

State of play of the reform of EU seed legislation

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The legal framework in the seed sector dates back to the mid 60s and has been many times amended. The system has achieved to provide the market with high quality seed. During the UK Presidency in the 2nd semester 2005 an initiative based on a Communication of the EC for better regulation in the EU was launched. This Communication promotes the need for a revised approach towards regulation, namely that regulatory outcomes are achieved in a way that supports the development of economic activity, that benefits to citizens are increased and economic costs are minimised, and that proportionality and subsidiarity principles are taken into account. In addition, many Member States are under pressure as regards resources and need to review the involvement of official services also in the seed sector. The UK invited all Member States to consider how these objectives might be advanced in relation to seeds legislation. The three following Presidencies, Austria, Finland and Germany took this initiative up and established a list of proposals for possible modifications of the current seed legislation was finalised. Amongst others it is proposed to review the current justification of the legislation, the requirements for official certification and to review the requirements for listing of varieties. Based on this initiative and on the proposals the Commission is now about to carry out an evaluation of the existing regulatory framework for seeds and propagating material.

The importance of biodiversity and the conservation of plant genetic resources are constantly increasing. The legal basis foresees provisions to establish special conditions under which seed, including seed mixtures, may be marketed in relation to the conservation in situ and the sustainable use of plant genetic resources. Seed for this purpose shall be of a known provenance approved by the appropriate authority in each Member State for marketing in defined areas. The main issue until now is that due to the lack of implementing measures the current seed legislation does not enable the marketing of seeds of varieties which would serve the purpose of conserving in situ and using sustainable plant genetic resources.

The Commission has now prepared proposals for implementing measures which will cover agricultural crops, vegetable seeds, vegetable propagating material other than seeds and fodder plant seed mixtures. The new legislation will provide specific derogations for the acceptance of these varieties and for the certification of their seeds. The inscription of varieties in a catalogue is no longer depending on official examinations, but can rely on the description and denomination of the variety, the results of unofficial tests and knowledge gained from practical experience or any other information, in particular from the authorities in charge of plant genetic resources or recognised organisations, which demonstrate that certain minimum standards are met. The production and marketing of these varieties can take place without official certification. A number of restrictions are foreseen in order to comply with the legal basis, in particular as regards the region of origin to which the variety is naturally adapted and as regards the quantities to be marketed. For vegetable seeds and propagating material regional restrictions do not apply for varieties with no intrinsic value for commercial crop production, the so-called amateur varieties.