



EUROPEAN COMMISSION

Health and Food Safety Directorate General

sante.g.3(2024)1034036

**Standing Committee on Plants, Animals, Food and Feed**  
**Section *Seeds and Propagating Material for Agriculture and Horticulture***  
**29 November 2023**

**CIRCABC Link:** <https://circabc.europa.eu/ui/group/0476802e-7a72-406d-92e8-30b1a3dd90b0/library/889b01fd-6618-4c7e-abea-00b796ec988e?p=1>

**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. France is awaiting the decision of Conseil d'Etat before making a new submission to the Commission. One Member State pointed out that monitoring is taking place in its country in relation to e.g. sunflower, and combined with farmers records it is possible to follow the use of herbicides and the tolerance situation. 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) N° 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 2023. 12 Member States 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 15 authorisations concerned six different species (soybean, field bean, field pea, durum wheat, oat and sainfoin). Of the total of 24 877 tons of seed that were requested, some 2.5 % could be covered by offers made by other Member States.

**A.03 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 delegate from France presented the results collected by a questionnaire for the years 2021-2022. The Member States are in different situations as regards the risk-based approach varying from planning and setting up a system to applying a risk-based approach for field inspection under official supervision. Some Member States apply this approach for all seed suppliers while others only for those that have requested it. Also the coverage of the species varies. As a result of the first two years of the experiment, no significant difference has been found between a fixed or a risk-based inspection rate in terms of the quality of seed. The Working Group concluded that there is a need to harmonise and to look for a simple calculation method (formula) for the assessment of the risks with a range of weighing factors that Member States could apply to their specific situation. A guideline could be developed for this purpose. The Commission will work together with France on such an approach.

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

The Commission made a presentation on the current hemp seed legislation and the questions that have been raised and that need to be addressed. The Member States welcomed clarifications as it is an issue that causes many questions in the application of the current seed legislation. In order to obtain more information, the Commission proposed to send a questionnaire to the Member States. A discussion took place in relation to the necessary questions. The Member States were invited to submit their replies by 29 February 2024. The Commission will share the final legal clarifications in a future meeting.

**A.05 Exchange of views on the application of Commission Directive 2010/60/EU on preservation mixtures.**

The Commission presented its questions in relation to the requirements of the Directive 2010/60/EU on preservation mixtures and its implementation. Several Member States stated that they have implemented the Directive in their territory, but some indicated that there is a need to simplify the process for the seed producers and suggested e.g. authorisation of producers instead of individual seed mixtures.

**A.06 Technical examination on Distinctness, Uniformity and Stability (DUS) in the context of variety registration and plant variety rights.**

The Commission has recently learned 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. The Commission 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). It was decided that the Commission will send out a simple questionnaire to the Member States in order to clarify the situation and the Member States shall reply by 15 January 2024.

**A.07 Exchange of views on a possible extension of the temporary experiment on true potato seed with new elements.**

The delegate from the Netherlands made a presentation on the final report of the current temporary experiment on true potato seeds. The Commission stated that the experiment has reached its maximum duration of seven years and cannot be extended anymore beyond 31 December 2023. CPVO indicated that the new protocol for DUS examination for registration of varieties of true seed potato is in its final stage to be approved. There was an agreement that the temporary experiment started too early as only now varieties are being presented for variety registration. There is no experience on seed certification. The Commission will look for a possibility to start a new temporary experiment with a new angle as soon as possible.

**A.08 Update on the unique EU plant variety IT system and new common catalogue database.**

The Commission shortly informed about the EU Plant Variety Portal. Several Member States expressed their concerns in relation to the late publication of the notified varieties, missing varieties or variety maintainers. The Commission clarified that there have been some issues to incorporate data from the Member States, however, the publication of new varieties can now take place about four weeks faster than before.

**A.09 Update on the approach to seed fraud.**

The Commission made a presentation on the current situation of the seed fraud network and the latest cases encouraging the Member States to use the network. The Member States informed about cases in their territories and the issues encountered. The Commission will send the list of National Contact Points of the Seed Fraud Network for an update.

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

The Commission presented the latest information on the equivalence requests. As regards the applications received from Ukraine in 2022 (oil and fibre plants, beet) and in 2023 (soybean) and from Moldova in 2022 (fodder plants) the Commission intends to present a proposal for a Council and Parliament Decision to grant equivalence for these additional species. The Commission has received in 2023 a new request from Senegal for maize, rice and sorghum. The Commission also informed that the 2019 audit regarding the equivalence request from India has been closed satisfactorily. The Commission asked the Member States to inform about their availability to provide support for the legal evaluation of the request by Senegal (cereals).

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

The Commission informed about recent working group meetings of the OECD Seed Schemes in relation to the digital label and the digitalisation of the OECD seed certification system. As regards the label it should be reflected on how to make use of e.g. QR codes and to whom they would be addressed. Concerning digitalisation the question was raised whether the notification of varieties for international trade by the Member States to the OECD variety database could take place via the EU Plant Variety Portal. It should be considered to organise a dedicated Commission working group meeting to discuss the matters and involve the IT experts in 2024.

**B.01 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Decision amending Council Directive 2002/56/EC as regards the date laid down in Article 21(3) until which Member States are authorised to extend the validity of decisions concerning equivalence of seed potatoes from third countries**

The Commission presented the draft, and there were no comments to the text.

**Vote taken:** Favourable opinion.

**M.01 Report in relation to the Commission Implementing Decision on hybrid wheat.**

The delegate from France presented a report in relation to the Commission Implementing Decision on hybrid wheat. There is an annual obligation to report on the quantity of hybrid seed produced and compliance with technical requirements. The results will also be presented to the OECD Seed Scheme Technical Working Group meeting in January 2024. It is noted that there are still very few varieties registered and some applications are pending in some Member States. Therefore, there is not yet much experience in the certification of wheat hybrid seed. Some control plot testing results show that the varietal identity has been confirmed.