



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Director-General

Brussels,
SANTE/D3/RF/mh(2017) 2179252

Dear Mr Rouillard,

Subject: EU equivalence Ukraine - cereal seeds

I am referring to your letter dated 17 January 2017 where you have asked clarifications about the recognition of seed equivalency for Ukraine (UA).

Ukraine has fulfilled the necessary EU import requirements and this matter has been discussed on several occasions with the EU seed industry representatives.

The Commission, for its part, is now largely satisfied that the conditions are right, in particular following the outcome of the audit by the DG SANTE services. However, formal approval still required clarification of the outcome of the negotiations in Ukraine on the draft new law (Order 71) laying down SPS import requirements which would have huge implications for our exports to UA.

This new law has been revised and, based on an initial assessment, has taken on board the main comments raised. If finalised, the Commission foresees to adopt the Decision recognising seed equivalency for Ukraine in the second half of 2017 or beginning of 2018.

I am looking forward to the continued co-operation.

Yours sincerely,

Xavier Prats Monné

**For the Director General absent,
Martin SEYCHELL
Deputy Director General**

Mr Christophe Rouillard
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Background

Council Decision of 16 December 2002 (2003/17/EC) provides that field inspections on seed-producing crops of certain species carried out in certain third countries in accordance with the OECD Schemes for the Varietal Certification of Seed moving in International Trade, are considered as equivalent to field inspections carried out in accordance with Community legislation and that seed of certain species produced in those countries and certified in accordance with the OECD Schemes is considered as equivalent to seed produced in accordance with Community legislation. This equivalence may be applicable to species listed in Directives.

Currently the following seed marketing Directives are mentioned in the EU equivalence Decision:

66/401/EEC (fodder plant seed);

66/402/EEC (cereal seed including maize);

2002/54/EC (beet seed);

2002/57/EC (seed of oil and fibre plants).

Equivalence is recognised for a limited period (renewable by amending Decisions). DECISION No 1105/2012/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 21 November 2012 extended the period of application of Council Decision 2003/17/EC to 31 December 2022.

Decisions of the European parliament and of the Council (Co-decision process) may also amend the list of third countries for which field inspections and seed may be recognized equivalent to those inspected and produced in accordance with Community legislation.

Scope of the current Decision on EU equivalence

Country	Species referred to in the following Directives
Argentina	66/401/EEC (fodder plant seed) 66/402/EEC (cereal seed including maize) 2002/57/EC (seed of oil and fibre plants)
Australia	66/401/EEC (fodder plant seed) 66/402/EEC (cereal seed including maize) 2002/57/EC (seed of oil and fibre plants)
Canada	66/401/EEC (fodder plant seed) 66/402/EEC (cereal seed including maize) 2002/57/EC (seed of oil and fibre plants)
Chile	2002/54/EC (beet seed) 66/401/EEC (fodder plant seed) 66/402/EEC (cereal seed including maize) 2002/57/EC (seed of oil and fibre plants)
Israel	66/401/EEC (fodder plant seed) 66/402/EEC (cereal seed including maize) 2002/57/EC (seed of oil and fibre plants)
Morocco	66/401/EEC (fodder plant seed) 66/402/EEC (cereal seed including maize) 2002/57/EC (seed of oil and fibre plants)
New Zealand	2002/54/EC (beet seed) 66/401/EEC (fodder plant seed) 66/402/EEC (cereal seed including maize) 2002/57/EC (seed of oil and fibre plants)
Serbia	2002/54/EC (beet seed)

	<p>66/401/EEC (fodder plant seed)</p> <p>66/402/EEC (cereal seed including maize)</p> <p>2002/57/EC (seed of oil and fibre plants)</p>
Turkey	<p>2002/54/EC (beet seed)</p> <p>66/401/EEC (fodder plant seed)</p> <p>66/402/EEC (cereal seed including maize)</p> <p>2002/57/EC (seed of oil and fibre plants)</p>
United States	<p>2002/54/EC (beet seed)</p> <p>66/401/EEC (fodder plant seed)</p> <p>66/402/EEC (cereal seed including maize)</p> <p>2002/57/EC (seed of oil and fibre plants)</p>
Uruguay	<p>66/401/EEC (fodder plant seed)</p> <p>66/402/EEC (cereal seed including maize)</p> <p>2002/57/EC (seed of oil and fibre plants)</p>
South Africa	<p>66/401/EEC (fodder plant seed)</p> <p>66/402/EEC (only maize and sorghum)</p> <p>2002/57/EC (seed of oil and fibre plants)</p>



Pending Decisions

Moldova

On 7 August 2012 Moldova sent an official request to the European Commission for EU seed equivalence for:

Cereal seed (66/402/EEC),

1. in regard of their production of
 1. Oats (*Avena sativa* L.),
 2. Barley (*Hordeum vulgare* L.),
 3. Wheat (*Triticum aestivum* L.),
 4. Durum wheat (*Triticum durum* Desf.),
 5. Rye (*Secale cereale* L.),
 6. Sorghum (*Sorghum bicolor* (L.) Moench),
 7. Maize (*Zea mais* L.)

Seed of oil and fibre plants (2002/57/EC),

2. in regard of their production of
 1. Sunflower (*Helianthus annuus* L.)

Vegetable seeds (2002/55/EC),

3. in regard of their production of
 1. Tomatoes (*Solanum lycopersicum* L.),
 2. Peppers (*Capsicum annum* L.),
 3. Cabbage (*Brassica oleracea* L.),
 4. Beetroot (*Beta vulgaris* L.),
 5. Radish (*Raphanus sativus* L.),
 6. Onion (*Allium cepa* L.),
 7. Cucumber (*Cucumis sativus* L.)

The audit took place in Moldova from 14 to 21 June 2016.

In the report (DG(SANTE)/2016-8813-MR), it was concluded that overall, official controls for seed production and certification of seed in Moldova are organised appropriately.

Nevertheless, the following 2 recommendations were provided:

Ensure that norms and standards for seeds are harmonised with EU requirements as required by Article 2(1) of Council Directives 66/402/EEC and 2002/55/EC.

Ensure that pre and post-control for seed is implemented in line with point 8.1.1 of the Common Rules and Regulations of OECD Seed Schemes.

On 20 September 2016, Moldova answered to the recommendations of the audit reports. The Decision on EU equivalence is pending.

Brazil

On 30 October 2014 Brazil sent an official request to the European Commission for EU seed equivalence for:

Cereal seed (66/402/EEC),

4. in regard of their production of

1. Maize (*Zea mais* L.)
2. Black oat (*Avena strigosa* L.)

Fodder plant seed (66/401/EEC),

5. in regard of their production of

1. Italian Ryegrass (*Lolium multiflorum* Lam.)

The audit took place in Brazil from 11 April 2016 to 19 April 2016.

In the report (DG(SANTE) 2016-8812 - MR), it was concluded that overall, there is a well organised system for seed production and certification in Brazil which is based on the delegation of control tasks, under official supervision.

Nevertheless, the following recommendation was formulated:

Ensure that norms and standards for the seed-producing crops and for seeds are harmonised with EU requirements as required by Article 2(1) of Council Directives 66/401/EEC and 66/402/EEC.

On 24 June 2016, Brazil answered to the recommendations of the audit reports. The Decision on EU equivalence is pending.



Ukraine

On 6 April 2011 Ukraine sent an official request to the European Commission for EU seed equivalence for:

Cereal seed (66/402/EEC),

6. in regard of their production of
 1. Oats (*Avena sativa* L.),
 2. Barley (*Hordeum vulgare* L.),
 3. Wheat (*Triticum aestivum* L.),
 4. Durum wheat (*Triticum durum* Desf.),
 5. Rye (*Secale cereale* L.),
 6. Triticale (*xTriticosecale* Wittm. ex A. Camus)
 7. Sorghum (*Sorghum bicolor* (L.) Moench),
 8. Maize (*Zea mais* L.)

The audit took place in Ukraine from 26 May 2015 to 04 June 2015.

In the report (DG(SANTE) 2015-7641 - MR), it was concluded that overall, official controls for seed production and certification of cereal seeds in Ukraine are organised appropriately.

Nevertheless, the following recommendation was formulated:

Ensure that norms and standards for the cereal seed-producing crops and for seeds are harmonised with EU requirements as required by Article 2(1) of Council Directive 66/402/EEC.

On 16 September 2015, Ukraine answered to the recommendations of the audit reports. The Decision on EU equivalence is pending.

Senegal

In May 2016, Senegal sent an official request to the European Commission for EU seed equivalence for:

Cereal seed (66/402/EEC),

7. in regard of their production of
 1. Rice (*Oryza sativa* L.),
 2. Sorghum (*Sorghum bicolor* (L.) Moench),



3. Maize (*Zea mais* L.)

The audit in Senegal is not planned yet.

Bolivia

In January 2016, Bolivia sent an official request to the European Commission for EU seed equivalence. Species were not specified in their request. The European Commission will ask Bolivia to specify that.

The audit in Bolivia is not planned yet.

India

India has not yet sent an official request but it seems that it may request in a near future an EU seed equivalence.

Any facts, information, arguments, etc useful to lobby the European Commission on EU seed Equivalence are welcomed