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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Council Decision requesting a Commission study on updating the existing legislation on plant reproductive material
- *Adoption*

- (1) On 6 May 2013, the Commission submitted to the European Parliament and to the Council a proposal for a Regulation on the production and making available on the market of plant reproductive material¹, intended to consolidate and update the existing legislation which is currently fragmented in 12 Council Directives.
- (2) The Working Party on Agricultural Questions examined the proposal under the Irish, Lithuanian and Hellenic Presidencies.

¹ 9527/13 – 2013/0137 (COD).

- (3) On 11 March 2014, the European Parliament rejected the proposal and called on the Commission to withdraw it and submit a new one². In view of this development, the Hellenic Presidency referred the issue to the Committee of Permanent Representatives (Part 1)³, which agreed that further preparatory work should be conducted as a contribution to the debate on the architecture of a possible revised Commission proposal. On that basis, the Council held a discussion on 16 June 2014 and expressed general support for a Presidency report containing orientations for a possible revised Commission proposal⁴.
- (4) In December 2014, the President of the Committee of Permanent Representatives (Part 1) addressed a letter to the Commission, reiterating the Council's request for a revised proposal⁵. The Commission withdrew the proposal in its work programme for 2015⁶, and did not submit a new one.
- (5) In December 2017, the President of the Committee of Permanent Representatives (Part 1) addressed another letter to the Commission to seek clarity on the state of play and to ask the Commission to present the next steps envisaged⁷. The Commission replied in June 2018, indicating that the situation would need to be re-evaluated after the 2019 European Parliament elections⁸.
- (6) Following consultations with delegations, the Presidency tabled on 26 August 2019 a draft Council Decision based on Article 241 TFEU requesting the Commission to submit a study on the Union's options to consolidate and update the existing legislation on the production and marketing of plant reproductive material⁹. Under Article 241 TFEU, the Council acts by simple majority.
- (7) The Working Party of Agricultural Counsellors/Attaches ('the Working Party') discussed that draft at its meeting of 6 September 2019. Following an informal silence procedure, the Working Party agreed by simple majority on the text set out in document 11348/2/19 REV 2.

² European Parliament legislative resolution of 11 March 2014 (OJ C 378, 9.11.2017, p. 303).

³ 7937/14.

⁴ 10618/14.

⁵ 16178/14.

⁶ COM (2014) 910 final.

⁷ 15489/17.

⁸ 9901/18.

⁹ 11348/19.

(8) The Committee of Permanent Representatives (Part 1) is therefore invited to:

- confirm, by simple majority, the agreement reached by the Working Party; and
- recommend that the Council:
 - adopt, by simple majority, the draft Council Decision set out in document 12783/19 (text finalised after legal-linguistic revision) as an "A" item on the agenda of one of its forthcoming sessions; and
 - decide to publish it in the EU Official Journal ("L" series) as soon as possible.
