



EUROPEAN COMMISSION

Health and Food Safety Directorate General

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Standing Committee on Plants, Animals, Food and Feed
Section *Community Plant Variety Rights*
22 February 2024

CIRCABC Link: <https://circabc.europa.eu/ui/group/2334a519-0c22-4ba0-93d1-53babff1f1fd/library/4dffaa07-53e5-4fed-b3a6-b122791cb988?p=1>

SUMMARY REPORT

A.01 Technical examination on Distinctness, Uniformity and Stability (DUS) in the context of variety registration and plant variety rights.

The Commission informed that it had learned last year that some Member States would take into account breeders' trials in the variety testing for Distinctness, Uniformity and Stability (DUS). The Commission clarified the legal situation on the basis of the Commission Working Paper. According to the legislation on marketing seeds and Community Plant Variety Rights (CPVR), only official variety examinations carried out by the competent authority are allowed. The CPVR legislation allows the use of breeder's facilities. During the PAFF, section Seeds meeting of 29 November 2023 the Commission had requested the Member States to inform about their practices. A few Member States informed about the use of breeders' facilities, of breeders' data in case of emergency and that the activities are limited to specific species (maize). As a follow-up the Commission sent out a questionnaire to the Member States in order to clarify the situation by 15 January 2024. The Commission has not yet analysed the results. A short exchange took place and one Member State referred to legal interpretations and the need to take into account breeders' data. The Commission will inform about the follow-up once the results have been analysed.

B.01 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation amending Commission Regulation (EC) No 1768/95 as regards the liability for damage pursuant to Article 94(2) of Council Regulation (EC) No 2100/94.

The Commission presented the draft and reminded of a request last year asking Member States for elements to be considered for the liability to compensate the holder of the right. A general exchange took place on whether national criminal sanctions can be applied, how the costs are assessed and whether Member States have experience in related court cases.

Vote taken: Favourable opinion.

M.01 Information on upcoming meetings.

The delegate from a Member State asked about upcoming PAFF meetings and the Commission informed that the meeting foreseen for March will not take place.

M.02 Temporary experiment on true seed potatoes.

The delegate from a Member State asked about the preparations for a new temporary experiment on true seed potatoes. The Commission confirmed its intention to start a new temporary experiment with a new angle as soon as possible.

