COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 4.4.2006
COM(2006) 151 final

Proposal for a

COUNCIL DECISION

on the equivalence of the official examination of varieties carried out in Croatia

(presented by the Commission)

EXPLANATORY MEMORANDUM

Council Directive 2002/53/EC on the Common Catalogue of varieties of agricultural plant species provides for the Council to determine whether the official examination of varieties carried out in third countries afford the same guarantees as those carried out by Member States.

Reference is made to the assessment of the requirements of distinctness, stability, uniformity and value for cultivation and use of the varieties to be accepted for inclusion in the official catalogue of varieties of agricultural plant species.

Croatia requested recognition by the Community as regards the official examination of varieties for distinctness, stability and uniformity. A first letter was addressed to Directorate General Health and Consumer Protection on 8 December 2004. Since then several contacts took place at the level of Services. Documentation was made available to the Commission Services. This documentation was restricted to three cereal species, i.e. wheat, barley and maize. It should be noted that Croatia has been a member of the International Union for the Protection of New Varieties of Plants (UPOV) since 2001, which implies an international recognition of Croatia's capability to carry out official examinations of varieties for distinctness, stability and uniformity.

Slovenia strongly supports a favourable outcome of the Croatian request.

Following an examination of the file, the Commission services consider that Croatia offers the requested guarantees.

The present proposal would establish the equivalence in question and permit the Commission to update the technical elements of the Decision as laid down in the Annexes, taking into account the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry.

Proposal for a

COUNCIL DECISION

on the equivalence of the official examination of varieties carried out in Croatia

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species[1], and in particular Article 22 (1) (a) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Directive 2002/53/EC allows for the Council to determine whether the official examinations of varieties carried out in a third country afford the same assurances as those carried out in the Member States.

(2) The rules on the official examination of varieties carried out in Croatia in respect of wheat, barley and maize provide that the acceptance of varieties as regards their distinctness, stability and uniformity is based on the results of official examinations, particularly growing trials, covering a sufficient number of characteristics for the variety to be described.

(3) An examination of those rules and the manner in which they are applied in Croatia in respect of the three aforementioned species has shown that they afford the same assurances as those carried out by the Member States, provided that further conditions are satisfied.

(4) This Decision does not prevent Community findings on equivalence from being revoked when the conditions on which they are based are not, or cease to be, satisfied.

[1] OJ L 193, 20.7.2002 p. 1. Directive as last amended by Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ L 268, 18.10.2003, p. 1).

HAS ADOPTED THIS DECISION:

Article 1

The official examinations as regards distinctness, stability and uniformity of the varieties of the species listed in Annex I carried out in Croatia by the Authority specified in Annex I shall be considered to afford the same assurances as those carried out by the Member States, if they satisfy the conditions set out in Annex II.

Article 2

Amendments to the Annexes shall be adopted in accordance with the procedure referred to in Article 3(2).

Article 3

1. The Commission shall be assisted by the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry, hereinafter referred to as 'the Committee'.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

3. The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

4. The Committee shall adopt its rules of procedure.

Article 4

This Decision is addressed to the Member States.

Done at Brussels,

For the Council
The President

ANNEX I

Authority	Species
Institute for Seed and Seedlings, Osijek	*Hordeum vulgare* L. *Triticum aestivum* L. *Zea Mays* L.

ANNEX II

Conditions

1. The acceptance of varieties as regards the assessment of distinctness, stability and uniformity shall be based on the results of official examinations.

2. In order to establish distinctness, the growing trials shall include at least the available comparable varieties:

   – listed in the Common Catalogue of varieties of agricultural plant species; and

   – which, without being listed in the above mentioned catalogue, have been accepted or submitted for acceptance in a Member State of the Community, either for certification and marketing, or for certification for other countries.

3. The characteristics to be covered as a minimum by the examination and the minimum conditions for examining the varieties of the species in question shall be those set out in Commission Directive 2003/90/EC[2].

[2] OJ L 254, 8.10.2003, p. 7.