



Revision of the plant and forest reproductive material legislation

SANTE Advisory Group on the Food Chain and Animal and
Plant Health

WG on Seeds and Propagating Material

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Agenda

1. Update on the revision of the PRM/FRM legislation
2. Sustainability aspects and conservation/organic varieties
 - a) Testing new varieties for characteristics contributing to sustainable production
 - b) Conservation varieties
 - c) Seed conservation networks
 - d) Varieties for organic production
 - e) Exchange in kind of PRM
3. New technologies in variety registration and certification of PRM
4. Derogations under the PRM legislation
5. Organisation of official controls
6. Equivalence regime for PRM from non-EU countries
7. AOB



1. Update on the revision of the PRM/FRM legislation

Problems to be addressed

- Divergent implementation practices and non-level playing field
- Legislation prevents innovation and use of new technologies and adaptation to policy developments

General objectives of the revision

General objectives:

- To remove any obstacle or barrier in the internal market in order to ensure a level playing field for production and marketing of PRM and FRM;
- For all types of users a wide diversity of choice of PRM and FRM should be ensured;
- To support innovation and competitiveness of the EU PRM and FRM industry;
- To support adaptation to – and mitigation of – climate change, and to contribute to food security, sustainable production and biodiversity protection.

Options for updating the legislation

- The options present different types of responses to the problems, alternative ways to meet the objectives, different levels of harmonisation.
- Baseline: “No changes scenario” against which the impacts of options will be assessed.
- Option 1: Retain the 12 Directives. Address the problems with targeted amendments with a view to simplify and align the Directives. Harmonisation of official controls outside OCR. Lighter rules for seed conservation networks, marketing to amateur gardeners and exchange in kind of PRM between farmers.
- Option 2: Reduced number of acts, e.g. one on seeds, one on PRM and one on FRM. Tailor-made inclusion in OCR. Exempt seed conservation networks, and exchange in kind of PRM between farmers. Lighter rules on marketing to amateur gardeners.
- Option 3: Higher harmonisation of the legislation, all acts combined within a single instrument containing chapters for individual crop groups, within the scope of OCR, limited derogations and exemptions. FRM remains separately regulated.

Next steps and opportunities for contributions

- Public consultation (online questionnaire on 'Have your say' webpage) running until 27 March 2022
- Targeted interviews and surveys in the framework of the ICF study to be launched by beginning of March 2022
Please register at:
https://icfconsulting.qualtrics.com/jfe/form/SV_22Vx3CzC61hva62
- Stakeholders welcome to address COM directly with their concerns and suggestions
- The final impact assessment and the Commission's proposals for the revision of the legislation to be presented by end 2022



2. Sustainability aspects and conservation/organic varieties

- a) Testing new varieties for characteristics contributing to sustainable production
- b) Conservation varieties
- c) Seed conservation networks
- d) Varieties for organic production
- e) Exchange in kind of PRM

General policy framework

- European Green Deal
- Farm to Fork Strategy
- EU Biodiversity Strategy for 2030
- EU Strategy on adaptation to climate change
- Proposal for a framework for a sustainable food system
- Proposal for legislation on plants produced by certain new genomic techniques

What is currently in place

- Value for cultivation and use (VCU) examination of varieties of agricultural plant species
 1. Yield
 2. Resistance to harmful organisms
 3. Behaviour with respect to factors in the physical environment
 4. Quality characteristics
 - Already some sustainability aspects are covered
 - Diverse implementation across Member States
 - Only required for new varieties of agricultural plant species
- Derogations for conservation varieties of agricultural plant species and vegetables
- Organic heterogeneous material
- Under preparation: derogations for the acceptance of organic varieties

5. Derogations

What is currently in place

- Closed loop system exempted from marketing definition
- Derogations for temporary difficulties in supply (seed satisfying less stringent requirements)
- Placing on the market of seed of not yet registered varieties (Commission Decision 2004/842/EC)
- Temporary experiments

Questions for the revision

- Identify purposes served and who is affected
- Need for maintaining and/or adjusting derogations
- Contribute or obstacle to revision objectives
 - to harmonise conditions for operators across EU (remove barriers / uneven competition)
 - to support innovation and competitiveness



7. Equivalence for non-EU countries

What is currently in place

- Different systems for the various PRM types :
 - Decision of Council and EP required for seed of agricultural crops and vegetables (Decision 2003/17/EC)
 - Decision of Council and EP required for material for the vegetative propagation of vine (the provision has not been used up to now)
 - Commission Decision required for fruit plants and vegetable propagating material / pending such Decision Member States may decide
 - Decision of Council and EP required for forest reproductive material (Decision 2008/971/EC)

Questions for the revision

- Identify purposes served and who is affected
- Need for maintaining and/or adjusting procedures
- Contribute or obstacle to revision objectives
 - to ensure a wide diversity of choice of PRM and FRM
 - to support innovation and competitiveness of the EU PRM and FRM industry