



The EU legal landscape of organic plant reproductive material

**Thomas Weber
DG SANTE
Plant Health Unit**

Almeria, 28 November 2019

Regulation (EU) 2018/848 on organic production (Preambles)

The choice of plant varieties should focus on agronomic performance, genetic diversity, disease resistance, longevity, and adaptation to diverse local soil and climate conditions and should respect the natural crossing barriers

It is important to develop organic plant reproductive material suitable for organic agriculture (hence able to adapt to disease resistance, diverse local soil and climate conditions and to the specific cultivation practices of organic agriculture)

This regulation applies without prejudice to related legislation such as plant reproductive material rules, except where otherwise provided

Regulation (EU) 2018/848 on organic production

Objectives (Article 4)

- Organic production shall pursue the following general objectives:
- (a) contributing to protection of the environment and the climate;
- (b) maintaining the long-term fertility of soils;
- (c) contributing to a high level of biodiversity;
- (d) substantially contributing to a non-toxic environment;
- (e) contributing to high animal welfare standards and, in particular, to meeting the species-specific behavioural needs of animals;
- (f) encouraging short distribution channels and local production in the various areas of the Union;
- **(g) encouraging the preservation of rare and native breeds in danger of extinction;**
- **(h) contributing to the development of the supply of plant genetic material adapted to the specific needs and objectives of organic agriculture;**
- **(i) contributing to a high level of biodiversity, in particular by using diverse plant genetic material, such as organic heterogeneous material and organic varieties suitable for organic production;**
- **(j) fostering the development of organic plant breeding activities in order to contribute to favourable economic perspectives of the organic sector.**

Uniformity vs heterogeneity

- *Research in the Union on plant reproductive material that does not fulfil the variety definition as regards uniformity shows that there could be benefits of using such diverse material, in particular with regard to organic production, for example to reduce the spread of diseases, to improve resilience and to increase biodiversity.*
- *Therefore, plant reproductive material that does not belong to a variety, but rather belongs to a plant grouping within a single botanical taxon with a high level of genetic and phenotypic diversity between individual reproductive units, should be available for use in organic production.*

Definition of organic heterogeneous material (Article 3)

- *a plant grouping within a single botanical taxon of the lowest known rank which:*
- *(a) presents common phenotypic characteristics;*
- *(b) is characterised by a high level of genetic and phenotypic diversity between individual reproductive units, so that that plant grouping is represented by the material as a whole, and not by a small number of units;*
- *(c) is not a variety within the meaning of Article 5(2) of Council Regulation (EC) No 2100/94;*
- *(d) is not a mixture of varieties; and*
- *(e) has been produced in accordance with this Regulation;*

Specific provisions for the marketing of plant reproductive material of organic heterogeneous material (1)

(from Article 13)

- *Derogation for Plant reproductive material of organic heterogeneous material which may be marketed **without complying with the requirements**, including registration, set out in Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 98/56/EC, 2002/53/EC, 2002/54/EC, 2002/55/EC, 2002/56/EC, 2002/57/EC, 2008/72/EC and 2008/90/EC or acts adopted pursuant to those Directives*

SIMPLIFIED PROCEDURE

- *may be marketed following a notification by the supplier to the **responsible official bodies for seed and propagating material***
- *made by means of a dossier containing:*
 - *(a) the contact details of the applicant;*
 - *(b) the species and denomination of the organic heterogeneous material;*
 - *(c) the description of the main agronomic and phenotypic characteristics common to that plant grouping, including breeding methods, any available results from tests on those characteristics, the country of production and the parental material used;*
 - *(d) a declaration by the applicant concerning the truth of the elements in points (a), (b) and (c);*
 - *(e) a representative sample.*

LISTING and COMMUNICATION

CAs shall list any organic heterogeneous material and communicate to the competent authorities of the other Member States and to the Commission.

Specific provisions for the marketing of plant reproductive material of organic heterogeneous material (2)

(Article 13)

Organic heterogeneous material shall fulfil the requirements laid down in delegated acts which the Commission is empowered to adopt by setting out rules governing the production and marketing of plant reproductive material of organic heterogeneous material of particular genera or species, as regards:

- (a) the **description** of the organic heterogeneous material, including the relevant breeding and production methods and parental material used;*
- (b) the **minimum quality requirements** for seeds lots, including identity, specific purity, germination rates and sanitary quality;*
- (c) **labelling and packaging**;*
- (d) **information and samples** of production to be kept by the professional operators;*
- (e) where applicable, **maintenance** of the organic heterogeneous material.*

Temporary experiment on a testing regime for “organic varieties” (1)

From the preamble of the organic Regulation:

*“In order to meet the needs of organic producers, to foster research and to develop organic varieties suitable for organic production, taking into account the specific needs and objectives of organic agriculture such as enhanced genetic diversity, disease resistance or tolerance and adaptation to diverse local soil and climate conditions, **a temporary experiment** should be organised in accordance with Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 2002/53/EC, 2002/54/EC, 2002/55/EC, 2002/56/EC, 2002/57/EC, 2008/72/EC and 2008/90/EC. That temporary experiment should be for a term of **seven years**, should involve **sufficient quantities** of plant reproductive material and should be subject to yearly reporting. **It should help to establish the criteria for the description of the characteristics of that material and to determine the production and marketing conditions for that material.**”*

Temporary experiment on a testing regime for “organic varieties” (2)

- *EU COM is committed to adopt such an experiment by 30 June 2021*
- *Preparations will start in early 2020*

General empowerment in the seed marketing Directives

From Directive 66/402/EEC

Article 22a

1. Specific conditions may be established in accordance with the procedure laid down in Article 21 to take account of developments in the areas of:

(a) (...);

(b) (...);

(c) conditions under which seed suitable for organic production may be marketed.