



EUROPEAN COMMISSION

Health and Food Safety Directorate General

sante.ddg2.g.5(2021)6790378

Standing Committee on Plants, Animals, Food and Feed
Section *Seeds and Propagating Material for Agriculture and Horticulture*
23 September 2021

CIRCABC Link: <https://circabc.europa.eu/w/browse/558ea7d0-1092-4d7c-a55e-4dd01f0a694e>

SUMMARY REPORT

A.01 Exchange of views on a Commission working document on the inclusion of varieties of vegetable propagating and planting material into Commission Decision 2004/842/EC.

The Commission presented the draft document. Several Member States proposed minor changes and asked for clarification regarding certain requirements and their implementation for planting material instead of seeds. The Commission took note and will prepare a revised draft for the forthcoming meeting.

One Member State asked to postpone the date of entry into force. The Commission agreed and proposed 1 January 2023 as a new date.

A.02 Exchange of views on a Commission working document on temporary rules for organic varieties.

The Commission presented the two draft documents for agriculture and vegetable species and clarified some general remarks and questions raised by several Member States during the written consultation. After the discussion with the Member States the Commission informed that it will prepare a new draft for discussion in an expert group meeting with the Member States and their experts for Distinctness, Uniformity and Stability (DUS).

A.03 Presentation on EU legislation in relation to official label, OECD Seed Schemes label and EU plant passport.

The Commission gave a presentation on the EU legislation on official labels and the plant passport as well as the rules and regulations of the OECD Seed Schemes. Seed harvested and finally certified in the EU shall be marketed with an official label. The same applies for seed harvested in a third country for which EU equivalence has been established according to Council Decision 2003/17/EC and imported into the EU as 'not finally certified seed' (field inspection carried out outside EU) followed by a final certification in the EU. Seed imported with OECD Seed Scheme labels from third countries with established EU equivalence can be marketed in the EU without relabelling when the label fulfils the requirements set out in Council Decision 2003/17/EC. Where relabelling and refastening in the EU of equivalent seed is necessary, EU official labels shall be used only in case of blending of seeds produced

in the EU and a third country and for small EU packages. The EU plant health legislation allows the combination of official label and plant passport. However, this is not possible for the OECD Seed Schemes label. Therefore, the plant passport should feature as a distinct label next to the OECD Seed Schemes label.

A discussion took place and some Member States presented their approach of implementation regarding EU plant passport and OECD labels. It was suggested to address the issue in the next ESCAA meeting. Also, the Commission asked the Member States to send questions and examples in writing.

A.04 Presentation on Plant Health legislation in relation to derogations to use of plant passport.

The Commission presented the Plant Health legislation and clarified the questions and comments that had been raised by several Member States and stakeholders. As regards the import and internal movements of plant material used for official testing, scientific or educational purposes, trials, varietal selection or breeding, there is a derogation from the standard phytosanitary requirements foreseen in Article 48 of Regulation (EU) 2016/2031 and Delegated Regulation (EU) 2019/829 provides for conditions on derogation to introduction and move within the EU territory. Providing that the conditions laid down in the Regulation are fulfilled, plant passport or phytosanitary certificate are not required for each movement or introduction into the EU, but a Letter of Authority for single or multiple use shall be issued. This implies that the material will need to be further handled in a quarantine station or a supervised confinement facility. This condition can eventually apply to gene- or seedbanks.

Concerning import or internal movements of plant material (e.g. originating in gene- or seedbanks) destined for varietal testing in open field, the Letter of Authority cannot be used. In this case the standard phytosanitary certificate or plant passport is required.

A.05 Presentation on impacts of climate change on agricultural production in Europe – IPCC report.

The Commission gave a presentation on the impacts of climate change in relation to the new IPCC report highlighting as cause the human activities, the increasing temperature (1.5 C by 2040) and a number of extreme weather events – high intensity and frequency of droughts or heavy precipitation and, effects on agriculture. The severity will depend on further human activities. In 2022 two more detailed reports of IPCC of the Working Group II on Impacts, Adaptation, and Vulnerability and Working Group III on Mitigation of Climate Change will be published. The Member States took note.

A.06 Update on the revision of the legislation on plant reproductive material.

The Commission gave an overview about the feedback received during the public consultation on the inception impact assessment and the next steps to revise the legislation on plant reproductive material. Some Member States asked for clarification and confirmed their willingness to contribute to the revision of the plant reproductive material legislation.

An open public consultation has been scheduled from end-November 2021 until end-February 2022. The external contractor will organise targeted surveys and oral interviews with competent authorities and several stakeholder groups, two focus groups on the scope of the plant and forest reproductive legislation and a case study on the exchange in kind of plant reproductive material and services by farmers in France.

These activities aim to support the Commission with the collection of data and supporting information for the revision of the legislation.

The Commission took note of the comments raised and stated that the website will be updated on a regular basis to ensure transparency about the consultation activities and that the Member States will be involved throughout the entire process and be informed whenever appropriate.

A.07 Presentation of the Official Controls Regulation (EU) 2017/625.

The Commission presented the Official Controls Regulation and explained its basic principles. The Regulation allows taking into account the specificities of sector-specific legislation (e.g. official controls taking place during official seed certification), conducting risk-based official controls for marketing and imports of plant reproductive material and using IT systems for reporting non-compliances (e.g. information management system for official controls).

A.08 Update on the unique EU plant variety IT system.

The Commission gave an overview on the progress of the unique EU Plant Variety Portal. The Member States thanked for the detailed information and confirmed the willingness to participate. The Commission stated that all Member States are invited to answer the second survey. Depending on the frequency and amount of varieties notified to the Common Catalogues suggestions were made on appropriate approaches for submitting notifications.

A.09 Update on the approach to seed fraud.

Postponed.

A.10 Information point on import-export issues between the EU and UK.

The Commission informed the Member States about the recent developments of the relations between the EU and UK/Great Britain which is now considered as a third country. Some phytosanitary issues and the provisions on seed potatoes are not yet finally clarified. For imports into Great Britain certification is needed. This provision does not concern Northern Ireland. Further seed can be imported from Northern Ireland as it is part of the internal market. However, this does not apply to the variety registration process and therefore varieties from Northern Ireland cannot be notified to the Commission for marketing in the EU.

The Commission further clarified that imports from UK/Great Britain are allowed for agricultural and vegetable species under the EU equivalence regime, also due to the fact that UK/Great Britain is member of the OECD Seed Schemes. In relation not only to UK/Great Britain but also to all third countries, the Commission reminded that imports from third countries are only allowed under the EU equivalence regime. Specifically for vegetables, standard seed is currently not covered. Council Directive 2002/55/EC provides exceptions only for seed intended for export to third countries under Article 1 and for vegetable seed as grown, marketed for processing under Article 21.

B.01 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Directive amending Annexes I and II to Council Directive 66/402/EEC as regards the production of hybrid wheat produced by means of cytoplasmic male sterility.

The Commission presented the draft document. On the request of one Member State and to align with the rules of the OECD Seed Schemes agreed in the last Annual Meeting a change in relation to isolation distances was made. The Member States agreed with the text.

Vote taken by written procedure: Favourable opinion.

M.01 Clarification on hemp seed production.

Some Member State asked for further information and clarification on the EU legislation in relation to the cultivation of hemp as there is a growing interest in hemp production.

The Commission clarified that the production for medical use falls under medical regulations in the EU. The Commission is consulting its legal services on certain issues regarding the growing and production of hemp seed and propagating material. The Commission will inform the Member States after receiving more information. Regarding hemp seed, Council Directive 2002/57/EC on the marketing of seed of oil and fibre plants should be considered by the Member States for seed intended for agricultural production. Further the Commission stated that following the new CAP the direct support legislation will be amended and the current limit of the THC content of 0,2% will be lifted to 0,3% in 2023.

M.02 Working document on exchange of material for reference collections.

One Member State asked about the Commission's intention in relation to the working document on 'Guidelines for providing variety standard sample for other Member States and controlling maintenance of seed varieties', that was agreed in 2019. The Commission confirmed that the guidelines should be followed by the Member States and the contact list on the authorities was recently updated. The plan is to formalise the guidelines as Commission Guidelines in 2022.

M.03 Organic Regulation.

One Member States asked for clarifications whether the rules of the Regulation (EU) 2018/848 on organic production and labelling of organic products will apply to seeds of the organic varieties. The Commission clarified that the rules of Regulation applies from 1 January 2022 onwards and will cover seed of organic varieties.