



Revision of the plant and forest reproductive material legislation

Plants for the Future ETP – General Assembly

30 March 2022

The legislation under revision: 12 Directives

1. 66/401/EEC on the marketing of fodder plant seed
2. 66/402/EEC on the marketing of cereal seed
3. 2002/54/EC on the marketing of beet seed
4. 2002/56/EC on the marketing of seed potatoes
5. 2003/57/EC on the marketing of seed of oil and fibre plants
6. 2002/53/EC on the common catalogue of varieties of agricultural plant species
7. 2002/55/EC on the marketing of vegetable seed
8. 2008/72 on the marketing of vegetable propagating and planting material, other than seed
9. 2008/90/EC on the marketing of fruit plant propagating material
10. 68/193/EEC on the marketing of material for the vegetative propagation of the vine
11. 98/56/EC on the marketing of propagating material of ornamental plants
12. 1999/105/EC on the marketing of forest reproductive material

What is it about?

- The economically most important species are regulated
- Variety registration rules
 - Distinctness, Uniformity, Stability (DUS)
 - Value for cultivation and use (VCU) for agricultural crops
 - Denomination
- Certification of seeds and other propagating material
- Marketing rules: technical requirements
- Equivalence for third countries
- FRM specific rules

Not included:

- Community Plant Variety Rights (CPVR) system for the protection of intellectual property rights of the breeders

Why a revision now?

PRM legislation:

- Successfully ensured the identity, health and quality of PRM in EU
- Fostered a competitive PRM industry in EU
- Partly dating back to 1960's when productivity was the main priority
- Evaluation of 2008 already identified new challenges
- Proposal for revision rejected by EP in 2014 (while new Plant Health Law and Official Controls Regulation were adopted)
- Council request in 2019 for a COM study on options to update the legislation

General policy framework

- European Green Deal
- Farm to Fork Strategy
- EU Biodiversity Strategy for 2030
- EU Strategy on adaptation to climate change
- New EU Forest Strategy
- Proposal for a framework for a sustainable food system
- Proposal for legislation on plants produced by certain new genomic techniques
- EU Digital Strategy (2030 Digital Compass)

Steps taken until now

- COM study submitted to Council and EP in April 2021
 - pointing to the need of revision
- An inception impact assessment was published for feedback over the period 15 June 2021 - 13 July 2021 (initial collection of evidence)
- Study awarded to ICF to support the impact assessment
- Consultation activities mostly finalised / analysis initiated
 - public consultation (21/12/2021 – 27/03/2022)
 - targeted survey and interviews by ICF (03/03/2022 – 01/04/2022)
 - SME test to be launched

Problem 1

Divergent implementation practices and non-level playing field

- Lack of coherence between the 12 Directives
- Lack of flexibility for operators as certain certification procedures must be carried out officially (i.e. not possible under official supervision)
- No harmonised conditions for exemptions
- No harmonised and risk-based framework for official controls
- Not all Directives include dedicated provisions for the registration of conservation varieties

Problem 2

Legislation prevents innovation and use of new technologies and adaptation to policy developments

- Legislation not aligned to European Green Deal and its related strategies, in particular as regards the demand for more sustainable agri-food production
- The legislation hinders the introduction of new/adapted rules on innovative production processes
- Rules too burdensome for some types of varieties (conservation varieties, organic varieties, varieties exclusively marketed to amateur gardeners)

General objectives of the revision

General objectives:

- To remove any obstacle or barrier in the internal market in order to ensure a level playing field for production and marketing of PRM and FRM
- For all types of users a wide diversity of choice of PRM and FRM is ensured
- To support innovation and competitiveness of the EU PRM and FRM industry
 - Improve the efficiency and efficacy of the system
 - Facilitate the uptake of new technologies (new production techniques, BMT, digitalisation)
- To support adaptation to – and mitigation of – climate change, and to contribute to food security, sustainable production and biodiversity protection.

Options for updating the legislation

The options present different approaches for addressing the problems, alternative ways to meet the objectives, different levels of harmonisation.

- Baseline: “No changes scenario” against which the impacts of options will be assessed.
- Option 1: Address the problems with targeted amendments to the Directives with a view to simplify and align the legislation. Harmonisation of official controls outside OCR. Lighter rules for seed conservation networks, marketing exclusively to amateur gardeners and exchange in kind of PRM between farmers. Refining existing VCU requirements for agricultural crops to better address sustainability. Retain the 12 Directives.
- Option 2: Tailor-made inclusion in OCR. Exempt seed conservation networks and exchange in kind of PRM between farmers. Lighter rules on marketing exclusively to amateur gardeners. Refining existing VCU requirements for agricultural crops to better address sustainability. Introduction of sustainability requirements in the examination of varieties for other crop groups. Reduced number of acts, e.g. one on seeds, one on PRM and one on FRM.
- Option 3: Higher harmonisation of the legislation, including on sustainability requirements. Limited derogations and exemptions. Within the scope of OCR. All acts combined within a single instrument containing chapters for individual crop groups, FRM remains separately regulated.

Next steps and opportunities for contributions

- Stakeholders welcome to address COM directly with their concerns and suggestions
- Impact assessment finalised and the Commission's proposals for the revision of the legislation adopted by end 2022



Thank you for your attention!