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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 Update on the preparations of a temporary experiment on organic varieties.

The Commission provided a short overview about the state-of-play and the next steps. After a short discussion with the Member States the Commission agreed to add lucerne in the list of priority species, collect detailed proposals from the organic sector and set up small working groups in the beginning of next year to work on specific DUS protocols for certain species.

A.02 Exchange of views on a working document on an amendment of the Annexes of the Directives in relation to bio-molecular techniques.

The Commission presented the draft and all the Member States supported the proposed wording to amend the Annexes of the Directives on marketing seed of agricultural and vegetable species. The Commission will draft a legal text for consideration in the upcoming PAFF meeting.

A.03 Plant reproductive material aspects of the preparedness for the EU-UK trade from 1 January 2021 onwards.

The Commission presented the state of play of Brexit files related to seeds and other plant reproductive material. It explained that, once conclusions are made on the United Kingdom rules, it will be decided on whether to grant equivalence through the respective Commission Decisions and proposals for EP/Council Decisions. The UK has informed the Commission that it has received parliamentary empowerments to adopt ministerial acts granting equivalence to EU seeds and other plant reproductive material. However, legal texts are not yet adopted. The Commission further informed the Member States that any reference to the United Kingdom will be deleted from the Common Catalogues.

Some Member States thanked the Commission for the information and asked for more detailed information regarding certified seeds and breeding materials. Due to the ongoing discussions the Commission was not in a position to give detailed answers. Regarding Community Plant Variety Rights, the United Kingdom will be considered as a third country as mentioned in Regulation (EC) N° 1994/2100. Further detailed information is available on the CPVO webpage.

A.04 Presentation and exchange of views on a proposal from Euroseed on hybrid wheat.

Euroseed gave a presentation of their proposal on new rules for hybrid wheat which will also be presented in the next OECD Technical Working Group meeting. Several Member States were in favour of conducting a temporary experiment to find out how the new requirements would work.

A.05 Exchange of views on the inclusion of varieties of vegetable rootstocks into Commission Decision 2004/842/EC.

The Commission informed that work on this issue will commence in 2021.

A.06 Information submitted by the Member States to the Commission on the development and application of in vitro mutagenesis techniques on certain varieties of agricultural species – Presentation by the Commission and discussion.

The Commission gave a presentation summarising the replies submitted by the Member States. The data submitted provided no evidence that there would be a difference between in vivo and in vitro random mutagenesis. Several Member States were concerned about the situation and are expecting the reply from France to the detailed opinion. The CPVO and Member States agreed to share their replies.

France informed that they are still analysing the way forward and that some NGOs filed a new appeal against the French government.

The Commission further informed France that there is no legal basis to indicate herbicide tolerant varieties on a mandatory basis in the Common Catalogue of varieties of agricultural species.

A.07 Presentation by France of the final report on a temporary experiment under Commission Implementing Decision 2012/340/EU as regards field inspection under official supervision for basic seed and bred seed of generations prior to basic seed.

France presented the results of the experiment and highlighted the positive results obtained during the experiment. Only small deviations have been reported during the seven years between official field inspection and inspection under official supervision. The Member States appreciated the results of the experiment and therefore supported a new temporary experiment on risk based approach on official check testing.

A.08 Presentation by Germany of an annual report on a temporary experiment 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 presented the report of 2019. Six Member States (DE, DK, FR, IT, LV and NL) and UK were participating. There have been a total of 40 authorised populations (32 in 2018) across five participating Member States with a total of 348,61 tonnes (204,98 tonnes in 2018) of seed produced and 106,44 tonnes of seed marketed (64,18 tonnes in 2018). The populations are mostly intended for organic production. In DK and NL all previously authorised populations have been withdrawn, and no populations were reported for 2019. The Commission stated that there might be a gap

between the expiring experiment and the upcoming delegated act on organic heterogeneous material and announced to reflect on this in exchange with its legal advisers.

A.09 Presentation on the Farm to Fork (F2F) Strategy.

The Commission gave a comprehensive presentation on the F2F strategy and highlighted the objectives for a sustainable food production. Several Member States were questioning why the presentation only covered old varieties and not new improved varieties and new technologies for meeting the challenges of e.g. climate change and reduction of pesticide use. The Commission highlighted that the F2F strategy considers all potential fields to achieve these goals including new innovative techniques and diversity of genetic resources. It was confirmed that seed security plays an important role in the F2F strategy to ensure access to quality seeds for farmers.

A.10 Exchange of views on a possible Working Programme for 2021.

The Commission presented the working program for 2021, including additional points on EU equivalence and import controls, a temporary experiment on hybrid wheat, and possible rules for small packages of seed potatoes. The Netherlands informed that it would give a presentation during the next PAFF meeting on the temporary experiment on true potato seed. Germany asked for the revision of the Directive 2008/62/EC concerning conservation varieties with the aim to add vine to this Directive. The CPVO and a Member State suggested to organise a workshop on hemp seed to clarify the legislation, also in relation to medical uses. One Member State asked for a review of the scientific names of pests in the marketing Directives in the light of the Plant Health Regulation.

A.11 Exchange of views on the introduction of unsolicited small seeds packages from third countries by private persons in the EU.

The Commission reported that up to now over 20.000 such unsolicited seed packages have been detected in the EU. The detection of such small packages is in general difficult. OLAF has contacted the big online shopping portals and tries to find a solution to solve this problem at its root by negotiating a stop for activities of sending unsolicited seed to consumers in order to improve company ratings on the portal.

Some Member States reported that different amounts of small seed packages have been received by private citizens, are being controlled and analysed and asked to be destroyed. The Commission will publish a press note and a Q&A sheet on the website concerning the unsolicited seeds packages.

A.12 Update on the unique EU plant variety IT system.

The Commission gave a presentation on the results of the online survey concerning the development of a new and improved version of the Common Catalogues of Agricultural and Vegetable Species information system in the context of the EU Plant Variety Portal project. The survey was addressed to the Member States representatives in October 2020 and included three main topics: i) the adoption of the UPOV codification system for plant species codification; ii) the update of the list of technical information and iii) the implementation of the data validation checks related to reporting of variety status. Overall, the survey provided meaningful outcomes, the

inputs will be analysed and used to support a data-driven development process of the EU Plant Variety Portal.

A.13 Update on the approach to seed fraud.

Confidential.

B.01 Exchange of views and possible technical opinion of the Committee on a draft Implementing Regulation amending Commission Regulation (EC) No 637/2009 on rules as to the suitability of the denominations of varieties of agricultural plant species and vegetable species.

The Commission presented the draft document. Several Member States requested that the delegated act on organic heterogeneous material (OHM) should also be covered and that more time is needed for the entry into force. The Commission agreed together with the Member States to change the entry into force date to 1 January 2022 and further explained that the delegated act of OHM can not be covered by this Regulation because there is no empowerment in the basic Organic Regulation. The Commission will launch the written consultation.

B.02 Exchange of views and possible technical opinion of the Committee on a draft Implementing Directive amending Council Directives 66/401/EEC and 66/402/EEC as regards the botanical names of plants in the light of developments of scientific and technical knowledge.

The Commission presented the draft and adopted changes. Some Member States had sent written comments, which will be taken into account. The date of entry into force will be 1 January 2022. The document will be sent for written consultation.

B.03 Exchange of views and possible technical opinion of the Committee on a draft Implementing Directive amending Directives 2003/90/EC and 2003/91/EC setting out implementing measures for the purposes of Article 7 of Council Directive 2002/53/EC and Article 7 of Council Directive 2002/55/EC respectively, as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of agricultural plant species and vegetable species.

The Commission presented the draft, which also includes the update of certain botanical names to reflect the amendments introduced by the draft Implementing Directive presented under agenda item B.02. It was agreed that both texts should apply from 1 January 2022. Once the few CPVO protocols and UPOV guidelines which are scheduled for adoption mid-December will have been approved, the vote by written procedure will be launched.

M.01 EU-Seed Study

The Commission gave an overview and state of play of the study and its timeline. Part of the work is done in-house and other parts by an external contractor. Surveys and interviews with competent authorities and stakeholders have been carried out by the contractor. The Commission will take into account the outcome of the different surveys, the results of the different temporary experiments and ongoing discussions at international level (OECD, UNECE, UPOV etc), including in the areas of fruits and forest. All relevant information will be introduced in the study. Forest reproductive

material was included in the study and will be treated separately. The Commission stressed that account will be taken of the specificities of this sector. Member States will have the opportunity in early January 2021 to provide further input in the context of a validation survey carried out by the contractor. In February 2021, Member States will be consulted on a draft of the study. The Member States welcomed the update and are willing to provide further information if needed.

M.02 Amendment of Directives on marketing plant reproductive material in relation to regulated non-quarantine pests (RNQP)

On the request of a Member State, the Commission clarified that the planned amendment only concerns Commission Implementing Directive 2014/98/EU in relation to fruit plants. There are changes to the RNQPs listed in Annex IV, Part J to Commission Implementing Regulation (EU) 2019/2072 in relation to plant health which need to be reflected in Directive 2014/98/EU.

M.03 Small packages on seed potatoes

Member States raised questions regarding rules for small packages of seed potatoes. The Commission presented the preliminary view that small packages of seed potatoes can be marketed throughout the Union and not only in the Member State where they were packaged, sealed and labelled. The Commission raised the question if it is necessary to establish EU wide rules. One Member State proposed that this issue should be considered when the marketing legislation is updated.

M.04 COVID 19

One Member State informed about the discussion in the recent Nordic-Baltic seed certification agencies meeting in relation to problems caused by the Covid-19 outbreak and asked for derogations in seed certification and marketing. It is possible that the situation will get worse. For example training for field inspection is currently not possible. The Commission clarified that legally there are no empowerments in the Directives for such derogations. Other Member States stated that the situation is difficult but so far no serious problems have been reported. Some activities have been postponed or are carried out virtually (training, audits). The Member States agreed to continue exchanging on the matter.

M.05 EU Equivalence on import controls

The Commission informed that in 2021 it will conduct a survey with Member States concerning import controls and their results of seed imported from non-EU countries.