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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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CIRCABC Link: <https://circabc.europa.eu/w/browse/e35a8ad0-f7f8-4380-a31e-ad35ff18f958>

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 its request and informed about the referral by the French Conseil d'Etat to the CJEU of two questions concerning the issue whether in vitro random mutagenesis bred plants are exempted from the GMO legislation. The opinion of the Advocate General will be issued on 27 October 2022 and the final ruling would normally follow a few months after. The authorisation process of plant protection products was presented and it allows to set conditions for the use of plant protection products. Some Member States asked to wait for the ruling of the CJEU and repeated the question about the right legislation. The Commission took note and the discussion will be continued in the next PAFF meeting.

A.02 Presentation by the Commission of a report on the implementation of Regulation (EC) No 217/2006 as regards the authorisation of Member States to permit temporarily the marketing of seed not satisfying the requirements in respect of the minimum germination.

The Commission presented an overview of the authorisations granted for 2020, 2021 and 2022. During the last three years, 15 Member States and Norway have used the system which allows Member States to permit temporarily the marketing of seed not satisfying the requirements in respect of the minimum germination. The total of 91 authorisations concerned 22 different species, field bean and field pea allowing for 22 and 17 authorisations respectively. Of the total of 145000 tons of seed that were part of the requests, some 10% could be covered by offers made by other Member States.

A.03 Presentation by the Commission on EU legislation related to exports of treated seed.

The Commission gave a presentation on EUs chemicals legislation related to the export of treated seeds. Unlike the manufacturing, placing on the market and use of chemicals, export is not covered in detail in the REACH Regulation, but in the PIC (Prior Informed Consent) Regulation. The PIC Regulation implements in the EU the obligations under

the Rotterdam Convention where the main aim is to ensure that there are consent procedures in place before a chemical is exported/imported to a Party to the Convention. The Convention and PIC Regulation cover both pesticides and industrial chemicals that are severely banned or restricted in the Union. The rules on notification to third countries and whether an approval by the third country is required depends on the matter whether treated seed is interpreted as to be an ‘article’ (notification) or ‘mixture’ (approval by third country). This issue is under discussion and a working document is being prepared. The next meeting of the Working Group of DG Environment is planned for October. It is important that the seed experts are informed and are in contact with their environmental colleagues.

A.04 Update on the revision of the legislation on plant reproductive material.

The Commission explained that it was aiming to adopt the legal proposals by the end of 2022 accompanied by the impact assessment. Further, the Commission informed that the impact assessment would include information on the results of the consultations (open public consultation, targeted surveys). On request, the Commission explained the co-decision process and that in the beginning of next year the discussions could start in the Council Working Party and in the European Parliament. One Member State asked for further joint meetings between the PAFF Seeds and PAFF Plant Health to further clarify the way forward on RNQPs.

A.05 Follow-up and state of play of EU equivalence requests.

The Commission presented the latest information on the equivalence requests. The equivalence for Bolivia was completed (sorghum, maize, sunflower) and the Commission received two new applications for Ukraine (oil and fibre plants, beet) and Moldova (fodder plants). The request for India is pending (cereal, fodder, oil and fibre plants), and Zambia (species not specified), South Africa (cereals, other than maize and sorghum) and Japan (rice) expressed their interest.

A.06 Update on the unique EU plant variety IT system and new common catalogue database.

The Commission gave a presentation to provide updates on the EU Plant Variety Portal (EUPVP). The presentation covered the following aspects: (i) final agreed version of the Data Dictionary, (ii) overview of user interfaces developed by the IT team and (iii) timeline of the next steps. An exchange took place on support and the Commission confirmed that it is available for bilateral meetings with the Member States.

A.07 Update on the approach to seed fraud.

Postponed.

B.01 Exchange of views and possible opinion on a draft Commission Implementing Directive amending Directive 2003/90/EC as regards a temporary derogation for organic varieties of agricultural plant species suitable for organic production

The Commission presented the draft. Some Member States asked for minor adjustments and to postpone the date of entry into force until 1 July 2023.

Vote taken: Favourable opinion.

B.02 Exchange of views and possible opinion on a draft Commission Implementing Directive amending Directive 2003/91/EC as regards the temporary derogation for organic varieties of vegetable species suitable for organic production

The Commission presented the draft. Some Member States asked for minor adjustments and to postpone the date of entry into force until 1 July 2023.

Vote taken: Favourable opinion.

B.03 Exchange of views and possible opinion on a draft Commission Implementing Decision amending Council Directive 2008/72/EC to extend the period during which Member States may decide on the import conditions for vegetable propagating and planting material, other than seed, from third countries

The Commission presented the draft and no comments were received.

Vote taken: Favourable opinion.

M.01 Miscellaneous

The delegate from the Czech Republic informed about the upcoming meetings under its Presidency. For the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) topic on genetic resources a video conference will be held on 12 July and physical meetings on 26 July and 7-8 September 2022. On 19 October the Council Working Party on plant breeder rights will take place. The work on the OECD Forest Reproductive Material Scheme has been delegated to Sweden and a date for the coordination meeting has not yet been confirmed.

The delegate from Poland informed the Commission that they have discontinued their cooperation with the Breeders Trust.