



Foreign Agricultural Service

GAIN Report

Global Agriculture Information Network

Voluntary Report - public distribution

Date: 2/18/1999

GAIN Report #E29022

European Union

Planting Seeds

EU Seed Policy Report

1999

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Report Highlights:

The adoption of three new pieces of EU legislation on seeds marketing in the last few months shows a trend towards harmonization in the seeds sector. This report offers an overview of current EU policy concerning the various stages of seeds production and marketing.

Unscheduled Report
Brussels USEU [BE2], E2

EXECUTIVE SUMMARY

Even though the seeds sector is not harmonized yet at the EU level, three recently adopted pieces of legislation are streamlining seeds certification and marketing procedures.

Commission Regulation 2605/98 regulates fees paid by farmers for farm saved seeds. Council Directive 98/96 introduces the possibility for authorized individuals to perform field inspections for seed certification. Finally, and perhaps more importantly, Council Directive 98/95 harmonizes marketing procedures for seeds and regulates genetically modified and organic seeds.

SUPPORTS

Production aids: The EU domestic seeds market is protected by a production aid scheme covering about 40 species, mainly forage pulse, grass, oilseeds, and cereals (these were the only category of seeds not included in a specific aid scheme). The list of species covered can be found in Annex I of Regulation 2358/71 (full text available on European Commission homepage: http://europa.eu.int/eur-lex/en/lif/dat/en_371R2358.html).

Subsidies are fixed every two years (now for 1998/2000) and range from 14.37 to 83.56 ECU/100 kg. The level of subsidies has experienced a slight downward trend in the last ten years, but has not changed from the 1996/1998 period to the 1998/2000 period and can be considered fairly stable.

The Commission argues that the mere existence of these specific subsidized crops which are said to maintain a good ecological balance and a healthy soil occupation plan is highly dependent on these aids. Agenda 2000, which will mark the next reform of EU agriculture, is not expected to cause major alterations to the seeds regime.

1996 Production by Member State (species covered by production aids)

Unit: 100 kg

France	1,262,834
Denmark	867,070
Italy	673,442
UK	548,265
Germany	525,712
Netherlands	366,897
Spain	344,194
Belgium	108,659
Greece	49,636

Austria	41,608
Sweden	40,596
Luxembourg	6,829
Finland	1,657
Ireland	793
Portugal	0
Total EU	4,867,325

Cereals Seeds: Farm and Market Balances (1000 t) 96/97 season

Farm balance Seeds 2683.5

Market Use Seeds 4554.3

Export refunds: none.

UR Agreements: As part of the Uruguay Round Agreement, the EU is currently phasing down or out import duties on a vast range of agricultural products. Below are the import duty rates for seeds:

Seed Kind	July 1, 1995	July 1, 2000
Hybrid Corn	free	free
Hybrid Sorghum	10	6.4
Rice	12	7.7
Soybean, sunflower, cotton	free	free
Alfalfa	5	2.5
Meadow and red fescue	4	free
Other fescues	5	2.5
Vetch	4	free
Clover	4	free
Rye grass and Timothy grass	4	free
Kentucky blue grass	4	free
Sugar beet and other beet	13	8.3

Edible bean, pea, and chickpea	3	free
Edible lentil	2	free
Vegetable	7	4
Flower	6	3

Previously some seeds, such as non-hybrid corn, wheat and non-hybrid sorghum, were subject to variable levies. Those were converted into flat rate tariff equivalents (in ECUS/ton) which will be gradually reduced.

Current duty rates (euro/MT) for

wheat	122
Barley	127.7
Non-hybrid corn and sorghum	129.3

SEEDS CERTIFICATION

Even though seeds have to be certified to be exported or imported, European farmers are allowed to use farmed saved seeds for their own consumption. The ratio of farm saved versus certified seeds varies from one EU country to the other: it is above 50% in Scandinavian countries and in Northern Europe in general, about 50% in France, and less than 50% in Southern Europe.

Royalty fees for re-used seeds exist in some member states (UK, Germany, Denmark, Sweden, Finland): see Plant Variety Protection. Furthermore, Commission Regulation 2605/98, adopted in the fall of 1998, specifies the level of remuneration to be paid to the respective right holder by farmers other than small farmers for the use of farmed saved seed of a variety protected by a Community plant variety right.

Council Directive 98/96 was adopted in December 1998. It introduces the possibility for member states to authorize a private individual to perform field inspections for seed certification. Even though seed certification will follow the requirements of existing legislation, the fact that the inspection can be performed by an individual authorized by national authorities but not working directly for them is a new development. Only civil servants representing national authorities had been allowed to perform inspections until now. The Commission insists, however, on the difference between the authorization of an individual and the U.S. model of certification of a company. The European Parliament insisted strongly on a clear supervision link between national authorities and the authorized inspector. Penalties in case of infringement are also foreseen. This new approach was broadly welcomed by the industry.

HARMONIZATION

Harmonization between the legislation and regulations in force in the different member states has been on the agenda since 1993. The European Parliament delivered its opinion in 1997 and the Council Directive (98/95)

was adopted in December 1998. This seeds directive updates the rules for the EU seeds regime from a 1993 proposal consolidating the seven different existing directives. It regulates organic seeds and emphasizes the need to protect variety conservation against genetic erosion. It also includes provisions on labeling and approval procedures for genetically modified seeds, applying to seeds the Directive 90/220 procedure on the deliberate release into the environment of genetically modified organisms. Even if the Directive 98/95 specifies that the approval process for genetically modified seeds has to follow the 90/220 procedure, legislation establishing specific requirements of an environmental risk assessment applied to genetically modified seeds still has to be drafted in the form of a Council Regulation. This will likely be a lengthy process, vulnerable to pressures from the European Parliament and member states.

COMMON CATALOGUE OF VARIETIES OF AGRICULTURAL PLANT SPECIES

There is no EU authority or official registration procedure for plant variety catalogue. The EU catalogue is nothing but a compilation of national catalogues, every member state being responsible for reviewing applications. Logically, plant breeders should submit their application in the EU member state where they wish to develop a market. There are EU regulations outlining minimum requirements for inclusion into national catalogues, so it is very difficult to claim that some member states are “easier” than others, but some member states have added additional requirements (which makes it more difficult to be included in the catalogue), or are slightly more flexible in some areas (allowing in seeds before they are officially certified or authorizing second generation seeds). Furthermore, some member states are more concerned about seeds issues than others, i.e. genetically modified organisms, and make it difficult for breeders to have their product included in the national catalogue.

The EU member state authorities holding the list of names of persons responsible for the maintenance of varieties:

Belgium	Ministère de l'Agriculture Service de la Protection des Obtentions Végétales Manhattan Center - Office Tower, 14e étage Avenue du Boulevard 21 B-1210 Bruxelles
Denmark	Afdeling for Sortafprøvning, Statens Forsøgsstation Tystofte DK-4230 Skaelskør
Germany	Bundessortenamt Osterfelddamm 80 Postfach 610440 D-30627 Hannover

Greece	Ministry of Agriculture - Direction of Plant Propagation & Fertilizers Acharnon 2 10432 Athens Variety Research Institute of Cultivated Plants Sindos 57400 Thessaloniki
Spain	Instituto Nacional de Semillas y Plantas de Vivero José Abascal, 56 E-28003 Madrid
France	Service Officiel de Contrôle 44, rue du Louvre F-75001 Paris
Ireland	Department of Agriculture and Food Kildare Street IRL- Dublin 2
Italy	Ministerio dell'Agricoltura e delle Foreste Direzione Generale della Produzione Agricola Divisione terza - Mezzi di Produzione Registri della Varietà Via XX Settembre, 20 I-00187 Roma
Luxembourg	Administration des Services Techniques de l'Agriculture Division Agronomique, Service de la Protection Végétale 16, Route d'Esch L-1019 Luxembourg
Netherlands	Nederlandse Algemene Keuringdienst Postbus 51 NL- 6710 BB Ede
Austria	Bundesanstalt für Pflanzenbau Alliiertenstr., 1 A- 1020 Wien
Portugal	Ministério da Agricultura, Pescas e Alineação Instituto Nacional de Investigação Agrária Tapada de Ajuda P- 1300 Lisboa

Finland Kasvilajikelautakunta / Växsortnämnden
Kasvinjalostajanoikeustoimisto / Växtförädlarättsbyrå
PL / Bos 232
FIN - 00171 Helsinki/Helsingfors

Sweden Statens Växsortnämnd
Box 1247
S - 17124 Solna

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Whitehouse Lane
Huntingdon Road
UK - Cambridge CB 3 OLF

PLANT VARIETY PROTECTION

The EU Plant Variety Protection program is based on Community plant variety rights legislation (Council Regulation 2100/94 of 27 July 1994 amended by 2506/95).

Since 1995, the EU protection system has coexisted with member states' systems. Breeders thus have the option of applying to a member state if they want to enter a specific national market or submit an EU-wide application which guarantees them protection throughout the 15 member states. This might be a comprehensive option since some member states (Greece) have no plant variety protection program and some others (Spain) have limited ones. Requirements for both systems are based on the international convention on protection of new plant varieties (UPOV) of which all EU member states, except for Greece, are members. The European Union will apply for membership as soon as the 1991 UPOV (International Union for the Protection of New Varieties of Plants) convention (which for the first time allowed international organizations to join) enters into force, which requires 5 members of the convention to have implemented its regulations. The recent German law enforcing intellectual property fees on seeds is a practical consequence of UPOV 1991.

The Community Plant Variety Office, now seated in Angers (France) reports that 10% of applications made at EU level come from third countries, and that 80% of those are made by U.S. companies. Commission officials estimate that Council Directive 98/95 (see harmonization) will improve the legal basis for variety denominations, such as specific criteria for "conservation varieties."

