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HEALTH & CONSUMERS DIRECTORATE-GENERAL

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**SUMMARY REPORT OF THE MEETING OF THE STANDING COMMITTEE ON
“SEEDS AND PROPAGATING MATERIAL FOR AGRICULTURE, HORTICULTURE
AND FORESTRY” HELD ON 21 SEPTEMBER 2009**

Chairpersons: Ms Dorothée Andre (point 5), Ms Päivi Mannerkorpi

All the Member States were present except RO. CPVO, Norway and EFTA secretariat participated as observers.

1. General update of the files on conservation varieties

The Commission gave an update on the progress of the work on the preservation mixtures and the results of an expert working group meeting of 30 June 2009. The Commission is currently exploring whether there is a practical and legal need for rules on conservation varieties for vegetable plant propagating material beside the rules for conservation varieties for vegetable seed and asked information from the Member States by 5 October 2009.

2. Discussion on rootstocks for vegetable planting material

The Commission summarized the results so far on a survey on the use of rootstocks for vegetable plants produced and marketed in the Member States (information to be sent by 30 September 2009). Once finalised, the list of varieties of species that are not covered by Directive 2002/55/EC but that are used as rootstocks for vegetable plants covered by the said Directive will be inserted into the Common Catalogue of vegetable species.

3. Discussion on marketing of seed potatoes

The Commission informed about the results of an expert working group held on 30 June 2009. A discussion took place on the approach. The Committee was also informed that a codification of the Directive 2002/56/EC is taking place. The Commission concluded that the aim is to revise the Annex II to Directive 2002/56/EC in order to align with the new standard of the United Nations - Economic Committee for Europe (UN-ECE) adopted last year.

4. Discussion on suggestions for comparative trials

The Commission summarized the results of its request to the Member States on specific issues or problems, which could be solved by carrying out comparative trials. After a discussion on the use of comparative trials and candidate plant species for a trial the conclusion was drawn that winter wheat followed by hybrid barley and potatoes are the priorities. The Commission will see for the possibility to start a trial at least on one crop in 2010.

5. Discussion and a possible opinion on a draft Commission Directive providing for certain derogations for acceptance of vegetable landraces and varieties, which have been traditionally grown in particular localities and regions and are threatened by genetic erosion or of vegetable varieties with no intrinsic value for commercial crop production developed for growing under particular conditions and for marketing of seed of those landraces and varieties (doc. SANCO/4817/09)

The Commission presented the proposal. A discussion took place on the quantitative restrictions, the impact on small scale seed producers, official post control, marketing categories, exclusion of acceptance and the revision clause. The transposition date was moved to 31 December 2010 at request of the Member States. Following the discussion some quantitative restrictions were amended. Some Member States were asking for a strict approach referring to the aims of the Directive on conserving genetic resources, others for less strict requirements for small scale seed producers. The Commission explained that under the current legal basis no further derogations are possible. The Commission informed about its intention in the context of reviewing the marketing legislation of seed and propagating material to carry out an impact assessment on the conservation varieties.

The Committee gave a favourable opinion on the draft Commission Directive by qualified majority.

Vote: in favour 275, abstention 56, not represented 14.

The following considerations were mentioned by Member States as reasons for abstaining:

- Fear of amateur growers turning away from conservation varieties because of too much administrative burden. No derogation foreseen for disease resistance characteristics.
- Too much administrative burden compared to the value of the crops. Marketing categories and name ('varieties developed for growing under particular conditions') not acceptable as well as the way the maximum quantities were established.

Following written declarations were made:

Declaration of the French delegation

D'un point de vue général, la délégation française demande que les termes « menacé d'érosion génétique » et « sans valeur intrinsèque » soient mieux définis afin d'harmoniser l'interprétation dans les Etats Membres.

1/ Chapitre II : Variétés de conservation :

- *Restrictions quantitatives pour la production de semences de variétés de conservation :*

La délégation française précise que l'objectif essentiel de cette réglementation est de favoriser la préservation de la biodiversité cultivée. Cet objectif se décline en favorisant la culture d'un grand nombre de variétés de conservation, ce qui sera encouragé par des limitations quantitatives par variété.

En conséquence, la délégation française indique que les limites maximales de production de semences de variétés de conservation, conformément à l'article 15 et présentées à l'annexe 1 du projet de directive, ne sont pas adaptées à ce type de production et peuvent être contre-productives en regard de l'objectif de conservation variétale inclus dans ce projet de directive. D'autre part, elles ne sont pas basées sur le niveau de production des États membres. En ce sens, la délégation française souhaiterait que les modalités de calcul adoptées pour les variétés de conservation de plantes agricoles (directive 2008/62/CE) le soient également pour les variétés de conservation de potagères.

– Article 8 :

La délégation française souligne la nécessité de voir apparaître au Catalogue commun la mention de la région d'origine à laquelle la variété de conservation est associée, de façon systématique.

2/ Chapitre III : Variétés sans valeur intrinsèques, développées pour être cultivées dans des conditions particulières :

- *La délégation française indique sa crainte que la définition formulée dans le projet de directive ne couvre pas la demande initiale formulée par tous les acteurs concernant le marché dit « amateur ». En effet, l'intitulé « variétés développées pour être cultivées dans des conditions particulières » ne correspond à aucun type précis de variétés, que ce soit génétique, environnemental, ou commercial. En conséquence, ce dispositif pourrait amener rapidement à une distorsion de concurrence sur le marché actuel plutôt destiné à préserver la qualité du matériel distribué aux professionnels.*
- *La délégation française insiste donc sur la nécessité de définir plus clairement la destination visée par les variétés enregistrées pour un usage amateur et demande à ce que les termes « et destinées à un usage non professionnel » soit ajoutés à la définition des « Variétés sans valeur intrinsèques, développées pour être cultivées dans des conditions particulières ».*
- *La délégation française indique également que les restrictions quantitatives requises dans le cadre des « variétés développées pour être cultivées dans des conditions particulières » doivent être précisées au regard des caractéristiques habituelles des espèces.*

Declaration of the Italian delegation

“It would be appropriate for the directive to make provision for further derogations in addition to those already covered by the directive, in order to permit "exchanges" of very small quantities of seed products between small farmers at local level. This provision would contribute to the aim of adapting implementation of the directive to specific national conditions, in this specific case to conditions in Italy, where because of the particular structure of land ownership, which is characterised by highly fragmented agricultural holdings, the main players in conserving genetic resources and traditional knowledge are precisely those very small producers at whom this further derogation is aimed. Indeed, if such a provision were not made, these farmers would have no incentive to continue cultivating conservation varieties, which would have a significant negative impact on protection of agricultural biodiversity.”

6. Discussion and a possible opinion on a draft Commission Decision releasing the United Kingdom from certain obligations to apply Council Directive 66/402/EEC in respect of *Avena strigosa* Schreb. (doc. SANCO/6280/09)

The Committee gave a favourable opinion on the draft Commission Decision by qualified majority.

Vote: in favour 331, not represented 14.

7. Miscellaneous

7.1 The Swedish delegate provided information about the planning of the Council Working Parties under the Swedish Presidency. They will concern the Organisation for Economic Co-operation and Development (OECD) co-ordination for forestry issues (half a day, 24 September 2009), Union for Protection of new varieties of Plants (UPOV) co-ordination (half a day, 2 October 2009), and the action plan following the interim evaluation of the Community legislation on the marketing of seed and plant propagating material (half a day, 2 October 2009).

7.2 The Swedish delegate referred to modalities agreed in the last Standing Committee meeting concerning the authorisation of Member States to permit temporarily the marketing of seed not satisfying the requirements in respect of the minimum germination (Reg. 217/2006) asked information about a pending recent request of another Member State. The Commission informed about its intention to finalise the request as soon as possible.