

# *Current EU Seeds marketing regimes*

## *Best & Worst Practice examples*

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## *OVERVIEW*

01 Notion of Seeds Marketing

02 Registration of crop diversity actors

03 Registration Conservation Varieties

04 Registration “Amateur” Varieties

05 Seed Production Rules

# 01 Notion of Seeds Marketing

Interpretation of EU Directives' material scope



# 01 Notion of Seeds Marketing

Interpretation of EU Directives' material scope

## BEST CASES

### **SPAIN**

- *Supply of seeds without commercial exploitation of the variety*

### **NETHERLANDS (Admin)**

- *No registration necessary if yearly turnover less than 500 EUR for variety*

### **AUSTRIA, Decree 2014**

- *The transmission of seed by farmers or seed users against payment or in kind is allowed IF farmer/use does not trade in seed, IF variety not registered and IF small quantities (research & experimentation)*

### **DENMARK, Instructions For Non-commercial Use (2015)**

- *"Commercial use : marketing of seeds for agricultural and horticultural production, ie commercial production"*
- *Sale and exchange for non-commercial use: to private individuals (ok if private or gift shops, but not if sale to nurseries and horticulture)*

### **FRANCE, LAW on transparency in food chain, modif Rural Code (June 2020)**

- *"The assignment, supply or transfer, whether free of charge or against payment of varieties belonging to the public domain to non-professional end-users not aiming at the commercial exploitation of the variety"*
- *COM opinion : not in line with Directives as these actions are intended for the commercial exploitation of the variety*

# 01 Notion of Seeds Marketing

Interpretation of EU Directives' material scope

## WORST CASES

### **ESTONIA**

- *Transferring of seed for free or for a fee is considered marketing, and non-registered varieties cannot be marketed.*

### **POLAND**

- *Any exchange / circulation is viewed as seed marketing (only trials & scientific purposes excluded from material scope of law)*

### **BELGIUM**

- *Full definition of EU Directives taken on, without any interpretation*
- *BUT practice lenient?*



## 02 Registration of crop diversity actors ?

Different practices to allow exchange



## 02 Registration of crop diversity actors ?

Different practices to allow exchange & sale

### BEST CASES (?)

#### SPAIN

- *Mandatory Registration of seed operators for sale of vegetable seed & fruit PM does not apply for planting material for testing/scientific purposes & measures for conservation of genetic diversity*

#### SLOVENIA

- *Seed suppliers who are small producers do not need to register as operators (except certain commercially relevant species).*
- *Producer is small if intends to cater to local markets, or to non-professional users*

#### NORWAY

- *Exceptions from obligation to register as seed company & varieties : “for gene banks and the like”, and “for other non-commercial turnover of seed”.*
- *Recognition of seed savers as falling within exception: exchange & sale of small quantities of seeds from unregistered varieties allowed*

#### LITHUANIA

- *Public offer of own seeds allowed IF registration of (vegetable) seed savers, with listing seeds to be exchanged, and their amounts*



# 03 Conservation Variety Registration

Registration procedure, costs, controls





# 03 Conservation Varieties

Registration procedure, costs, controls

## BEST CASES (?)

### BELGIUM (?)

- *No official investigation (description, unofficial test results, knowledge from practice, other information)*
- *Costs registration of conservation variety (50EUR), maintenance free of charge but yearly seed operator registration fee*  
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- *Restriction region of origin strict (VL, WL, BX), quantity restrictions*
- *Only certified or controlled seed*
- *2 conservation varieties for veg (none in agri?)*

### ITALY

- *Specific derogation allowing simplified procedures for farmers who wish to sell seed (art.19bis of the national law 1096/71 and art.4 of the ministerial decree of 12 November 2009)*  
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- *Very restricted geographical area (region of origin)*
- *80 conservation varieties for agricultural species, 58 for vegetables*

# 03 Conservation Varieties

Registration procedure, costs, controls

## WORST CASES

### **LATVIA**

- *Conservation variety registration solely based on (adjusted?) DUS testing*

### **NETHERLANDS**

- *Principle of DUS test in one growing cycle (no resistance characteristics)*
- *VCU carried out if exceptional cultivation value*
- *Official post-control every 10 years (identity and varietal purity)*
- *Registration cost 45 EUR & testing 228 - 345 EUR (plus VAT 21%)*



# 04 Amateur Varieties

Registration procedure, costs, controls



# 04 Amateur Varieties

Registration procedure, costs, controls

## BEST CASES (?)

### AUSTRIA

- No official investigation (description, unofficial test results, knowledge from practice, other information)

### BELGIUM

- No official investigation (description, unofficial test results, knowledge from practice, other information)
- Costs registration amateur variety (25 EUR), maintenance free of charge but yearly seed operator registration fee

### SWITZERLAND (Niche Varieties)

- IF “Local variety”, no official investigation but acceptance through description, unofficial test results, knowledge from practice, other information)
- IF old catalogue variety, official UPOV description
- IF “another variety”, selection/breeding scheme & UPOV questionnaire
  
- Niche determined through max kg

## WORST CASES

### NETHERLANDS, “hobby market”

- Principle of DUS test in one growing cycle (no resistance characteristics)
- Official post-control every 10 years (identity and varietal purity)
- Registration cost 45 EUR & testing 228 - 345 EUR (plus VAT 21%)



# 05 Seed Production Rules

Farm saved seeds, seed lot certification



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Farm saved seeds, seed lot certification

## WORST CASES

### **POLAND**

- *No mandatory registration as professional operator for farmers exchanging seeds produced on their own farm BUT need to do a special report (art.86)*

### **CROATIA, New proposal 2020**

- *“Farm saved seeds” are the seeds of plant varieties produced and intended to be used for sowing exclusively on farmer’s own farm and it is forbidden to place it on the market*
- *“Seeds from the family farm” need to be processed by listed suppliers to ensure minimal presence of harmful organisms*



# CURRENT LAW: BEST & WORST PRACTICES

- *Key take-aways ?*
- *More examples?*
- *Link with Problem Statements made?*

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