empowerments for the adoption of delegated acts. It should be taken into account that this proposal replaces a rather extended acquis, consisting of 12 Directives.

The new proposal covers a very extensive area of plant reproductive material, ranging from agricultural seeds to vegetables, vine, fruit plants, ornamental plants and forest reproductive material. Therefore, the text of this proposal should in the Commission's view only cover the essential rules and principles concerning those areas. More specific non-essential and technical matters concerning particular sectors, such as species, uses of species or categories of material, are better catered for through the adoption, as appropriate, delegated acts.

Those acts would be adopted after taking into account the scientific and technical developments at Union and international level. It should be further noted that the power conferred upon the Commission for the adoption of those acts is subject to control by the Council and the European Parliament, in the case of delegated acts, as set out by Articles 290 of the Treaty on the Functioning of the European Union.

In developing delegated and implementing acts, the Commission intends to carry over the parts of existing legislation on seeds and propagating material that function successfully now. In this process, it intends to consult widely in order to ensure that the rules laid down are as appropriate and as flexible as possible. The Commission's intention is to reduce the related administrative burden as far as possible and to facilitate enforcement for Member States.

Historic and economic importance of traditional varieties

The Commission proposal introduces a comprehensive set of rules to allow the production and marketing of traditional varieties (see Articles 10(3), 56 and 57). Those varieties will be registered as varieties with an 'officially recognised description' and will be subject to light

*Mr Pietro GRASSO
President of the Senato della Repubblica
Piazza Madama, 1
IT – 00186 ROMA*

requirements (reduced fees, no official testing, no limitation of marketing to particular areas, no quantitative restrictions as currently applicable). In order to ensure their identity and characteristics, those varieties have to be produced in their region(s) of origin. Member States will have the possibility to approve further regions of origin. Moreover, those varieties will be maintained throughout their registration, while their sample will be transferred to a gene bank after the termination of their registration. All those provisions aim at ensuring that traditional varieties are produced and marketed through the lightest possible requirements, while maintaining their characteristics and added value for the society.

According to the Commission proposal, new varieties (namely varieties registered after the entry into application of the Regulation would have to be examined through tests as to whether they are distinct, uniform and stable ("DUS"). This is important to ensure qualitative varieties which are clearly identifiable by their users. If those varieties lose those characteristics and do not comply with the DUS requirements any more, they could then be registered and marketed, under certain conditions, as traditional varieties ("varieties with an officially recognised description", see Article 57(1)(b)).

It should be clarified that the interests of small scale farming are taken into account through several provisions of the proposal. Material marketed by micro-enterprises would be subject, according to Article 36 of the proposal, to lighter requirements and exempted from the requirement to belong to a registered variety. Micro-enterprises, as defined in Article 89, would be exempted from the fees to register any variety. Heterogeneous material, as defined in Article 14(3) of the proposal and which is also interesting for small scale farmers, would also be exempted from the requirement to belong to a registered variety. Finally, it should be noted that exchange in kind of material between non-professionals (see Article 2) and material produced for own uses (and not for marketing, see Article 1) are not within the scope of this proposal.

Plant reproductive material belonging to varieties not yet registered

Article 34 of the Commission proposal introduces a derogation only for the purpose of "tests and trials". Such derogation would not be applicable for purposes such as seed multiplication, nor for any other commercial purpose. Moreover, this Article sets out rigorous conditions and restrictions concerning maximum quantities, the authorisation procedure and reporting obligations. Such restrictions and conditions are either the same as, or more stringent than, the existing ones.

The Commission hopes that these clarifications address the comments and concerns raised in the Opinion submitted by the Senato della Repubblica and looks forward to continuing our political dialogue in the future.

Yours faithfully,

Maroš Šefčovič
Vice-President