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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, FORESTRY AND VINE” held on 16 May 2012**

Chairperson: Ms Päivi Mannerkorpi

All the Member States were present except Ireland (absent and represented by United Kingdom), Italy (absent and represented by France) and Hungary (absent and not represented). Croatia and Norway participated as observers.

1. Presentation of the results of the meeting of the Working Group on seed potatoes held on 12 April.

The Commission presented the report summarising the results of the Working Group. Most Member States were broadly supportive of the main conclusions reached by the experts concerning categories, classes and tolerances. Spain reiterated its position that restricting marketing to only one generation in the certified class, has the potential to create considerable problems for Spanish growers. Cyprus noted that some disease and fault tolerance levels are too strict for the conditions in Cyprus. Member States were asked to supply written comments on the report by 1 June 2012.

2. Discussion on an update of certain Annexes of the Seed and Propagating Material (S&PM) Directives as regards the conditions to be satisfied by the seed of *Sorghum* spp. and *Galega orientalis* Lam, the sample size of *Sorghum* spp. and the size of the official label.

The Commission presented a working document on the amendments. Some Member States were concerned about lowering the standards for *Sorghum sudanense* as regards the content of other species. Portugal asked to lower this content also for *Sorghum bicolor* for fodder purposes. Sweden suggested that the fodder uses should be included in the Directive on fodder plants. The Commission will prepare a draft proposal for the next Committee meeting.

3. Presentation of a Portuguese report on the organization of a temporary experiment providing for certain derogations for the marketing of seed mixtures intended for use as fodder plants.

Portugal presented the results of the temporary experiment. The delegate pointed out that the mixtures were sold to Portugal, Spain, Italy and France. The French delegate inquired about more detailed information on the amounts and types of mixtures sold to the Member States. Portugal agreed to supply this information on request. For the final report more information is needed to decide on any amendments to the basic Directive,

in particular whether the percentage of seed of each component indicated on the label of the package corresponds to the composition of the mixture and whether mixtures of the same lot are homogenous.

4. Discussion on the implementation of Regulation (EC) N° 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.

The Commission presented a report on the use of the derogation procedure authorising the marketing of seed with so-called less stringent requirements. Several Member States expressed the importance of maintaining the system as it has been developed, which is considered fast, flexible and proportionate. The importance of a good reasoning behind the requests was underlined, as this can provide an appropriate explanation in case of requests concerning very limited numbers of varieties or amounts. In addition, each request should clearly state and consider similar varieties.

5. Presentation of the results of the International Seed Testing Association (ISTA) experiment to extend the seed lot size for herbage seed.

A presentation was given by the vice-chair of the ISTA Sampling Committee, Mr. Max Soepboer, on the results of the experiment. These results suggest setting up authorising and monitoring procedures for the seed companies wishing to use higher lot sizes of 25 tons. The EU Directives as such do not include the legal base for this. However, the Directives include references to international standards and more strict additional national requirements can be set.

6. Update on the S & PM review.

The Commission informed the Committee that the impact assessment is about to be finalised and the draft legal proposal for a Regulation on Plant Reproductive Material is under preparation. The adoption of the proposal by the Commission is foreseen for the third quarter 2012. The inclusion of the Directive on forest reproductive material is under discussion with the Member States' experts and private organisations of the forestry sector. In addition, the listing of so called quality pests for certification purposes is under discussion in relation to the plant health review. In the forthcoming Council Working Party meeting on 27 June 2012 presentations will be given on the two reviews.

7. Update on the review of Regulation (EC) No 882/2004 on official controls.

The Commission gave a presentation on the main changes the review of the Regulation on official controls will bring to the current framework. An exchange of views took place. In particular, France and the Netherlands agreed with the direction as presented. The Netherlands sought a clarification as regards the difference between the single authorities and the liaison bodies. The Commission explained that the review will not change the provision concerning the designation of the competent authorities responsible for the official controls covered by the Regulation as this decision lies fully with the Member States. However, it has been discussed whether a single authority responsible for contact and coordination should be identified for each of the sectors covered, e.g. a single authority for plant reproductive material sector. The Commission agreed that interaction between this authority and the liaison body foreseen in the context of the administrative assistance and cooperation should be further analysed.

In addition, the new proposed framework will provide for a single authority responsible for the preparation of the multiannual control programme. France maintained that the proposed new definition of 'official supervision' is not necessary because this activity should be considered as an official control. Furthermore, at the request of Denmark, the Commission clarified that the derogation from the mandatory International Organisation for Standardisation (ISO) accreditation of official laboratory is meant to allow laboratories performing tests on plant reproductive material to continue working under the current practices, e.g. ISTA accreditation.

8. Miscellaneous.

- a. The Estonian delegate inquired about the scope of EU Decision 2004/842/EC, which allows the marketing of seed belonging to varieties for which an application for entry in the national catalogue of varieties has been submitted. Estonia has received an application for a garlic variety, which is propagated only vegetatively. The EU Decision only applies to seed, but as the Directives do not contain strict definitions of "seed" or "propagating material" the application of the Decision in the Members States is, as Spain and the Netherlands pointed out, broad and pragmatic.
- b. Information about upcoming Council working party meeting on 27 June 2012 was given by the Danish Presidency. One particular subject will be the OECD coordination for the annual meeting. It was discussed that among others, the following issues could be raised: variety registration in OECD Seed Schemes countries, definition of official description and officially recognised description and future of the seed standard as regards health and quality requirements of seed.
- c. The French delegate asked for an update of the various EU equivalence requests of third countries, in particular Ukraine and Brasil. The Commission explained that some promised input from Ukraine is awaited and Food and Veterinary Office (FVO) missions would need to be carried out to assess the equivalence.
- d. The Spanish delegate suggested raising the issue on the requirements for the techniques to affix labels in the forthcoming Annual OECD Meeting. Seed containers are imported from USA with stapled labels which can be removed or lost during transportation. In addition, there appears to be a problem of information flow as regards varieties withdrawn from national lists and the Common Catalogues, causing marketing problems for companies still in possession of seed of such varieties. The Commission pointed out that seed of withdrawn varieties may still be marketed for as long as 3 years after their deletion from the national and common catalogues.
- e. The Dutch delegation asked for information on the so called Kokopelli EU court case and how the Commission is planning to take into account the outcome. Some Member States expressed their concerns. The Commission explained that the final outcome needs to be awaited and this needs to be taken on board in the new legislation.

- f. The Austrian delegate presented results from a project on mycotoxin-monitoring in corn in the context of VCU-trials (value for cultivation and use). The delegate encouraged all interested parties to contact the lead scientist of the study if further, more detailed information is needed.
9. **Exchange of views and possible opinion of the Committee on a draft Commission Implementing Decision on the organisation of a temporary experiment under Council Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC and 2002/57/EC as regards field inspection under official supervision for basic seed and bred seed of generations prior to basic seed.** (Doc. SANCO/10554/2012) (Legal Base: Council Directive 66/401/EEC, Article 13a, Council Directive 66/402/EEC, Article 13a, Council Directive 2002/54/EC, Article 19, Council Directive 2002/55/EC, Article 33, Council Directive 2002/57/EC, Article 16) (Opinion of the committee via the examination procedure)

The Commission presented the proposal and an exchange of views took place on the issue of level of official check testing. France accepted to coordinate the planning of the experiment together with Denmark, Germany, the Netherlands and United Kingdom, with a view to establishing an appropriate level of official check testing for the field inspections under official supervision for two categories. The Committee gave a favourable opinion on the draft Commission Implementing Directive by qualified majority.

Vote: Qualified majority by 333 votes in favour, 12 votes absent.