

Appendix to the consultation

Plant and forest propagation material (revised regulation)

21 December 2021 – 27 March 2022

Thank you for the opportunity to comment on the assessment of the potential impact of seed law reform, as responding to the questionnaire does too little to convey our points.

Stop alignment in the seed market: The current seed law is accompanied by extremely high market concentration. In many market segments, there are only one, two or a handful of suppliers, even though overall in the seed sector, in the broadest sense, there are around seven thousand companies operating in the EU. EU-wide legal standardization and also privatization of control functions could lead to even more monopolization.

The criteria "Distinct, Uniform, Stable" for official approval of varieties to the market have unilaterally promoted hybrid technology as well as Intellectual Property because it is based on the same criteria. An examination of the sustainability of DUS varieties can only bring little substantiated ecological progress. This is because DUS criteria do not allow for the adaptability of varieties to ecological conditions from the outset. It is about the ability to adapt, not about "adapted varieties".

DUS criteria and the limitations on the admission of varieties and populations that do not meet them seem perverse in terms of environmental and climate goals and, moreover, dubious in terms of a level playing field.

Do not restrict rare species by rules: The scope of the proposed seed legislation includes about 250 species of economic importance listed in the existing directives. It would be disproportionate and detrimental to diversity to impose administrative burdens not only on the 250 marketable species but in addition on rarely used species, before seeds of these species can be produced or sold.

Make ecology the rule in commercial cultivation: In current seed law, it has been shown to be possible to use ecologically beneficial criteria for market approval. Exemptions have already been established for so-called "amateur" and "conservation" varieties. These exceptions show that improvements in seed law are possible without comprehensive reform, even if they are deficient, restrictive and in need of major revision.

Organic heterogeneous material could already now become the rule in commercial cultivation if the new organic regulation, with heterogeneous populations allowed under it, were vigorously implemented in all EU member states. Green Deal, Farm-to-Fork, and the Biodiversity Strategy needs political will above all to make agriculture in the EU more ecological.

Diversity from on-farm conservation: Cultured plant diversity is partly conserved in gene banks (in situ conservation), where seeds are kept to retain germination capacity for as long as possible without sowing. In contrast, annual sowing in gardens and fields (on-farm conservation) allows varieties to adapt and develop in many places. The special achievement of these diversity varieties lies in their genetic range and in their evolution, their spatial and temporal adaptability.

1/2

In on-farm conservation, both the actors and the necessary technical knowledge are inseparable from the genetic resource. It is precisely the personal commitment of the seed savers, the professional and human exchange between them, and the sharing of their knowledge that make plant varieties a cultural heritage.

Strengthen the success of on-farm conservation: Even though 90 percent of varieties were lost during the industrialization of agriculture, some of the remaining varieties have been grown and further developed in on-farm conservation since the beginning of the environmental movements in the 1980s. Using artisanal methods, small quantities of seeds of traditional open pollinating varieties are propagated in as many places as possible, the knowledge is passed on, and the seeds are increasingly sold at events and via web shops by individuals and organizations. The actors are mostly not registered, and the varieties usually not officially admitted to the market. This avoids disproportionate administrative burdens without causing harm. Unlike the end user hobby market, which is mostly supplied by global corporations with minimized competition, on-farm conservation involves more actors, who supply small amounts and more locally, and are often directly accessible.

There is demand not for official approval or control, but much more for the knowledge of the actors, for methods for own seed propagation, for adaptability of varieties, for good qualities regarding environment and self-sufficiency. This is the recipe for success of on-farm conservation. It is imperative that it be maintained and strengthened so that the adaptability of plants as the basis of world food supply can persist and be fully utilized, especially in the face of climate change.

Do not burden on-farm conservation with legislation: The importance of the sale of unregistered varieties for on-farm conservation is hardly addressed in the data analysis report commissioned by the EU Commission. This sale is important so that a growing number of people who do not yet have anything in exchange, can acquire seeds of traditional varieties. The number of events has multiplied since 2013 until, due to the pandemic, web shops partly took over and are likely to stay. On-farm conservation must remain exempt from any regulations regarding plants.

Do not limit derogations for diversity conservation to networks: Even if diversity conservation is a societal task, the crucial actors are often individuals, not only organizations. Exceptions that apply to diversity conservation must therefore also explicitly apply to individuals, not just organizations or networks. A not-for-profit status must not be an indispensable requirement, as it cannot be obtained by individuals. Moreover, a not-for-profit status requirement would contradict the conditions for plant genetic resources conservation spelled out in international regulatory frameworks.

Implement the international regulatory frameworks for on-farm conservation in the EU as well: The necessary framework conditions for successful on-farm conservation are laid down in international sets of rules. According to the UN Convention on Biological Diversity and the FAO Seed Treaty (ITPGRFA), on-farm conservation of crop diversity is indispensable for world nutrition. It requires the cultivation, use, exchange and sale of seeds from peasant and traditional farming systems. Knowledge and skills must also remain universally accessible. The corresponding rights are defined in the ITPGRFA as well as in the UNDROP. Both apply in the EU and in its member states. The ITPGRFA is a ratified international treaty, UNDROP is a specification of the Declaration of Human Rights adopted by the UN General Assembly, which UN member states must respect and implement.

2/2