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**CONTROL UNDER OFFICIAL SUPERVISION IN THE FRAMEWORK OF SEED  
CERTIFICATION WITHIN THE EUROPEAN UNION**

Submitted by the delegation of Italy

During its 2007 meeting, the Specialized Section decided to collect information on existing systems of accreditation implemented for certification to start a discussion on the possible suitability of these systems for seed potatoes. In the European Union a system is in place for agricultural and vegetable seed other than potatoes. Italy was asked to present a note on how this system works.

## **Introduction**

1. Marketing of seed, including seed potatoes, within the European Union, is regulated by directives agreed by the Council and implemented by the Member States. The directives are based on two main pillars: the first is a listing of varieties and the second is the certification of the seed. Marketing is limited to certified seed of listed varieties.

2. Directives are based on international schemes such as that of the Organisation for Economic Co-operation and Development (OECD) for the certification of (botanical) seed of agricultural and vegetable species and the United Nations Economic Commission for Europe (UNECE) Standard for seed potatoes. The importation of seed from countries outside the EU is normally done with reference to the OECD scheme and to the UNECE Standard.

3. Listing of varieties and certification of seed (including seed potatoes) are managed by State listing and certification authorities, or by any legal person whether governed by public or by private law, acting under the responsibility of the State authorities. All the activities necessary for listing a variety are officially carried out by the listing authority. Distinct, uniform and stable varieties, provided they have sufficient agronomical value, are officially listed by the Member States, on the basis of harmonized procedures.

4. As to the certification process, i.e. field inspection, sampling, testing and labelling, in 1989 the EU introduced an accreditation system for field inspection and in 2004 one for sampling and testing.

### **1. Official control and control under official supervision**

5. When an official control is requested, the certification steps are carried out by the certification authority.

6. Within the system of control under official supervision, provided that certain conditions are met, all the fields and lots need to be checked. These checks can be carried out either by inspectors of the seed company or by inspectors independent of both, the certification authority and the seed company. The official supervision function is carried out by official inspectors, acting on behalf of the certification authority, who check the production randomly at a minimum rate of 5%. The conditions that need to be met concern the inspectors acting on behalf of the seed company (e.g. their level of qualification) and the seed used for sowing the seed crop.

7. Control under official supervision is only allowed for seed belonging to the category “certified seed”. All the “basic seed” needs to be certified by official inspectors of the certification authority. An experimental stage has shown that the introduction of control under official supervision does not negatively affect the quality of certified seed. The conditions for entering the control system are set out in the annex.

*Annex***CONDITIONS TO BE MET FOR CARRYING OUT CONTROLS UNDER OFFICIAL SUPERVISION IN THE FRAMEWORK OF SEED CERTIFICATION WITHIN THE EUROPEAN UNION<sup>1</sup>****A. FIELD INSPECTION****(a) The inspectors shall:**

- (i) have the necessary technical qualifications;
- (ii) derive no private gain in connection with the carrying out of the inspections;
- (iii) have been officially licensed by the seed certification authority of the Member State concerned and this licensing shall include either the swearing-in of inspectors or the signature by inspectors of a written statement of commitment to the rules governing official examinations;
- (iv) carry out inspections under official supervision in accordance with the rules applicable to official inspections.

**(b) The seed crop** to be inspected shall be grown from seed which has undergone official post-control, the results of which have been satisfactory.

**(c) A proportion of the seed crops** shall be checked by official inspectors. That proportion shall be at least 5 %.

**(d) A proportion of samples** from the seed lots harvested from the seed crops shall be drawn for official post-control and, where appropriate, for official laboratory seed testing in respect of varietal identity and purity.

**B. SAMPLING**

When the seed sampling under official supervision is carried out, the following requirements shall be complied with:

(a) Seed sampling shall be carried out by seed samplers who have been authorised for that purpose by the seed certification authority of the Member State concerned under the conditions set out in (b), (c), and (d).

(b) Seed samplers shall have the necessary technical qualifications obtained in training courses organised under conditions applicable to official seed samplers and confirmed by official examinations.

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<sup>1</sup> The text is based on Council Directives 98/96/EC and 2004/117/EC.

They shall carry out seed sampling in accordance with current international methods.

(c) Seed samplers shall be:

(i) independent natural persons;

(ii) persons employed by natural or legal persons whose activities do not involve seed production, seed growing, seed processing or seed trade; or

(iii) persons employed by natural or legal persons whose activities involve seed production, seed growing, seed processing or seed trade.

In the case referred to in (iii), a seed sampler may carry out seed sampling only on seed lots produced on behalf of his employer, unless it has been otherwise agreed between his employer, the applicant for certification and the seed certification authority.

(d) The performance of the seed samplers shall be subject to appropriate supervision by the seed certification authority. When automatic sampling is in operation appropriate procedures must be adhered to and officially supervised.

(e) For the purposes of the supervision referred to in (d) a proportion of the seed lots entered for official certification shall be check-sampled by official seed samplers. That proportion shall in principle be as evenly spread as possible over natural and legal persons entering seed for certification and the species entered but may also be oriented to eliminate specific doubts. That proportion shall be at least 5 %. This check sampling does not apply to automatic sampling.

The Member States shall compare the seed samples drawn officially with those of the same seed lot drawn under official supervision.

## **C. SEED TESTING**

(a) Seed testing shall be carried out by seed-testing laboratories which have been authorised for that purpose by the seed certification authority of the Member State concerned under the conditions set out in (b) to (d).

(b) The seed-testing laboratory shall have a seed analyst-in-charge who has direct responsibility for the technical operations of the laboratory and has the necessary qualifications for technical management of a seed-testing laboratory.

Its seed analysts shall have the necessary technical qualifications obtained in training courses organised under conditions applicable to official seed analysts and confirmed by official examinations.

The laboratory shall be maintained in premises and with equipment officially considered by the seed certification authority to be satisfactory for the purpose of seed testing, within the scope of the authorisation.

It shall carry out seed testing in accordance with current international methods.

(c) The seed-testing laboratory shall be:

(i) an independent laboratory; or

(ii) a laboratory belonging to a seed-company.

In the case referred to in (ii), the laboratory may carry out seed testing only on seed lots produced on behalf of the seed company to which it belongs, unless it has been otherwise agreed between that seed-company, the applicant for certification and the seed certification authority.

(d) The seed-testing laboratory's performance of seed testing shall be subject to appropriate supervision by the seed certification authority.

(e) For the purposes of the supervision referred to in (d) a proportion of the seed lots entered for the official certification shall be check-tested by official seed testing. That proportion shall in principle be as evenly spread as possible over natural and legal persons entering seed for certification, and the species entered, but may also be oriented to eliminate specific doubts. That proportion shall be at least 5 %.

**The Member States shall lay down the rules on penalties** applicable to infringements of the national provisions governing examination under official supervision, adopted pursuant to the Directive. The penalties provided for must be effective, proportionate and dissuasive. Penalties may include the withdrawal of the licence from officially licensed inspectors, samplers analysts or seed-testing laboratories who are found guilty of deliberately or negligently contravening the rules governing official examinations. The Member States shall ensure that any certification of the seed examined is annulled in the event of such contravention unless it can be shown that such seed still meets all relevant requirements.