Commission Implementing Decision (EU) 2020/1106 of 24 July 2020 on the organisation of a temporary experiment under Council Directives 66/401/EEC, 66/402/EEC, 2002/54/EC and 2002/57/EC as regards the official checking rate for field inspection under official supervision for basic seed, bred seed of generations prior to basic seed and certified seed (notified under document C(2020) 4955)

COMMISSION IMPLEMENTING DECISION (EU) 2020/1106

of 24 July 2020

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(notified under document C(2020) 4955)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed[(1)], and in particular Article 13a thereof,

Having regard to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed[(2)], and in particular Article 13a thereof,

Having regard to Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed[(3)], and in particular Article 19 thereof,

Having regard to Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants[(4)], and in particular Article 16 thereof,

Whereas:

(1) Certified seed of fodder plants, cereals, beet and oil and fibre plants, pursuant to Directives 66/401/EEC, 66/402/EEC, 2002/54/EC and 2002/57/EC respectively, are subject to field inspection under official supervision. A proportion of at least 5 % of the crop of such seed (hereinafter: ‘a fixed minimum rate of 5 %’) is subject to official checking in the field.

(2) Basic seed and bred seed of generations prior to basic seed are certified if all crops of these seeds (hereinafter: ’a fixed rate of 100 %’) have undergone official field inspections, satisfying the conditions laid down in Directives 66/401/EEC, 66/402/EEC, 2002/54/EC and 2002/57/EC.

(3) In a recent temporary experiment organised on the basis of Commission Implementing Decision 2012/340/EU[(5)], it was demonstrated that also for basic seed and bred seed of generations prior to basic seed, field inspection under official supervision by licensed and trained seed company inspectors constitutes an improved alternative to official field

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inspection. The official checking of the established proportion of 5 % of seed crops was sufficient to demonstrate that the level of field inspections under official supervision can also be appropriate for basic seed and bred seed of generations prior to basic seed. However, further improvements may be possible taking into account the performance of the seed suppliers.

(4) Regulation (EU) 2017/625 of the European Parliament and of the Council[6] on official controls establishing a harmonised Union framework for the organisation of official controls along the entire agri-food chain requires competent authorities to perform official controls on all operators regularly, on a risk basis and with appropriate frequency. Based on the experience gained from the application of those rules, the possibility to have the official checking of seed crops in the field in the framework of official supervision carried out with frequencies established in accordance with a risk-based approach should be explored also under Directives 66/401/EEC, 66/402/EEC, 2002/54/EC and 2002/57/EC.

(5) For competent authorities, the planning of the frequency of their checks in the framework of official supervision, taking into account certain risk criteria in relation to the activities of seed suppliers and past compliance results, may constitute an improved alternative to the fixed minimum rate of 5 % applied for certified seed. As a consequence of the recent temporary experiment, it should also be tested for basic seed and bred seed of generations prior to basic seed, which is officially inspected at a rate of 100 %.

(6) The responsible official bodies of the Member States should take into account certain risk criteria in relation to activities of the seed suppliers and past compliance results, for the planning of the frequencies of their official checks. It is necessary to lay down harmonised criteria for this purpose. A temporary experiment should therefore be organised to assess this alternative.

(7) It is necessary to release the Member States participating in the experiment from the obligations of official field inspections of a fixed rate of 100 % of basic seed and bred seed of generations prior to basic seed and of checking, at a fixed minimum rate of 5 % of the seed crops for certified seed in the framework of official supervision as provided for in Directives 66/401/EEC, 66/402/EEC, 2002/54/EC and 2002/57/EC.

(8) Member States participating in the experiment should report annually to the Commission and the Member States in order to the keep other Member States and the Commission informed and facilitate the evaluation of the progress and the monitoring of the experiment.

(9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

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Article 1

Subject matter

1 A temporary experiment ('the experiment') shall be organised at Union level assessing, as regards the official checking of crops for the production of basic seed, bred seed of generations prior to basic seed and of certified seed within the framework of field inspection under official supervision pursuant to the provisions, listed in paragraph 2 of this Article, of Directives 66/401/EEC, 66/402/EEC, 2002/54/EC and 2002/57/EC:

a whether a risk-based approach carried out in accordance with Article 3 of this Decision may constitute an improved alternative to the checking of:

(i) a fixed minimum rate of 5 % of seed crops for certified seed;

(ii) a fixed rate of 100 % of seed crops for basic seed and bred seed of generations prior to basic seed; and

b whether the risk assessement criteria as laid down in Article 3(1) of this Decision are appropriate.

2 The provisions referred to in paragraph 1 are the following:

a Article 2(1)(B)(1)(d), Article 2(3)(A)(c) and Article 14a(a) of Directive 66/401/EEC, and point (6) of Annex I thereto;

b Article 2(1)(C)(d), Article 2(1)(Ca)(c), Article 2(1)(D)(1)(d), Article 2(1)(D)(2)(b), Article 2(1)(D)(3)(c), Article 2(3)(A)(c) and Article 14a(a) of Directive 66/402/EEC, and point (7) of Annex I thereto;

c Article 2(1)(c)(iv), Article 2(3)(A)(c) and Article 21(a) of Directive 2002/54/EC, and point (4) of Part A of Annex I thereto;

d Article 2(1)(c)(iv), Article 2(1)(d)(1)(ii), Article 2(1)(d)(2)(iii), Article 2(5)(A)(c) and Article 18(a) of Directive 2002/57/EC, and point (5) of Annex I thereto.

Article 2

Participation of Member States

All Member States may participate in the experiment.

Member States which decide to participate in the experiment ('the participating Member States') shall inform the Commission and the other Member States indicating the species, categories and regions covered by their participation and any restrictions.

Participating Member States may end their participation at any time by informing the Commission accordingly.

Article 3

Risk assessment

1 The Member States shall carry out the risk assessment of the seed suppliers and adapt the extent of their official checks accordingly to a proportion between 1 % and 100 % of seed crops as regards field inspection under official supervision.