

## Seed shallots and the proposed French standards for shallots

### **1. Historical background**

Shallots grown from seed (seed shallots) have been introduced in 1992. They were the result of about 15 years of research and growing efforts of Dutch Breeding companies.

After thorough testing, the seed shallots have been officially admitted by the competent Dutch admission authorities as shallots and have subsequently been admitted on the EU Common Catalogue of Vegetables via the regular admission procedures. Seed shallots are not a cross between onions and shallots, but have only shallots as parent lines and are considered distinct, homogenous and stable, as has been confirmed by EU comparative trials held in France and in The Netherlands in 1994 and 1995 (in Roelofarendsveen and Brion, respectively). Not only the seed shallot varieties, but also their parent lines are protected by plant breeding rights.

Seed shallots were introduced in the market for the first time in 1995. The seed shallots, which are for the consumption market, have been marketed everywhere in the world with great success.

France is the most important producer of shallots grown by vegetative multiplication (vegetative shallots). According to a decree of May 17, 1990 of the French Ministry of Economic Affairs, only varieties of *Allium Cepa* L. VAR *Ascalonicum*, which are grown by vegetative multiplication, may be marketed and sold under the name shallot in France. The definition in this decree, which obviously only covers vegetative shallots, is contrary to the definition of shallot as agreed after the 1994 and 1995 comparative trials. Nevertheless, the decree has not been abolished. However, it was not enforced either.

However, in June 2000, representatives of the shallot growers of province Brittany in France have met with the Minister of Consumer Affairs, Mrs. Lebranchu (currently Minister of Justice), and have convinced her that seed shallots are an economic threat to Brittany's shallot production. Mrs. Lebranchu therefore requested the DGCCRF (fraud agency) to start enforcing the ministerial decree of 1990, in order to prevent the marketing of seed shallots in France.

The Dutch breeding companies have initiated proceedings before the French Conseil d'Etat (highest administrative court) against France, requesting the abolition of the ministerial decree of 1990, because its enforcement is contrary to the principle of free movement of goods within the EU. Seed shallots are lawfully put on the market in a member state of the EU, and should therefore be allowed to be marketed in other EU member states. The Dutch breeding companies have also filed a complaint with the EU Commission against France and recently the EU Commission has confirmed that it had sent a letter to the French authorities with a request for information.

In the meantime, CERAFEL, the association of Brittany's shallot growers, joined as a civil party criminal proceedings initiated against a seed shallot grower (because of infringement of the decree) by the DGCCRF. However, the Tribunal de Police (police court) of Châteaudun, in a judgment of January 2002, has pronounced the nullity of the ministerial decree of 1990, as being contrary to the aforementioned principle of free movement of goods.

To summarize: seed shallots were admitted as shallots by the Dutch authorities and are on the EU Common Catalogue of Vegetables, have been defined as shallots based on the EU trial results in 1994 and 1995, and there is therefore no reason whatsoever to exclude them from marketing in an EU member state because of an earlier national definition of shallots in that state which by its definition method excludes seed shallots.

Moreover, new trials are planned in EU comparative fields to be held in 2002 and 2003, with the aim of further clarifying test criteria for shallots.

## **2. The proposed preliminary draft standard for shallots prevents the marketing of seed shallots**

### *2.1 As concerns the definition of produce*

The French draft mentions *Allium oschaninii* and mentions UPOV standards. The UPOV standards concern *Allium cepa* (oignons) and *Allium ascalonicum* (shallots). *Allium oschaninii* is not known in UPOV standards.

The definition of shallots in the draft mentions three outer characteristics of shallot bulbs which are typically characteristic of vegetative multiplication, and thus aimed at excluding seed shallots.

- First, as concerns the requirement of at least 170 axillary shoots per kilo, it should be noted that the number of shoots is not linked to the size of the bulb. In other words, the number of shoots per bulb does not vary according to the size of the bulb. Therefore, large sized shallots have less shoots per kilo than small sized shallots, simply because there are less large shallots in a kilo. It is also difficult to verify shoot amounts without cutting great numbers of shallots.
- The second characteristic, a scar at the root plate, is typically aimed at excluding seed shallots, because seed shallots do not have a scar. Each seed grows a shallot and, contrary to vegetative shallots, does not have a common root plate with other shallots. Vegetative shallots split in a number of bulbs. The separation of the bulbs leaves a part of the root plate on each separated bulb, which is a scar typical of vegetative shallots. Such a scar – or the absence thereof – does not have any influence on taste or other organoleptic aspects of shallots. Neither do the other two characteristics mentioned.
- As concerns asymmetry: shallots are in principle asymmetrical. However, in view of the further developments in growing of this variety – both as concerns seed shallots and vegetative shallots –, more evenly circular shallots are being created. Therefore it does not need to be a typical characteristic of shallots to be asymmetrical.

### *2.2 As concerns provision concerning marking*

Contrary to onions, where no difference is made between onions directly grown from seed and onions grown from plants, a distinction is made between shallots and seed shallots. We do not see the necessity, but if seed shallots are specifically named, then the vegetative shallots should also be specifically named “vegetative shallot”.

Last but not least, the fact that the seed shallot is separately named under the provisions concerning marking in the draft is contrary to the definition of the produce in the draft, which by its nature *excludes* seed shallots, as explained above.

### **3. Conclusion**

The draft standards for shallots presented by France are without doubt to be seen in the light of the ongoing “trade war” between France and The Netherlands or – better – between the French growers of vegetative shallots on the one hand and the French and Dutch growers of seed shallots on the other.

The aim is clearly to exclude seed shallots from the definition of shallots, which is totally unacceptable in view of the arguments mentioned above.