

**SUMMARY REPORT OF THE MEETING OF THE STANDING COMMITTEE ON
"SEEDS AND PROPAGATING MATERIAL FOR AGRICULTURE, HORTICULTURE AND
FORESTRY" HELD ON 19 - 20 APRIL 2006**

SANCO

31 05. 2006

Chairman: Mr. Valvassori for the items 1, 2, 3, 5, 6, 7, 8 and 9.
Mr. Gennatas for item 4.

All Member States were present. At the time of the vote on item 5, Luxembourg was represented by Belgium.

Bulgaria, Romania and CPVO participated as observers.

**1. POSSIBLE TEMPORARY EXPERIMENT WITH REGARD TO INCREASING THE
MAXIMUM WEIGHT OF A LOT OF CERTAIN FODDER PLANT SEEDS UNDER COUNCIL
DIRECTIVE 66/401/EEC**

The Committee noted the OECD draft Council Decision revising the OECD Schemes experiment to derogate on the maximum lot size of gramineae seed (doc OECD:AGR/CA(2006), 6 April 2006).

The Committee noted also the ISTA/ISF Experiment on Herbage Seed Lot Size (document received at the OECD Secretariat on 28 February 2006: AGR/CA/S(2006)4).

The aim of the experiment is to test in practice the conditions under which production plant companies may produce sufficiently homogenous large seed lots (from 10 tons to 25 tons).

The Committee supported the possible adoption by the Commission of a Decision under Council Directive 66/401/EEC, which follows the above experiment.

**2. POSSIBLE SPECIFIC CONDITIONS UNDER WHICH SEED AND PROPAGATING
MATERIAL OF AGRICULTURAL AND VEGETABLE SPECIES MAY BE MARKETED IN
RELATION TO THE CONSERVATION IN-SITU AND THE SUSTAINABLE USE OF PLANT
GENETIC RESOURCES**

The Committee discussion was based on a working paper prepared by the Commission Services (SANCO), taking into account the outcome of the Working Party on Seed legislation held on 22-23 November 2005 and the first results of internal consultations.

Due to a lack of time, comments were limited to the first part of the working party:

- The existence of legal acts, at both International and Community level, which request the developments in relation to the conservation in-situ and the sustainable use of plant genetic resources should be acknowledged,

- The nature of the instrument i.e. Directive was welcomed by those MS who in the past, opposed a Decision,
- The structure of the document, split into three parts (reproductive material of agriculture plants, vegetables, fodder mixtures), appears to be quite difficult to understand,
- The inclusion of definitions needs further consideration,
- The point on the derogation regarding DUS (distinctness, uniformity and stability of the varieties) needs further consideration.

3. IMPLEMENTATION OF THE COMMISSION REGULATION (EC) NO 217/2006 AS REGARDS THE AUTHORISATION OF MEMBER STATES TO PERMIT TEMPORARILY THE MARKETING OF SEED NOT SATISFYING THE REQUIREMENTS IN RESPECT OF THE MINIMUM GERMINATION

Since the entry into force of the Regulation, five concrete cases occurred:

- a) CZ, request of 20 Member March 2006, seed of red clover, 228 tons requested, 38 tons authorised,
- b) SK, request of 22 March 2006, seed of field pea, 34 tons requested, request withdrawn,
- c) HU, request of 29 March 2006, seed of sorghum, 10 tons requested, 10 tons authorised,
- d) SK, request of 30 March 2006, seed of linum, 27.5 tons requested, 27.5 tons to be authorised (the offering MS considered the request justified),
- e) SK, request of 10 April 2006, seed of sorghum, 10 tons requested, an offer of 60 tons (or possibly 185 tons) was made by a MS during the meeting of the Standing Committee.

4. EXCHANGE OF VIEWS ON POSSIBLE EXTENSION OF THE ROLE AND ACTIVITIES OF THE CPVO IN THE SEED AND PLANT PROPAGATING MATERIAL MARKETING SECTOR

The chairman introduced the working document on possible extension of the role and activities of the Community Plant Variety Office (CPVO) in the seed and plant propagating material marketing sector.

This document was similar to the working document introduced and discussed at the last Administrative Council of the CPVO on 14-15 March 2006.

The purpose of the meeting was to initiate a discussion and to collect first views and ideas from the Member states on possible extension of the activities of the CPVO in particular in the following areas of the seed and plant propagating marketing sector:

- The management and checking of variety denomination;

- The co-ordination of technical tests (DUS,VCU);
- The co-ordination of the management of the common catalogues of the varieties of plants;
- The co-ordination of the Community Comparative trials;
- The management of the listing in the common catalogues of the conservation in situ varieties of plants.

The Member States appreciated this first discussion and were of the opinion that the management of checking variety denomination, the co-ordination of the management of the common catalogues, and the co-ordination of DUS tests by the CPVO could be a first start for further discussion. On the other hand they did not think appropriate to transfer activities such as the co-ordination and management of VCU tests and comparative trials to the CPVO.

It was suggested that the services of the Commission consider the creation of a working group which should first discuss the possible transfer of executive tasks concerning the seed sector from the Commission services to the CPVO (e.g. management of the common catalogues); this working group should also make an analysis on the consequence for the Member states on possible transfer to the CPVO of some activities of the seed sector which currently falls under the responsibility of the Member States: what would be the added-value of such transfer for them but also for the stakeholders?

This working group should also analyse possible reciprocity between the Member States and the CPVO, such as how could the CPVO benefit from the expertise of the Member states in the seed sector for listing of varieties which could be used for the Plant Variety Right sector (e.g. DUS testings).

The services of the Commission favoured the creation of such a working group.

5. DRAFT COMMISSION DIRECTIVE AMENDING ANNEX III TO COUNCIL DIRECTIVE 66/402/EEC AS REGARDS THE MAXIMUM WEIGHT OF SEED LOTS

Council Directive 66/402/EEC establishes in the framework of the official examination of seeds, the maximum weight of the seed lot.

According to the same Directive, the official examination of seeds must be carried out in accordance with current International methods i.e. the rules of the International Seed Testing Association (ISTA).

ISTA rules have recently been revised in respect of the maximum weight of seed lots of certain species. Such "maximum weight" in the Community rules should therefore be revised accordingly.

This Draft Commission Directive lays down the above mentioned revision to Council Directive 66/402/EEC.

Voting: Favourable opinion by qualified majority (309 for, 12 against).

6. **DRAFT COMMISSION DECISION AUTHORISING MEMBER STATES TO PERMIT TEMPORARILY THE MARKETING OF SEED OF THE SPECIES *PINUS RADIATA* AND PLANTING STOCK PRODUCED FROM THIS SEED NOT SATISFYING THE REQUIREMENTS OF COUNCIL DIRECTIVE 1999/105/EC (REQUEST FROM SPAIN, PROVENENCE NEW ZEALAND)**

The Committee noted a request from Spain dated 7 April 2006.

In Spain, the production of seed and planting stock produced from the seed of the species *Pinus radiata* is at present insufficient with the result that its requirement for reproductive material conforming to the provisions of Directive 1999/105/EC cannot be met.

Member States and third countries are not in a position to supply sufficient seed and planting stock produced from this seed of the relevant species affording the same guarantees as Community reproductive material and conforming to the provisions of Directive 1999/105/EC.

Accordingly, Spain has requested the Commission, pursuant to this Directive, to authorise them to accept for marketing, seed and planting stock produced from this seed satisfying less stringent requirements than those laid down by the Directive. In order to cover the shortage, Spain should therefore be authorised to permit, for a limited period, the marketing of seed and planting stock produced from this seed of the relevant species which satisfies less stringent requirements.

Within the Standing Committee certain Member States expressed concern about the insufficient background of the request, in particular regarding the extent of the temporary difficulties and the quality of the reproductive material to be utilised to remove such difficulties.

7. **DRAFT COMMISSION DIRECTIVE AMENDING COUNCIL DIRECTIVE 92/33/EEC ON THE MARKETING OF VEGETABLE PROPAGATING AND PLANTING MATERIAL OTHER THAN SEED AND COUNCIL DIRECTIVE 2002/55/EC ON THE MARKETING OF VEGETABLE SEED**

Council Directives 2002/55/EC (former 70/458/EEC) and 92/33/EEC respectively establish rules on the marketing of vegetable seed and vegetable propagating and planting material other than seed.

Their scope covers a large number of vegetable plants. But as a result of enlargement there is a need to extend the list of plants covered.

In the light of developments in scientific knowledge, a number of the botanical names of vegetable plants used in Council Directives 2002/55/EC or 92/33/EEC have been shown to be incorrect or of doubtful authenticity.

The proposal amends both Directives with the aim of:

- Ensuring that both Directives cover the same genera and species. At the same time their scope will be extended to cover maize pop corn and sweet corn (following requests from new Member States).

- Aligning the botanical names with those accepted internationally (ISTA List of Stabilised Plant names, and Grin Taxonomy).
- Covering pop corn and sweet corn, largely grown in territories of new Member States.

It should be noted that this alignment also covers both onions and shallots. Their botanical names should become, at the level of species "*Allium cepa* L" for both and at the level of group of varieties:

- *Allium cepa* L. (Cepa group) for Onion and Echalion and
- *Allium cepa* L. (Aggregatum group) for Shallots.

Within the Committee three concerns have been identified, namely:

- The amendments on shallots, in spite of the fact that the deletion of the "seed varieties" from a Common Catalogue based on current legislation, has not yet taken place,
- The possible incompatibility between the inclusion of *Zea mays*, pop corn and sweet corn with the Common Agricultural Policy currently in force,
- The accuracy of certain denominations, either scientific or common.

8. DRAFT COMMISSION DIRECTIVE AMENDING DIRECTIVE 2003/91/EC SETTING OUT IMPLEMENTING MEASURES FOR THE PURPOSES OF ARTICLE 7 OF COUNCIL DIRECTIVE 2002/55/EC AS REGARDS THE CHARACTERISTICS TO BE COVERED AS A MINIMUM BY THE EXAMINATION AND THE MINIMUM CONDITIONS FOR EXAMINING CERTAIN VARIETIES OF VEGETABLE SPECIES

Commission Directive 2003/91/EC lays down implementing measures based on Council Directive 2002/55/EC on the marketing of vegetable seed. The Directive determines the characteristics and minimum conditions for examining vegetable varieties.

New test guidelines related to the above have recently been issued in respect of certain species by the Community Plant Variety Office (CPVO) in the framework of Community plant variety rights. Other test guidelines have been updated. Furthermore UPOV has recently issued new guidelines, or up-dated existing ones.

Moreover the scope of Directive 2002/55/EC will be amended in order to cover new plants and to take account of internationally recognised changes in the taxonomy of certain plants. It should be noted that this amendment also covers both onion and shallots. Their botanical name should become, at the level of species "*Allium cepa* L" for both, and at the level of group of varieties:

- *Allium cepa* L. (Cepa group) for Onion and Echalion
- and

- *Allium cepa* L. (Aggregatum group) for Shallots

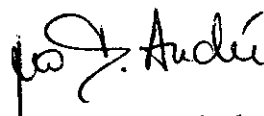
The Committee formulated the same concerns, as reported in item 7 overleaf.

9. OTHER BUSINESS

- a) The Committee was informed that on 29 March 2006 that Greece has sent a notification to the Commission requesting authorisation to prohibit the marketing of seeds of maize hybrids with the genetic modification MON 810, based, in particular, on article 18 of Directive 2002/53/EC on the common catalogue of varieties of agricultural plant species. Member States have been provided with the note from Greece and will also receive the scientific publications. The Commission informed Member States that EFSA will be asked to examine the scientific elements provided by Greece, who in turn will have the opportunity to present its data in the Standing Committee on 16th May.
- b) The Council Presidency invited the delegations to submit their ideas on Better Regulation by the beginning of May 2006 at the latest, and undertook to summarise and circulate those comments for consideration by delegations and the Commission. This summary working paper, which will be drawn up by the Austrian Presidency, will then allow the incoming Presidency (FI), to progress on this file.
- c) The results of the Taiex meeting of 25 January 2006 with BG and RO on issues related to the registration of varieties of agricultural plant and vegetable species in view of the inclusion in the Common catalogues.

The results have been summarised in a report received by Member States and noted by the Standing Committee on 9 March 2006.

The next meeting will take place in the Taiex framework on 31 May 2006. The main point of the agenda will be the examination of the pre-notifications from BG and RO (see attachments). Any comments will be highly appreciated.



Michael Flueh
Head of Unit

Date 19-20 April 2006

Member State	Ministry or organism	Number of participants
BE	Ministère de la Région Wallonne	1
	Ministerie van de Vlaamse Gemeenschap	1
CZ	Central Institute for Supervising and Testing in Agriculture (ÚKZÚZ)	1
DK	Ministry of Food, Agriculture and Fisheries - Plantdirektoratet	1
DE	Bundessortenamt	2
EE	Ministry of Agriculture	1
EL	Ministry of Rural Development and Food	1
ES	Ministerio de Agricultura Pesca y Alimentacion	3
FR	Ministère de l'agriculture et de la pêche	2
	Ministère de l'économie des finances et de l'industrie	1
IE	Department of Agriculture and Food	1
IT	ENSE	1
CY	Department of Agriculture	1
LV	Ministry of Agriculture	1
LT	Ministry of Agriculture	1
LU		
HU	National Institute for Agricultural Quality Control	1
MT	Ministry for Rural Affairs and Environment	1
NL	Ministry of Agriculture, Nature Management and Food quality	2
	Naktuinbouw	1
AT	AGES	1
PL	Ministère de l'Agriculture	1

PT	Ministerio de Agricultura	1
SI	Ministry for Agriculture and Forestry	1
SK	Central Institute for Testing in Agriculture (UKSUP)	2
FI	Ministry of Agriculture and Forestry	1
SE	Swedish National Board of Agriculture	1
UK	DEFRA	2
BG	Executive Agency for Variety Testing and Seed Control	1
RO	National Inspection for Quality of Seeds	1
CPVO	Community Plant Variety Office	1
COM	European Commission	2