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ANNEX

ANNEX

to the

COMMISSION DELEGATED REGULATION (EU) .../...
of XXX

amending Annex II to Regulation (EU) 2018/848 of the European Parliament and of the Council as regards the use of in-conversion and non-organic plant reproductive material

ANNEX

Part I of Annex II to Regulation (EU) 2018/848 is amended as follows:

(1) points 1.8.5.1. to 1.8.5.5. are replaced by the following:

‘‘1.8.5.1. By way of derogation from point 1.8.1, where the data collected in the database referred to in Article 26(1) or the system referred to in point (a) of Article 26(2) shows that the qualitative or quantitative needs of the operator regarding relevant organic plant reproductive material are not met, the operator may use in-conversion plant reproductive material in accordance with point (a) of the second subparagraph of Article 10(4).

Where organic and in-conversion plant reproductive material is not available in sufficient quality or quantity to fulfil the operator’s needs, competent authorities may authorise the use of non-organic plant reproductive material subject to points 1.8.5.3. to 1.8.5.7.

Such individual authorisation shall only be issued in one of the following situations:

(a) where no variety of the species that the operator wants to obtain is registered in the database referred to in Article 26(1) or the system referred to in point (a) of Article 26(2);

(b) where no supplier, meaning an operator who markets plant reproductive material, is able to deliver the relevant organic or in-conversion plant reproductive material in time for sowing or planting in situations where the user has ordered the plant reproductive material in reasonable time to allow the preparation and supply of organic or in conversion plant reproductive material;

(c) where the variety that the operator wants to obtain is not registered as organic or in-conversion plant reproductive material in the database referred to in Article 26(1) or the system referred to in point (a) of Article 26(2), and the operator is able to demonstrate that none of the registered alternatives of the same species are appropriate in particular to the agronomic and pedo-climatic conditions and necessary technological properties for the production to be obtained and that, therefore, the authorisation is significant for his or her production;

(d) where it is justified for use in research, test in small-scale field trials, for variety conservation purposes or for product innovation and agreed by the competent authorities of the Member State concerned.

Prior to requesting any such authorisation, the operator shall consult the database referred to in Article 26(1) or the system referred to in point (a) of Article 26(2) in order to verify whether relevant organic or in-conversion plant reproductive material is available and thus whether his or her request is justified.

When in compliance with Article 6 (i) operators may use both organic and in-conversion plant reproductive material obtained from their own holding, irrespective of the qualitative and quantitative availability according to the database referred to in Article 26(1) or the system referred to in point (a) of Article 26(2).

1.8.5.2. By way of derogation from point 1.8.1., operators in third countries may use in-conversion plant reproductive material in accordance with point (a) of the second subparagraph of Article 10(4) when organic plant reproductive material is justified to be not available in sufficient quality or quantity in the territory of the third country in which the operator is located.

Without prejudice to relevant national rules, operators in third countries may use both organic and in-conversion plant reproductive material obtained from their own holding.

Control authorities or control bodies recognised in accordance with Article 46(1) may authorise operators in third countries to use non-organic plant reproductive material in an organic production unit when organic or in-conversion plant reproductive material is not available in sufficient quality or quantity in the territory of the third country in which the operator is located, under the conditions laid down under points 1.8.5.3, 1.8.5.4 and 1.8.5.5.

1.8.5.3. Non-organic plant reproductive material shall not be treated after harvest with plant protection products other than those authorised for the treatment of plant reproductive material in accordance with Article 24(1) of this Regulation, unless chemical treatment has been prescribed in accordance with Regulation (EU) 2016/2031 for phytosanitary purposes by the competent authorities of the Member State concerned for all varieties and heterogeneous material of a given species in the area in which the plant reproductive material is to be used.

Where the non-organic plant reproductive material treated with the prescribed chemical treatment referred to in the first paragraph is used, the parcel on which the treated plant reproductive material is growing shall be subject, where appropriate, to a conversion period as provided in points 1.7.3. and 1.7.4.

1.8.5.4. The authorisation to use non-organic plant reproductive material shall be obtained before the sowing or planting of the crop.

1.8.5.5. The authorisation to use non-organic plant reproductive material shall be granted to individual users for one season at a time, and the competent authorities, control authority or body responsible for authorisations shall list the quantities of the authorised plant reproductive material.

(2) the following points 1.8.5.6. and 1.8.5.7. are inserted:

“ 1.8.5.6. The competent authorities of the Member States shall create an official list of species, subspecies or varieties (grouped if applicable) for which it is established that organic or in-conversion plant reproductive material is available in sufficient quantities and for the appropriate varieties in their territory. No authorisations shall be issued for the species, subspecies or varieties included in that list in the territory of the Member State concerned pursuant to point 1.8.5.1. unless these are justified by one of the purposes referred to in point 1.8.5.1.(d). If the quantity or quality of organic or in-conversion plant reproductive material available for a species, subspecies or variety on the list turns out to be insufficient or inappropriate, due to exceptional circumstances, the competent authorities of the Member States may remove a species, subspecies or variety from the list.

The competent authorities of the Member States shall keep their list updated on an annual basis and shall make that list publicly available.

By 30 June each year and for the first time by 30 June 2022, the competent authorities of the Member States shall transmit to the Commission and to the other Member States the link to the internet website where the updated list is made publicly available. The Commission shall publish the links to the national updated lists on a dedicated website.

1.8.5.7. By way of derogation from point 1.8.5.5., the competent authorities of the Member States may annually grant a general authorisation to all operators concerned for the use of:

(a) a given species or subspecies when and in so far as no variety is registered in the database referred to in Article 26(1) or the system referred to in point (a) of Article 26(2);

(b) for a given variety when and in so far as the conditions laid down in point 1.8.5.1.(c) are fulfilled.

When using a general authorisation, operators shall keep records of the quantity used and competent authority responsible for authorisations shall list the quantities of authorised non-organic plant reproductive material.

The competent authorities of the Member States shall keep the list of species, subspecies or varieties for which a general authorisation is issued updated on an annual basis and shall make that list publicly available.

By 30 June each year and for the first time by 30 June 2022, the competent authorities of the Member States shall transmit to the Commission and to the other Member States the link to the internet website where the updated list is made publicly available. The Commission shall publish the links to the national updated lists on a dedicated website."