



EUROPEAN COMMISSION

HEALTH AND FOOD SAFETY DIRECTORATE-GENERAL

sante.ddg2.g.dir(2015)4785674

**SUMMARY REPORT OF THE  
STANDING COMMITTEE ON PLANTS, ANIMALS, FOOD AND FEED  
HELD IN BRUSSELS ON 28 SEPTEMBER 2015  
(Section Seeds and Propagating Material for Agriculture and Horticulture)**

*CIRCABC Link:* <https://circabc.europa.eu/w/browse/439f3517-c15c-4397-b9fc-0707432643a3>

**A.01 Presentation of a French report on the organisation of a temporary experiment regarding field inspection under official supervision for basic and bred seeds prior to basic seeds.**

The delegate from France presented the results of 2014 and the planning for 2016. 8 MS (AT, DE, DK, FR, IT, PT, ES, UK) and NO have now implemented the Decision 2012/340/EU (one MS more than in 2014). However, in Germany there has been so far no interest to participate. The results show that field inspection under official supervision works overall very well: only 0.6% deviations in 8768 crops inspected (3058 official check inspections). The experiment mostly covers seed of cereals and to a lesser extent seed of oil and fibre plants. Some Member States will reduce the level of official check testing step by step as planned. Italy and Germany will start with the lowest level of 5 % while Belgium is keeping a 100% level. The dedicated working group also had presentations and an exchange of practices on licensing of field inspectors. The questionnaire to collect the results for 2015 will be sent out by France before the end of 2015. The Member States should send their input before 31 December 2015 to France. The expert group will meet again at the end of February 2016.

**A.02 Follow-up of the temporary experiment providing for certain derogations for the marketing of seed mixtures intended for use as fodder plants.**

The Commission presented a document on the follow-up of the experiment on fodder plant seed mixtures with information on the 24 fodder plant species covered. In order to be used in fodder plant seed mixtures, which include seed of species covered by EU legislation, these plant species would need to be included in the general scope of the Directive 66/401/EEC on marketing fodder plant seed. If varieties and seed are available the fodder plant species should also be included in the list with obligatory certification. Spain had informed the Commission that seed or varieties are available for some more species. Portugal informed that no varieties are so far listed in the Common Catalogues nor in the national list, however, some varieties are under testing. Most of the varieties originate from Australia with whom EU has established

EU equivalence. It was concluded that the importance of the species needs to be verified. The Member States were asked to send written comments and inform the Commission by 16 October 2015, in particular about ongoing variety testing and applications for variety registration.

**A.03 Exchange of views on the import requirements of standard vegetable seed from third countries.**

According to Article 37(1) of Council Directive 2002/55/EC, vegetable standard seed harvested in a third country can only be imported into an EU Member State if the seed is equivalent to seed harvested within the Union. In the meeting of the Standing Committee of 18 June 2015, the Commission requested Member States to provide the names of the third countries for which equivalence should be sought. Member States provided the names of 23 third countries. A discussion took place on the current rules and the possible way forward. The Commission requested Member States to confirm by 16 October 2015 the third countries for which equivalence would need to be established and to provide their view on the procedure for the establishment of EU equivalence.

**A.04 Exchange of views on the issue of the sizing standards for seed potatoes.**

Article 10 of Council Directive 2002/56/EC provides size requirements for all categories of seed potatoes, while Article 3(4) contains an empowerment to derogate from specific requirements in the case of seed potatoes produced by micropropagation techniques. Member States were in favour of retaining the sizing standards in Article 10 and of starting to work towards a derogation for micropropagated pre-basic seed potatoes.

**A.05 Exchange of views on the issue of the marketing of small plants of seed potatoes.**

It has come to the attention of the Commission that at least in one Member State small plants of potatoes are marketed to hobby gardeners. This material is not covered by Council Directive 2002/56/EC on marketing seed potatoes and therefore no specific requirements exist. Member States informed that attempts to market such material to hobby gardeners are rare but regular and that the main concern is that the material is accompanied by a plant passport. It was concluded that currently there is no need to develop quality requirements for such material.

**A.06 Follow-up on the issue of illegal seed imports from countries without EU equivalence.**

The Commission presented legal clarifications concerning certain exceptions in the EU legislation in relation to imports. The Commission clarified that seed imported for multiplication and subsequent re-export could be allowed without equivalence decision as long as the intention for re-export is made clear and explicit during import and there is no change of ownership. Seeds belonging to not yet listed varieties cannot be imported on the basis of the special conditions of Decision 2004/842/EC, because that Decision only creates an exception to the conditions for marketing (not to the conditions for import).

**A.07 Follow-up on the issue of fraudulent official labels used for grass seed lots.**

Poland informed that it had received the false labels from France and Portugal and the prosecution in Poland is now continuing. Portugal informed that they had tested the varieties of the concerned lots with false labels in the field. The results show that the varietal purity and e.g. germination rate were according to the EU requirements.

**A.08 Update on ISTA issues.**

The Commission provided details concerning a recent meeting of ISTA representatives with Commission services. The meeting led to a clarification of the options available to ISTA concerning the use of the term “accreditation”, which is not in line with Regulation (EC) N°765/2008. ISTA will analyse the consequences of the options.

**A.09 EU equivalence request of Ukraine: presentation of the FVO mission report.**

The FVO presented a summary of the final report of the audit in Ukraine to evaluate the system of official controls for seed certification. The report concludes that these controls for seed production and certification of cereal seed are organised appropriately and carried out by staff with appropriate technical knowledge and experience and that the national authorities are competent and operate appropriately. However, some standards for the seed-producing crop and for quality of cereal seed were not fully in line with EU requirements. Ukrainian authorities have already addressed this issue by amending those standards. The Member States supported the conclusions of the report. Germany asked about the possible extension to fodder plant seed. The Commission informed that the decision on Ukraine’s EU equivalence currently needs to be taken by co-decision, but that at the same time the Commission is seeking to move the decision process to the Commission level. This could be done in the course of 2016.

**A.10 Follow-up on OECD Seed Scheme matters.**

The Commission informed about the key issues under discussion and the ‘post-session’ documents shared by the secretariat of the OECD Seed Scheme. The intention of the Commission is to send, in co-operation with the EU Presidency of Luxemburg, written EU comments based on the EU positions as agreed for the OECD Seed Scheme annual meeting in 2015. On the issue of VCU requirement for variety registration a discussion at a more political level, e.g in Council Working Party, should be foreseen. CPVO highlighted the importance of international validation for bio-molecular techniques to be used. The Commission reassured that this has already been included in the EU position.

**A.11 Report on the implementation of Commission Decision 2004/842/EC on the placing on the market of seed of not yet listed varieties.**

In 2014, a total of 548 e-mail notifications relating to the use of Decision 2004/842/EC were received from 17 Member States on agricultural crops and 14

Member States on vegetable crops. Notifications of authorisations concerned a total of 702 varieties of agricultural species and 2385 varieties of vegetable species. For both groups this represents a continuous, gradual increase over the past years. Some Member States expressed concern that this Decision is primarily used to multiply seed for commercial scale and not to carry out tests on farms. The Commission clarified that the use of the decision requires an authorisation from each Member State where such not yet listed varieties are marketed and its only purpose is to allow tests on farms and thus gain experience of new varieties. The Netherlands asked to add information on the final amounts of certified seed.

**A.12 Report on the implementation of Regulation (EC) N° 217/2006 as regards the authorisation of Member States to permit temporarily the marketing of seed not satisfying the requirements in respect of the minimum germination.**

The Commission presented the report on the use of a derogatory system to allow marketing of seed with lower germination rate in case of supply difficulties. In 74 % of the cases there were no offers from other Member States cover the need, also because of the demands for very specific varieties in the Member States' requests, in another 15% part of the available offers were considered not acceptable. The reasons for rejecting offers from other Member States were the following: proposed varieties unknown, lack of information on VCU properties, no experience on proposed varieties and not adapted to local climatic conditions. A short discussion took place and it was underlined that the requests should contain several varieties.

**A.13 Presentation of a working document on reducing the purity of spring oil seed rape.**

The Commission presented a draft working document and the reasons to decrease the purity of oil seed rape from 90 % to 85 %. It also informed that in the OECD Seed Scheme such a change was approved in the annual meeting earlier this year. The Member States agreed to introduce the change in the Annex of the Directive 2002/57/EC on the marketing of seed of oil and fibre plants.

**A.14 Presentation by Poland of the results of the ESCAA questionnaire on methods to secure the official labels.**

The delegate from Poland presented the results of a questionnaire sent to the members of the European Seed Certification Agencies Association (ESCAA) on methods to secure official labels. The majority of the EU Member States have already introduced a serial number for official labels. Some Member States have introduced special systems for protecting labels such as watermark, microprint, special characters only visible in UV light, holography of logo or wood light logo. A discussion took place on the importance of a contact list for rapid action in case of fraudulent labels and the possibility to share photos of official labels between the competent authorities on a secure website. The discussion will continue in the ESCAA meeting in 2016 as well as in the OECD Technical Working Party (ad hoc group on labels).

**A.15 Presentation of a working document on the serial number of labels.**

The Commission presented a document on the application of the serial number in the current EU legislation and possible options on the way forward. It also highlighted the discussion in the OECD Seed Scheme on serial numbers as a powerful tool in controlling the official labels: the number of labels issued, monitoring use, inspecting the authenticity of labels and requesting unused/defect labels to be returned. A discussion took place. The Member States agreed to introduce a serial number for official labels (already applied by 26 EU Member States) but some Member States wish to study the issue further for supplier's label. The Member States were asked to send written comments by 30 October 2015.

**B.01 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Directive as regards the amendment of Annexes I and II of Council Directive 66/402/EEC on the marketing of cereal seed.**

The Commission presented the text. On the request of Greece a small modification was introduced in the Annex, point (1) (b) 5a to clarify that the rules also cover basic seed. In point (1) (b) the wording of 'Cytoplasmic Male Sterility female component' was replaced by 'CMS female component'.

**Vote taken:** Favourable opinion.

**M.01 Miscellaneous**

- The Commission informed that it has investigated the possibility of replacing the legal form of Directive, which implements Article 7 of Directives 2002/53/EC and 2002/55/EC concerning minimum characteristics of varieties, by other legal forms. The following options have been examined:
  - a. to amend the existing Implementing Directives through another Directive (ordinary scenario);
  - b. to repeal the Implementing Directives and replace them by Implementing Decisions (this is difficult, as the basic acts are Directives and should in principle be implemented through other Directives);
  - c. to amend the Implementing Directives through Implementing Decisions (legally not possible, no such precedent or possibility exists). The Commission will inform the Member States in the next meeting about the final outcome of the analysis.
- The Commission gave a short update on the proposal for a Regulation on Plant Health. The trilogues started on 22 September 2015. The Council has introduced Article 37(2a), which requires the Commission to adopt measures concerning regulated non-quarantine pests (e.g. inspections, sampling, testing). However such measures would overlap with the existing rules of the Directives on seeds and other propagating material, thus the Commission will not accept this provision.
- The Commission gave a short update on the situation of the proposal for a Regulation on Official Controls. It should cover the Directives on marketing seed and plant propagating material and would meet the request of the Member States to re-start the comparative tests and trials by creating a new system of EU certification centres. However, these provisions have been

deleted by the Latvian Presidency against the position of the Commission. The mandate to start the trilogues has not been achieved and a new meeting will take place at the beginning of October 2015.

- The Commission provided an update on the state of play concerning the proposal for a Regulation on organic production and labelling of organic products. The European Parliament will vote on the amendments in October 2015. One amendment tabled by the rapporteur intends to derogate from all requirements concerning distinctness, uniformity and stability (DUS) of the Directives on marketing seed and plant propagating material for varieties for organic production. The delegate from Luxemburg informed that the trilogues are most likely to start in November 2015.
- The delegate from Denmark asked about the progress on the Commission report on New Plant Breeding Techniques (NBT). The Commission gave a short update on the situation. The Commission is currently carrying out a thorough legal analysis and a report should be shared with Member States before the end of the year.
- On the questions of the delegate of Denmark on the controls to implement a ban on cultivation of GMOs the Commission suggested to take up the issue in the relevant Standing Committee on GMOs.
- The delegate from Portugal asked about the EU equivalence request from Brazil. The Commission explained that the analysis of Brazilian legislation was carried out and a letter requesting clarifications has been sent to Brazil.
- The delegate from Italy informed that it has sent a letter to the Commission asking for a derogation on seed of soybean because of supply difficulties. The Commission will study the case.
- The delegate from Italy informed about the meeting of the UNECE Extended Bureau of the Specialized Section on Standardization of Seed Potatoes 8 - 11 September 2015 in Oulu, Finland. The meeting addressed amendments to definitions and Annexes (e.g. viral diseases, sampling size) in the UNECE Standards for Seed Potatoes, discussed a draft guide to operate a seed potato certification service and the promotion of the standard, including technical assistance and capacity building.