

Official Procedures, Legislation and Crop Biodiversity Country Analysis: Belgium

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Agenda:

- **Seed marketing – definition and legislation**
- **Registration of conservation/amateur varieties**
- **Farm saved seeds**

EU seed and propagating material **marketing** Directieives

1. [Directive 66/401/EEC](#) - marketing of fodder plant seed
2. [Directive 66/402/EEC](#) - marketing of cereal seed
3. [Directive 2002/53/EC](#) - common catalogue of agricultural plant species
4. [Directive 2002/54/EC](#) - marketing of beet seed
5. [Directive 2002/55/EC](#) - marketing of vegetable seed
6. [Directive 2002/56/EC](#) - marketing of seed potatoes
7. [Directive 2002/57/EC](#) - marketing of seed of oil and fibre plants
8. [Directive 2008/72/EC](#) - marketing of material for the propagation of the vine
9. [Directive 1998/56/EC](#) - marketing of propagating material of ornamental plants
10. [Directive 92/33/EEC](#) - marketing of vegetable material, other than seed
11. [Directive 2008/90/EC](#) - marketing of fruit propagating material and fruit plants for fruit production
12. [Directive 1999/105/EC](#) - marketing of forest reproductive material

[The Standing Committee on Plants, Animals, Food and Feed Section: Seeds and Propagating Materials for Agriculture and Horticulture](#)

Conservation and “amateur” varieties

- ▶ [Directive 2010/60/EU](#) → Derogations for marketing fodder plant seed mixtures for use in preservation of the environment

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- ▶ [Directive 2009/145/EC](#) → Derogations for accepting vegetable landraces and varieties traditionally grown in certain regions, threatened by genetic erosion and varieties with no intrinsic value for commercial production but developed growing under particular conditions; marketing of their seed

[VL RW](#)

- ▶ [Directive 2008/62/EC](#) → Derogations for agricultural landraces and varieties naturally adapted to local conditions, threatened by genetic erosion; marketing their seed and seed potatoes

[VL RW](#)

'marketing' (of PRM) shall mean the sale, holding with a view to sale, offer for sale and any disposal, supply or transfer aimed at commercial exploitation of seed to third parties, whether or not for consideration.

Trade in seed not aimed at commercial exploitation of the variety, such as the following operations, shall not be regarded as marketing:

- the supply of seed to official testing and inspection bodies,***
- the supply of seed to providers of services for processing or packaging, provided the provider of services does not acquire title to seed thus supplied.”***

Conservation and “amateur” varieties

- ▶ **Conservation variety** - a landrace or a variety of agricultural and vegetable plants, naturally adapted to the local and regional conditions and threatened by genetic erosion
- ▶ **“Amateur” variety (variety developed for growing under particular conditions)** - a variety of vegetable plant with no intrinsic value for commercial crop production, but presenting an interest for the conservation of biodiversity

Important elements of the “seed marketing legislation” (1)

REGISTRATION OF A VARIETY

- For **all** crops, Member States must ensure that only varieties which are **D**istinct, sufficiently **U**niform and **S**table are allowed to be registered. A variety also needs to have a **name**;
- For **agricultural crops**, a variety must be of sufficient **V**alue for **C**ultivation and **U**se (based on: yield, resistance to harmful organisms, response to the environment, other quality characteristics);
- The protocols used are available from the [Community Plant Variety Office \(CPVO\)](#) and The [International Union for the Protection of New Varieties of Plants \(UPOV\)](#) – see the [COMMISSION DIRECTIVE 2003/91/EC](#)

Variety registration in Belgium

Flanders

Departement Landbouw en Visserij
Ellipsgebouw - Koning Albert II-Laan
35, bus 40 -

1030 Brussel

Tel. 02 552 78 79

Cindy Boonen

cindy.boonen@lv.vlaanderen.be

<http://lv.vlaanderen.be/nl/plant/raassenlijsten>

Wallonia

SERVICE PUBLIC DE WALLONIE, DGA
– Ressources naturelles et
Environnement

Département du Développement -
Direction de la Qualité

Bât. Place-2ème étage - Chaussée de
Louvain 14 -

5000 Namur

Tel. 081 64 95 97

Fax. 081 64 95 44

Joël Rung

joel.rung@spw.wallonie.be

<http://agriculture.wallonie.be/catalogues>

Variety registration in Belgium

- decision about the registration is taken by the **Interregional Technical Working Group on the national catalogue of agricultural and vegetable crops**
- No question ref. to Nagoya Protocol
- Descriptive and Recommended Variety List
- Registration fees [VL RW](#)
- Fees for Conservation and “amateur” varieties:
 - Application: **50 €** (conservation variety); **25 €** (“amateur” variety)
 - Maintenance on the list: **0 €**
- ▶ One needs to be registered as an operator – yearly fee

Important elements of the “seed marketing legislation” (2)

REGISTRATION OF A VARIETY

- **EU database of registered plant varieties**
 - Agricultural plant species
 - Vegetable species
- **FRUMATIS (Fruit Reproductive Material Information System EU variety register)**
- **Vine propagating material of the genus Vitis EU list of varieties of vine propagation material**
- **FOREMATIS (Forest Reproductive Material Information System)**

Admission of conservation and “amateur” varieties to the catalog (1)

No official investigation is required if the following information is sufficient to make a decision about the authorisation:

- **the description and the name of the variety;**
- **the results of unofficial tests;**
- **knowledge obtained through practical experience during cultivation, propagation and use, as communicated by the applicant to the competent entity;**
- **other information, in particular from the competent body for plant genetic resources or from organisations familiar with plant genetic resources and recognised by the Minister;**

Admission of conservation and “amateur” varieties to the catalog (2)

NO admission if:

- **already included in the common catalog of varieties;**
- **removed from the common catalog of varieties during the last two years;**
- **during the two years after the expiry of the common catalog of varieties;**
- **protected by a Community plant variety right or by a national plant variety right, or if an application for such a right is pending.**

Restrictions in case of conservation varieties

as regards:

- the **area of production** and the area of marketing must be mainly the region of origin;
- the permitted **quantity** of seed that may be marketed per year
 - maximum number of hectares per Member State for production of vegetable per conservation varieties (eg. *Allium cepa* L.; *Brassica oleracea* L.; *Brassica rapa* L.: 40 ha;
 - for agricultural crops $\leq 0,5$ % of the seed of the same species used in one growing season, or a quantity necessary to sow 100 ha, whichever is the greater quantity. For the species *Pisum sativum*, *Triticum spp.*, *Hordeum vulgare*, *Zea mays*, *Solanum tuberosum*, *Brassica napus* and *Helianthus annuus*, $\leq 0,3$ %, or a quantity necessary to sow 100 ha, whichever is the greater;
 - for agricultural crops the total quantity ≤ 10 % of the seed of the species concerned used yearly in BE. In cases where this leads to a quantity lower than necessary to sow 100 ha, the maximum amount of seed of the species concerned used yearly may be increased so that to reach the quantity necessary to sow 100 ha.
- the category in which the seed may be sold on the market (only "**certified seed**" or "**controlled seed**");

Restrictions in case of vegetable “amateur” varieties

as regards:

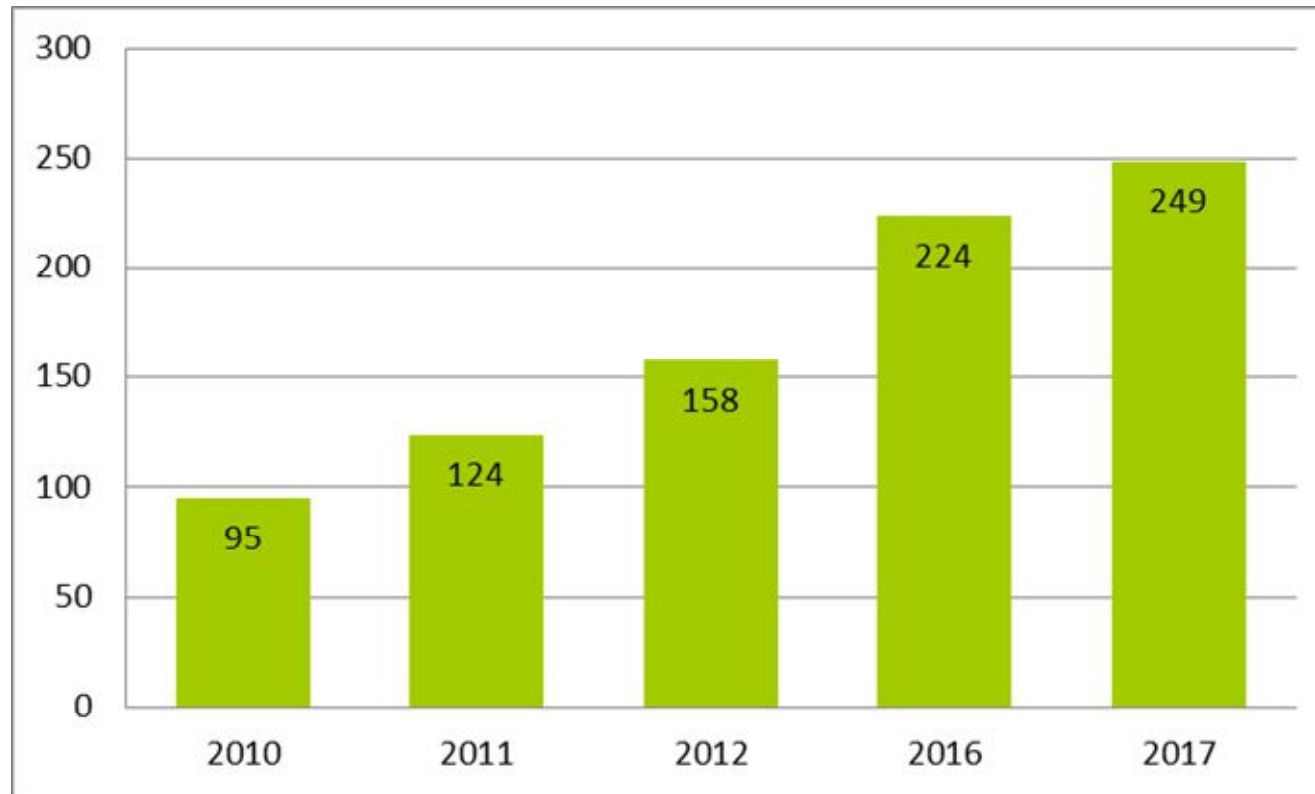
- the economic interest (“**no intrinsic value**”);
- the category in which the seed may be sold on the market (only checked as “**standard seed** of a variety developed for growing under special circumstances”);
- the size of packaging (only **small packages** - maximum net weight per package 5, 25, 250 g (depending on species))

Important elements of the “seed marketing legislation” (3)

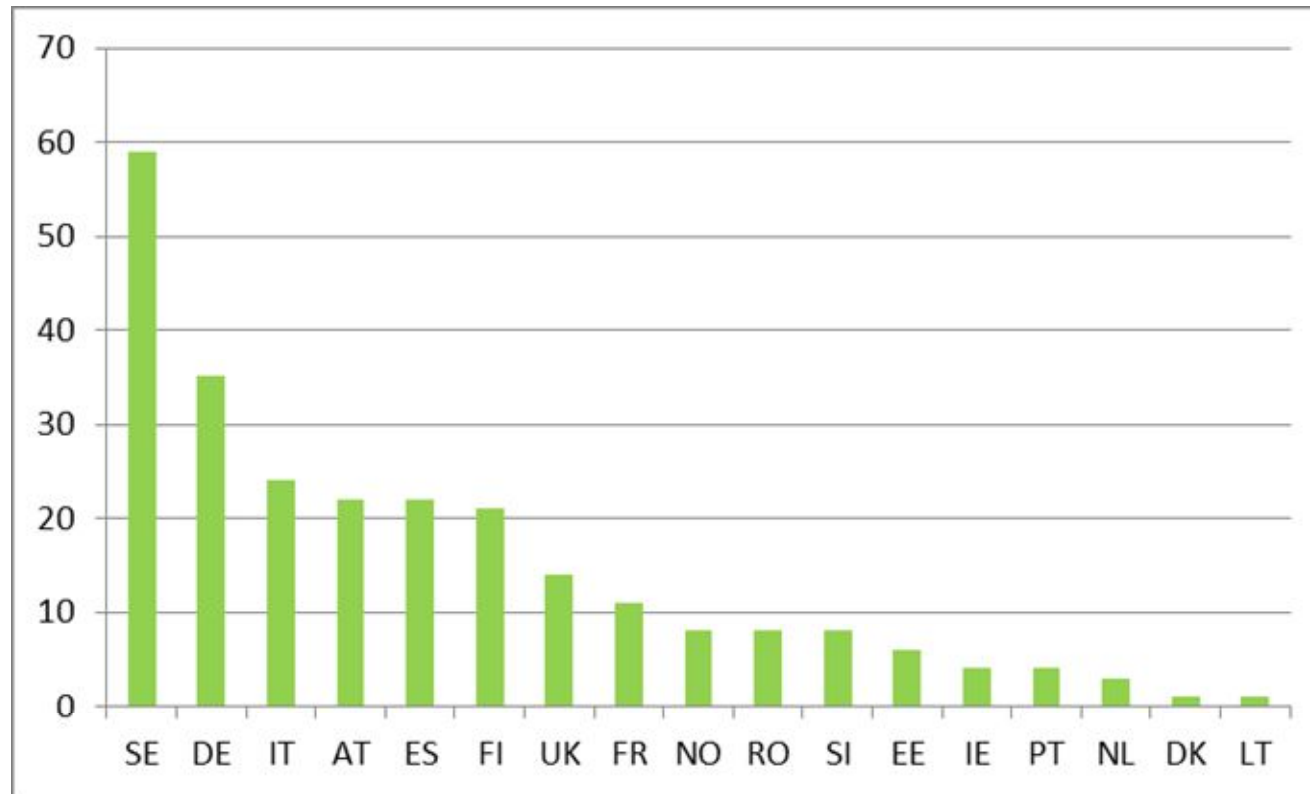
CERTIFICATION

- **field controls**
- **seed sampling**
- **testing of seed**
- **labeling (different categories)**
- **post-control**

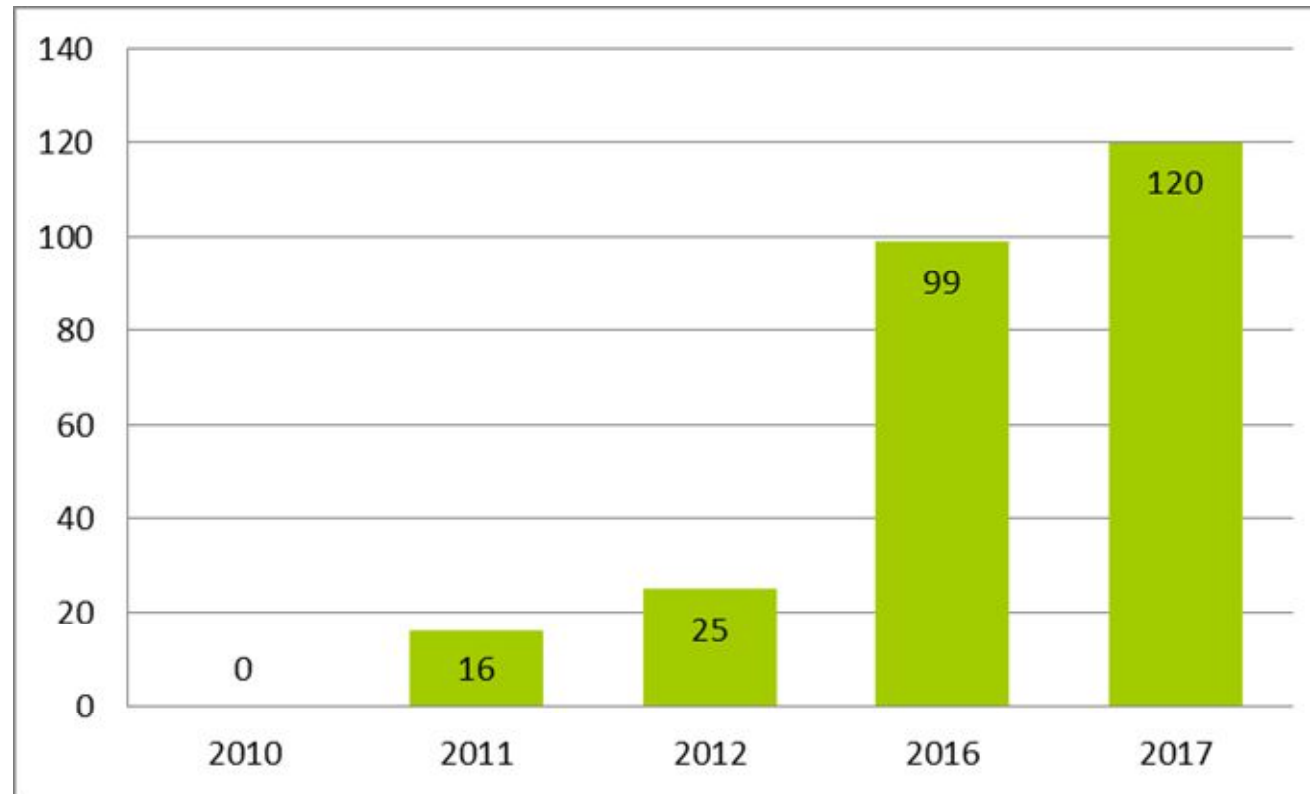
Conservation varieties registered in EU (agricultural species)



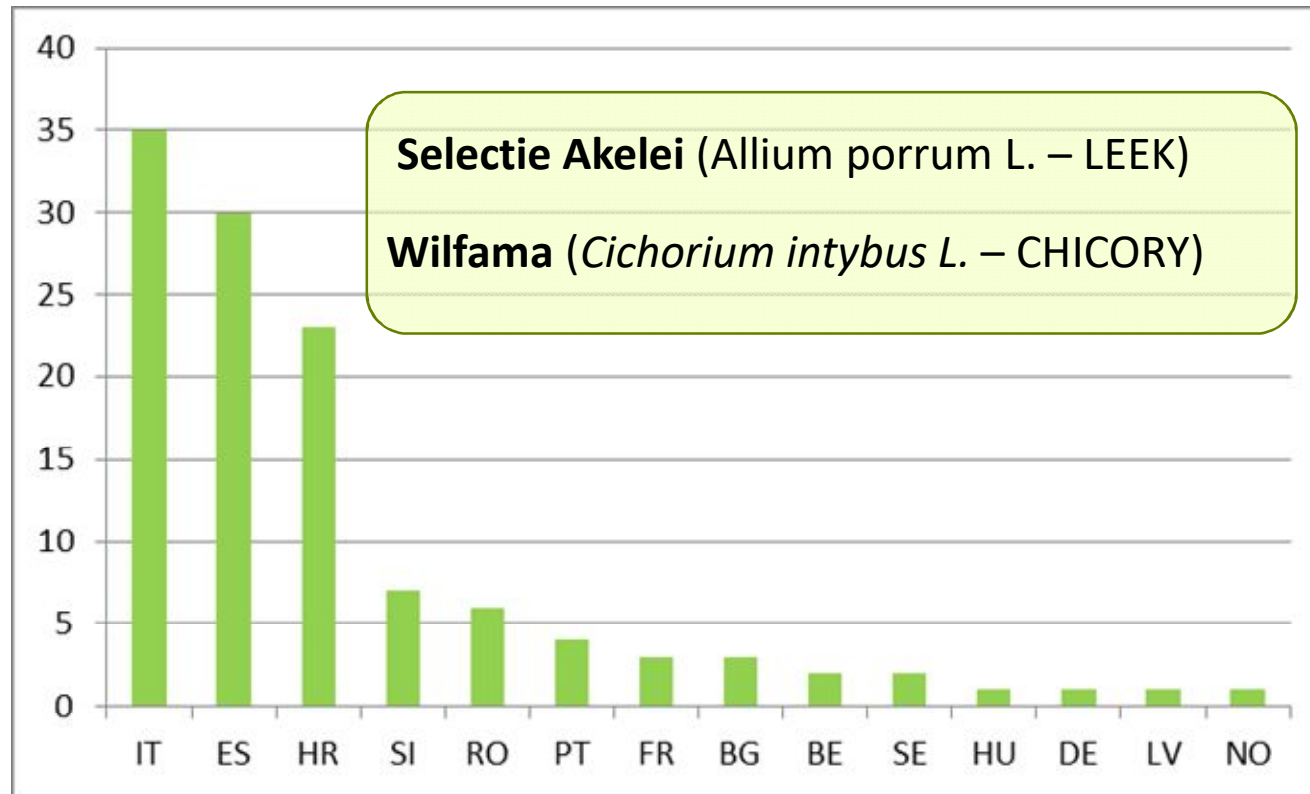
Conservation varieties registered in EU (agricultural species)



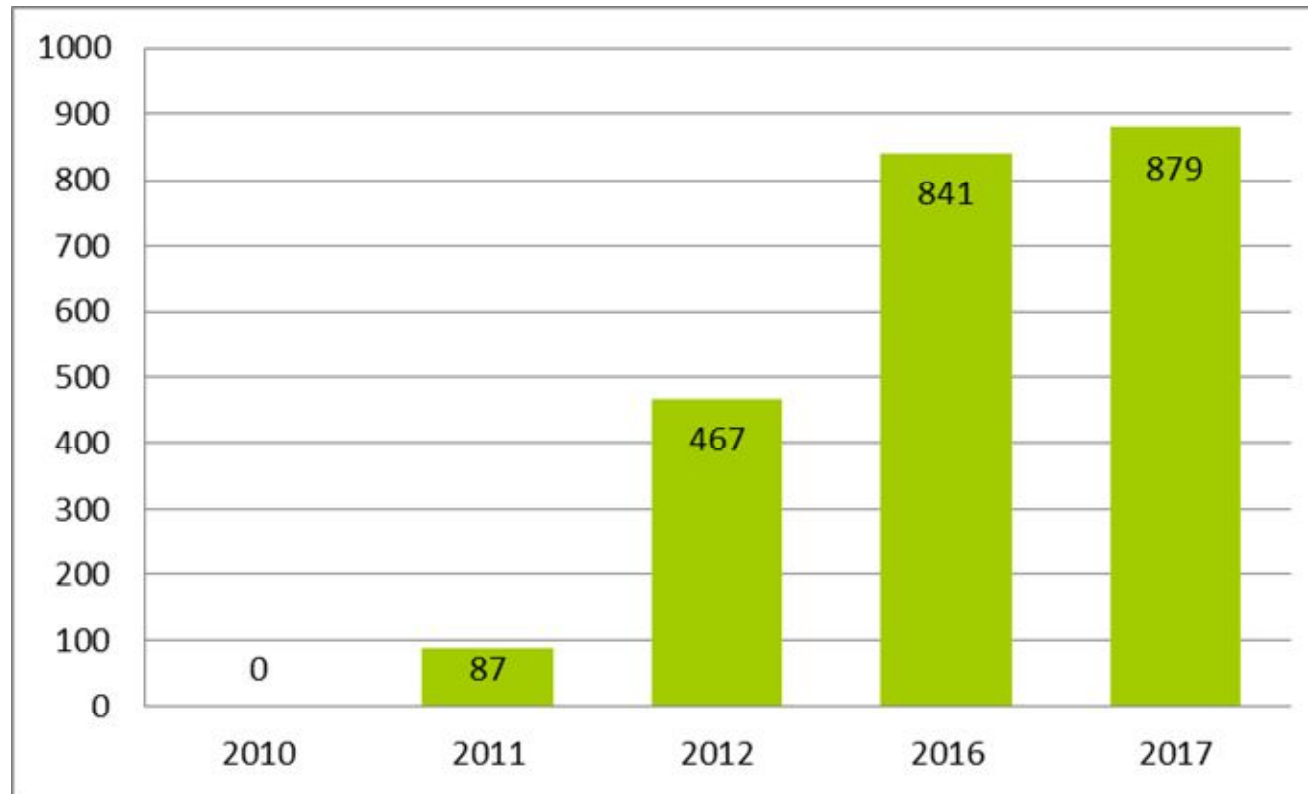
Conservation varieties registered in EU (vegetable species)



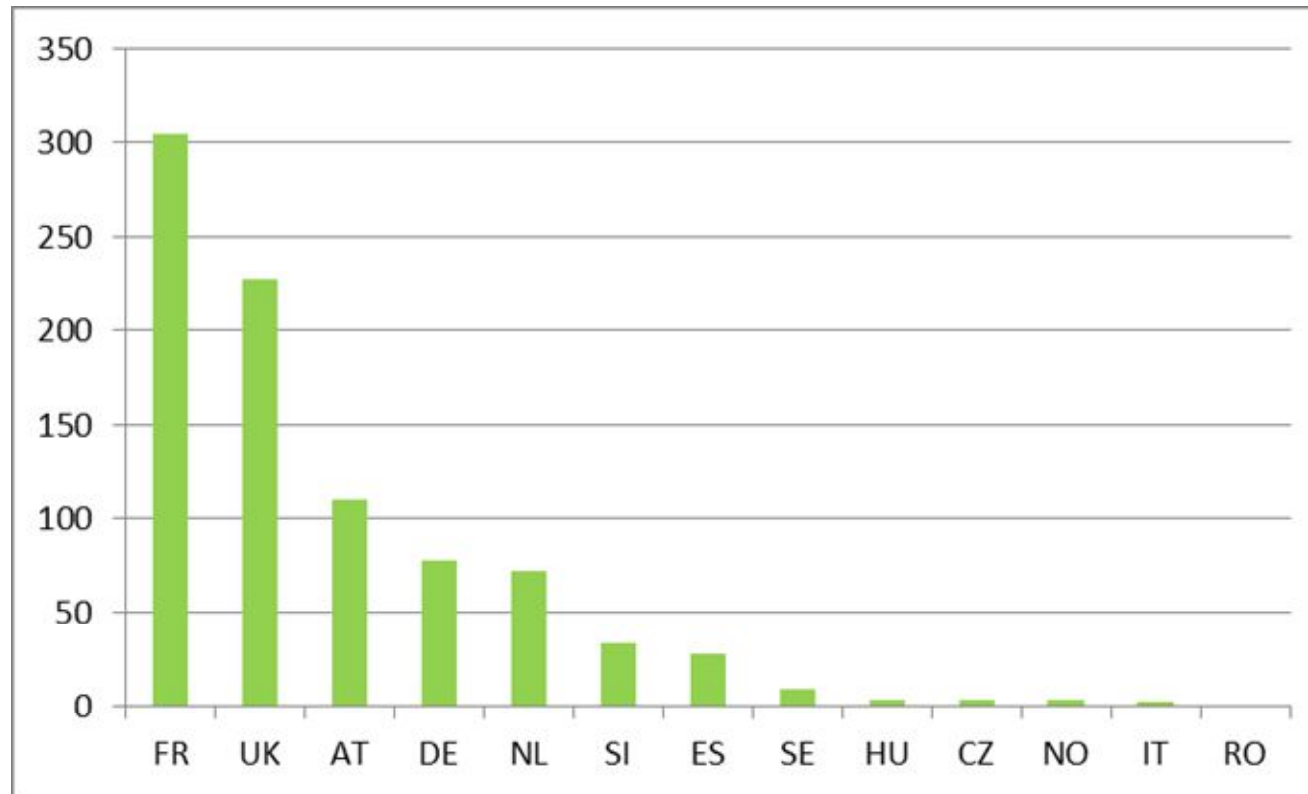
Conservation varieties - registered in EU (vegetable species)



“amateur” varieties registered in EU



“amateur” varieties registered in EU



Farm Saved Seed - “Hoevezaad/ Semence de ferme” (1)

- Breeders can protect their newly developed varieties through **plant breeder's right** (governed by Belgian Federal Government).
- **Principle:** it is not allowed to multiply seeds or seed potatoes without paying a remuneration to the breeder's right holder.
- **Exception:** (based on Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights)
 - the propagation of **seed of agricultural varieties**
 - **Small farmers**

Farm Saved Seed - “Hoevezaad/ Semence de ferme” (2)

Conditions:

- the seed is propagated on own farm;
- the use of own propagated seed remains limited to its own business;
- the farmer announces the use of farm saved seed to the plant breeder:
 - For **cereals**: before 15 May (in the year of harvest) via:
<http://www.hoevezaad.be/index.php>
 - No fee for small farms i.e. with a total area of cereal \leq 15 ha
 - For **seed potatoes** before 1 June via
<https://www.hoevepootgoed.be/>
 - No fee for small farms who do not grow potatoes on an area larger than the area that would be required to produce 185 tons of potatoes per harvest.

Farm Saved Seed - “Hoevezaad/ Semence de ferme” (3)

Cleaning of FSS of certain agricultural species need to be registered and its execution can be commissioned only to a recognised installation holder

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