

Proposal for a Council Directive amending Directives 66/401/EEC on the marketing of fodder plant seed, 66/402/EEC on the marketing of cereal seed, 68/193/EEC on the marketing of material for the vegetative propagation of the vine, 92/33/EEC on the marketing of vegetable propagating and planting material, other than seed, 92/34/EEC on the marketing of propagating and planting material of fruit plants, 98/56/EC on the marketing of propagating material of ornamental plants, 2002/54/EC on the marketing of beet seed, 2002/55/EC on the marketing of vegetable seed, 2002/56/EC on the marketing of seed potatoes and 2002/57/EC on the marketing of seed of oil and fibre plants as regards Community comparative tests and trials

(2003/C 20 E/18)

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(Submitted by the Commission on 25 September 2002)

EXPLANATORY MEMORANDUM

In the past 25 years Community comparative tests and trials have been carried out on agricultural crops such as cereals, potatoes, fodder and oil and fibre plants on the basis of the relevant legislation. In the last years new legislation on the marketing of propagating material of fruit, vegetables and ornamental plants laying down, *inter alia*, detailed rules for Community comparative tests and trials, increased the size of the exercise. This post control system on seed and propagating material marketed in the Community is recognised as a very important tool for the harmonisation of marketing by Member States.

The above tests and trials were executed thanks to a Community financial contribution.

In the interest of transparency a clear legal basis for this financial contribution is needed and provisions for Community financial measures for carrying out the Community comparative tests and trials, which involve compulsory Community budget expenditure should therefore be made.

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas:

(1) The Commission is required to ensure that, in appropriate cases, arrangements for co-ordinating, carrying out and inspecting the Community comparative tests and trials are made in accordance with the procedures laid down in the following provisions:

Directive 66/401/EEC on the marketing of fodder plant seed ⁽¹⁾, as last amended by Directive 2001/64/EC ⁽²⁾, and in particular Article 20(3) thereof,

Directive 66/402/EEC on the marketing of cereal seed ⁽³⁾, as last amended by Directive 2001/64/EC ⁽⁴⁾, and in particular Article 20(3) thereof,

Directive 68/193/EEC on the marketing of material for the vegetative propagation of the vine ⁽⁵⁾, as last amended by Directive 2002/11/EC ⁽⁶⁾, and in particular Article 16(3) thereof,

Directive 92/33/EEC on the marketing of vegetable propagating and planting material, other than seed ⁽⁷⁾, as last amended by Decision 2002/111/EC ⁽⁸⁾ and in particular Article 20(4) thereof,

Directive 92/34/EEC on the marketing of propagating and planting material of fruit plants ⁽⁹⁾, as last amended by Decision 2002/112/EC ⁽¹⁰⁾ and in particular Article 20(4) thereof,

⁽³⁾ OJ 125, 11.7.1966, p. 2039/66.

⁽⁴⁾ OJ L 234, 1.9.2001, p. 60.

⁽⁵⁾ OJ L 93, 17.4.1968, p. 15.

⁽⁶⁾ OJ L 53, 23.2.2002, p. 20.

⁽⁷⁾ OJ L 157, 10.6.1992, p. 1.

⁽⁸⁾ OJ L 41, 13.2.2002, p. 44.

⁽⁹⁾ OJ L 157, 10.6.1992, p. 10.

⁽¹⁰⁾ OJ L 41, 13.2.2002, p. 44.

⁽¹⁾ OJ 125, 11.7.1966, p. 2298/66.

⁽²⁾ OJ L 234, 1.9.2001, p. 60.

Directive 98/56/EC on the marketing of propagating material of ornamental plants ⁽¹⁾ in particular Article 14(4) thereof,

Directive 2002/54/EC on the marketing of beet seed ⁽²⁾, and in particular Article 26(3) thereof,

Directive 2002/55/EC on the marketing of vegetable seed ⁽³⁾, and in particular Article 43(3) thereof,

Directive 2002/56/EC on the marketing of seed potatoes ⁽⁴⁾, and in particular Article 20(3) thereof and

Directive 2002/57/EC on the marketing of seed of oil and fibre plants ⁽⁵⁾, and in particular Article 23(3) thereof.

- (2) These necessary arrangements implied in the past years that a Community contribution for the execution of the above Community comparative tests and trials had been decided.
- (3) In the interest of transparency a clear legal basis for the Community financial contribution is needed.
- (4) Provisions for Community financial measures for carrying out the Community comparative tests and trials which involve compulsory Community budget expenditure should therefore be made,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Directive 66/401/EEC is hereby amended as follows:

In Article 20, after paragraph 3 the following paragraphs are added:

'3a. The Community may make a financial contribution to the performance of the tests foreseen in paragraphs 1 and 2.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.

3b. The tests which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 21.

3c. Only state authorities, or legal persons, acting under the responsibility of the State, may be the beneficiaries of this contribution.'

2. Directive 66/402/EEC is hereby amended as follows:

In Article 20, after paragraph 3 the following paragraphs are added:

⁽¹⁾ OJ L 226, 13.8.1998, p. 16.

⁽²⁾ OJ L 193, 20.7.2002, p. 12.

⁽³⁾ OJ L 193, 20.7.2002, p. 33.

⁽⁴⁾ OJ L 193, 20.7.2002, p. 60.

⁽⁵⁾ OJ L 193, 20.7.2002, p. 74.

'3a. The Community may make a financial contribution to the performance of the tests foreseen in paragraphs 1 and 2.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.

3b. The tests which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 21.

3c. Only state authorities, or legal persons, acting under the responsibility of the State, may be the beneficiaries of this contribution.'

3. Directive 68/193/EEC is hereby amended as follows:

In Article 16, after paragraph 3 the following paragraphs are added:

'3a. The Community may make a financial contribution to the performance of the tests foreseen in paragraphs 1 and 2.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.

3b. The tests which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 17(1).

3c. Only state authorities, or legal persons, acting under the responsibility of the State, may be the beneficiaries of this contribution.'

4. Directive 92/33/EEC is hereby amended as follows:

In Article 20, after paragraph 4 the following paragraphs are added:

'4a. The Community may make a financial contribution to the performance of the trials and tests foreseen in paragraph 2.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.

4b. The trials and tests which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 21.

4c. Only state authorities, or legal persons, acting under the responsibility of the State, may be the beneficiaries of this contribution.'

5. Directive 92/34/EEC is hereby amended as follows:

In Article 20, after paragraph 4 the following paragraphs are added:

'4a. The Community may make a financial contribution to the performance of the trials and tests foreseen in paragraph 2.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.

4b. The trials and tests which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 21.

4c. Only state authorities, or legal persons, acting under the responsibility of the State, may be the beneficiaries of this contribution.'

6. Council Directive 98/56/EC is hereby amended as follows:

In Article 14, after paragraph 4 the following paragraphs are added:

'4a. The Community may make a financial contribution to the performance of the trials and tests foreseen in paragraph 2.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.

4b. The trials and tests which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 17.

4c. Only state authorities, or legal persons, acting under the responsibility of the State, may be the beneficiaries of this contribution.'

7. Directive 2002/54/EC is hereby amended as follows:

In Article 26, after paragraph 3 the following paragraphs are added:

'3a. The Community may make a financial contribution to the performance of the tests foreseen in paragraphs 1 and 2.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.

3b. The tests which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 28(2).

3c. Only state authorities, or legal persons, acting under the responsibility of the State, may be the beneficiaries of this contribution.'

8. Directive 2002/55/EC is hereby amended as follows:

In Article 43, after paragraph 3 the following paragraphs are added:

'3a. The Community may make a financial contribution to the performance of the tests foreseen in paragraphs 1 and 2.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.

3b. The tests which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 46(2).

3c. Only state authorities, or legal persons, acting under the responsibility of the State, may be the beneficiaries of this contribution.'

9. Directive 2002/56/EC is hereby amended as follows:

In Article 20, after paragraph 3 the following paragraphs are added:

'3a. The Community may make a financial contribution to the performance of the tests foreseen in paragraphs 1 and 2.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.

3b. The tests which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 25(2).

3c. Only state authorities, or legal persons, acting under the responsibility of the State, may be the beneficiaries of this contribution.'

10. Directive 2002/57/EC is hereby amended as follows:

In Article 23, after paragraph 3 the following paragraphs are added:

'3a. The Community may make a financial contribution to the performance of the tests foreseen in paragraphs 1 and 2.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.

3b. The tests which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 25(2).

3c. Only state authorities, or legal persons, acting under the responsibility of the State, may be the beneficiaries of this contribution.'

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January 2003 at the latest. They shall forthwith inform the Commission thereof.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication.

Member States shall determine how such reference is to be made.

Article 3

This Directive shall enter into force on the 7th day following that of its publication in the *Official Journal of the European Communities*.

Article 4

This Directive is addressed to the Member States.
