



Parlamentul României
Senat

Bucharest, 25th June 2013
Courtesy translation

OPINION

**of the SENATE OF ROMANIA 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 (plant reproductive material law) - COM (2013) 262 final**

The Senate of Romania has checked the compliance with the subsidiarity and proportionality principles of **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 (plant reproductive material law) - COM (2013) 262 final**, according to the provisions of the Treaty of Lisbon (Protocol no.2).

Taking into account the joint report of the Committee for European Affairs and the Committee for Agriculture, Silviculture and Rural Development, **the Plenum of the Senate**, during its session of the 25th June 2013, has found that the examined proposal is in compliance with the principles of subsidiarity and proportionality defined by art. 5 TEU. Following the analysis of the content of the proposal and in the perspective of the negotiations to come, the Senate stresses some aspects and brings some amendments, supporting the following preliminary position:

- a) Romania supports the simplification of current legislation in this field under a regulation providing harmonized application in all Member States and equitable terms of competition for all economic operators;
- b) Romania supports the reduction of costs and unnecessary administrative burdens and the increase of flexibility for operators, but keeping to ensure a plant reproductive material of high quality, health, identity and traceability, as well as ensuring security of food and feed;
- c) Romania stresses the importance of further maintaining public services, so that SMEs and micro-enterprises could benefit from **technical examinations** and inspections carried out by the competent authority;
- d) With regard to unlisted species, Romania welcomes this initiative, which will not involve administrative tasks in addition to the competent authority, taking into account that we apply since from 2002 national rules to species unlisted by EU legislation, with positive effects on the quality of the plant reproductive material placed on the market;
- e) At Art. 89. - Exemptions from the payment of registration fees

"2. Applicants employing fewer than 10 persons and whose annual turnover or annual balance sheet total does not exceed EUR 2 million shall be exempted from the payment of the fees provided for in Article 87 and Article 88".

Given the fact that in Romania the majority of SMEs and micro-enterprises in this area falls within these provisions (fewer than 10 persons and with an annual turnover or annual balance sheet total not exceeding EUR 2 million), we consider that the work of the competent authority for testing and registration of varieties (ISTIS) would be significantly affected and therefore the State budget, in the case where this provision is not eliminated;

f) Romania considers that less stringent requirements for old varieties are proportionate and appropriate and lead to reduced administrative burdens and barriers, both at competent authority and market level;

g) At Art. 5. - Registers of professional operators

We welcome the initiative of the European Parliament and the Council to enhance the traceability of plant reproductive material by requiring registration of economic operators, requirement that Romania considers as to be necessary and proportionate. In the national legislation, is provided as mandatory the registration of operators carrying out production operations for placing on the market, processing, packaging, transport and placing of material on the market, in the own registers of the competent authority in the field. The proposal of Regulation provides their registration in the registers provided by the regulation on protective measures against pests of plants. In this case, arises the question: is it necessary that all these national registers existing already in Romania, for a long time, be suppressed?. We consider appropriate that the proposal of Regulation includes the possibility of existence of both types of registers, if they were implemented before the publication of the regulation;

h) At Art. 21. - Content of the official label and operator's label

"2. The official label and the operator's label shall be written in one of the official Union languages".

Romania considers as necessary to modify this article, by including the compulsory requirement of written in two official Union languages, of which one to be an international language, given that in some cases it is difficult to understand the information written on the official labels;

i) At Art. 23. - Authorisation of professional operators to carry out certification and produce official labels

Romania considers as necessary to add a condition for the authorisation of professional operators to carry out certification, namely that: Professional operators have the quality management system (ISO 9001) established and implemented;

j) At Art. 36. - Derogations from registration requirements in the case of niche market plant reproductive material

"1. Article 14(1) shall not apply to plant reproductive material where all of the following conditions are fulfilled:

(a) it is made available on the market in small quantities by persons other than professional operators, or by professional operators employing no more than ten persons and whose annual turnover or balance sheet total does not exceed EUR 2 million";

Romania agrees with the Commission's proposal to grant derogations from varieties registration requirements in the case of niche market plant reproductive material, noting that it is necessary to remove the text referred to in paragraph 1 lit. a: "or by professional operators employing no more than ten persons and whose annual turnover or balance sheet total does not exceed EUR 2 million", as this derogation may lead to its abusive use and may be used on a regular basis by a wide range of professional operators (about 90% of the operators involved in this field fall into this definition), thus creating the premises of a parallel market (black market). In the case where this derogation is maintained, we require the clear definition of the term "small quantities".

**p. PRESIDENT OF THE SENATE
CRISTIAN-SORIN DUMITRESCU**

