



## **SUMMARY REPORT OF THE WORKING PARTY MEETING ON PLANTS, ANIMALS, FOOD, AND FEED**

### ***Section Propagating material and plants of fruit genera and species***

**23 NOVEMBER 2015**

Chairperson: Ms Diana Charels

Several Member States decided not to attend the meeting because of the alert level 4 in Brussels. With the exception of Austria, Cyprus, Germany, Greece, Malta, Spain, United Kingdom, Croatia, Luxemburg, and Sweden, all Member States were present.

#### **SECTION A Information and/or discussion**

##### **A.1. Overview of marketing possibilities of fruit plant propagating material and fruit plants from 1 January 2017 onwards.**

The Belgian delegate presented two overview documents of which one on the conditions for registration and marketing and the other on marketing possibilities. During the exchange of views the Dutch and Italian delegates reported that varieties with no intrinsic value for commercialisation have not been registered but dispose of an official or an officially recognised description. It can be demonstrated that those varieties existed before 30 September 2012. In Belgium, the producers are trying to convince the Competent Authorities that varieties with no intrinsic value for commercialisation existed before 30 September 2012. The Commission clarified that the meaning of "Officially Recognised Description" and the authority attributing the status "Officially Recognised Description" have not been defined. Those issues are subject to the opinion of the Commission Legal Service. In addition, the Commission explained that varieties subject of an application for official registration in any Member State, or of an application for a plant variety right, may be marketed as commonly known varieties in accordance with Article 7(2) point (c) of Directive 2008/90/EC<sup>1</sup>. However, Article 5(3) of Commission Implementing Directive 2014/98/EU<sup>2</sup> states that pending the registration of the variety, the mother plant concerned and the material produced from it may only be used for the production of basic or certified material and shall not be marketed as pre-basic, basic, or certified material.

##### **A.2. Draft structure of Information System on Register of varieties of propagating material and fruit plants.**

The Commission made a draft proposal for the structure and contents of the future **Fruit Reproductive Material Information System** that will provide an overview of all varieties of fruit

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<sup>1</sup> Council Directive 2008/90/EC of 29 September 2008 on the marketing of fruit plant propagating material and fruit plants intended for fruit production (OJ L 267, 8.10.2008, p. 8).

<sup>2</sup> Commission Implementing Directive 2014/98/EU of 15 October 2014 implementing Council Directive 2008/90/EC as regards specific requirements for the genus and species of fruit plants referred to in Annex I thereto, specific requirements to be met by suppliers and detailed rules concerning official inspections (OJ L 298, 16.10.2014, p. 22).

genera and species in the EU. There was a discussion about the obligation to specify either the UPOV or EPPA code. The Dutch delegate asked whether the system would be tested before becoming publicly available and the Commission confirmed that this will indeed be the case. The Bulgarian delegate highlighted the need to include pending applications in the register. The Danish delegate enquired whether the species code could be automatically introduced. Commission promised to look into this. The French delegate informed the Commission that old varieties are kept in multiple places which might complicate traceability of the material. The Italian delegate opposed to the inclusion of information on the maintainer of the variety because complex situations may occur. Member States were asked to send in written comments on FRUMATIS by 18 December 2015.

### **A.3. BG approach to implement the Commission Directives on registration, labelling, and certification of fruit plant propagating material and fruit plants.**

The Bulgarian delegate presented the current certification system and the changes required to implement the harmonised EU certification system. At present, Bulgaria has a register of varieties of fruit genera and species and a register of suppliers. Bulgaria has taken over the provisions on sealing of packages and containers from other EU Directives. The conditions regarding the isolation distances of the fields are more stringent than those laid down in Directive 2014/98/EU. Bulgaria will delete the specified isolation distances from their legislation. There was a subsequent discussion on the need to specify isolation distances in the national legislation and the concomitant notification to the Commission and other Member States. Commission promised to look into this matter.

### **A.4. FI approach to implement the Commission Directives on registration, labelling, and certification of fruit plant propagating material and fruit plants.**

The Finnish delegate presented the current certification system and the changes required to implement the harmonised EU certification system. Some of the varieties in the certified category have a Plant Breeder's Right. Many varieties have an officially recognised description based on research (selection of traditional varieties/lineages) or unofficial tests. Finland intends to add those descriptions to the Competent Authorities' website.

### **A.5. HR approach to implement the Commission Directives on registration, labelling, and certification of fruit plant propagating material and fruit plants.**

This point was not addressed due to the absence of the Croatian delegate.

### **A.6. Exchange of views on the revision of special requirements for the movement of plants for planting listed in Annex IV to Directive 2000/29/EC on harmful organisms.**

There was a joint session with the delegates from the Standing Committee on Plants, Animals, Food, and Feed – Section Plant Health. Delegates from both sections agreed that a lot of progress has been made but there is a need to clarify certain open issues. It was agreed to organise an expert working group meeting with a balanced geographical representation end January – beginning February 2016. Delegates from Germany, Spain, Finland, Italy, the Netherlands, and Portugal volunteered to be member of this working group. Commission will send out an official invitation to participate in the expert working group.

### **A.7. Information and exchange of views concerning the inclusion of *Rhynchophorus ferrugineus* (Olivier), also known as red palm weevil, in Commission Directive 93/49/EEC.**

The Commission explained the background document. Member States were asked to send in written comments by 18 December 2015.

#### **A.8. State of play of the proposal on Official Controls Regulation.**

The Commission informed Member States that trilogue meetings have been started. The Regulation is expected to enter into force in the first half of 2017. It will apply three years after the entry into force. The Commission recommended Member States to consult their Permanent Representations for debriefings of trilogue meetings.

#### **A.9. State of play of the proposal on Protective measures against pests of plants.**

The Commission informed Member States that trilogue meetings have been started. The Regulation is expected to enter into force in the second half of 2016. It will apply three years after the entry into force. The Commission recommended Member States to consult their Permanent Representations to be informed about the outcome of trilogue meetings.

#### **A.10. EU quality pest project in collaboration with the European and Mediterranean Plant Protection Organization (EPPO).**

The Commission explained the state of play of the EPPO Quality pest project and informed Member States that the project is expected to start in the second half of 2016. The Dutch and Portuguese delegates raised their concerns regarding the final validation of the pest risk analyses by the Council of EPPO without the involvement of EU Member States. Commission promised to look into this matter.

#### **A.11 Emergency Decision 2015/789 on *Xylella fastidiosa***

The Commission explained the state of play of the Emergency Decision on *Xylella fastidiosa*. Today there was a discussion in the Standing Committee on Plants, Animals, Food, and Feed – Section Plant Health. The European Food Safety Authority is investigating the susceptibility of *Vitis vinifera* to *Xylella* with a view to issue its opinion in December 2015.

#### **A.12 Miscellaneous**

- The Spanish delegate enquired about the procedure to be granted authorisation to produce pre-basic mother plants and pre-basic material in the field under non-insect proof conditions for specific genera or species. The Commission replied that Member State wishing to apply for a derogation need to submit a dossier and that authorisation will be granted through Comitology. To the question from the Dutch delegate on assurances to be provided by Member States producing that material in the open field, Commission replied that it will reflect on the modalities. To streamline the processing of applications Commission proposed a deadline of 16 January 2016. Commission will send out an official request for Member States to submit applications.
- The Croatian delegate asked whether there are two categories of certified material, the first category certified in accordance with the EU legislation, and the second so-called virus-free material fulfilling the requirements of the EPPO scheme. Commission replied that material which has been certified virus-free does not automatically imply that that material belongs to the certified category. The material still has to comply with the other requirements for certified material. Otherwise it will have to be marketed as CAC material. The French delegate communicated that virus-free and virus-tested material will be abolished in France from 1 January 2017 onwards. The Belgian delegate noted that the terminology "virus-free material" could be used for CAC material. As the use of such terminology might leave room for interpretation, it was agreed to re-address this point in the next meeting.

Diana Charels