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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***  
**08 March 2022**

**CIRCABC Link:** <https://circabc.europa.eu/w/browse/329c7f6c-da9e-46a0-bb43-cc166cb75010>

<b>SUMMARY REPORT</b>
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**A.01 Presentation by Germany of the final report on a temporary experiment under Commission Implementing Decision 2014/150/EU providing for certain derogations for the marketing of populations of the plant species wheat, barley, oats and maize pursuant to Council Directive 66/402/EEC.**

Germany gave a detailed presentation on the final results of the temporary experiment for populations. The Commission thanked Germany for the presentation and the work in leading this experiment. The Commission raised the question whether populations are also of interest for the non-organic sector. One Member State confirmed that there is an interest for such material beyond the organic sector.

Several Member States raised the issue of the purpose of a seed sample. Germany confirmed that the seed sample is of use to check and verify the population even if the population changes over the generations of propagation.

It was concluded that traceability is the key, also in respect of region of origin. The Commission informed that it will consider the listing of organic heterogeneous material on the basis of notifications as laid down in Commission Delegated Regulation (EU) 2021/1189 and will inform the Member State accordingly.

**A.02 Presentation by France of a request 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.**

France presented its request to be authorised to lay down specific growing conditions for herbicide tolerant varieties of sunflower which was submitted to the Commission on 9 February 2022. It is based on the decision of the Conseil d'Etat on herbicide tolerant varieties (HTVs) which have been obtained by in vivo mutagenesis. This concerns sunflower varieties which contain an acetolactate synthase (ALS) inhibitor and are known under the names "Clearfield Plus" and "Express Sun". The scope of the French request strictly follows the ruling of the Conseil d'Etat and is further based on several scientific reports from ANSES (Agence nationale de sécurité sanitaire de l'alimentation, de l'environnement et du travail) and INRAE (Institut national de recherche pour l'agriculture, l'alimentation et l'environnement) which see a risk of herbicide resistance in weeds with potential risks for health and environment.

Therefore, according to the French authorities the conditions of the safeguard clause under Article 16(2) of Directive 2002/53/EC are met and it is proposed to lay down three cultivation measures for the growing of HTVs in the French territory. The conditions include the preparation of a false seedbed, the prohibition of growing soybean before and after HTVs of sunflower and the prohibition to grow HTV of sunflower three years after a HTV of sunflower. An exemption would include the use of the HTV for research and selection processes. The French authorities informed that 202 varieties are concerned.

Several Member States asked to be careful and raised questions on the approach of France as why the restrictions were limited to sunflower (scope), why a difference was made between in vivo and in vitro mutagenesis and spontaneous mutations and whether this was the right legislation where the herbicide use needs to be addressed. One Member State informed about reduction in use of herbicide when HTVs were grown. The question of addressing growing conditions in general for the production of seeds of HTVs was raised.

The discussion will be continued during the next PAFF meeting and colleagues responsible for GMOs and plant protection products will be invited.

**A.03 Commission Implementing Decision amending Council Directive 2008/72/EC to extend the period over which Member States may decide on the import conditions for vegetable propagating and planting material, other than seed, from third countries.**

The Commission explained that the period over which Member States may decide on the import conditions for vegetable propagating and planting material, other than seed, from third countries expires on 31 December 2022. In absence of information allowing the adoption of EU harmonised import rules, Commission intends to propose the extension of this period.

**A.04 EU equivalence requests: presentation of survey results.**

The Commission presented the results of the survey on controls of seed imported from third countries under the EU equivalence system (Council Decision 2013/17/EC). The Member States took note and thanked the Commission.

**A.05 Exchange of views on the Working Programme for 2022.**

The Commission presented the working programme for 2022. The Member States welcomed the working program and asked to add the amendment of the RNQPs for ornamentals. One Member State reminded on the need to establish official EU guidelines for the exchange of reference varieties.

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

The Commission gave an update on the revision of the PRM legislation. Some Member States asked if they could send additional information and data also in writing. Further a Member State asked how vegetable propagating material and ornamentals would be handled in the future. The Commission stated that any additional information can be of value for the revision of the PRM legislation and could be taken into account. Further the Commission highlighted that the data and information are of importance to have valid arguments for potential changes of the legislation.

**A.07 Follow-up on OECD Seed Schemes technical issues.**

The Commission summarized some decisions on technical issues of the last OECD Seed Schemes Technical Working Group meeting regarding the intervention processes after certification and varietal mixtures of certified seed. Work will continue on the registration of parental lines of hybrid varieties, the experiment on hybrid wheat varieties, pearl millet as well as on the review of the hemp seed certification standards (isolation distances). For the latter, on the request of the Commission, France will provide expertise for the Commission.

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

The Commission presented the recent updates on the EU Plant Variety portal, including: (i) the conclusions based on the outcomes of the second Member States' survey (ii) the approval of the new Common Catalogue Use Case Specification and (iii) the organization of the next Stakeholders Working Group Meeting. Some Member States requested more details and information. The Commission confirmed that the existing system will be maintained until the new IT system is operational and only data will be included which are also available on Member State level.

**A.09 Update on the Seed Fraud Network.**

The Commission shortly informed about the survey on suspicious imports from non-EU equivalent third countries. Member States that did not answer to the survey will receive a reminder. A full update and presentation will be given in a next meeting.

**C.01 Exchange of views on a draft Commission Implementing 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 document. Some Member States asked to also include in the draft the new and updated protocols that are scheduled to be adopted by the Community Plant Variety Office (CPVO) in April.

The Commission agreed to postpone the finalization of the internal procedures and to circulate an updated draft including the new CPVO updates. The vote by written procedure and possible adoption will then be scheduled for May.

**C.02 Exchange of views on a draft Commission Decision amending Commission Directive 2003/90/EC as regards the temporary derogation for organic varieties of agricultural plant species suitable for organic production.**

The Commission presented the latest draft. Several Member States agreed in general to the approach and raised minor points to be changed in the document: a more clear differentiation between DUS and VCU tests in recital 3, more appropriate wording for the relative uniformity requirement between similar varieties and further check of the characteristics in the Annex. The Commission agreed to integrate these points in the document and await the finalization of the internal consultation before circulating a new draft to the Member States for opinion by written consultation.

**C.03 Exchange of views on a draft Commission Decision amending Commission Directive 2003/90/EC as regards the temporary derogation for organic varieties of vegetable species suitable for organic production.**

The Commission presented the latest draft. Several Member States agreed in general to the approach and raised minor points to be changed in the document as for the draft for agriculture species: more appropriate wording for the relative uniformity requirement between similar varieties and further check of the characteristics in the Annex. The Commission agreed to integrate these points in the document and await the finalization of the internal consultation before circulating a new draft to the Member States for opinion by written consultation.

**M.01 Hemp and THC content – Finland**

Finland asked for clarification regarding the future practice for the THC content in hemp seed and if further rules should be laid down in Council Directive 2002/57/EC on marketing seed of oil and fibre plants.

The Commission explained the changes regarding the new legal provisions for hemp under the Common Agricultural Policy and the maximum THC contents (Regulations 2021/2115 and 2022/126) and asked whether requirements on THC (0,3 %) should be laid down in the Annex II of Directive 2002/57/EC. The discussion will continue in the next meeting.

**M.02 Red rice varieties - Spain**

Spain raised an issue on new rice varieties with red seeds. According to Council Directive 66/402/EC red seeds are considered as an impurity (wild red rice) for rice varieties and Spain asked for clarifications regarding the application of the impurity requirements for those varieties with red seeds. Italy referred to its experiences and offered to give a presentation in the next meeting.