



EUROPEAN COMMISSION

HEALTH AND CONSUMERS DIRECTORATE-GENERAL

## **Summary report of the meeting of the Expert group on legislation of seed and plant propagating material - Working Party "PLANT REPRODUCTIVE MATERIAL"**

**THURSDAY 30 APRIL 2015**

Chairperson: P. Mannerkorpi

Experts from all the Member States were present except from AT, DK, CY, LU, HU, MT and SI. CPVO participated too.

### **1. EUs obligations vis-à-vis the Agreement on Technical Barriers to Trade (TBT) and international standards.**

The Commission (DG GROW) gave a presentation on the principles and obligations laid down in the TBT Agreement with respect to WTO Members' use of international standards. International standards play an important role in the TBT Agreement as they form the basis for the development and implementation of WTO members' technical regulations and conformity assessment procedures. The OECD Seed Schemes is the relevant international standard for international trade of seed. The EU legislation on seeds should therefore be consistent and not in conflict with that standard. The EU legislation could be covered by one of the options for a given rule or provision in the OECD Seed Schemes. Any amendments of the Schemes should therefore not be in conflict with EU status quo and any possible future changes of the EU legislation

### **2. Expectations from the OECD Seed Schemes – EU agricultural policies**

An introduction to the OECD Committee of Agriculture, its work and the linkage with the OECD Seed Schemes was given by the Commission (DG AGRI). In the context of the next Annual Meeting of the Seed Schemes a Policy Forum will be organised to bridge the gap between regulatory and agricultural policies.

### **3. Current challenges and future development of the OECD Seed Schemes**

The delegate from Italy presented the OECD Seed Schemes and informed about its mission and vision, strategic plan, current challenges and upcoming events. It has 58 participating countries and there are 54000 varieties from 220 species on the list of varieties eligible for certification.

#### 4. **Expectations of the European Seed Industry from the OECD Seed Schemes**

The representative of the European Seed Association briefly presented its organisation and outlined its positions on the main issues under discussion in the Seed Schemes: varietal mixtures, use of biochemical and -molecular techniques (BMT), addressing critical issues, acceptance of varieties, use of labels – improving security, labelling of small packages, clarification of the term ‘internationally recognised’, hybrids of winter barley and spring oil seed rape. Some questions were asked and ESA highlighted that variety registration and protection should be based on phenotype testing and BMT techniques should only be used in exceptional cases and after consultation with the breeder/seed producer to complement the findings of field inspection.

#### 5. **Current proposals for amendments of the OECD Seed Schemes**

On the basis of the Commission Working Document the following issues were discussed in more detail.

##### - Varietal mixture of the same variety (ZA proposal)

An exchange of views took place. The proposal for mixture of maize can be accepted without limitations on purpose of use. The OECD Seed Schemes' rules on mixtures should be applied instead of the rules on varietal associations.

##### - Addressing critical issues (UK proposal)

The delegate from United Kingdom gave an update. Some OECD Seed Schemes member countries are asking for an obligatory dispute settlement system. A voluntary rule for gaining experience and including a revision clause (e.g. 5 years) could be the way out. Moreover, stronger approach for persistent cases has been requested as well.

##### - Acceptance of varieties (CA proposal)

An exchange of views took place. The Member States wish to keep the requirement for testing for value for cultivation and use or at least to have it as an option. As regards variety testing, two options could be introduced: official testing (official description) and testing under official supervision (officially recognised description) adding necessary obligations on verification.

##### - Use of labels – improving security

A short discussion took place. It was agreed to add a general EU position on the importance to improve security of labels. A more in depth exchange of views at the expert level is needed and could take place in the upcoming ESCAA meeting Riga, Latvia in June 2015.

##### - Labelling of small packages (NL proposal)

The delegate from the Netherlands gave a short update. The following amendments were agreed:

- normal seed lots: adjustment of the size for the overprinting black (minimum distance 3 cm);
- definition small packages: 2 kg;

- mixtures: use of smaller sized labels and constituents indicated on the label or on the package;
- the possibility to use a recorded name and to leave out the address on the label has been deleted.

- Clarification of the term ‘internationally recognised’

A short exchange took place and reference to the TBT agreement was made. It seems not to be realistic to find a definition of the term and to separately approve international organisations. Moreover, an oversight on international organisations has already been produced by the Scheme.

**6. Exchange of views on illegal seed imports from countries without equivalence.**

The Commission recalled the issue on EUROSTAT data on the import of cereal, fodder grass and vegetable seeds from countries with no EU equivalence, which is a condition for imports into the EU. Further data of 2014 has been checked and the Commission will seek in writing clarifications from the Member States. Some Member States raised the issue on imports of agricultural seed for multiplication and processing with a view to be re-exported again. The Commission will look into the issue.

The Commission has recently been made aware of information that for certain vegetable species significant amounts of standard seed are imported from third countries. This is a cause of concern as such imports require an equivalence decision and no third country has been granted equivalence yet. The Commission therefore announced that it will request detailed information from Member States concerning these imports.

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

The Commission recalled the issue of falsified Polish official labels on large volumes of grass seed which have been marketed to BE, FR, IT and PT. PL is still expecting original falsified labels. Member States informed about the measures taken. The issue of lack of effective sanctions was raised. Legal action has been taken against the producer of false labels in the concerned Member State. The Commission gave a presentation on the EU Food Fraud Network which involves and connects all relevant parties in the Member States (competent technical authority, judiciary authority and police/custom) to fight against fraud. The initiative was welcomed by the Member States.