



EUROPEAN COMMISSION

HEALTH AND FOOD SAFETY DIRECTORATE-GENERAL

## **SUMMARY REPORT**

### **Meeting of the Advisory Group on the Food Chain and Animal and Plant Health (Subgroup: Working Group on Seeds and Propagating Material) on the Revision of the Plant and Forest Reproductive Material Legislation**

**Online meeting, 18 February 2022 (10:00 – 15:00)**

**Chair: DG SANTE G1**

The Commission (COM)/Plant Health Unit (SANTE.G1) welcomed the participants and explained that the purpose of the meeting was to raise awareness between stakeholders about specific aspects of the revision of the plant and forest reproductive material (PRM/FRM) legislation, discuss and exchange on these. The following topics were discussed, after an introduction by COM and/or an invited speaker:

#### **1) Update on the revision of the plant and forest reproductive material legislation**

COM recalled that as indicated in the inception impact assessment, the revision seeks to address two broad problems: the divergent implementation practices that led to unequal conditions for the operators between the Member States and the legislation being outdated and thus preventing innovation, use of new technologies and adaptation to policy developments. For the impact assessment to accompany the legislative proposals, three options representing a different mix of flexibility and harmonisation would be compared against a baseline scenario of no changes in the legislation. Stakeholders were reminded of the opportunities to express their views and to contribute to the collection of the necessary evidence (public consultation ongoing until 27 March 2022, targeted interviews and surveys by the contractor supporting COM for the impact assessment that would be launched by beginning of March 2022). The final impact assessment and the Commission's proposals for the revision of the legislation would be presented by end of 2022.

#### **2) Testing of new varieties for characteristics contributing to sustainable production**

COM reminded of the general policy framework in which the revision is taking place. The European Green Deal and the related Strategies seek to address climate- and environment-related challenges and the revision of the PRM/FRM legislation seeks to contribute to this. The current examination of the value for cultivation and use (VCU) is already relevant. The revision would examine how to improve VCU in relation to sustainability and investigate how new varieties of crop groups not subject to VCU examinations could be tested for characteristics contributing to sustainable production.

In their presentation, Copa-Cogeca called for a legislation that would be relevant for the period 2030-2050, over which yields need to be increased while use of pesticides is to be reduced.

In their presentation, Euroseeds recalled the role of plant breeding over the last 20 years, without which yields in EU would have been more than 20% lower. They presented examples of gains in efficiency of inputs use and disease resistance. They called for sustainability criteria that are measurable, repeatable, science-based and non-discriminatory to protect users from fraud and guide informed sustainability decisions. Any exemptions from the general rules should not result in parallel unregulated PRM markets.

A number of participants commented that resilience and yield stability under diverse conditions was equally or more important than the potential maximum yields. Currently VCU in many Member States prioritise the highest yield and prevent more resistant varieties with lower yields to enter the market. Other participants called not to introduce VCU requirements for vegetables and to remove these for potato varieties.

### **3) Conservation varieties**

In their presentation, Kultursaat suggested that conservation varieties represent a different breeding strategy, while no single breeding approach should be considered better than others. They considered that some of the current restrictions on conservation varieties should be lifted. Even if locally developed, conservation varieties could be useful outside their region of origin, while for some species the restrictions on package size are unpractical. They called for a framework that allows for on-farm breeding with open pollinated varieties and farm saved seed. In particular, there is a need to provide for adapted registration protocols for organic varieties with higher level of heterogeneity, as heterogeneity is needed for better tolerance to diseases and for coping with climate variability.

### **4) Seed conservation networks**

Rete Semi Rurali presented their experience on seed conservation networks. These are described as collective multi-actor organisations. Farmers and citizens could participate, with different motivations, e.g. farmers looking for suitable varieties for their particular conditions, citizens looking for diverse products. They work with varieties not protected by plant breeder's rights: old commercial varieties, landraces, conservation varieties and more recently with locally adapted populations. Some use the local origin as a marketing element (cultural heritage, niche markets, alternative food chains). Within seed conservation networks seed quality is very important but not managed by certification, rather by trust and reciprocity. In relation to the revision, they called for keeping seed conservation networks outside the scope of the legislation, not to require registration for the varieties circulated by such networks and minimising the burdens for the operators.

A number of participants emphasised that it should not become possible to move seeds without respecting the plant health rules because the risks would be too high.

### **5) Organically bred varieties for organic production**

ECO-PB presented their experience with the legal framework and the temporary experiment on organic varieties. Organic varieties are obtained by an organic plant breeding programme.

Despite their diversity, they are still varieties but cannot always meet all distinctness, uniformity and stability (DUS) criteria for registration, therefore the need for adjusted protocols, also acknowledging that no plant variety rights can be granted to such varieties. It is considered equally important to provide for VCU tests under organic farming conditions and to exclude breeding techniques not accepted in organic farming. They called for integrating these principles in the revision of the PRM legislation.

#### **6) Exchange in kind of PRM between farmers**

ECVC presented the concept of peasant seed systems in which seed is exchanged between farmers. This activity concerns farmers who select their own seeds (farm saved seed) and obtain locally adapted heterogeneous populations that can evolve and therefore be resilient, contributing to the objectives of the European Green Deal. Such populations could not meet the criteria of stability and uniformity for being listed in the common catalogue. Furthermore, they considered that such exchange is crucial for the survival of peasants. The size of concerned farms would differ between the Member States. ECVC also recalled that Article 9 of the International Treaty on plant genetic resources for food and agriculture (ITPGRFA) recognises the right of farmers to save, use, exchange and sell farm-saved seed. In relation to the revision, they called for allowing exchange of seed under a framework of mutual aid/exchange of services and subject to plant health requirements for agricultural production and not those applicable to the production and marketing of plant reproductive material.

A number of participants raised concerns that such rules would be in conflict with plant variety rights rules and would introduce plant health risks.

#### **7) Official controls**

COM presented the Official Controls Regulation (OCR) and explained that official controls during variety registration and certification carried out prior to the placing on the market of PRM would remain in the sectoral legislation. The Commission clarified which changes were considered under the revision of the PRM legislation and compared the options for future harmonised controls either in the sectoral legislation or in the scope of the Official Controls Regulation.

A number of participants stated that any new rules on official controls should not result in additional burdens for operators.

#### **8) Use of new technologies in variety registration and certification**

In their presentation, Euroseeds identified two key areas: breeding technologies (hybridisation systems, seed production methods etc.) and digital/online systems (digital traceability, digital labelling etc.). They called for a legal framework that facilitates rapid uptake of new developments (e.g. adapted standards for new production means such as true potato seed), aligned with the international developments (e.g. OECD) and adaptable to new developments.

#### **9) Rationale for maintaining and/or adjusting certain derogations under the PRM legislation**

COM will explore if there is a need to maintain and/or amend in the ongoing revision certain derogations currently in place:

- The “closed loop exception” from the marketing definition, e.g. Article 1(a) of Directive 66/402/EEC on the marketing of cereal seed;
- Temporary difficulties in supply Commission Regulation (EC) No 217/2006;
- “Not yet registered varieties” Commission Decision (2004/842/EC);
- Temporary experiments, e.g. Article 13(a) of Directive 66/402/EEC on the marketing of cereal seed.

Comments from participants that took the floor were:

- There are doubts whether “not yet registered” varieties are adequately tested, the provisions are used for multiplication and should be adjusted accordingly, it is relevant to include fruit plants as well.
- The procedures for amending the legislation after a successful temporary experiment are too cumbersome.
- Derogations for temporary difficulties in supply should be applied with caution; seed of lower quality is very costly for farmers.

#### **10) Equivalence for non-EU countries**

COM will explore if there is need to maintain and/or amend in the ongoing revision the rules currently in place for EU equivalence for non-EU countries allowing the import into EU of seed and other PRM:

- Decision of Council and EP required for seed of agricultural crops and vegetables (Decision 2003/17/EC);
- Decision of Council and EP required for material for the vegetative propagation of vine (the provision has not been used up to now);
- Commission Decision required for fruit plants and vegetable propagating material / pending such Decision Member States may decide;
- Decision of Council and EP required for forest reproductive material (Decision 2008/971/EC).

A participant commented that the system for seed equivalence for agricultural crops (Decision 2003/17/EC) works well but at least in one recent case it failed as equivalence was granted after an excessively long period for assessing the third country’s application.

The Commission thanked the participants for the lively discussion and input provided and reminded them of the opportunities to express their views and to contribute to the collection of the necessary evidence (public consultation ongoing until 27 March 2022, targeted interviews and surveys by the contractor supporting the impact assessment that would be launched by beginning of March 2022).

All presentations made during this meeting are available at [https://ec.europa.eu/food/horizontal-topics/expert-groups/advisory-groups-action-platforms/advisory-group-fcaph/wg-2022\\_en](https://ec.europa.eu/food/horizontal-topics/expert-groups/advisory-groups-action-platforms/advisory-group-fcaph/wg-2022_en).

**Participants:**

Arche Noah, CIBE, CIOPORA, COCERAL, Copa-Cogeca, ECO-PB, ECPGR, ECVC, ECSLA, EFI/EUFORGEN, EFNA, ELO, ENA, EPSO, Europatat, European Forum of Farm Animal Breeders, Euroseeds, Federation internationale jardins familiaux, Food supplements Europe, IFOAM, Kultursaar, PFP, Plant ETP, Rete Semi Rurali, Slow Food, Union Fleurs, VBN.