Council Regulation (EC)No 870/2004 of 26 April 2004 establishing a Community programme on the conservation, characterisation, collection and utilisation of genetic resources in agriculture and repealing Regulation (EC) No 1467/94 (Text with EEA relevance)

COUNCIL REGULATION (EC)No 870/2004

of [X1 26 April 2004]

establishing a Community programme on the conservation, characterisation, collection and utilisation of genetic resources in agriculture and repealing Regulation (EC) No 1467/94

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

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

Whereas:

(1) Biological and genetic diversity in agriculture is essential to the sustainable development of agricultural production and of rural areas. The necessary measures should therefore be taken to conserve, characterise, collect and utilise the potential of that diversity in a sustainable way to promote the aims of the common agricultural policy (CAP).

(2) The conservation and sustainable use of genetic resources in agriculture also contributes to the aims of the Convention on Biological Diversity approved by the Community by Council Decision 93/626/EEC[(1)] and the related Community biodiversity strategy which includes an action plan for biodiversity conservation and the protection of genetic resources in agriculture. It is also a major objective of the FAO's Global Plan of Action for the Conservation and Sustainable Utilisation of Plant Genetic Resources for Food and Agriculture and of the International Treaty on Plant Genetic Resources for Food and Agriculture, which the Commission and the Member States signed on 6 June 2002.

(3) The wide range of activities carried out in the Member States (by a public sector body or natural or legal persons) and by various international organisations and programmes such as FAO, the European Cooperative Programme for Crop Genetic Resources Networks (ECP/GR), the Consultative Group on International Agricultural Research (CGIAR), the Global Forum on Agricultural Research (GFAR), the Agricultural Research for Development (ARD) regional and subregional organisations supported by the Community, the European Regional Focal Point (ERFP) of National Coordinators

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EC)No 870/2004. (See end of Document for details)*

for the Management of Farm Animal Genetic Resources, the European Forest Genetic Resources Programme (Euforgen) and the related commitments of the ongoing Ministerial Conference on the protection of forests in Europe (MCPFE) to which the Community is signatory call for an effective information exchange and close coordination between the Community main actors and with the relevant organisations throughout the world with regard to the conservation, characterisation, collection and utilisation of genetic resources in agriculture so as to enhance their positive impact on agriculture.

(4) The work undertaken on the conservation, characterisation, collection and utilisation of genetic resources in agriculture can help maintain biological diversity, improve the quality of agricultural products, contribute to increase diversification in rural areas and reduce inputs and agricultural production costs by promoting a sustainable agricultural production and contributing to the sustainable development of rural areas.

(5) The *ex situ* and *in situ* conservation of genetic resources in agriculture (including in situ/on-farm conservation and development) should be promoted. This should cover all plant, microbial and animal genetic resources that are or could prove useful for agriculture and rural development, including forest genetic resources, in line with the needs of the CAP, with a view to conserving genetic resources and increasing the use of under-utilised breeds and varieties in agricultural production.

(6) Knowledge of the genetic resources available in the Community, their origins and their characteristics still needs to be improved. Relevant information on existing facilities and activities implemented at national or regional level regarding the conservation, characterisation, collection and utilisation of genetic resources in agriculture in each Member State should be gathered and made available to the other Member States and at Community, as well as at international level, particularly the developing countries, in accordance with the international Treaties and Agreements.

(7) Development of decentralised, permanent and widely accessible web-based inventories collecting such knowledge and ensuring its availability at Community and international level should be promoted, with particular reference to the ongoing efforts to develop an inventory of ex situ collections held in European gene banks (the EPGRIS — European Plant Genetic Resources Information Infrastructure 'EURISCO', funded by the fifth framework programme).

(8) The Community should complement and promote the efforts made in the Member States for the conservation and sustainable use of biological diversity in agriculture. Added value at Community level should be promoted by concerting existing actions and supporting the development of new trans-border initiatives involving the conservation, characterisation, collection and utilisation of genetic resources in agriculture.

(9) Provision should therefore be made for measures that complement or go beyond the scope, as regards beneficiaries and/or eligible actions for funding of Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF)[(2)].

(10) In order to contribute to the achievement of those aims, a Community programme was established under Council Regulation (EC) No 1467/94 of 20 June 1994 on the conservation, characterisation, collection and utilisation of genetic resources in agriculture[3], for a period of five years. That programme terminated on 31 December 1999 and should be replaced by a new Community programme. Regulation (EC) No 1467/94 should therefore be repealed.

(11) Selection and implementation of measures under the new Community programme should take into account research, technological development and demonstration activities supported either at national level or under the framework programmes of the European Community for research, technological development and demonstration activities. The marketing of seed and plant propagating material to be utilised under the new programme should be without prejudice to Council Directives 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed[4], 66/402/EEC of 14 June 1966 on the marketing of cereal seed[5], 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine[6], 92/33/EEC of 28 April 1992 on the marketing of vegetable propagating and planting material, other than seed[7], 92/34/EEC of 28 April 1992 on the marketing of fruit plant propagating material and fruit plants intended for fruit production[8], 98/56/EC of 20 July 1998 on the marketing of propagating material of ornamental plants[9], 1999/105/EC of 22 December 1999 on the marketing of forest reproductive material[10], 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species[11], 2002/54/EC of 13 June 2002 on the marketing of beet seed[12], 2002/55/EC of 13 June 2002 on the marketing of vegetable seed[13], 2002/56/EC of 13 June 2002 on the marketing of seed potatoes[14], 202/57/EC of 13 June 2002 on the marketing of seed oil and fibre plants[15].

(12) The Agreement on the European Economic Area (EEA Agreement) provides that the countries of the European Free Trade Association participating in the European Economic Area (EFTA/EEA countries) should, *inter alia*, strengthen and broaden cooperation within the framework of the Community's activities in the field of conservation, characterisation, collection and utilisation of genetic resources in agriculture.

(13) For the better implementation of the Community programme, a work programme for the period 2004 to 2006 should be set out detailing the relevant financial provisions to be applied.

(14) For the purposes of implementing and monitoring the Community programme, the Commission should be able to use the assistance of scientific and technical advisors.

(15) The Community contribution should all be financed through heading 3 (Internal policies) of the financial perspective.

(16) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission[16],

HAS ADOPTED THIS REGULATION:

Editorial Information

X1 Substituted by Corrigendum to Council Regulation (EC) No 870/2004 of 24 April 2004 establishing a Community programme on the conservation, characterisation, collection and utilisation of genetic resources in agriculture and repealing Regulation (EC) No 1467/94 (Official Journal of the European Union L 162 of 30 April 2004).

Article 1

Objectives

With a view to achieving the aims of the CAP, and to implementing the commitments taken at international level, a Community programme is hereby established for the period 2004 to 2006 to complement and promote, at Community level, the work undertaken in the Member States for the conservation, characterisation, collection and utilisation of genetic resources in agriculture.

Article 2

Scope

1 This Regulation shall apply to plant, microbial and animal genetic resources which are or could be of use in agriculture.

2 No support may be granted under this Regulation:

a for commitments eligible under Title II, Chapter VI, of Regulation (EC) No 1257/1999, as specified pursuant to Article 14 of Commission Regulation (EC) No 445/2002 of 26 February 2002 laying down detailed rules for the application of Council Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF)[17].

b for activities eligible under the framework programme of the European Community for research, technological development and demonstration activities.

Article 3

Definitions

For the purpose of this Regulation, the following definitions shall apply:

(a) ‘plant genetic resources’ means those of agricultural crops, horticultural crops, medicinal plants and aromatics, fruit crops, forest trees and wild flora which are or could be of use in the field of agriculture;

(b) ‘animal genetic resources’ means those of farm animals (vertebrates and invertebrates) and wild fauna which are or could be of use in the field of agriculture;

(c) ‘genetic material’ means any material of plant, microbial or animal origin, including reproductive and vegetative propagating material, containing functional units of heredity;

(d) 'genetic resources for agriculture' means any genetic material of plant, microbial or animal origin of actual or potential value for agriculture;

(e) 'in situ conservation' means the conservation of genetic material in ecosystems and natural habitats and the maintenance and recovery of viable populations of species or feral breeds in their natural surroundings and, in the case of domesticated animal breeds or cultivated plant species, in the farmed environment where they have developed their distinctive properties;

(f) 'in situ/on-farm conservation' means '*in situ* conservation and development' at the level of the farm;

(g) 'ex situ conservation' means the conservation of genetic material for agriculture outside their natural habitat;

(h) 'ex situ collection' means a collection of genetic material for agriculture maintained outside their natural habitat;

(i) 'biogeographic region' means a geographic region with typical characteristics regarding the composition and structure of the fauna and flora.

Article 4

Eligible actions

1 The Community programme referred to in Article 1 shall comprise targeted actions, concerted actions and accompanying actions, as specified in Articles 5, 6 and 7.

2 All actions carried out under the programme shall be in conformity with Community legislation on the phytostanitary, and animal health and zootechnical rules, on the marketing of seed and propagating material and on the common catalogue and shall take into account:

a other activities undertaken at Community level;

b relevant international processes, developments and agreements, in particular as regards:

— the Convention on Biological Diversity,

— the International Treaty on Plant Genetic Resources for Food and Agriculture,

— the FAO's Global Plan of Action for the Conservation and Sustainable Utilisation of Plant Genetic Resources for Food and Agriculture and other actions undertaken within the framework of FAO,

— the European Plant Conservation Strategy and the relevant resolutions of the Ministerial Conferences on the Protection of Forests in Europe,

— the Global Strategy for the Management of Farm Animal Genetic Resources, and

— programmes implemented under international frameworks such as the European Cooperative Programme for Crop Genetic Resources Networks (ECP/GR), the European regional focal point (ERFP) of national coordinators for the management of farm animal genetic resources, European Forest Genetic Resources Programme (Euforgen) and the Consultative Group on International Agricultural Research (CGIAR).