



**EUROPEAN COMMISSION**  
**DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY**

Brussels, 8 September 2017

**Notice to breeders and suppliers subject to the Union legislation on the marketing of seeds and other propagating material**

The United Kingdom submitted on 29 March 2017 the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. This means that unless the withdrawal agreement establishes another date or the period is extended by the European Council in accordance with Article 50(3) of the Treaty on European Union, all Union primary and secondary law ceases to apply to the United Kingdom from 30 March 2019, 00:00h (CET) ('the withdrawal date'). The United Kingdom will then become a 'third country'.

In view of the considerable uncertainties, in particular concerning the content of a possible withdrawal agreement, all breeders and suppliers of seeds and other plant reproductive material covered by Directives 66/401/EEC (fodder plants), 66/402/EEC (cereals), 68/193/EEC (vine), 98/56/EC (ornamentals), 1999/105/EC (forest reproductive material), 2002/53/EC (Common Catalogue of agricultural varieties), 2002/54/EC (beet), 2002/55/EC (vegetable seeds), 2002/56/EC (potato seeds), 2002/57/EC (oil and fibre plants), 2008/72/EC (vegetable propagating material) and 2008/90/EC (fruit plants) are reminded of certain legal repercussions stemming from currently applicable rules of Union law if the United Kingdom becomes a third country, which need to be considered.

This notice addresses only questions related to marketing of seed and propagating material, i.e. the Common catalogues and national acceptance of varieties of seed and propagating material or forest basic material and imports of third countries. It does not address issues in relation to the EU plant health Directive 2000/29/EC.

**Inclusion in Common Catalogues or national registry (catalogue, register or list)**

All breeders and suppliers concerned by the marketing of the seed and propagating material mentioned above are reminded of certain legal repercussions, which need to be considered for the possible actions:

- Varieties of agricultural and vegetable species have to be maintained in an EU-27-Member State in order for their seed to be allowed to be marketed within the Union.
- According to the above mentioned legislation, varieties of fodder plant seed, cereal seed, beet seed, vegetable seed, vegetable propagating material, seed potatoes and seed of oil and fibre plants (agricultural and vegetable species) must be examined and accepted by at least one Member State and listed in the Common Catalogues of Directive 2002/53/EC or Directive 2002/55/EC to be allowed to be marketed throughout the Union. Varieties that have been included in the Common Catalogues by the United Kingdom only must be accepted by another Member State in order for the varieties to remain in those Common Catalogues in order to continue to be allowed to be marketed in the EU after the withdrawal date. The interested parties

should thus submit the respective applications to the responsible official body of an EU-27-Member State in a timely manner before that date, in order to ensure that those varieties are also inserted in a timely manner in the respective Common Catalogues.

- Pursuant to Directive 68/193/EEC on vine propagating material, Directive 1999/105/EC on forest reproductive material, Directive 2008/90/EC on fruit propagating material, varieties or forest basic material may only be marketed throughout the Union once they are included in the national registry in one Member State or - in the case of Directive 1998/56/EC on ornamental propagating material - at least in a suppliers list of an EU-27 Member State. Varieties or basic material of forest plants included in the registry of United Kingdom only must be accepted by another Member State or supplier in another Member States in order for those varieties or material to continue to be allowed to be marketed in the EU after the withdrawal date. The interested parties should thus submit the respective applications to the responsible official body or supplier of an EU27-Member State in a timely manner before that date, in order to ensure that those varieties or material are inserted in a timely manner in the national registry or suppliers list.

### **Ongoing examinations for inclusion in the Common Catalogues or national registry**

Several varieties intended for inclusion in the Common Catalogue of Directives 2002/53/EC or 2002/55/EC are currently being tested in premises of the United Kingdom (at the request of either breeders or of examination offices of EU-27 Member States on the basis of bilateral testing arrangements). Breeders should be aware that after the withdrawal date the examination results have to stem from examinations in an EU-27 Member State for the variety to be included in the Common Catalogues or national registry. Breeders should also bear in mind that, in addition to examinations for DUS (Distinctness, Uniformity and Stability) where all Member States apply the same requirements, certain varieties will also need additional examinations for VCU (Value for Cultivation and Use) where the requirements of certain Member States might be different from the requirements of the United Kingdom.

### **Marketing of seed and propagating material**

According to the aforementioned legislation, imports of seed and propagating material from third countries are subject to the respective provisions of each Directive concerning recognition of equivalent requirements of third countries.

Finally, we also need to remind stakeholders that preparing for the withdrawal of the United Kingdom is not just a matter for European and national administrations, but also for private parties. Breeders may thus be required to monitor the developments, adapt processes and to consider the changes described above.

DG for Health and Food Safety

*Cc: Responsible Official Bodies of the Member States*