

## II

*(Preparatory Acts)*

## COMMISSION

**Proposal for a Council Regulation on the conservation, characterization and utilization of genetic resources in agriculture**

(93/C 266/02)

COM(93) 337 final

*(Submitted by the Commission on 7 September 1993)*

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43,

Having regard to the proposal from the Commission,

Having regard to the opinion of Parliament,

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

Whereas the Community's genetic resources in agriculture, which constitute an irreplaceable fund of biological diversity, should be preserved; whereas all necessary measures should be taken to conserve, characterize and utilize those resources to promote the aims of the common agricultural policy and safeguard biological diversity and all whereas forward-looking solutions which might prove necessary should be applied;

Whereas the term 'agriculture' should be taken in its widest sense and genetic resources in agriculture should therefore include genetic resources in forestry;

Whereas genetic resources in agriculture include both plant and animal genetic resources; whereas plant genetic resources should be taken to mean, in particular, those of agricultural crops, including fodder crops, horticultural and floricultural products, including market-garden and ornamental crops, fruit products, forestry products, fungi, plant micro-organisms and wild flora which are or could be of use in agriculture; whereas animal genetic resources should be taken to mean, in particular, those of farm animals, micro-organisms and wild fauna which are or could be of use in agriculture;

Whereas the aim of effective coordination of the conservation, characterization and utilization of genetic resources in agriculture should be to organize, for the general good, work undertaken in the Member States, to

utilize the results of that work effectively, to direct that work towards ends compatible with the needs of the common agricultural policy and to pool the resources necessary for implementing measures responding to the needs of the European Community taking into account, where it is appropriate, those actions undertaken in the same area by recognized international organizations;

Whereas, in order to attain that objective, the permanent exchange of information and, in particular, reciprocal consultation on programmes in the Member States, existing and planned, for the conservation, characterization and utilization of genetic resources in agriculture should be established;

Whereas the coordination, at Community level, of work already under way at national level for the conservation, characterization and utilization of genetic resources in agriculture must enable that work to be made more effective;

Whereas current work appears inadequate, either because of the nature of the work itself or because the means available to the Member States do not enable them to increase their efforts in the field of the conservation, characterization and utilization of genetic resources in agriculture; whereas, in accordance with the principle of subsidiarity, the Community should be able to support and supplement the efforts made in the Member States in such cases; thus helping to meet the obligations which weigh on the Community to protect the environment and maintain the countryside, and to develop and implement plans for the conservation and sustainable use of biological diversity; whereas the problem of conservation of genetic resources in agriculture has a transnational dimension and concerns all Member States yet up till now there has been no specific programme of action in this area by the Community; whereas the most effective solution is to add value by concerting existing actions, and to support new high-priority actions; whereas inaction would allow inefficiency and loss of genetic resources;

Whereas the work undertaken in the field of the conservation, characterization and utilization of genetic resources in agriculture should increase diversification in agriculture, help to maintain biological diversity, improve the quality of agricultural products and reduce inputs and agricultural production costs by promoting, in particular, the extensification of agricultural production;

Whereas, given that the coordination of the conservation, characterization and utilization of genetic resources in agriculture is directly linked to the common agricultural policy, measures adopted to that end must be applied as rapidly as possible;

Whereas, for the purposes of coordination, in view of the geographical spread of the genetic wealth of Community agriculture and owing to the need to implement relevant measures, close and permanent cooperation between the Commission and the Member States on the conservation, characterization and utilization of genetic resources in agriculture should be established;

Whereas the coordination of work at national level calls for a broad and detailed knowledge of the situation regarding the conservation, characterization and utilization of genetic resources in agriculture in each Member State; whereas the relevant information should be gathered and the procedures for providing access thereto laid down;

Whereas work carried out at Community level should be directed, in particular, towards improving the quality of agricultural products and finding new uses for traditional or new agricultural products with a view to increasing their added value;

Whereas a Community programme of measures for the conservation, characterization and utilization of genetic resources in agriculture must help to preserve biological diversity in the Community, increase the competitiveness of agriculture and improve the management of agricultural resources;

Whereas such a Community programme of long-term measures could lead to new forms of production, thus benefiting agriculture, the environment and the countryside;

Whereas it is important to ensure that the results of work on the conservation, characterization and utilization of genetic resources in agriculture to which the Community makes a contribution is made available to the Community;

Whereas within the framework of the general policy on the conservation, characterization and utilization of

genetic resources in agriculture developed by the Community with the aid of the relevant consultative bodies, the establishment of a committee composed of representatives of the Member States and chaired by a representative of the Commission is the most suitable means for developing cooperation, such a committee being able to provide the appropriate aid and advice to the Commission in the execution of those tasks in the field of the conservation, characterization and utilization of genetic resources in agriculture entrusted to it;

Whereas, to permit the utilization of the results obtained, their dissemination and the provision of suitable advice should be promoted,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

1. With a view to the achievement of the aims of the common agricultural policy, work on the conservation, characterization and utilization of genetic resources in agriculture undertaken in the Member States shall be coordinated and promoted at Community level under the conditions set out in this Regulation.

2. Within the meaning of this Regulation, genetic resources in agriculture shall include both plant and animal genetic resources. Plant genetic resources shall mean, in particular, those of agricultural crops, including fodder crops, horticultural and floricultural products, including market-garden and ornamental crops, fruit products, forestry products, fungi, plant micro-organisms and wild flora which are or could be of use in agriculture. Animal genetic resources shall mean, in particular, those of farm animals, micro-organisms and wild fauna which are or could be of use in agriculture;

3. The coordination and promotion referred to in paragraph 1 shall be carried out in accordance with the general policy on genetic resources in agriculture laid down by the Community.

#### **TITLE I**

##### **Information and consultation**

#### *Article 2*

Arrangements for the exchange of information and consultation between the Member States and the Commission shall be established under the conditions set out in Articles 3 and 4.

#### *Article 3*

1. The Member States shall provide the Commission on a regular basis with technical, economic and financial information on measures for the conservation, characterization and utilization of genetic resources in agriculture carried out or planned under their authority.

They shall endeavour to provide the Commission on a regular basis with similar information on measures for the conservation, characterization and utilization of genetic resources in agriculture carried out and planned by bodies not under their authority.

2. The Commission shall keep a permanent inventory of the measures referred to in paragraph 1.

3. After consulting the Committee referred to in Article 13, the Commission shall fix the procedures for making available to those concerned the information gathered, in particular that gathered for purposes of the inventory provided for in paragraph 2.

#### *Article 4*

1. The Commission shall make a permanent study of the policy on and the trends in conservation, characterization and utilization of genetic resources in agriculture in the Member States. To that end, the Commission shall consult with the Member States within the Committee referred to in Article 13.

2. The Commission shall organize exchanges of information, in particular, by means of seminars, exchanges of experts, study visits and scientific and technical reports.

### **TITLE II**

#### **Specific measures**

#### *Article 5*

1. Without prejudice to any recommendations the Commission might make to the Member States, the Commission shall be responsible for:

- (a) the coordination, at Community level, of certain national measures for the conservation, characterization and utilization of genetic resources in agriculture to permit the rational organization of the means employed within the Community and the efficient utilization of the results and to achieve an approach in line with the aims of the common agricultural policy;
- (b) the development and implementation of programmes of measures for the conservation, characterization and utilization of genetic resources in agriculture at Community level to support or supplement action undertaken in the Member States.

2. The detailed rules for applying paragraph 1 shall be adopted in accordance with the procedure laid down in Article 14.

#### *Article 6*

1. In accordance with the procedure laid down in Article 14, the Commission shall take all necessary measures to ensure that any results which could contribute to the application of measures adopted under Article 5 (1) be made available to the Community by the most suitable means.

2. The Commission shall take the appropriate steps, in accordance with the aims of the common agricultural policy, to promote the dissemination and utilization of any results of work in the field of the conservation, characterization and utilization of genetic resources in agriculture which could contribute to the achievement of those aims.

### **TITLE III**

#### **Programme of measures concerning genetic resources in agriculture**

#### *Article 7*

A first Community programme for the conservation, characterization and utilization of genetic resources in agriculture as set out in Annex I, hereinafter referred to as 'the programme', is hereby adopted for a period of five years.

#### *Article 8*

The detailed rules for the application of the programme, including the level of financial support from the Community, are set out in Annex I.

#### *Article 9*

The Commission shall implement the programme after consulting the Committee referred to in Article 13. This consultation shall concern, in particular:

- the drafting and updating of a programme of work,
- the content of the public calls for proposals for measures,
- the assessment of the concerted measures and the projects provided for in Annex I.

#### *Article 10*

1. The programme of work referred to in Article 9 shall set out the detailed objectives, the type of measures to be applied and the relevant financial provisions to be adopted. The Commission shall publish public calls for proposals for measures on the basis of the programme of work.

2. Contracts concluded by the Commission for the implementation of the various measures shall lay down detailed rules for the dissemination, protection and utilization of the results of measures applied as part of the programme.

#### *Article 11*

1. During the third year of implementation, the Commission shall carry out a review of the programme and an analysis of the situation, in particular, the financial position. The Commission shall present a report to Parliament and to the Council on the results of the review.

2. At the end of the programme, the Commission shall appoint a group of experts to assess the results. The group's report, together with the Commission's comments, shall be presented to Parliament, to the Council and to the Economic and Social Committee.

#### *Article 12*

1.

2. An indicative allocation of the sum is given in Annex II.

### **TITLE IV**

#### **General provisions**

#### *Article 13*

1. A Committee on the Conservation, Characterization and Utilization of Genetic Resources in Agriculture, hereinafter referred to as 'the Committee' shall be set up composed of representatives of the Member States and chaired by a representative of the Commission.

2. The Committee shall adopt rules of procedure in accordance with the rules adopted in 1965 for the management committees established for the administration of the common organizations of the markets.

#### *Article 14*

1. Where the procedure laid down in this Article is to be followed, the chairman shall refer the matter to the Committee either on his own initiative or at the request of a representative of a Member State.

2. Within the Committee the votes of Member States shall be weighted in accordance with Article 148 (2) of the Treaty. The chairman shall not vote.

3. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission.

4. The Commission shall adopt measures which shall apply immediately. However, if these measures are not in

accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith. In that event the Commission may defer application of the measures which it has decided for a period of not more than one month from the date of such communication.

The Council, acting by a qualified majority, may take a different decision within one month.

#### *Article 15*

The Committee may consider any other question referred to it by its chairman either on his own initiative or at the request of the representative of a Member State.

#### *Article 16*

The Commission shall present a regular report to Parliament and to the Council on the measures for the conservation, characterization and utilization of genetic resources in agriculture referred to in Article 5.

In particular, the report shall include:

- information on the situation with regard to the conservation, characterization and utilization of genetic resources in agriculture in the Member States,
- a description of the development of the conservation, characterization and utilization of genetic resources in agriculture in the Community,
- the position with regard to measures applied under this Regulation,
- an exploratory study of desirable developments in the conservation, characterization and utilization of genetic resources in agriculture in the Member States and the coordination of work in that sphere at Community level in the light of the aims of the common agricultural policy. The study will include, where appropriate, references to the work undertaken in this area by recognized international organizations.

#### *Article 17*

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

## ANNEX I

## DETAILED RULES FOR THE IMPLEMENTATION OF THE PROGRAMME OF MEASURES

## I. OBJECTIVES

The objectives are to help ensure and improve the conservation, characterization, documentation, evaluation and utilization of potentially valuable plant and animal genetic resources in the European Community.

The objectives will be achieved by coordinating existing actions in the Member States and by complementing and extending them. In all actions the principle of subsidiarity will be applied.

Where it is appropriate, the actions undertaken in this programme will be pursued in conjunction with actions in the same area undertaken by recognized international organizations.

## II. GENERAL PROVISIONS

1. The programme of measures provided for in Article 7 of this Regulation is to be implemented by the Commission.
2. The procedures for implementing the programme referred in Article 8 are to include a permanent inventory of genetic resources in agriculture in the Community, concerted measures, shared-cost projects for the conservation, characterization and utilization of those genetic resources and accompanying measures.

— *Permanent inventory*

The permanent inventory is to consist principally in the establishment, regular updating and publication of the state and nature of genetic resources in agriculture collected in the Community and the listing of current work on the conservation, characterization and utilization of those genetic resources. Expenditure on the establishment of the inventory and its regular publication is to be covered from the total appropriations granted for the implementation of the programme.

— *Concerted measures*

Concerted measures are to consist of work undertaken by the Community to coordinate individual measures for the conservation, characterization and utilization of those genetic resources in agriculture carried out in the Member States. A Community financial contribution of up to 100 % of the cost of concertation may be granted.

— *Shared-cost projects for the conservation, characterization and utilization of genetic resources in agriculture*

Shared-cost contracts are to be concluded for projects for the conservation, characterization and utilization of genetic resources in agriculture. A Community financial contribution of not more than 50 % of the total cost of the projects is to be granted for their implementation.

Shared-cost projects must, as a general rule, be carried out by participants established within the Community. Priority is to be given to projects providing for the participation of two or more unconnected participants established in different Member States. Contracts for shared-cost projects for the conservation, characterization and utilization of genetic resources in agriculture must, as a general rule, be concluded following an official selection procedure based on calls for proposals published in the *Official Journal of the European Communities*. In urgent cases, the restricted procedure may be used.

— *Accompanying measures*

Accompanying measures are to consist of:

- the organization of seminars, technical conferences and workshops,
- internal coordination measures through specialized technical groups,
- training and mobility schemes for specialist personnel,
- the promotion of the utilization of results.

A Community financial contribution of up to 100 % of the total cost of these measures may be granted.

3. Any natural or legal person who is a national of a Member State and established in the Community may participate in the implementation of the measures provided for in the programme. The participation of nationals of third countries and the Community financial contribution relating to such participation must be examined on a case by case basis.
4. Expenditure on the dissemination of the results and the knowledge gained during the implementation of the measures and projects is to be met from the programme budget.
5. All proposals for measures must include a declaration on the impact on the environment. The declaration must include an undertaking to comply with the relevant safety rules.

### III. TECHNICAL PROCEDURES

#### 1. Scope

##### (a) *Emphasis*

Priority will be given to species which are, or which may reasonably be expected to become, economically significant in agriculture, horticulture or forestry in the European Community. A particular preference will be given to the use of genetic resources for:

- diversification of production in agriculture,
- improved product quality,
- a better care for the environment.

Priority within the different species will be accorded to those which are native or adapted to the Community and its islands, which are immediately threatened with extinction, and which have no close relatives already preserved.

##### (b) *Eligible activities*

This programme concerns the conservation, characterization, evaluation and utilization of genetic resources, plant and animal, which occur within the territory of the European Community and which are likely to be lost if special measures are not taken.

Eligible organisms are plants (angiosperms and gymnosperms), animals (vertebrates and certain invertebrates) and micro-organisms.

All types of material are eligible including cultivars and domestic breeds, landraces, breeders' material, genetic type collections, and wild species.

The programme covers material that is actively growing and material that is dormant (seeds, embryos, semen and pollen). Both *ex situ* and *in situ* collections are covered.

'documentation', 'passport', 'characterization' and 'evaluation' are defined as follows:

- 'documentation' refers to the collection and recording of all types of data;
- 'passport' data are recorded at the collection site,
- 'characterization' refers to primary taxonomic descriptors recorded subsequently,
- 'evaluation' refers to the assessment of other characters such as disease or stress resistance.

##### (c) *Excluded*

The following actions are specifically not eligible for Community financial support in this programme: theoretical studies, studies to test hypotheses, studies to improve tools or techniques, work involving untested techniques or 'model' systems, and all other research activities. Such actions may be eligible for consideration under the Community programme of research and technological development.

Actions that are already under way in the Member States will qualify only for the execution of joint actions.

Actions on lower animals, plants and micro-organisms are not eligible, except for those which are reared or cultivated on land or in fresh water. Exception will be made in the specific case of defined gene-for-gene relationships between parasite or saprophyte and host, and where both organisms are to be conserved.

Collecting and acquisition of material is subject to the priorities stipulated above.

## 2. Actions

The following actions will be promoted:

### (a) *Inventory*

A permanent inventory of *in situ* and *ex situ* collections of conserved genetic material in the European Community will be established, periodically updated and regularly published.

The inventory will provide a guide to collections of conserved germplasm and associated activities in the European Community. The aims of the inventory are to support the programme activities and encourage the widest possible knowledge and use of preserved material. The inventory will contain full details of each database and of each collection supported by the programme in particular, plus other appropriate details.

### (b) *Conservation and documentation*

The objective is to reinforce the Community's efforts in conserving and documenting plant, including forest trees, and animal germplasm by harmonizing work already under way and eliminating duplication of effort.

The work will proceed in a series of logical steps. Work concerning a later step will not be eligible for Community funding unless there is proof that the preceding steps have been concluded whether in this programme, or previously.

Eventually, if it can be shown that the need exists, new actions may be supported (step 6).

To harmonize efforts, a single database language will be used in all actions supported by the programme.

At each step of the process, information acquired will be published and material stored will be made available for distribution.

For each species the steps or milestones are as follows:

#### — Step 1: Establish the workplan

Draw up a minimum list of primary descriptors, design and test a common database and a common format for data exchange. The common database should be designed to respond to the needs of users, and it should use the standard database language. The chosen descriptors should be highly heritable. They should be expressed in all environments and be cheap to evaluate.

#### — Step 2: Characterize the collections

Create the database. Assemble passport data, multiply or regenerate material and characterize the primary descriptors.

Eligible costs for each partner in a project may include data-base software, a compatible computer, the costs of inputting the data or transferring them from an existing database and the costs of communicating with the other partners. The costs of regenerating or multiplying material, or maintaining *in situ* collections, are also eligible, as are the costs of project coordination.

#### — Step 3: Evaluation (secondary characterization)

Where relevant, add data from other screening tests (see 'Evaluation and Utilization' below).

— Step 4: Sort the collections

By using the common database, identify duplicates and gaps in the existing collections. Where appropriate, designate a fraction of the total as a 'core' or 'minimal population'.

— Step 5: Rationalize the collections

Where there is duplication between collections, rationalize and harmonize the holdings. Some overlap of holdings is necessary to guard against accidental loss. The minimal criterion is that duplicates of core material should be held in dormant condition at least two designated sites. The collection as a whole may be spread over several designated sites.

— Step 6: Acquire (collect) germplasm

Collecting may be undertaken:

- (i) where there are gaps in collections, which demonstrably limit their utility; or
- (ii) where there is uncollected material which is demonstrably unique and which, if not collected, would be lost.

Collecting and acquisition is limited to the continent and islands of Europe. Good collecting practice will be followed and the collected material will be documented and entered on the database (steps 1 to 5). For animals, 'collection' may include the collection and preservation of semen, ova and embryos of threatened and unique races.

A particular emphasis will be placed on the publication of information and diffusion of material resulting from the above activities. Eligible expenses include the cost of actions necessary for the official acceptance of material in germplasm collections as plant species under the Council Directive on the common catalogue of varieties of agricultural plant species <sup>(1)</sup> and under the Council Directive on the marketing of vegetable seed <sup>(2)</sup>.

(c) *Evaluation and utilization*

The objective is to improve the evaluation and utilization of material stored in Community *in situ* and *ex situ* germplasm collections.

The following actions are eligible:

- actions leading directly to the use of conserved material in agriculture, e.g. the multiplication of candidate material and its trialing in field conditions,
- the acquisition of relevant information from users who have received germplasm from the gene bank in the past, and the collection of relevant information from the literature,
- the routine evaluation of the performance of conserved material in practical conditions,
- the routine 'screening' of conserved material for sources of useful and relevant genes conferring, e.g. product quality, resistance to diseases, pests and stress conditions, general combining ability, male sterility,
- the recording of other non-economic characters that are useful operationally, e.g. for faster or more precise identification of genotypes.

<sup>(1)</sup> Council Directive 70/457/EEC of 29 September 1970 (OJ No L 225, 2. 10. 1970, p. 1).

<sup>(2)</sup> Council Directive 70/458/EEC of 29 September 1970 (OJ No L 225, 12. 10. 1970, p. 7).



### 3. Participation

There will be two modes of participation. The criteria are as follows:

#### (a) *Designated participant*

A designated participant is responsible for a collection which:

- is accessible to all bona-fide users,
- conforms to standards of good practice,
- is in active use,
- is recognized for training at Ph. D. level. The collection must be ready to accept students for post-University (three years) training.

#### (b) *Complementary participant*

A complementary participant holds material which is complementary to that of the same species in a designated gene bank.

Complementary participants will participate in the work as subcontractors in collaboration with a designated participant.

This is a multidisciplinary programme. The participation of all relevant disciplines, particularly of those concerned with the utilization of stored material, is especially encouraged.

## ANNEX II

### GENETIC RESOURCES IN AGRICULTURE INDICATIVE FINANCIAL ALLOCATION

| Action                                          | %       |
|-------------------------------------------------|---------|
| I. Permanent inventory                          | 10      |
| II. Conservation, characterization, utilization | 88      |
| 1. Plant genetic resources                      | 66      |
| 2. Animal genetic resources                     | 22      |
| III. Programme evaluation                       | 2 (*)   |
| Total                                           | 100 (*) |

(\*) Around 2 % of the total is earmarked for the evaluation and dissemination of the results of the programme.

(\*) Including expenditure on the specific administration of the programme amounting to around 2,5 % of the total and the cost of specialist personnel (two A-grade, two B-grade and two C-grade staff) amounting to approximately 10 % of the total.