

Press Release

Cultivation of agricultural diversity still under legal threat

EU Parliament voted on controversial seed law reform

6 May 2024, Bonn - In the EU Parliament's debate on seed law reform at the end of April, the conservation of traditional plant diversity was often highly praised - but the specific resolutions, if they became law, would place a heavy burden with new administrative regulations on professional gardeners who sell self-produced diversity seed.

The Umbrella Organisation for Cultivated Plant and Livestock Breed Diversity in German Speaking Countries therefore appeals to the governments of the EU member states to, in the upcoming trilogue negotiations between the Commission, Parliament and Council of Ministers, insist on the exemption of professional gardeners committed to diversity from the future regulation.

According to the EU Parliament's decisions, these professional diversity gardeners would have to fulfil almost the same extensive requirements for even the smallest quantities of seed as the large companies in the seed industry, which have their own accounting and legal departments. For most of these small diversity enterprises, this effort would ultimately have the same effect as a ban.

The reason is because diversity seed is often sold by professionals who produce the seed themselves: Numerous varieties and species are grown separately in small quantities using artisanal methods, harvested, cleaned, stored, packaged and labelled. Seeds are not only sold via their websites, but mostly at seed festivals. This serves the exchange of experience and networking, education and seed sales, and is an integral part of preserving diversity. Additional administrative work would be unaffordable in these micro-enterprises, as they usually have to manage without staff.

Without the professional micro-enterprises, the quality and regionality of the available diversity varieties and related events would suffer, and the already too small offer would become smaller and more expensive.

Diversity conservation must not be burdened with seed market regulations, but should be exempted from them. The EU Parliament has made progress compared to the Commission's draft by granting exemptions for diversity seed sold by non-profit organisations. However, professionally engaged seed savers do not have access to non-profit status under tax law in the EU member states. Also, due to the high level of manual labour involved by separately growing small amounts of many varieties and species, they are unable to make a profit.

From the point of view of the conservative majority in Parliament, the justification for such strictness is the same as that put forward by the European seed industry association: Dangers for competition and for plant health. However, the spread of pests and diseases in the EU is being combated with the help of the Plant Health Regulation. It is risk-based and applies comprehensively to everyone, even hobby gardens. Seed law exemptions - which incidentally also include the sale of any seeds by hobby gardeners - cannot weaken the Plant Health Regulation.

In addition, there is an important point: under current legislation, the sale of informal diversity varieties is expressly permitted in limited quantities in some member states. Furthermore, such a sale is not classified as an offence in most countries as long as diversity seeds are not meant for commercial cultivation. For several decades, this has not led to an epidemic or an anti-competitive parallel market, as the industry lobby fears.

These helpful regulations, which have already been achieved in some EU member states to keep small quantities freely available for sale for diversity purposes, would be lost with a new seed law because it would be designed as a regulation and therefore there would be no national room for manoeuvre

With diversity potentially losing on the one hand, clear beneficiaries on the other hand of the EU-wide standardisation of seed law would be internationally active corporations, as they could significantly rationalise their legal and administrative departments. The new legal form of the regulation has so far not been called into question. The industry lobby is now trying to use its threat of plant epidemics, parallel markets and quality defects to cancel the results achieved in Parliament in the dialogue.

As the EU Parliament, the Council of Ministers and the EU Commission still have to reach an agreement in the course of the trilogue, further compromises to the detriment of diversity are to be feared. The Umbrella Organisation for Cultivated Plant and Livestock Breed Diversity is calling for appropriate decisions to be made by exempting the conservation of diversity as a whole, including specialised micro-enterprises, from the regulation.

This would even benefit diversity globally, as experience has shown that EU laws serve as a model for countries in Asia, Africa and Latin America, which these countries are urged to adopt, for example as part of EU free trade agreements.

The result of the EU Parliament's vote, despite the improvements achieved compared to the Commission's draft, would in no way fulfil the FAO Seed Treaty and Article 19 ('Right to Seed') of the UN Declaration on Farmers' Rights (UNDROP) and would definitely not be sufficient to protect cultivated plant diversity from decreasing in fields and gardens, warns the umbrella organisation.

Mitglieder des Dachverbandes Kulturpflanzen- und Nutztiervielfalt e.V.:

Agrar Koordination – Aktion Agrar – Arbeitsgemeinschaft bäuerliche Landwirtschaft (AbL e.V.) –
Arbeitsgemeinschaft Streuobst – Arche Noah - Baumschule Walsetal u. Regionalgarten –
Freie-Saaten.org – LWL Freilichtmuseum Detmold – Genbänkle – Gesellschaft zur Erhaltung der
Haustierrassen e.V. – Hortus Officinarum – Kraischouschteschgaart – Kulturpflanzen Alb e.V. -
LebensGut-Cobstädt e. V. – NABU Bundesfachausschuss Streuobst – Obst- und Gartenbauverein
Bengel e.V. – Pomologen-Verein e. V. – ProSpecieRara Deutschland – Region der Vielfalt (Thüringen)
– Samenbau Nordost Kooperative GbR – Som fir d'Erhalen an d' Entwécklung vun der Diversitéit
(SEED) – Slow Food Deutschland – Stiftung Kaiserstühler Garten – Streuobst Arche e.V. –
Umweltbildungshaus Johannishöhe – Verein zur Erhaltung der Nutzpflanzenvielfalt e. V. – Verein zur
Förderung der Saatgutforschung im biologisch-dynamischen Landbau e. V.