

Report of the working group on the modalities of implementation of the PRM regulation proposal (VSCU issues)

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Framework

- Working group (WG) established during the meeting in France 2023
- 9 Examination Offices: AT, CH, DE, DK, FR, IT, LV, NL, PL
- Objectives
 - Analysis of the proposal:
 - What is our understanding?
 - How it might be applied and what difficulties might arise?
 - Technical point of view on the consequences of this potential new regulation on variety assessment modalities
- Informal discussions > **The political discussion remains the responsibility of the ministries**
- 2 Meetings
 - 30 August 2023: identification of articles dealing with VSCU and questions in link with these articles > **Focus on articles 52, 59, 61, 62, 47.3**
 - 02 February 2024: analysis of a questionnaire about the main issues dealing with VSCU articles
- Calendar adjusted according to the progress of the discussions at European level

Article 52.1: definition of satisfactory VSCU

- No big difficulties about this article.
- It reflects the position of the EU-VCU platform expressed in the 2022 Memorandum: it explains well what is VSCU, especially for the objective of sustainability. It seems to give sufficient flexibility to define at the national level the list of criteria to be studied in VSCU

Article 52.2: cooperation with other MS

- No comment, no difficulties.

Article 52.3: elements that could be defined at the European level for VSCU (and Article 62)

- This article gives the possibility to the European Commission to adopt delegated acts to establish minimum requirements, methodologies, standards for VSCU.
- The key question about this article is the balance between:
 - what is possible to be defined at the European level to ensure reliability of VSCU in each Member State while being feasible,
 - what must be kept at the national level to maintain the principle of subsidiarity and to ensure that the rules are properly adapted to the different national contexts.

Brainstorming of the WG: In the case of adoption of this article and the principle of these delegated acts

- *What could be relevant to introduce in these delegated acts dealing with minimum requirements, methodologies, standards for VSCU?*
- *What must not be put in the delegated acts dealing with minimum requirements, methodologies, standards for VSCU?*

Article 52.4: VSCU of organic varieties

- The proposal incorporates the principles currently set out in the directive 2022/1647, with perhaps a little more flexibility in terms of testing under non-organic conditions and the controls used to compare varieties.
- No difficulties with this article.

Article 59: technical examination

- Points of discussion:
 - the flexibility of the expression “The technical examination shall be carried out by growing the variety, *taking into account the intended use and conditions for cultivation of the variety*”.

obligation to carry out DUS testing of organic varieties in organic conditions for example, obligation to carry out DUS testing of vegetable varieties intended for field use in field and not in greenhouse, obligation to carry out testing in the agroclimatic zone targeted in terms of marketing ...?

- the flexibility of the text for the use of molecular techniques for VSCU.

Article 61: Authorisation of the applicant to carry out technical examination for VSCU

- Differences of understanding about the article 61:
 - VSCU exam carried out by the breeder on its candidates only in its own premises
 - Or inclusion of breeder trials in the official network?
- Current situation for agricultural crops:
 - In most cases, whatever the Member State, the candidate varieties are tested in a unique network: all candidates, whatever the applicant is, are tested in the same network. The trials of this network are carried out by the examination office and more and more by other competent institutes including breeders (applicants).
 - The possibility for an applicant to carry out the VSCU exam of its candidates only in its own premises is already open in some countries:
 - In the Netherlands, only for very minor crops, that is to say, a very small number of applications. In reality, these are species for which it has often only 1 application > We can therefore consider that the trials are complete and that it is approaching the model of other species where all the varieties are tested together.
 - In Italy, in theory, for all species in the 1st year but in practice, the system is used by breeders only for maize and rice. The applicant must follow the protocol defined by CREA and use the same control varieties as in the official trials. The applicant trials are visited and controlled by CREA. It is compulsory to have the same number of trials as in the official network and the trials must be located in the same area as the official ones, what it is possible in maize and rice. For the other species, it is difficult for a breeder to have a network similar to the official one.

Article 61: Authorisation of the applicant to carry out technical examination for VSCU

- Interrogation about the implementation of Article 61:
 - obligation for the competent authority to have an official network, even if VSCU exam by the applicant is possible?
 - impossible to impose a VSCU exam by the applicant under official supervision?
 - impossible to refuse an applicant a VSCU exam under official supervision (if he meets the requirements)?: all member states are obliged in all cases and for all crops to accept results of trials at premises of the applicant?

First brainstorming of the WG about opportunities/threats

- For agricultural species
- For other group of species: vegetable, fruits, vine

Article 47.4: Reuse of DUS report and VSCU report

- For some EOs, this article seems to establish:
 - an obligation of automatic reuse of a DUS report if the DUS study has been carried out by an EO entrusted by European authorities.
 - an obligation of automatic reuse of a VCSU report.
- Points of discussion: the flexibility of the proposed text.

Follow-up

- Need to await progress in discussions at European Council level.
- After first meetings at European Council level about articles dealing with VSCU, possibly, new webmeetings to continue the technical analysis of the proposal (or amended proposal), especially on 2 crucial articles (52.3 and 61)