Opinion of the European Economic and Social Committee on 'Proposal for a Decision of the European Parliament and of the Council amending Council Decision 2003/17/EC as regards the equivalence of field inspections carried out in Ukraine on cereal seed-producing crops and on the equivalence of cereal seed produced in Ukraine'

(COM(2020) 137 final – 2020/0053 (COD))

(2020/C 429/35)

Rapporteur working alone: **Arnold PUECH d'ALISSAC**

Referral	Council of the European Union, 17.4.2020
	European Parliament, 16.4.2020
Legal basis	Article 43(2) of the Treaty on the Functioning of the European Union
Section responsible	Agriculture, Rural Development and the Environment
Adopted in section	29.6.2020
Adopted at plenary	18.9.2020
Plenary session No	554
Outcome of vote (for/against/abstentions)	213/1/4

1. **Background and Commission proposal**

1.1. Council Decision 2003/17/EC ([1]) grants equivalence to certain non-EU countries as regards field inspections and the production of seed of certain species ([2]).

1.2. These provisions governing seed harvested and controlled in those countries afford the same assurances as regards the seed's characteristics and the arrangements for its examination, for ensuring seed identification, for marking and for control as the provisions applicable to seed harvested and controlled within the European Union.

1.3. Since Ukraine is not included in those non-EU countries listed in Decision 2003/17/EC, import into the European Union of cereal seeds harvested in that country is currently not possible. Ukraine has submitted a request to the Commission for its cereal seed to be covered by Council Decision 2003/17/EC as equivalent.

1.4. Following this request, the Commission has carried out an examination of the applicable Ukrainian legislation and conducted an audit of the field inspections and seed certification system for cereal seed in place in Ukraine. It was concluded that its requirements and system in place are equivalent to the ones of the Union and offer the same assurance as the Union's system.

1.5. The Commission therefore proposes to recognise Ukrainian seed as equivalent to cereal seed harvested, produced and controlled in the European Union through a Decision to be adopted by the European Parliament and the Council.

2. **Considerations and recommendations**

2.1. The EESC notes the positive outcome of the audit carried out by the Commission in Ukraine in accordance with the requirements set out in Annex II to Decision 2003/17/EC, with a view to recognising the equivalence of the legal requirements and official controls for the certification of cereal seed. The EESC observes, however, that the audit report notes that certain standards are not fully aligned with EU requirements, particularly those relating to the isolation distance

([1]) OJ L 8, 14.1.2003, p. 10.

([2]) In accordance with Council Directives 66/401/EEC (OJ 125, 11.7.1966, p. 2298), 66/402/EEC (OJ 125, 11.7.1966, p. 2309), 2002/54/EC (OJ L 193, 20.7.2002, p. 12)and 2002/57/EC (OJ L 193, 20.7.2002, p. 74).

for certified seed for sorghum, which are lower, the varietal purity of parental lines used for the production of seeds for hybrids of maize, and the content of seeds of other species for certified seed for maize.

2.2. In line with its previous opinions ([3]), the EESC agrees with the legislative proposal under examination but proposes that it not be applied until the EU has, after ex-post controls, received guarantees showing that the limitations indicated in the audit report have been remedied, that production standards in Ukraine now comply strictly with European requirements, that an absence of unfair competition can be guaranteed and that any harmful effects on the environment have been excluded.

2.3. The Committee agrees that this recognition of equivalence may potentially benefit EU seed companies operating in Ukraine, potential EU importers of seed from this countries, and EU farmers, who will henceforth have access to a wider range of seed, but there must be a mirror system of controls for imports and the same consumer protection must be guaranteed.

Controls of competition must be applied in both directions to make sure that trading conditions are not distorted for European organisations operating in the EU.

2.4. The EESC must, however, underline certain technical aspects concerning seed production methods that differ between Ukraine and the European Union, in particular as regards access to plant protection products. Ukrainian producers in fact have access to a wider range of plant health products that EU producers, and have access to certain substances that are banned in the European Union. These divergences lead to a distortion of competition and would result in products which do not comply with EU health and environmental standards being able to enter the territory of the European Union. The most significant differences include access to active weed control substances such as atrazine (banned in the EU since 2003) or acetochlor (banned in the EU since 2012). In addition to the health impacts, access to these substances with a wide working spectrum, persistent character, high technical efficiency on weeds and low cost, gives Ukrainian producers a definite competitive advantage. With regard to pest protection, Ukrainian producers still have access to active substances in the neonicotinoid family, some of which are banned in the EU, such as clothianidin, thiamethoxam or very soon thiacloprid.

2.5. On the basis of the European Green Deal, it is necessary to protect, conserve and strengthen the EU's natural capital and protect people's health and wellbeing from environmental risks, and therefore it is essential that Ukraine stop using chemical products for seed production which the EU has banned from its territory. Ukraine must uphold the same level of requirements as the EU, commit to fully complying with all conditions of the Paris Agreement and allow the concluded agreements to be assessed annually. Differences cannot be allowed to persist or grow. Otherwise seeds cannot be allowed onto the EU market.

2.6. The EESC has taken note of the Commission's position that recognition of certification procedures for the products in question is a technical measure. However, in the light of the above points and the fact that opening the EU market to third-country products will have an economic and social impact, the Committee recommends that before taking any decisions, the Commission carry out an impact analysis to ensure that European producers (in the sense of growers and seed businesses), and small and medium-sized enterprises in particular, will not be affected by this measure.

2.7. On the basis of this analysis, and since the current free trade agreement with Ukraine does not guarantee fair trade with comparable tax, social and environmental standards, it is necessary to review firstly the FTA and, more broadly, European trade policy, in order to prevent unfair competition. This review is in fact envisaged by the European Commission in its announcement of 16 June, with an in-depth examination of EU trade policy and the opening of a public consultation.

2.8. This is particularly significant between Ukraine and the EU in the area of maize seeds, with a far lower ex-factory production cost in Ukraine (for example, the difference with French production costs was estimated to be 26 % in 2019). A combination of these decisions would jeopardise the European maize seed multiplication sectors.

([3]) OJ C 74, 23.3.2005, p. 55, OJ C 351, 15.11.2012, p. 92.

2.9. As lessons are learned from the COVID-19 crisis, dependence on third countries in a sector of strategic importance for food sovereignty is unacceptable and must therefore be dealt with upstream.

Brussels, 18 September 2020.

The President
of the European Economic and Social Committee
Luca JAHIER