



**COUNCIL OF
THE EUROPEAN UNION**

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INFORMATION NOTE

from: General Secretariat
to: Permanent Representatives Committee/Council

Subject: 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
– Outcome of the European Parliament's first reading
(Strasbourg, 25 to 26 October 2012)

I. INTRODUCTION

In accordance with the provisions of Article 294 of the TFEU and the joint declaration on practical arrangements for the codecision procedure ¹, a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this dossier at first reading, thereby avoiding the need for second reading and conciliation.

In this context, the rapporteur, Mr Paolo DE CASTRO (S&D - IT) presented three amendments to the proposal for a Decision, on behalf of the Committee on Agriculture and Rural Development. This amendment had been agreed during the informal contacts referred to above.

¹ OJ C 145, 30.6.2007, p.5

II. VOTE

When it voted on 25 October 2012, the plenary adopted the three amendments (amendments 1 - 3) to the proposal for a Decision. The Commission's proposal as thus amended and the legislative resolution constitute the European Parliament's position at first reading and reflects what had been previously agreed between the institutions. The Council should therefore be in a position to approve it. The legislative act would then be adopted in the wording which corresponds to the European Parliament's position.

The text of the amendments adopted and the European Parliament's legislative resolution are set out in the Annex hereto. The amendments are presented in the form of a consolidated text, where changes to the Commission's proposal are highlighted in *bold and italics*. The symbol "■" indicates deleted text.

Extending the period of application of Council Decision 2003/17/EC, and updating the names of a third country and the authorities responsible for production approval and control *I**

European Parliament legislative resolution of 25 October 2012 on the 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)0343 – C7-0161/2012 – 2012/0165(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2012)0343),
 - having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0161/2012),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 18 September 2012¹,
 - having regard to the undertaking given by the Council representative by letter of 28 September 2012 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Agriculture and Rural Development (A7-0315/2012),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ Not yet published in the Official Journal.

P7_TC1-COD(2012)0165

Position of the European Parliament adopted at first reading on 25 October 2012 with a view to the adoption of Decision No .../2012/EU 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)

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 Committee¹,

Acting in accordance with the ordinary legislative procedure²,

Whereas:

¹ Opinion of 18 September 2012 (not yet published in the Official Journal).

² Position of the European Parliament of 25 October 2012.

- (1) Council Decision 2003/17/EC of 16 December 2002 on the equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries¹ provides that, for a limited period, field inspections carried out in third countries on seed-producing crops of certain species are to be considered to be equivalent to field inspections carried out in accordance with Union legal acts, and that seed of certain species produced in third countries is to be considered to be equivalent to seed produced in accordance with Union legal acts.
- (2) It appears that field inspections carried out in third countries continue to afford the same guarantees as field inspections carried out by Member States. They should therefore continue to be considered to be 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 by ten years.
- (4) The reference to Yugoslavia in Decision 2003/17/EC should be deleted. Serbia, as a member of the OECD Schemes for the Varietal Certification of Seed moving in International Trade and as a 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) ***The provisions of Decision 2003/17/EC which refer to Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission² should be deleted as, in the context of this Decision, their application would be incompatible with the system on delegated and implementing powers introduced by Articles 290 and 291 of the Treaty.***

¹ OJ L 8, 14.1.2003, p. 10.

² OJ L 184, 17.7.1999, p. 23.

(6) Decision 2003/17/EC should therefore be amended accordingly,

HAVE ADOPTED THIS DECISION:

Article 1

Decision 2003/17/EC is hereby amended as follows:

(1) *Article 4 is deleted.*

(2) *Article 5 is deleted.*

(3) in Article 6, the date "31 December 2012" is replaced by the date "31 December 2022".

(4) 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 ...,

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) Av. Paseo Colón 922, 3 Piso 1063 BUENOS AIRES	66/401/EEC 66/402/EEC 2002/57/EC
AU	Australian Seeds Authority LTD. P.O. BOX 187 LINDFIELD, NSW 2070	66/401/EEC 66/402/EEC 2002/57/EC
CA	Canadian Food Inspection Agency, Seed Section, Plant Health & Biosecurity Directorate 59 Camelot Drive, Room 250, OTTAWA, ON K1A 0Y9	66/401/EEC 66/402/EEC 2002/57/EC
CL	Ministerio de Agricultura Servicio Agrícola y Ganadero, División de Semillas Casilla 1167, Paseo Bulnes 140 - SANTIAGO DE CHILE	2002/54/EC 66/401/EEC 66/402/EEC 2002/57/EC

HR	State Institute for Seed and Seedlings, Vinkovacka Cesta 63 31000 OSIJEK	2002/54/EC 66/401/EEC 66/402/EEC 2002/57/EC
IL	Ministry of Agriculture & Rural Development Plant Protection and Inspection Services P.O. BOX 78, BEIT-DAGAN 50250	66/401/EEC 66/402/EEC 2002/57/EC
MA	D.P.V.C.T.R.F. Service de Contrôle des Semences et Plants, B.P. 1308 RABAT	66/401/EEC 66/402/EEC 2002/57/EC
NZ	Ministry for Primary Industries, 25 "THE TERRACE" P.O. BOX 2526 6140 WELLINGTON	2002/54/EC 66/401/EEC 66/402/EEC 2002/57/EC

RS	<p>Ministry of Agriculture, Forestry and Water Management Plant Protection Directorate</p> <p>Omladinskih brigada 1, 11070 NOVI BEOGRAD</p> <p><i>The Ministry of Agriculture has authorised the following Institutions to issue OECD certificates:</i></p> <p>National Laboratory for Seed Testing Maksima Gorkog 30 - 21000 NOVI SAD</p> <p>Maize Research Institute "ZEMUN POLJE"</p> <p>Slobodana Bajica 1</p> <p>11080 ZEMUN, BEOGRAD</p>	<p>2002/54/EC</p> <p>66/401/EEC</p> <p>66/402/EEC</p> <p>2002/57/EC</p>
TR	<p>Ministry of Agriculture and Rural Affairs, Variety Registration and Seed Certification Centre</p> <p>Gayret mah. Fatih Sultan Mehmet Bulvari No:62</p> <p>P.O.BOX: 30,</p> <p>06172 Yenimahalle/ANKARA</p>	<p>2002/54/EC</p> <p>66/401/EEC</p> <p>66/402/EEC</p> <p>2002/57/EC</p>
US	<p>USDA - Agricultural Marketing Service Seed Regulatory & Testing Branch</p> <p>801 Summit Crossing, Suite C,</p> <p>GASTONIA NC 28054</p>	<p>2002/54/EC</p> <p>66/401/EEC</p> <p>66/402/EEC</p> <p>2002/57/EC</p>
UY	<p>Instituto Nacional de Semillas (INASE)</p> <p>Cno. Bertolotti s/n y Ruta 8 km 29</p> <p>91001 PANDO - CANELONES</p>	<p>66/401/EEC</p> <p>66/402/EEC</p>

		2002/57/EC
ZA	National Department of Agriculture, C/O S.A.N.S.O.R. Lynnwood Ridge, P.O. BOX 72981, 0040 PRETORIA	66/401/EEC 66/402/EEC – only in respect of Zea mays and Sorghum spp. 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, UY – Uruguay, ZA – South Africa".