

**Draft working paper of the Commission services Nr 10,
does not necessarily reflect the position of the Commission,
for consultation of experts of Working Party on legislation on Seeds and
Plant Propagating Material only**

**Review of legislation on marketing seed and plant propagating material,
11 April 2011**

Issue: Registration of suppliers

As there is no obligation in all parts of the current S&PM legislation for the registration of suppliers, it may be considered appropriate to introduce such a requirement "to create a transparent and economically valid process of certification" of reproductive material¹.

In line with the principle of reduction of administrative burdens, a joint register should be established by each Member State for all suppliers/operators acting under the legislations for plant health and plant reproductive material. A possible way to achieve this objective would be to draft respective provisions in both legal acts, and then ensure that a possible joint registration can take place in each Member State through mutual cross-references.

¹ See recital 14 of Dir. 2008/90/EC

Annex Chapter X - REGISTRATION OF SUPPLIERS

Article 1

Official register of suppliers

1. Member States shall keep and update official registers of suppliers carrying out any of the activities of this Regulation in their territories. The suppliers shall be allowed to carry out these activities only if they are registered in these registers. These registers shall be identical, or part of, the business operators' registers established under Article x of the (*Plant Health Directive/Regulation*).
2. Member States may decide not to register suppliers placing on the market reproductive material intended solely to non professional users, as they are defined by national provisions.
3. The official registers shall at least contain the following information:
 - (a) name and address of the supplier, including the contact details, where applicable;
 - (b) activities;
 - (c) address of the premises involved in the activities²; and
 - (d) official registration number and code.
4. Any information contained by the register shall be made available to any interested person upon its request.

Article 2

Procedure for suppliers' registration

1. A supplier shall be registered provided that it submits to the competent authority of the concerned Member State a written application fulfilling the following requirements:
 - (a) it indicates the name, address and contact details of the applicant;
 - (b) it indicates the address of its premises where the activities referred to under point (c) will take place;
 - (c) it indicates one or more of the following activities with regard to the reproductive material concerned: reproduction, production, preservation and/or treatment³, import and marketing, which it intends to carry out;
 - (d) it includes, or is accompanied by, an undertaking by the applicant to comply with the specific requirements for the production and placing on the market of the reproductive material concerned.
2. The competent authority shall record the application referred to in paragraph 1 and shall examine the information supplied therein⁴.

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3. Where the application does not meet the requirements set out in paragraph 1, the competent authority shall inform the applicant in writing explaining the requirements which have not been met.

4. The competent authority shall register the supplier and shall respectively inform him in writing within a deadline laid down in national legislation.

5. By derogation from paragraph 1, the competent authority shall register without any further procedures, and for the purposes of this Regulation, all suppliers who are already accredited or registered pursuant to Directives 92/34/EEC, 98/56/EC and 1999/105/EC(?)⁵.

6. Suppliers shall immediately inform the competent authorities of any changes concerning the information provided in accordance with paragraph 1.

7. Where it is ascertained by a competent authority that a supplier:

- does not exercise any of its registered activities;
- exercises activities different than those indicated by the application without informing the competent authority as set out in paragraph 4; or
- does not exercise its activities in line with the provisions of this Regulation,

the competent authority may temporarily remove the supplier from the official register. In this case, the competent authority shall promptly inform the supplier indicating the reasons for its decision.

The competent authority shall register again the supplier once it considers, on the basis of the results of an official inspection, that it complies with the requirements of this Article.