

President of the European Commission
B-1049 Brussels
Belgium

The Hague, 2 July 2013

Re: Reasoned opinion (subsidiarity) on the EU proposal for a Regulation concerning the production and making available on the market of plant reproductive material (COM (2013) 262).

Dear Mr Barroso,

The House of Representatives of the States General have, in accordance with the prescribed procedure, tested the above proposal to the principles of subsidiarity. This involved the putting into effect of Article 5 of the EU Treaty and Protocol 2 of the Treaty of Lisbon concerning the application of the subsidiarity and the proportionality principle.

This letter serves to inform you of the opinion of the House of Representatives of the States General. Identical letters have been sent to the European Parliament, the Council and the Dutch government.

The House is of the opinion that the above proposal does not comply with the principle of subsidiarity. According to the House, the European Commission has provided insufficient corroboration of the benefits of a European approach. If the registration of plant reproductive material is regulated centrally, this could inhibit the cultivation of rare local crops. This could jeopardise agricultural biodiversity as well as restricting consumer choice. The House also fears a greater financial burden for the sector. Exempting micro-enterprises from registration could encourage companies to 'work the system', for example by dividing businesses into smaller limited companies. Many of the definitions remain unclear. This could make it difficult for small, new players to enter the market and reinforce monopolisation by major international companies. Finally, the House is concerned about the large number of delegated and implementing acts in this package, which includes a lot of detailed legislation over which the national parliaments can exercise little or no control.

For these reasons, the House of Representatives of the States General considers the proposal COM (2013) 262 to be inconsistent with the principle of subsidiarity.

In addition, the House still has several questions about the other sections of the package on Plant and Animal Health (COM (2013) 264, 260, 265, 267 and 327).

Firstly, the House has concerns about the many delegated and/or implementing acts in the whole package, the consequences of which remain unclear. The House questions how these relate to the powers of national governments to conduct their own policy, for example with regard to the compulsory caging of poultry or preventive culling. To what extent could this constitute a shift from the current situation with regard to the possibility of countries to apply their own policy? What options do national parliaments have for retaining control in this?

The House would also like to ask the European Commission if there have been consultations with the organic sector on the regulation on official controls (COM (2013) 265). The House would like to know whether the organic sector objects to this Regulation and how the European Commission intends to deal with these objections from the organic sector.

The House will be holding a debate on this package with the State Secretary for Economic Affairs on Wednesday, 11 September 2013. If possible, the House would like to receive a response to the above questions from the European Commission in advance of this debate.

Yours sincerely,

Anouchka van Miltenburg,
Speaker of the House of Representatives of the States General