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Health and Food Safety Directorate General

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Standing Committee on Plants, Animals, Food and Feed
Section *Seeds and Propagating Material for Agriculture and Horticulture*
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SUMMARY REPORT

A.01 Exchange of views on a request from France to be authorised to prescribe appropriate cultivation conditions for varieties made herbicide-tolerant under Article 16(2) of Directive 2002/53 on the common catalogue of varieties of agricultural plant species.

The delegate from France recalled the referral by the French Conseil d'Etat to the CJEU of the issue whether in vitro random mutagenesis bred plants are exempted from the GMO legislation. The final ruling on February 2023 pointed out that in vitro and in vivo random mutagenesis are not considered as GMO. The French Conseil d'Etat needs to deliberate how it takes on board this opinion and to clarify how herbicide tolerant varieties obtained by these methods (rapeseed and sunflower) should be addressed.

The Commission informed that there is no possibility to lay down crop cultivation conditions under the plant protection product legislation. This would be to a certain extent possible under the CAP regime in the context of national measures, however, the measures are rather general and not harmonised. One Member State pointed out that there are studies showing that the use of herbicide tolerant varieties has resulted in overall lower use of herbicides and a general study should be carried out in the EU. The Commission took note, and the discussion will be continued at the next PAFF meeting.

A.02 Presentation by the Commission of a report on the implementation of Commission Decision 2004/842/EC on the placing on the market of seed of not yet listed varieties.

The Commission presented an overview of the authorisations granted for 2022 by Member States and per species. In answering a question of one Member State the Commission clarified that not yet listed varieties can only be marketed for tests and trials on farms with the orange label and not with a normal certification label.

One Member State recalled the work started in 2021 in order to allow the marketing of “not yet listed varieties” of vegetable species used as rootstocks. The Commission will re-check the outcome of its legal analysis and inform the Member States.

A.03 Update on the revision of the legislation on plant reproductive material.

The Commission explained that it aims to adopt the legal proposals in June 2023 accompanied by the impact assessment. Further, the Commission informed about the main changes in the new Plant Reproductive Material legislation.

On request, the Commission explained that the proposal will include the possibility to register organic varieties with adjusted uniformity protocols if required. The proposal will also include a requirement for examination of new varieties for value for sustainable cultivation and use (VSCU) for all regulated species, with a transitional period for fruit plants and vegetables.

A.04 Exchange of views on the application of EU hemp seed legislation.

The Commission presented the Commission Working document on hemp seed legislation. A discussion took place in relation to the application of Directive 2002/57/EC on seed intended for agricultural production, seed production for medicinal purposes, hemp plant propagating material and feminized hemp seed. The Member States were invited to submit their comments on the document by 2 June 2023. The intention of the Commission is to consult its legal services.

A.05 Update on the unique EU plant variety IT system and new common catalogue database.

The Commission gave a presentation on updates on the EU Plant Variety Portal (EUPVP) and the next steps. The upload of data is in process, and some Member States informed about the problems they are facing with this activity. Moreover, due to the change to the new database the inclusion of new varieties into the Common Catalogues has been delayed. The Commission confirmed that a functional mailbox is available for technical questions concerning the uploading and maintenance of data, and the online database (euplantvarietyportal@ec.europa.eu).

One Member State asked about the timing for including data of fruit and vine varieties, and about the possibility of including non regulated species. The Commission confirmed that the intention is to include Frumatis and the vine list and to consider further steps.

A.06 Update on the approach to seed fraud.

Postponed.

A.07 Exchange of views on questions as regards organic varieties and the notification of organic heterogeneous material.

The Commission explained that the registration of “organic varieties suitable for organic production” is subject both to the Regulation (EU) 2018/848 (as regards the certification of the organic production activity) and the legislation on plant reproductive material (as regards the variety registration and seed/propagating material certification).

The Commission also reported on the notifications of organic heterogeneous material received up to now. To date, 24 notifications have been received from 4 Member States, mainly for wheat and maize. This information is available on Circa.

Following the numerous uncertainties raised by the Member States, the Commission asked the Member States to send written questions by 2 June 2023. These could be addressed by an ad-hoc working group after the summer.

A.08 Temporary experiment under Commission Implementing Decision (EU) 2020/1106 as regards the official checking rate for field inspection under official supervision – state of play.

The Commission recalled that the last meeting in relation to this temporary experiment took place in November 2020 and work should be recontinued. The French delegation will be responsible for compiling the data for the years 2021 and 2022 and the risk criteria applied by the Member States. A Working Group meeting will be convened to discuss the results and the evolution of the risk-based official check testing for field inspection. The delegate from Poland expressed the wish to join the temporary experiment.

A.09 Reporting obligation under Commission Directive (EU) 2021/1927 concerning the quantity of produced hybrid seeds and the percentage of seed lots which have been rejected due to insufficient quality parameters.

The Commission indicated to the delegates of the Member States that in application of the Commission Directive (EU) 2021/1927, they are required to forward to the Commission the quantities of certified and rejected seed lots of wheat hybrid in each marketing year and the non-compliances. It was recalled that France has the lead of this exercise, and the results and experiences with wheat hybrid production should be discussed in a dedicated meeting.

A.10 Follow-up and state of play of EU equivalence requests.

The Commission presented the latest information on the equivalence requests. The Commission has received in 2023 new applications from Ukraine for soybean and from Senegal for maize, rice and sorghum. The applications received in 2022 from Ukraine (oil and fibre plants, beet) and Moldova (fodder plants) still require further evaluation. The Commission also informed that the 2019 audit regarding the equivalence request from India has been closed satisfactorily, although the Indian authorities would need to submit additional information before any further steps could be taken.

The Commission asked the Member States to indicate by e-mail by 2 June 2023 their availability to provide technical support for the evaluation of the following files: Ukraine (oil and fibre plants), Ukraine (beet), Moldova (fodder plants) and Senegal (cereals).

A.11 Follow-up of OECD Seed Scheme technical issues.

The Commission reported about a meeting with the OECD Seed Schemes Secretariat and the project team as well as about its contribution of 200.000€ to the financing of the OECD Seed Digitisation Pilot Project (SEED-HUB). There is a need for the EU to discuss its way forward (EU hub, use of existing IT systems), possibly in a dedicated meeting. The ESCAA survey on digitalisation of certification systems in the Member States will be useful input. The Commission recalled that new rules on seed mixing will be adopted at the 2023 Annual Meeting of the OECD Seed Schemes in Türkiye and it should be reflected on how the concerned Directives would be amended to ensure alignment with OECD Seed Schemes Rules and Standards.

A.12 Update on UNECE – seed potatoes.

The chair of the Specialized Section on Standardization of Seed Potatoes of UN-ECE informed about the standards on potato seeds and gave an update of the revisions of the

standards, which started in 2022 and will continue during 2023. In particular, True Potato Seeds (TPS) and plantlets are some of the problems that need to be solved in the new standards.

B.01 Exchange of views and possible opinion of the Committee on a draft Commission Directive amending Directives 2003/90/EC and 2003/91/EC as regards the protocols for the examination of certain varieties of agricultural plant species and vegetable species.

The Commission presented the draft, and a few references were adjusted to reflect the latest changes in the CPVO protocols.

Vote taken: Favourable opinion.

M.01 Expiry of the temporary experiment on True Seed Potato.

The delegate from the Netherlands informed about the expiry of the temporary experiment on True Seed Potato on 31 December 2023. The Commission asked for written comments by 2 June 2023 on specific needs beyond 2023.

The delegate from Poland informed the Commission that a case has been brought to court against Breeders Trust for expanding bad publicity of the certification system in Poland.

The Commission indicated that the next meeting is scheduled for 7 September 2023.